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"None Of Us Are Supposed To Be Here": Ethnicity, Nationality, And The Production Of Cherokee Histories

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"NONE OF US ARE SUPPOSED TO BE HERE:" ETHNICITY, NATIONALITY, AND THE PRODUCTION OF CHEROKEE HISTORIES

BY

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DISSERTATION

Submitted in Partial Fulfillment of the
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To my mother,

Janis Coates Rea

I will always hear your beloved voice

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ABSTRACT

This work weaves three ideas. First, it initiates an investigation into ethnic and national identities among Cherokees in diaspora by offering a cursory analysis of over sixty interviews I recently conducted with Cherokees in California, Texas, and New Mexico. Second, it challenges two paradigms that permeate most histories of the Cherokees as they have been written: (1) the theme of racially-based intratribal conflict and (2) the theme of cultural loss resulting from assimilation. I challenge these paradigms by applying contemporary theory about racial, ethnic, and national identity construction. Third, the dissertation offers an alternate historical overview that is also based in the application of these contemporary theories. This overview opens a space that is more explanatory of the emergent identities of contemporary Cherokees in diaspora.

TABLE OF CONTENTS

CHAPTER ONE

"None of Us Are Supposed to be Here"

In July, 2000, at the eighth annual conference of the Wordcraft Circle of Native Writers held that year in Tahlequah, Oklahoma, the capital of the Cherokee Nation, Abenaki writer Marge Bruchac made a statement during a workshop on Indian "survivance" (a word coined by Ojibwa scholar Gerald Vizenor, 1993) declaring that resistance to the proliferation of Indian voices in the late twentieth century results in part from the continuing perceptions of dominant American society that Indians were supposed to have "vanished." This was presumed to have occurred either literally, through tribal and individual extinction, or through intermarriage and/or integration leading to assimilation into identities other than "Indian." The recent explosion of Indian "voices" thus has confounded the larger society since, as Bruchac stated, "none of us are supposed to be here." [1]

The statement reverberates on many levels. While Bruchac was primarily referring to the continuing physical existence of Native peoples, it can be recognized that "here" embodies an array of spaces and positions that native people occupy in the present day in which they continue to assert identities as "Indians." It is presumed that "Indians"

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[1] I use the terms "[American] Indian" and "Native American" interchangeably. Although "American Indian" is a historical misnomer, it is nevertheless in wide use today, particularly by the people who are so designated. And while many contest "Native American," believing it can refer to anyone who is *born* in the United States, I would differ with that interpretation. "Americans" today are racially hyphenated and grouped according to the region *of their indigenousness.* The term European-American is thus more appropriate to "white" Americans, as African-American is used to refer to "black" Americans. "Native American" thus refers accurately *only* to those whose ancestry is indigenous to the American continent. Within all of these groupings there are, of course, many ethnic subgroupings, which are also prone to hyphenation. And of course, in America today, there are many persons who can claim multiple designations.

are simply not to be found in these loci, which may be geographic or which may be more constructed places, such as the areas of race or culture. For instance, those who reside away from the center of tribal government and culture may feel apologetic about their lack of knowledge in relation to that which they presume is maintained by the resident populations. Those of low blood quantum may feel apologetic about their overall identity claims. Those who are racial fullbloods but have not been "raised Indian" may feel apologetic in response to the assumptions on the part of many that they are, on the basis of their phenotype, the "real deal." And even those who are quintessential Indians by anyone's estimation, geographically, racially and culturally, may feel that they are not as profoundly Indian as their own elders and ancestors were, probably because they do things somewhat differently, or have not retained certain other behaviors and practices of earlier generations. In short, cultural and historical images of Indians have been constructed in such a way that many Indians are convinced that, for whatever reason, they are not what they should be. Again, in a metaphorical sense, "None of us are supposed to be here" -- wherever "here" may be for any individual.

Evolution of the Study

This work originated as a participant-observation study of identity among a sub-group of Cherokees that is usually considered marginal, or even illegitimate, by the bulk of their tribespeople in the Cherokee Nation located in northeastern Oklahoma. At the present time, about half of the Nation's citizenry resides outside its historical boundaries, primarily in California and Texas, although Cherokees can be found in every U.S. state and in many foreign countries, as well. The question of how Cherokees maintain a viable

Cherokee identity thus becomes crucial across a broadly dispersed citizenry, as well as among those Cherokees who remain in the "cultural core" in northeastern Oklahoma.[2]

When I began dissertation research in late 1997, the tribal membership of the Cherokee Nation was around 187,000. Five years later, membership had increased to almost 230,000.[3] The Cherokee Nation remains the second largest of all Indian nations in the United States. Yet throughout Indian country, and even among the Cherokees themselves, the question remains, who are these "new" Cherokees that are qualifying for, requesting, and receiving tribal citizenship at the phenomenal rate of about 10,000 a year? These Cherokees are among those who are "not supposed to be here." While negative anecdotes and stereotypes abound, most people, including Cherokees themselves, understand very little of the distinct history of the Cherokee people that might lead to this kind of resurgence, as well as the situation of extreme diaspora. Why are all these Cherokees, who have supposedly been forever assimilated as "Americans," coming out of the woodwork to rejoin a nation from which most receive no palpable social benefits, and at this time, I would presume, no real sense of nationhood? Who are they and what is the importance for them of reclaiming this "Cherokee" identity?

For most of the twentieth century, the Cherokee Nation did not exist as a viable legal or political entity; the former Cherokee land base in northeastern Oklahoma was usurped and transferred into the hands of white Oklahomans, intermarriage between Cherokees and rural whites was widespread, and Cherokee migration away from the area skyrocketed beginning in the Depression era. In the 1960s, when Indian Claims

[2] Cherokees are concentrated in North Carolina, as well, on the reservation of the Eastern Band of Cherokees. Due to historical differences between the two groups since 1838, the questions of political identity addressed in this dissertation apply mainly to the "western" Cherokees, and primarily the citizens of the Cherokee Nation, rather than the United Keetoowah Band

Commission awards were being made to the Cherokees and distributed in per capita payments, approximately 80,000 tribal "members" were identified, primarily Dawes Commission enrollees and the first generation of their descendents (Jones and Faulk, 1984:162).[4] After the reestablishment of the Cherokee Nation in the 1970s and an aggressive registration effort, particularly under the administration of Principal Chief Wilma Mankiller (1985-1995), the number of Cherokee Nation tribal citizens has tripled within a span of fifteen years.

The "new" Cherokees in diaspora were of particular interest to me. Of the roughly fifty per cent of the citizenry of the Cherokee Nation that resides outside the nation's jurisdictional boundaries in northeastern Oklahoma, the largest concentration is still within the state of Oklahoma, in proximity to the Cherokee lands, people, and culture. For most of these Cherokees, there are still numerous opportunities for direct interaction with the Nation and people, and an opportunity for a continuity of identity that bears a strong relationship to that of the cultural and governmental core. Thus this project did not address those citizens; instead, I was most interested in the construction of a Cherokee identity among those Cherokees who are not in proximity to the core. The majority of Cherokees residing outside the state of Oklahoma are in California, and a secondary population is in Texas.

There are over two hundred organizations in the United States claiming to represent Cherokees by descent. Many of them seem to be engaged in historical re-

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[3] Principal Chiefs Joe Byrd and Chad Smith, respectively, have stated these figures.

[4] The Dawes Commission was charged with enacting the allotment of Cherokee lands in the era between 1898-1906. The "Dawes Rolls" are the lists of Cherokee Nation citizens identified by the Commission who received allotments of land at this time as part of the process of dismantling the Cherokee Nation and forming the state of Oklahoma. More than 40,000 Cherokee citizens were identified, about 32,000 of whom were "Cherokees by blood," the remaining 8000 being the black "Freedmen" (former slaves of the

enactment; others are engaged in pan-Indian activities or New Age spiritual pursuits. A handful are politically inclined and have petitioned for federal recognition, although to date, all have been denied. A few have received state recognition. In short, the range of expression is very, very broad. Without any kind of systematic research, and recognizing that aspersions are cast on some very legitimate organizations through the derisive term "wannabe," I will refrain from further comment on most of these organizations.

While many Cherokee claimants seem to be intent on forming new tribes, there are a few organizations that respectfully recognize that there already *is* a Nation, and seek to develop their relationships with a government and a cultural population that have been historically continuous.[5] Many of the members of these organizations are, in fact, citizens of the Cherokee Nation. Their goals are to retain civic and cultural ties with the Nation, to form communities of Cherokees in their own regions, and to assist in the development of senses of cultural and national identity among their individual members. In addition, they often have emerged as civic organizations within their own communities, contributing substantially to the pan-Indian dynamics of the urban regions in which they are located.

I began this study of Cherokee identity among non-resident populations by approaching these organizations. While most Cherokees outside Oklahoma are clearly not involved with these kinds of groups, those who are may demonstrate the most assertive expressions of why Cherokees continue to believe it is important to be Cherokee. This could be useful information in designing approaches for the Cherokee

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Cherokees), intermarried whites, and Shawnees and Delawares who had been adopted as citizens by the Cherokees as part of earlier agreements with the federal government.

[5] In addition, there are two additional federally recognized Cherokee bands, the Eastern Band of Cherokees in North Carolina and, as mentioned in Chapter Three, the United Keetoowah Band, whose government is presently located also in Tahlequah, Oklahoma.

Nation to retain its expatriates through a meaningful expression of their citizenship. The most active groups are in Houston, Texas; Sacramento, California; and Albuquerque, New Mexico. Multiple organizations exist in each of these areas, with one emerging in each region as the liaison between the Cherokee Nation under the present administration and Cherokees in these outlying regions.

I conducted over sixty interviews, each averaging from forty-five minutes to an hour-and-a-half in length, with members of these organizations. In addition, I continue to interact with the organizations in special activities that they plan and carry out, such as commemorative events, campouts, dances, speaking engagements, history courses, and candidates' forums. I count myself fortunate to have developed a number of lasting friendships with individuals from these organizations. A general overview of the groups follows.

Houston and Albuquerque are similar in that the strongest organizations at this time were developed directly or indirectly as a result of dissension within earlier (and still existing) groups. In Houston, the splits have been particularly fractious, involving four organizations that have undergone several metamorphoses. The divisions seem to result from differences of opinion surrounding cultural expressions and behaviors, and what has been perceived as dictatorial leadership. In the organization that is charged most often, the leadership rests constantly in one "chief." Several of the people who participated in interviews with me had left under these circumstances to join the Cherokee Cultural Society of Houston (CCS), the organization I had approached. At the time of this writing, the CCS has been the largest and strongest of these groups for about eight years, with a mailing list of about 400, and about twenty to twenty-five in regular attendance at

monthly meetings. It has emerged as the liaison between the Cherokee Nation and Cherokees in the Houston area. There are several spin-off "societies" of this group, including a "Shawl Society," which welcomes members of other tribes, as well, for shawl making and basket weaving sessions. Still other members are involved in a local stomp dance grounds. The organization also sponsors a large annual event, Red Nations Remembering, to commemorate the Trail of Tears, which includes a symbolic re-enactment, historical skits, craft demonstrations, arts, and music.

A similar situation exists in Albuquerque, involving just two organizations. The older of these has been in existence for about twelve years, but attrition has been constant throughout the last eight. Some have left due to differences of cultural expressions and behaviors; others have departed because the organization is perceived as "too political." As in some of the unnamed Houston groups, the leadership of this Albuquerque organization is continuously invested in one individual who is styled as "chief." The Albuquerque chief, and especially his non-Cherokee wife, have frequently been involved in campaigning and advocating to members of the group on behalf of particular Cherokee Nation candidates or political positions. His own political aspirations became apparent, as well, when he declared his candidacy for the office of Deputy Chief in the 1999 election. These activities have not been well received by those members who held different opinions, and who often came under personal attack as a result. In response to the dissension, a second organization, The Cherokee SouthWest Township (CSWT),of which I was a founding member, developed in late 1999. It is presently the largest regional organization, counting about 130 members, with thirty to forty people in regular

attendance at monthly meetings. The CSWT is the liaison organization between the Cherokee Nation and Cherokees in this region.[6]

In northern California, two regional organizations exist as well, but their relationships to each other are, for the most part, far more amicable. The older of these has been in existence since 1976, and has had a sizable and active statewide membership in the past, including large annual conferences comprised of representatives from the many "councils" that functioned within their own smaller regions. Initially there was some interest in this organization from the Swimmer administration of the Cherokee Nation (1975-85), but that dwindled, perhaps after the group, the Cherokees of California (COC) petitioned for federal recognition (which was denied). Presently, the group claims about 1300 members statewide, and is based in the Marysville-Yuba City area. Two-thirds of the participants from this group are non-citizen Cherokees. In 1998, there was some internal dissension in this organization, which seemed largely focused upon two charismatic and competitive individuals and their followers. But for the most part, its members interacted very congenially. Recently, the group has become more spiritually oriented. Several of its current leaders have been greatly influenced by a controversial individual, the late Rolling Thunder, whose own claims of being both Cherokee and a medicine man were disputed by many medicine men of the Cherokee Nation. Other spin-off activities of the group include a drum group that participates regularly at regional pow-wows.

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[6] I have not named the organizations that did not lend support and/or participate in this study. I did some initial interviews with members of the unnamed Albuquerque group before I myself, as well as others, came under attack for our support of a candidate for Cherokee Nation Principal Chief that was not supported by the "chief" of that organization. Two of the six people interviewed are now involved in the new organization, one has passed away, and one other no longer participates in the first organization, nor has joined the newer one. The remaining two are still members of the unnamed group.

The second organization in the area is the Cherokees of Northern California Club (CNCC), which was formed in the mid-1990s. This group, which is based in Sacramento and comprised predominantly of citizens of the Cherokee Nation, has good relations with the Marysville organization for the most part, and quite a few Cherokees in the area are members of both groups. The CNCC had a mailing list of about 700, which has been pared down recently for financial reasons. It meets quarterly in somewhat more ambitious undertakings involving visits from Cherokee Nation personnel, with dozens in attendance each time. Thus the CNCC is the group that acts as the liaison between the Cherokee Nation and Cherokees in northern California. Both the COC and the CNCC hold annual summertime encampments over a full weekend, attended by still more people.

The participants in this study came from these four organizations (CCS, CSWT, COC, and CNCC), and also included four from the faltering Albuquerque group. In total, I interviewed sixty individuals, predominantly from the California and Texas organizations; only six of the participants were from Albuquerque. Overall, fifty-nine per cent (36) were citizens of the Cherokee Nation; forty-one per cent were non-citizens. They were predominantly middle-aged and elderly; only four were younger adults below the age of thirty. Most, judging from appearances, were of low blood quantum, and many stated their quantum to me, confirming my assumption. About a quarter of them had spent all or part of their childhood in Oklahoma in the Cherokee Nation. A few of them had never been in Oklahoma at all. Their lengths of residence in the regions where they now lived varied.

Of the seventeen participants from Houston, many had been there only since the oil boom of the 1970s. There were several in Houston who had come originally from the

southeast -- Alabama, Tennessee and Georgia. Two were members of a state recognized tribe in Georgia and traced their descent from the 1819 rolls of Cherokees who, by treaty, took individual reserves and detribalized at that time. Almost half hailed originally from Oklahoma, and these were all Cherokee Nation citizens. Only three had been raised in Texas, in other words, had come from families that had been in Texas for more than one generation.

In California, those who were not Cherokee Nation citizens had generally been in the state for a longer period of time (two generations or more) than those who were, and they had come from places other than Oklahoma -- almost all from Arkansas and Missouri. Most had come to California during World War II, a few were there from the Depression era, and one even traced his ancestry back to the gold rush-era expeditions of John Rollin Ridge and his colleagues. This was not implausible, since this is near the Grass Valley area where those Cherokees were located for a time. But in California, these Cherokees had arrived in the state through a variety of scenarios and time periods. In the two organizations, of the thirty-seven who participated, about sixty per cent were tribal citizens, and almost all of them had been raised in Oklahoma, although quite a few were elders who had been in California for many years and had raised their own children (and grandchildren) in that state.

There are not yet enough data to draw conclusions about Albuquerque, but my personal knowledge of the situation leads me to suspect that in this region the situation is the same: many of the participants in these organizations were raised completely or in part in Oklahoma, and came to Albuquerque during the Depression or in later years via employment in the Indian Service (BIA, IHS, etc), which has drawn many Cherokees to

New Mexico. They have raised their own children in New Mexico. Of those interviewed, all but one were Cherokee Nation citizens; the CSWT members who are citizens total around sixty per cent.

Among those who were not eligible for tribal registration, I heard many stories as to how and why their Cherokee ancestors historically had separated or been separated from the Nation. Most of these non-citizen Cherokees were descended from families in Arkansas, Missouri, Tennessee, Alabama, and Georgia -- areas where there have been historic movements and occupations of Cherokees, and significant interactions between Cherokees and whites. Almost all of these stories were at least plausible. None claimed to be descended from Cherokee princesses, in other words! Some showed me old pictures of ancestors/relatives who were clearly Indian people. Quite a few cried at some point during the interview. The questioning of Cherokee identity, and denial of it by others, has caused such individuals deep wounds. I did not undertake this as a project to pass judgment on their claims. The question of whether or not one can document his or her Cherokee ancestry is not my major focus. More important are the quality of their expression of identity and the potential that these persons may embody. This analysis would apply to citizen Cherokees as well.

In the Cherokee Nation popular stereotypes abound as to who these non-resident citizens (and non-citizens) are and what they want. As an expatriate from Tyler, Texas, Martha Berry stated to the Constitutional Convention of the Cherokee Nation in 1999, the Cherokees "back home" think the Cherokees in diaspora are "undeserving, uninformed, uninterested, and they are trying to take over!" Obviously, being "uninterested" and

"trying to take over" are at odds.[7] Other popular perceptions are based around resource ethnicity; it is presumed that the expatriates also want benefits and services, and that in these respects they compete with the populations "at home."

The non-resident populations are well aware of these perceptions, and have stereotypes of their own about the Oklahoma populations, many of which probably derive from defensiveness. There was a good deal of interest in this project among the participants; many felt it was important that "the Nation," both its government and the people themselves, have a better understanding of who the non-resident Cherokees were and why they are as they are.

In fact, many of the project participants were giving to and participating in a larger pan-Indian community from the position of their reclaimed Cherokee identity. They worked in urban Indian centers, volunteered in school programs for Indian students, were politically active on behalf of Indian causes, served on boards, commissions, and councils, and were active on the regional pow-wow circuits. Some were as well informed, or even better informed, about issues and events in the Cherokee Nation than many Cherokees back home, and most were clamoring to know more.

The original intent of this dissertation was to provide a detailed analysis of the sixty interviews. However, I felt that first it was necessary to contextualize the interviews historically. After conducting these interviews with Cherokees in diaspora, it became increasingly difficult to place the existence of these participants into a context that followed logically from Cherokee history as it has been written. Too often, popular

[7] The latter perception is undoubtedly derived from the fact that the absentee vote, which many presume (probably erroneously) is comprised almost totally of the ballots of non-resident Cherokees, frequently weighs heavily in both district and national elections of the Cherokee Nation, sometimes even determining their outcomes, although not as much as local anecdote asserts.

beliefs of the dominant culture about race, class, and ethnicity have been injected into the analyses of the historic Cherokees. Dominant paradigms imply that intermarriage will cause Indian persons to shift into an identity as "white" or "black" within just a few generations. This literature assumes that geographic dispersion will lead to the loss of community and nationality. In many instances, these beliefs have proven correct. These assumptions have been the basis of federal Indian policy, especially in the allotment and termination-relocations eras. However, the interviews I conducted indicated that for many Indians, histories of relocation did not result in a shift away from racial or cultural identities as "Indians," or national identities as members of Indian nations, and such individuals did not assimilate to white society with respect to their *internal* sensibilities, regardless of either intermarriage or geographic dispersion.

Recent theorizing in anthropology, sociology, and Cultural Studies of identity construction has opened a space wherein the explosion of "new" Cherokee identities in the present day can be more coherently understood. A complex matrix of race, ethnicity, nationality, and history must first be untangled and reassembled. I began to believe that the application of deconstructionist theories to that historical context would allow one to more accurately understand the persistent, oppositional, and proactive nature of Cherokee identities. At that point, we can bring forth a new narrative. However, this constitutes a project in its own right! Thus the detailed analysis of the interviews will be reserved for another publication, since the historical re-contextualization must come first.

Overview of the Project

One way of conceptualizing identity is as a huge umbrella under which there are categories and subcategories, some of which overlap, some of which are contradictory -- in short, a rather chaotic jumble from which each of us interacts in the world. With "identity" loosely conceptualized as the way one perceives oneself, represents oneself to others, and jockeys for position, it has been recognized that each individual embodies many different identity potentials and choices, as well as identities that are imposed, assumed, or "bounded."

Two of the categories I conceptualize under the umbrella of identity are "self" or "personal" and "group." Various aspects of identity can fall into the category of "self" but not necessarily of "group." But it is difficult to assert aspects of Cherokeeness that fall under only the category of "self." As a Cherokee, one can be an individual, but always *in relation* to the group identity. I would assert that this is a non-negotiable basis of Cherokee worldview and its values, ethics, and beliefs.

Thus I am most interested in two major aspects of identity that I find pose dilemmas among Cherokees in the fundamental self-to-group relationship: ethnicity and nationality. Focusing on these two aspects of identity, this project will undertake the deconstruction of racial and cultural categories. It will clarify the distinctions between the understandings of Indians as "ethnics" under a model of multiculturalism, vs. the view of Indians as "citizens" under a sovereignty model. It will discuss the role of geography in the formation of ethnic and national identities, as well as the importance of oppositional sensibilities.

The project will move to an examination of the ways in which racial and cultural constructions have been infused into the historical narratives of the Cherokees. It will then offer an insider's view of Cherokee history from the perspective of history as identity. From this analysis, an understanding of these "new" Cherokees in diaspora that goes beyond popular stereotype emerges. It also indicates that in the past two centuries, the Cherokees have often defied mainstream cultural beliefs about race, ethnicity, and nationality.

In closing, the study will suggest an alternative manner of conceptualizing Cherokee history. This conceptualization openly advocates for the production of far more empowering Cherokee histories by Cherokees that are conducive to building symbiosis leading to continuity than are present renderings. "Symbiosis" is a term derived from ecology to describe a relationship in which many or all aspects of an ecosystem have evolved together over time, so that each facet depends on the others for its own continuing existence. This results in a delicate balance, and if even one element of the system is removed, the others may falter as well. I would assert that the Cherokee population evolved symbiotic social and political relationships among the increasingly diverse strata of Cherokee society in the 1800s, and that this symbiosis also exists among contemporary Cherokees.

The work is structured as follows: the next chapter outlines the theoretical foundations that inform the project. Chapter Three discusses the problems with existing productions of Cherokee history, and proposes a methodology for applying particular theories to an historical study of Cherokee ethnic and nationalist identities. Chapter Four gives an overview of the Cherokees in the nineteenth century from this perspective, and

Chapter Five does the same for the twentieth century Cherokees. Chapter Six relates the historical approach already developed to the Cherokees in diaspora, and places them within the historical continuum. Chapter Seven offers additional thoughts on the production of Cherokee history in order to open a more empowering space for building symbiosis within the Cherokee society.

Situating Myself

My particular interest in the constructions of Cherokee identity is intensely personal. "Cherokee" has been a problematic identity for me to assume, assert, define, deny, maintain, represent. I am by no means alone in this. As a friend of mine says, "It's hard to be 'traditional' by yourself." I would contend that it is extremely difficult to be Cherokee at all by oneself. Judging by the extensive numbers of "new" Cherokees, and the quality of the persons involved in the diasporic Cherokee organizations, I am not alone in fighting to perpetuate a problematic identity.

The next chapter will include a theoretical discussion of the situated positioning of researchers, and the idea of "partial perspective" as described by Haraway (1991). As the researcher and author of this study, I will apply that theory to myself at moments. However, I believe it is important to share some information about my own position from the outset. Mine is not an "innocent" position, to use Haraway's phrase; it is clearly a situated knowledge. For most of my life, I have lived as a member of the population I investigated -- a Cherokee in diaspora, residing mainly in California, but also in New Mexico for over eight years. Although I presently live in Tahlequah, Oklahoma and am employed by the Cherokee Nation, it is likely that I will be an expatriate again at some

point in the future. Thus I am personally acquainted with the difficulties and the dilemmas of retaining community and identity.

I have an academic background in anthropology; I am interested in cultural theory and tend strongly towards an inclusive, adaptive view of culture and cultural exchange. I have a research background in Cherokee history as well. I currently work for the Cherokee Nation teaching Cherokee history to tribal employees of the Nation, as well as both Cherokee and non-Cherokee residents of the regional communities. I take an ethnohistorical approach, combining history with anthropology. Principal Chief Chad Smith, whom I first met when he taught the Cherokee history course that primarily he developed (and that I currently teach) in Albuquerque in the early 1990s, recruited me to expand this program. I supported his bid for Chief in 1999, campaigning among the tribal members in New Mexico (although not among the members of the organizations in which I participated).

My politics are extremely progressive and my spiritual practice is non-Christian. These generally place me in different categories from most (but not all) Cherokees in Oklahoma. I have been an activist as well, a term that is often used negatively among Cherokees in Oklahoma. I have worked for Indian treaty rights with the International Indian Treaty Council in San Francisco, CA (1989-91), and on issues of religious freedom for the Native Lands Institute, a research and policy analysis organization in Albuquerque, NM, where I was the Program Director (1992-95). I was an instructor in the Native American Studies Department at the University of New Mexico for five years (1995-2000), and also taught Native American Literature for a semester at the Institute of American Indian Arts in Santa Fe (1998).

I have always known that I was Cherokee; I was born in Oklahoma and introduced to certain aspects of Cherokee history and heritage, such as the story of the Trail of Tears, by the time I was a young child. But I was not raised in Cherokee cultural traditions. I am Cherokee both ethnically and, as a tribal citizen, nationally, but this has not always been so. My immediate family (but not my grandparents) left Oklahoma to go to California when I was five years old. I spent most of my childhood and adult years in that state, but spent most childhood summers in Oklahoma with my grandparents. Although I generally identified as "white" for most of my life, and then as "part" Cherokee, for about the last ten years, I have self-identified solely as Cherokee. In my life, too, there has been profound movement to arrive at these identities; it gives me hope that others will also find the way back "home" and that the places where "none of us are supposed to be" become the places that we inhabit most securely and continuously as Cherokees.

CHAPTER TWO

Race, Culture, and Nation

The dilemmas for modern Cherokees, and all Native Americans, of asserting ethnicity and nationality result in no small part from the conflation and confusion of two socio-political models bearing upon the status of Native Americans that are present in the United States today, the models of "multiculturalism" and "sovereignty."

"Multiculturalism" or "cultural pluralism" is a relatively recent repudiation of the assimilative "melting pot" model of previous decades. Within this newer model, it is recognized that members of ethnic groups *are not*, in fact, submerging their distinct cultural traits and beliefs, but rather are retaining them, with adaptations, even as an identity as an "American" citizen develops. The "melting pot" is predominantly a "white" immigrant model that is recognized as having failed to structurally assimilate descendants of those who were unwilling or coerced "immigrants" -- African slaves, Chinese laborers, or Mexicans incorporated through annexations of land, for example -- as well as other immigrants of color (Alba, 1990; Bonacich, 1980; Gans, 1979; Lieberson and Waters, 1988; Root, 1992, 1996; Royce, 1982; Sollors, 1989, 1996; Takaki, 1993, 1994; Waters, 1990). The assimilation of such persons into the political, legal, and economic structures of the country began to be demanded, most strongly in the Civil Rights era of the 1950s and '60s, and is a struggle that continues to this day. These efforts to retain cultural distinctness have contributed to the model of "multiculturalism," a celebration of the ethnic diversity within the nation, which includes both whites and peoples of color. But these efforts are coupled with a notion of the equality of incorporation of all persons

into the nation's social structures, an idea whose implementation still remains contested, and that often threatens to flatten the joyous elevation of diversity with which it is theoretically linked by concomitant, yet contradictory, assertions of the "universality" of all humankind (hooks, 1992; Omi and Winant, 1994).

Thus a tension exists in the model of multiculturalism. For Native Americans, who are presumed to be participants in and beneficiaries of the multicultural model, an additional tension exists resulting from a second socio-political model also impacting their status. This is the model of "sovereignty," which is unknown to most non-Indian Americans and only poorly understood by others, Indian and non-Indian alike. The unique political and legal status that Native Americans, as indigenous non-immigrants, already assert under both federal and international law, and the land base that most Native nations retain to some extent, remove them in many respects from the category of persons seeking equality of structural assimilation into the American nation. Native sovereignty, in fact, asserts an *inequality* in the form of a higher, primordial group status to that occupied by other ethnic groups in the country, and which, to outsiders, may appear as separatist in nature. Thus while structural integration is the goal of most ethnic minorities in the country, most Native Americans experience an additional tension between desire for integration and assertion of sovereignty (Deloria and Lytle, 1984).

This tension is not clearly articulated in the sensibilities of many Native peoples. As members of an "ethnic group" (American Indian) in the United States, many Natives rely on racial phenotype coupled with the distinctness of their cultural beliefs and practices for affirmation of this identity. But as members of "nations" (i.e., Cherokee), the lines between a cultural/ethnic identity and a political/legal status become blurred.

Although both the ethnic and national identities of individuals have relationships to the larger tribal group, as well as relationships to the United States, they are not the same kinds of relationships, and we often make the mistake of believing and acting as though they are.

Deconstructing Race

The picture described above is further complicated by the equation of race with culture that both the federal government and mainstream society espouse. "Cultural" Indians are presumed to be those of higher "blood quantum," a socially-constructed racial category that has no basis in biology, but a great deal of basis in law in the United States, and formerly in such nations as Nazi Germany and South Africa under apartheid, as well. Native "nationals," on the other hand, may be persons of any quantum, or no quantum, if the sovereign nation so deems under its citizenship requirements. The federal government conflates cultural, legal, and biological categories in many different ways; the Bureau of Indian Affairs currently has more than twenty different definitions of what constitutes an "Indian".[1] While the BIA has difficulty deciphering the relationships within its own constructed categories, it nevertheless imposes this confusion on Indian people, who also may internalize it. Indian identity is therefore ambiguous and shifting, entangled in both cultural/ethnic categories as well as the political/legal definition demanded by the federal government as a result of its treaty obligations to Native people. The result is an imperfect fit between identities as cultural/ethnic Cherokees and Cherokee nationals.

[1] This was stated in a CNN report entitled "Recognition," which aired in 1994 and is contained in a video series entitled "Native Americans: the Invisible People."

Although many Native people are beginning to move beyond the prevailing conceptions of blood quanta that have been imposed by the federal government, the practice of "fractionalizing" Native Americans according to the presumption that genetic heritage defines cultural and national identity still pervades Native life in America. The intersections of race, ethnicity, and nationality are complex, but it is worthwhile to begin with a discussion of the problematic issue of blood quantum measurements for Native Americans today.

The belief that genetic heritage can be quantified to define one's "race" is a legacy from Social Darwinist theories of the nineteenth century, theories which were generally debunked and discarded by social scientists by the 1920s, but which continue to be applied to and internalized by Native Americans. A belief that genetic quantification was also an inherent basis for measuring the social, cultural, and personal characteristics of an individual or group was precisely the basis of early scientific theories linking cranial capacity with intelligence or, in the social realm, "red" skin with laziness and sexual depravity. It has been widely assumed that intermarriage with "whites" through several generations would lessen these supposedly inherent negative characteristics of Indian people, characteristics by which Indians were defined throughout much of the history of the United States, and thus rendering a person less "Indian" and ultimately moving him/her out of the "Indian" category and into the "white" category.

Although Native Americans are the only category of people in the world (now that the South African system of apartheid has ended) who continue to be routinely defined, at least politically and legally, on the basis of archaic notions of blood quantum, the notion is not unknown as applied to other peoples in the history of the United States.

The "one drop" law as applied to persons of mixed African and "other" genetic heritage has been widely employed throughout the racist South, and has been legally applied as recently as 1983 in Louisiana. In that case, a woman who had lived her entire life conceptualizing herself and being conceptualized by others as "white" went to court to change her birth certificate, which defined her as "black" on the basis of her descent from a white planter and a black slave some generations earlier. Under Louisiana law, anyone of 1/32 or more "Negro" heritage is automatically and without option classified as "black" within the legal structures of the state (Omi and Winant, 1994:53-54). The Louisiana court upheld this racial designation. In contrast, under federal laws, as well as the regulations of most tribal nations (but not the Cherokee Nation), 1/32 would not be enough to comprise an "Indian." "Negro blood" must be very potent indeed; "Indian blood" is somewhat less strong in that it takes as much as 1/4 before "Indianness" can be discerned. "White blood" is weakest of all, it seems. It takes more than 3/4 "white blood" to overwhelm the Indian, and more than 31/32 to overwhelm the Negro.

Hopefully the facetiousness of the last few sentences reveals some of the absurdity of thinking to which the fractionalization of human beings along "blood lines" must necessarily lead. Yet this absurdity is a political and legal reality for Native peoples. Its application leads to persistent confusion concerning the resurgence of Cherokee identities in the modern world. The overwhelming majority of the citizens of the Cherokee Nation today are of low blood quantum. Defiance of a racially-bounded identity is one of the most confounding aspects of the Cherokee renewal to outside observers, both Indian and non-Indian, as well as to many Cherokees, both of high and low quanta.

Omi and Winant (1994) pose a theory of racial deconstruction that they conversely call "racial formation theory." The application of this theory to both modern and historical Cherokees helps to explain the possibilities for conceptualizing race from an insider position, and in defiance of the imposed categories of the American society. As stated, "*racial formation* [i]s the sociohistorical process by which racial categories are created, inhabited, transformed, and destroyed." Omi and Winant reject essentialist notions of race as a biological fact in favor of an understanding of race as "an unstable and 'decentered' complex of social meanings," of which phenotype is but one of many human traits that can be selected as a signification of "race" (1994:55). The manner in which aspects of a human being are selected to represent racial categories is always part of a larger social and historical process. Thus the construction of "race" in one historical era may be quite different from its construction in another.[2] Biology is often selected as the most obvious aspect of these processes, but in fact, Omi and Winant state, "there is no biological basis for distinguishing among human groups along the lines of race. Indeed, the categories employed to differentiate among human beings along racial lines reveal themselves, upon serious examination, to be at best imprecise, and at worst completely arbitrary" (1994:55).

But even as Omi and Winant reject the essentialist notions of race as biologically fixed, they also reject the neoconservative agenda to flatten the social reality of racial constructs by advocating for a "color-blind" society in which race is an illusion that we should transcend (1994:54-55). The desire to universalize human experience ("we're all

[2] These constructions can turn on themselves over time. For instance, Omi and Winant demonstrate that the Irish immigrants in the mid-1880s era of the potato famine were at first constructed as "black" in American society, placing them in the same category with slaves. Such a construction would be unimaginable in the twenty-first century when the Irish are unquestionably defined as "white."

the same under the skin") is the liberal counterpart, and equally ignores the differentials of historical experience between various racial and ethnic groups in the United States, as well as the structural inequities that races/ethnicities of color face in this country. This universalizing is extremely disempowering to peoples of color. Omi and Winant would explain this dichotomy as resulting from different perceptions of what constitutes "racism." They report that sociologist Robert Blauner has noted from class discussions, that white students tend to understand racism as prejudicial and discriminatory treatment between individuals on the basis of phenotype, predominantly skin color, whereas students of color are more likely to understand racism as systems of power differentials leading to structural inequalities. In the "white" understanding of racism, emotionally and conceptually transcending differences of phenotype should indeed resolve the problem; but in the "colored" knowledge of racism, such transcendence would do nothing to address the historical and systemic nature of racism in the United States (1994:70).

The theory of racial formation understands that "racial projects," as Omi and Winant describe actions undertaken on the basis of racial awareness, take place at both of these two levels, the level of individuals and the level of sociopolitical structures, and that both contribute to the maintenance of state hegemony. Their discussion of Gramsci's (1971) concept of hegemony is important in several respects. They assert that "hegemony operates by simultaneously structuring and signifying," thus even as the state develops structures that empower some over others, it is also promoting the recognition and acceptance of the markers that will be selected for representation of those who are "us" and those who are "other." Omi and Winant also assert that "hegemony operates by including its subjects, incorporating its opposition." In this way the signifying markers

can be left at a level of ambiguity or shifted as necessary to include those who were formerly "other" but who will now acquiesce to becoming "us," and structures can be amended to incorporate those persons as well (1994:68).

Several scholars have examined the hegemonic role of the federal government in both shaping and restricting Native American identities specifically, especially along racially-constructed lines (Greenbaum, 1991; Jaimes, 1992; Robbins, 1992; Starna, 1991; Stiffarm and Lane, 1992). Each of these scholars deals with the issue of blood quantum and its imposition as a concrete legal standard to measure Native American individuals and their identities. These scholars discuss the issue of bi-racial or tri-racial identities among Native Americans as a phenomenon that is increasingly disallowed under federal and state standards. Ostensibly because of federal obligations to Native peoples as a result of the "trust responsibility" and treaty rights (the "sovereignty" model), multiracial Native peoples are frequently either forced to choose a Native identity exclusively, or else are denied the right to make that choice, often because their community is identified by outsiders as being other than Native American. The explorations of multiracial identities within the structures of the United States (under the "multiculturalism" model) (Motoyoshi, 1990; Root, 1992; Root, 1996) are thereby rendered either somewhat irrelevant to Native Americans, or conversely, can seem constraining to our particular experience. This imposition of a racially-quantified identity is discussed as anthropologically unreasonable, unsound and indefensible (Greenbaum, 1991; Starna, 1991), an infringement on Native sovereignty and self-determination (Jaimes, 1992; Robbins, 1992), and a device by which the federal government statistically "eliminates"

Indians, thereby reducing its financial and trust obligations to the nations (Stiffarm and Lane, 1992).

Although the federal government insists it places no restrictions on the sovereignty of a nation to impose or reject its own standards for membership, including blood quantum standards, this denies the strongly coercive nature that the limitations of federal support have on Native nations in encouraging them to keep their own population numbers low. In short, we are led to believe that the identification of more Indians means a smaller piece of the federal pie for each, when in fact, apportionments are made on the basis of a formula involving not only population, but poverty index indicators and other factors. In this regard, Native nations are pitted against each other in believing that they are in competition for federal dollars. Likewise, those nations that already enjoy a government-to-government relationship with the United States, and toward whom the United States has acknowledged a relationship as trustee, designated "federally recognized," are encouraged to believe that they have an interest in restricting the number of additional Native nations and peoples that are successful in also petitioning for and acquiring this status. Although examinations of blood quantum ostensibly are not part of the process of acquiring federal recognition, one of the criteria the Branch of Acknowledgment and Research (BAR) measures is whether a community is identified as "Indian" by neighboring communities. In a country that is so indoctrinated in understandings of race based in phenotype, and of race as a corollary of ethnicity and cultural identity, bi- and tri-racial Indian communities and peoples may often be identified as "white" or "black" by outsiders, which weakens their petitions. And finally, the federal government and its departments that deal with Indian affairs *do* place blood

quantum restrictions on many of their services and supports, for individuals who carry a Certificate of Degree of Indian Blood (CDIB), but who are not citizens of particular Indian nations.

Omi and Winant conclude their discussion of state hegemony with the recognition that it is "tentative, incomplete, and 'messy.'" Political opposition today, they declare, is based in non-compliance on the part of the subjects to accepting the "logic" of the significations and structures of the prevailing order. In specifically addressing the issue of race, this would entail resistance to the constructions of race as either a biologically determined reality, or as an illusion with *no* social reality (1994:68-69). With the emergence of the "new" Cherokees, I believe the Cherokee people are engaging in this resistance; furthermore I believe that as an ethnic people they have frequently resisted racial notions. The emergence of Cherokees who had not been identified as such by others thus is not new, but part of an overlooked and repressed historical continuum.

Constructing Ethnicity

Understanding that race has been socially constructed in different ways according to different signifying markers (of which phenotype is but one) at different historical eras, and that race is situated in the structures of power dynamics and state hegemony, is central to comprehending both the challenge to historical paradigms regarding the Cherokees and the emergence of "new" Cherokee identities in the late twentieth century. Likewise it is important to understand the concept of ethnicity, the variety of its expression and the interpretations of that expression, as well as the method in which ethnicity, too, is constructed and deconstructed.

Understandings of ethnic identification and action among human beings have shifted since the early and mid-twentieth century. Previously, ethnicity had been described as a rather static, almost inherent, quality of individuals and groups. It was presumed to be grounded in culture and/or ancestry, but was declared to be waning either as assimilation occurred in the American "melting pot" (Park, 1950) or, later, in the face of class and national identities (Bonacich, 1980). Race and culture were usually conjoined at the intersection of "ethnicity."

Recent theorizing on ethnicity has resulted from the failure of these previous models to explain the continuation of ethnic identities in the world, as well as the resurgence of dormant ethnic identities and the emergence of new ethnicities. The recent theoretical models are termed "constructionist" or "emergent," and stress the fluid, adaptive, and dynamic nature of ethnic identity (Alba, 1990; Hobsbawm and Ranger, 1983; Nagle and Snipp, 1993; Royce, 1982; Sollors, 1989, 1996; Waters, 1990). While still based in descent, history, and culture, the recognition that ethnic identity is also constructed in a context of both individual action and volition, as well as social and political structures and state hegemony, mirrors the understandings of racial formation theory. To the extent that the construction of race in the United States is popularly understood as biologically "fixed," so, too, the understanding of ethnicity as race-based is also biologically deterministic. While these archaic notions of race are only beginning to be challenged, in large part by those of mixed-race who don't fit the standard categories either culturally or phenotypically, it is realized that ethnicity is more vague, less socially-circumscribed in some respects, than race. For racially "white" ethnics in particular, a choice exists, an "option" as to whether or not to adopt a specific ethnic

identity, or to reject ethnicity in favor of being "just an American." Due to structural and historical racism, and the equation of race with ethnicity in persons who are phenotypically of color, this is not a choice that those persons necessarily have in the United States (Waters, 1990).

The creation of new, subsuming categories also should be an indication of the constructed nature of ethnicity in the United States. Whereas whites in the United States usually may opt for a specific ethnicity (Irish, Italian, Armenian, etc.), peoples of color are more likely to be ethnically and racially grouped into larger categories -- Native American, for example -- that erase their specific ethnicities. These larger categories are often created for political purposes, either by the state in their attempts to enact social policies or experimentation, or by those who are so categorized for purposes of political mobilization, sometimes in response to state-enacted social experimentation, or in attempts to enact their own political agendas (Nagle, 1996:31-2).

Although both "white" ethnics and ethnics of color may employ ethnicity for personal benefit or profit, what has been termed "resource ethnicity," there are likely to be trade-offs again between the rewards and negative consequences of doing so. For many white ethnics, the rewards are usually not received from the state, and so the adoption of a "white" ethnicity for profit is entrepreneurial, in the private sector, where culture and identity are marketed to meet commercial and/or tourist demands for "heritage" and "authenticity." But for ethnicities of color, the "rewards" are often state-allocated, in the form of affirmative action policies, equal opportunity employment policies, and, in the case of Native Americans, federal "trust responsibility" and treaty-based claims to rights and support. The claim to an ethnicity of color can often be a

politically- and economically-charged assertion that is regulated to greater or lesser degrees by the state. The more benefits accrue to specific ethnicities, the more "bounded" those ethnicities become in terms of who may make a claim to them or not (Nagle, 1996:23-4, 26-30).

Conversely, a broader range of expression characterizes those ethnicities that do not claim tangible benefits or resources. Part of that range can even include ignoring the usual boundaries of behaviors and cultural practices of a specific ethnicity, even as one is actively claiming that ethnicity. This is possible due to the "symbolic" nature of ethnicity as described by Gans (1979), which posits that individuals find personal fulfillment in the declaration of an ethnicity, but may engage very little, if at all, in the *practice* of that ethnicity. Ethnicity acts as a vehicle primarily for social and recreational purposes, to recognize heritage and ancestry, and for establishing community. There is a situational aspect to this level of ethnicity in that it can be emphasized at certain moments of an individual's existence and disregarded at others -- another option that is not as readily available to members of ethnic groups "of color."

Nagle also recognizes that the political and social forces that define and propel national and/or ethnic identity in the homelands are generally more compelling than any that inspire a third- or fourth-generation American immigrant from those homelands to adopt an ethnic identification (1996:25). While resurgences in ethnic identification in the United States are often linked to political and social events in the homeland, the ramifications of being an ethnic national in either a newly-emerging or re-emerging nation (such as the Baltic states) or of being an ethnic minority in an ethnically divided and warring nation (such as Albania) are obviously far more serious and far less

volitional than the ethnic identification claimed by hyphenated Americans whose ancestry may derive from these regions.

The differences in the expressions of ethnicity between those who are phenotypically "white" and those who are phenotypically of color, specifically "Native American," as well as the discussion of differences of ethnic expression between those in the homeland and those beyond the homeland, are relevant to an investigation into the resurgence of new Cherokees. Of the 230,000 citizens of the Cherokee Nation, about three-quarters of them are below one-quarter in quantum and, it could be estimated, are phentoypically "white," or at least display "Indian" features that are ambiguous enough that they could "pass" for and are "passed" by others as "white." Also, some Cherokees are phenotypically "black." In addition, about half of them live away from the region of northeastern Oklahoma that has been the "homeland" for the last 160 years, and which is today the center of tribal culture and government. I suspect that Cherokees of different phenotype, as well as Cherokees of different geographic residences, will have different kinds of relationships to and expressions of their ethnic identity.

Deconstructing Culture

If among the Cherokees, who encompass at least three different phenotypic "racial" groups, descent alone cannot be discussed as determinant of Cherokee identity, we should turn to a second dimension of ethnicity, that of culture. The relationships between ethnicity and culture are blurred; many people use the terms interchangeably. But as with ethnicity, culture, too, is being conceptualized differently in contemporary theory. Formerly conceived of as a system of traits and behaviors which could be

defined, delineated, differentiated, and bounded from the catalogues of cultural traits and behavioral norms of other groups, culture is more recently conceptualized as dynamic, adaptable, and also constructed, either cognitively or intuitively, by human needs and human agendas (Hobsbawm and Ranger, 1983). As with both race and ethnicity, culture, too, takes on different appearances and different meanings during different historical eras and various social and political structures. It is presently acknowledged that culture change is the most commonplace of human processes, and yet interpretations of both what indicates change, as well as what change indicates, are highly contested.

Nagle explains aspects of culture that are termed "expressive" and "constitutive." The expressive aspects of culture are those that are symbolic in content -- art, music, ritual and ceremony, food, and "customs," which could be interpreted as anything from casual habits to highly-proscribed behaviors. The constitutive aspects of culture refer to deep structure -- language, economic and political systems, social organization, and religion (1996:45-6). Most of the assimilative attempts on the part of the hegemonic state have targeted the constitutive elements of Native cultures. Federal Indian policy was often based on assumptions that as Native languages were supplanted, economic and political systems undermined, social order disrupted and indigenous religions outlawed, Native Americans were indeed being torn away from tribal cultural and ethnic identities.

Unquestionably cultural behaviors and customs have changed among the tribal peoples of America; much of this change has been forced or coerced, and has never been voluntary. But recent historical and anthropological explorations are questioning the degree to which outward appearances of change, even in these deep constitutive aspects, actually reflect still more profound shifts in worldview -- that is, the beliefs, values, and

cosmological ordering of the experience of a people. Perdue (1998) has theorized in a study of gender relations among historical Cherokees that even when economic and social systems are outwardly restructured, from an insider viewpoint this may not represent as drastic a shift in worldview as previously assumed. In this study she refutes the presumed shifts in the position of women in Cherokee cosmology and society. Hers is but one study of *the adaptability in change* that has allowed for the continuation of Native cultural and ethnic identity, a process that Native Americans have repeated again and again as new and more innovative assimilative policies have been directed toward them.

Hegemonic notions tell us that true Native American culture is inherited, passed from generation to generation in an unbroken chain of understandings and practices. Notions of "real" or "authentic" culture are deeply imbedded in the popular understanding, and culture takes on a mystique, an almost biological essence again. It is presumed that those who are most continuously involved in the production and reproduction of unbroken culture throughout the generations are the bearers of tradition and ancient wisdom, as well. Culture change is regarded as a tragedy and a loss, and cultural renewal and innovations as bastard deviations of the one true way of the authentic people (Berkhofer, 1978; Bordewich, 1995; Clifton, 1990a, 1990b).

This appears to be a modern instance of a recognized historical phenomenon by which Indians have been culturally constructed by whites as "other," not as a way of understanding Natives, but as a way for whites to understand and construct themselves (Berkhofer, 1978). Hegemonic culture reveres its own cultural adaptability, even rapid culture change. It prides itself on innovation and newness, willingness to drop the "old"

through quick responses. Native cultures therefore are conceived of as opposite -- ancient, static, and homogeneous -- in order that "whites" can measure their own and themselves against natives, and thus define who *they* (whites) are. This is an extraordinarily disempowering model for Natives to accept about themselves, and yet many have internalized notions of cultural authenticity based in cultural stasis. Contemporary theorizing recognizes that cultures, all cultures, are actively constructed by human beings in order that human beings may continue to find structures which will allow them not only to survive in a physical sense, but also to continue to exist as cultural and ethnic peoples (Clifford, 1988, 1992; Nagle, 1994).

Nagle also recognizes the circular relationship between culture and humans. She does not see either as having an organic or pristine existence. She distinguishes between "cultural structure" as "a system that defines and shapes human thought and action" and "cultural construction" as "a process by which culture is defined and shaped *by* human thought and action" (1996:44, emphasis mine). The spiral woven by these relationships forms the basis from which individuals and communities continue to renew and recreate themselves.

The relationship of cultural expression to ethnic identity is infused with the same kinds of assumptions that are found in the equations of race with ethnicity, at least with respect to peoples of color. While "white" ethnics may have more volition in declaring an ethnicity than do peoples of color, they may also have more choices in declaring an ethnicity within which they may have no sense of cultural expression (Waters, 1990). Nevertheless, cultural reconstruction of "white" ethnic expressions for purposes of

appealing to tourists, for instance, are much more likely to be considered quite valid by those tourists (Auerbach, 1991; Cadaval, 1991; Danielson, 1991; Rodriguez, 1989, 1990).

On the other hand, hegemonic culture presumes that peoples of color exist at all times in an ethnic construction based almost exclusively on phenotype. Many peoples of color are required and presumed to have "authentic" cultural knowledge and cultural expression as part of their ethnic identity, and become suspect as "real" ethnics if they do not, or if their expressions are not expected, that is, of a timeless, unchanging quality. The irony of this is that a good deal of the expected cultural expressions of these ethnics regarded as "real" by the hegemonic culture, are also representations fabricated for economic purposes (Auerbach, 1991; Cadaval, 1991; Rodriguez, 1989, 1990).

The discussion of the constructed nature of culture is important to this project because Native American ethnicity in general, and Cherokee ethnicity specifically, are thought to be entrenched firmly in descent and cultural distinctiveness. Many believe the new Cherokees do not "fit" the ethnic category in either regard. The contemporary theorizing about the fluid, dynamic, adaptable, and historically- and structurally-situated nature of ethnic identity, including its constructed components of race and culture, opens a space for explanation of the re-emergence of the "new" Cherokees.

Dangers of Deconstruction

It is important at this juncture, having discussed the theories that reveal "race," "ethnicity," and "culture" as processes of construction, to recognize that "deconstructing" both contemporary issues and historical productions runs some significant risks. Berkhofer's early deconstruction (1978) of the term "Indian" as a foil of whites against

which to assess *themselves*, favorably in the nineteenth century, or not so favorably in the late twentieth century, ran the risk of misinterpretation by those harboring anti-Indian sentiments, either consciously or unconsciously. It was not long before the backlash arrived. Twisting Berkhofer's thesis, as well as the view of culture as a conscious construction, James Clifton edited a collection of essays with the intent of arguing that Indians were thus an "invention." Consequently, Clifton argued, assertions of treaty rights were premised on the ways peoples of the past had lived, and could not be applicable to the peoples they had become (1990b). Many of the contributors also proposed that the late-twentieth-century ethnic renewals occurring in Indian Country are calculated reinventions of ethnic identity aimed at usurping resources and claiming benefits that no other individual American or ethnic group had.

The backlash continued in a more popular form with the publication of Bordewich's *Killing the White Man's Indian* (1995), a title taken from both Berkhofer's thesis and perhaps from the adage to "kill the Indian and save the man," coined by Richard Carlisle as a justification for literally beating the cultural identity out of Indian students at Carlisle boarding school in the late 1800s. A journalist for *Reader's Digest* and other popular publications, Bordewich took many of the arguments set forth by Clifton et. al., added the storied, "firsthand" observations of a contemporary journalist traveling through Indian Country, and relayed the message in a form that could be appreciated by a mass audience. Bordewich's subtlety also rendered the work one that an unknowledgeable, non-Native public would have difficulty critiquing. Overall, his presentation of Native Americans' assertions of rights based on invented images that differed considerably from who they *really* were was couched in a superficially

sympathetic text. Underneath that veneer, Bordewich categorized "Indian rights" as the greatest threat of "balkanization" of the United States today.

It is crucial to emphasize that statements about the constructed nature of ethnicity and culture do not suggest that there is anything *unreal* about either of these phenomena. Again one must place the conditions of hegemonic domination at the forefront of understanding historic constructions both by and about Native Americans, especially in the last two to three hundred years. This domination has been continuously present, and only by leaving it out of the narrative could one negatively caricature cultural and ethnic constructions as "inventions." The notion of invented cultures and peoples also derives from the older theoretical framework that regards "authentic" culture as static and unchanging, and "authentic" peoples as historically continuous in an unbroken line of community cohesiveness. The United States and its dominant culture are an "invention," too, if these same standards are applied across the board.

Moreover, Dobyns (1983) has suggested that as many as ninety-five per cent of the aboriginal peoples of the Americas were destroyed by disease within the first 100 years after contact, that is, long before the hegemonies of either the colonial powers or, later, the revolutionary United States, were established. Given this disastrous eradication of the bearers of culture, Snipp (1989) feels it is unlikely that Native cultures, even under the early eras of colonial domination, were "traditional" in relation to what they had been prior to contact. Rapid cultural adaptations and amalgamations of peoples formerly distinct may instead have been necessary in order for the peoples now termed "Native Americans" to have survived.

From a sociological viewpoint, Nagle proposes four questions to consider when applying a deconstructionist methodology or analysis. First, "[i]f ethnic boundaries are constructed from within and without, what is the role of both advantaged and disadvantaged groups in perpetuating ethnic differences?" Second, "[i]f individuals can choose their ethnic identity in adulthood, can they 'really' be members of that ethnic group, since they were not raised in its traditions and perhaps escaped the social costs of the identity in childhood?" Third, "[i]f culture can be revised and reconstructed, are such altered 'traditions' and practices authentic, and is the result a 'living' culture?" This question presumably addresses itself also to the situation of "resource ethnicity" and the resources and benefits issues to which that term refers, as well as issues of commodification of culture for profit or tourist purposes. And fourth, "[i]f languages are reintroduced into communities where they are seldom or never spoken, is there a realistic expectation that they will become widely used? If not, should funding be made available for such programs?" (1996:62). The last question could presumably be applied to a number of aspects of culture, especially of constitutive culture. These four questions help to direct researchers to a balance between extremes that, on the one hand, view culture and ethnicity as organic entities, either static and unchanging or directed by "natural" processes that do not involve human intervention, or that, on the other hand, view cultures as "inventions" to which modern social and political realities do not, therefore, apply. The dynamism, fluidity, and innovative aspects of culture and ethnicity can be acknowledged and legitimated, but there is also a recognition of the role of the economic and state systems in both defining and restricting ethnic and cultural identity and expression, as well as the re-emergence and re-creation of such.

One of the dangers that many scholars have articulated concerning postmodernist approaches to explanations of the constructed social, political, cultural, and scientific worlds, has been that the "relativistic" and "situated" positionings of some theorists have been carried to an extreme that is as equally distant and disembodied as those they critique. As a result, the very real political world and very real lives are abstracted to the level of language, discourse, "narrative" and "text," thus actually disempowering the "subjugated" and "subaltern" about whom they theorize. Nevertheless, there are valuable aspects of postmodern theorizing which, when coupled with deconstructionist analysis, render a potentially very empowering and resistant "narrative." The recognition that all knowledges are "situated," that is, derived from the researcher's own position in terms of race, class, gender, education, culture and worldview, etc., and the degree of empowerment and privilege afforded that position, is crucial to a critical review of scholarly inquiry. Likewise, a comprehension that any perspective can provide only a portion of an overall understanding of the way structures and events impact individuals who are situated differently in relation to them, also contains the potential for multiple voices, perhaps challenging and destabilizing the hegemonic paradigms and discourses.

Haraway states that situated knowledge is the most objective knowledge in that it is the only kind of knowledge claim that is occupied and embodied by a real researcher. To assert that a lack of embodiment in one's knowledge claims is a stance of objectivity is the fallacy of much scientific inquiry and analysis, including social science analysis (1991:188, 190). As Sider states, "Partisanship does not change the answers social science finds...It changes the questions one asks" (1993:xxii). Partisanship, embodiment, is but the honest acknowledgment of a researcher's situated position. It is the only

acknowledgment that can lead to a truly objective, although only partial, perspective of any research project.

A claim to partial perspective is the only truly objective stance of a researcher and theorist, according to Haraway, because that is the only position that "owns" responsibility for its analysis and productions, rather than closing the dialogue between the subject and the object of study. This is a locatable position, in Haraway's view, and thus it can be held accountable for its assertions. This applies equally to those occupying "subjugated" positions, in that these are not "innocent" positions, either, and so they are not excluded from an identifiable source and position for their claims. However, Haraway views these as preferred perspectives because they "promise more...transforming accounts of the world." She explains that partial perspective is not the same as relativism, which "is a way of being nowhere while claiming to be everywhere equally," and offers an alternative to relativism other than the totalizing vision of the empowered position. In Haraway's view, both of these positions, that of relativism and that of the totalizing vision, deny the aspect of accountability and the inequalities of position between the researchers and subjects. The concept of partial perspectives takes into account such inequalities, and thus is the most responsible and locatable vision; it also has the best potential for building webs of political solidarity (1991:190-191).

In addition, Haraway advocates a practice of situated objectivity that engages in deconstructionist theorizing and "passionate (re)construction." She also reiterates Annette Kuhn's "passionate detachment" as a mandate to seek out those viewpoints that will best serve for reconstructing visions of "worlds less organized by axes of

domination." The ability to be mobile in one's own position, as well as occupying through imagination the positions of others, especially "the subjugated," coupled with passionate detachment, will lead one past the romanticization of identity politics, and into an understanding of such constructions as strategies for re-visioning one's continuance (1991:192).

Thus, although the risks of deconstructionist projects are many, both Haraway and Nagle remain convinced of their empowering potentials. Nagle examines recent deconstructionist literature in anthropology, which has been primarily a self-reflexive critiquing of the researcher-informant/subject relationship. This critique, when aimed at the discipline's ethnographic accounts, has been generally welcomed by the peoples under anthropological study, who often join enthusiastically into the critique! But when the deconstructionist method is applied directly to their own cultural and ethnic edifices, the implication that "tradition" is a construction has also caused resistance, based upon the recognition that such an approach opens the door for political backlash and the denials of long sought after or newly-received rights (1996:66-69).

The position that I will argue in this project risks these dangers and will therefore meet resistance by some Cherokees, as well, in the same manner and perhaps for the same reasons that Nagle discusses the resistance of Native peoples to cultural deconstruction projects applied to their societies. But ultimately, Nagle argues that although deconstruction of indigenous cultures often reveals the degree to which natives have incorporated hegemonic cultural values as "tradition," or the extent to which "traditions" and "beliefs" may actually have been constructed recently, such incorporations or innovations do not necessarily undermine or weaken the cultural

identity of a people. In fact, she asserts, the use of the oppressor's tools against the oppressor is characteristic evidence of adaptation and resistance. If ethnicity is a Western concept and construction, and native peoples are to be included in this enterprise, then native peoples will construct the categories in ways that contribute to their own empowerment. Likewise with race and culture (1996:70-71). Static, rigid definitions of "Tradition" with a capital "T" do not contribute most to Native survival; constantly-shifting practices and the development of new "traditions" in response to new challenges and domination ensures Native continuance.

Myths of cultural purity and unbroken chains of cultural continuation are, in fact, quite disempowering, in Nagle's view, because they lead to cultural insecurity. Ultimately, change occurs and if we cannot accept that as a reality, then we will constantly be measuring ourselves against a legendary past, and we will always fall short. This is an impossible burden; culture that does not change is dead. Instead, Nagle quotes the new challenge formulated by Alan Hanson: "The analytic task is not to strip away the reformulated portions of culture as inauthentic, but to understand the processes by which they acquire authenticity." Nagle suggests more appropriate questions, as well, in a shift from cultural inquiries of "What was, and how did it survive?" to "What is, and how did it become?" This is a view of culture as *active*, rather than culture as artifact. It also shifts the search for continuance as one seeking cultural survivals, which Nagle defines as "historical vestiges of culture still present in Native American communities," to one which seeks cultural survival, or "the means by which Native cultures have endured and adapted and continue to develop" (1996:72).

In this way, the deconstructionist enterprise can be tremendously empowering because it casts Native people as proactive players in their own destinies, rather than simply victims and pawns. This is not to reduce or ignore the reality that Natives have been severely victimized, but to accept that we have a choice -- a hard choice, admittedly, but a choice nevertheless -- about the stance we wish to take in response to that victimization. The view of culture that posits tradition as static and change as loss is a view that implicitly renders Natives "victims" and a people with a "plight." I do not believe that Natives have ever *chosen* to play that role, although in recent generations, some have begun to indulge themselves unconsciously. Overall, I believe it is a disempowering strategy in comparison to one that instead recognizes the proactive stands of our ancestors, and urges us also to do the harder thing, to be proactive ourselves in constructing our own conceptions of race, our own ethnicities, and our own cultures to ensure continuance in *our way* as we counter the ethnocidal forces.

Multiculturalism and Sovereignty

The previous discussion of the constructed natures of race, ethnicity, and culture theoretically compares the position of Native Americans with those of other races and ethnic groups in the United States. Although there are unique sets of circumstances for every ethnic group, some of these have been mentioned in relation to both Native Americans generally and/or Cherokees specifically, the deconstructionist discussion as applied to Native Americans in the United States remains within the multiculturalism model. But with the additional application of the sovereignty model, which within the United States is unique to Native Americans, the comprehension, construction, and

expression of race and ethnicity among Native Americans becomes more complex. The sovereignty model brings with it, for many Natives, the element of *nationality*, not a conceptual nationality as articulated by historical Black Nationalist or Chicano movements in the United States, but a political, legal, and still to some extent, territorial reality that is upheld by treaty and international law, and continues to be asserted, developed, defined, and occasionally strengthened through the courts of the Natives' greatest adversary.

Warrior describes early expressions of Native nationality as "treaty-based" and as traditionalist and reservation-led. He asserts that their manifestations were primarily religious, and that the "traditional" understandings of nationality were exhibited through revitalization movements (which are distinctly *innovative* of tradition) (1995:11). This rendering of nationality approaches the classic anthropological assertion of "nation" as cultural and social (Spicer, 1971). However, the reference to treaties indicates a political aspect as well (Deloria and Lytle, 1984). This anthropological view of nation is further displayed in Warrior's assertion that people who maintained ceremonies, language and cultural practices were the resistant population among Natives in the reservation era of the late-nineteenth and early-twentieth centuries. This description of nationality is based almost entirely on ethnicity -- the intersection of race and culture -- with a nod to a legal relationship as established through treaties, primarily agreements of land cessions in exchange for goods and annuities. Although the "traditionalist-nationalist" strata of Native peoples described by Warrior may have regarded the treaties as documents acknowledging the existence of Native nations, there is little evidence that the United States regarded them as anything but real estate transactions.

Although the political aspects of Native nationality were largely ignored by the U.S. until the last thirty years, the Supreme Court decisions of *Cherokee Nation v. Georgia* (1830) and *Worcester v. Georgia* (1832), recognized Native nationality, not as a foreign nationality, but as a domestic nationality, to which the United States had trust obligations. But recognition of legal and political nationality was also largely ignored by the U.S. throughout the remainder of the century, with some exceptions, most notably the republics of Indian Territory -- the Cherokee, Creek, Chickasaw, Seminole, and Choctaw Nations. Warrior states that the manifestation of nationality in the reservation-based tribes, in which religious practices and revitalizations were the most dominant aspects, was due to a lack of literate intellectualism among the "traditionalist-nationalist" people, who did not produce written texts of a sort that would stand in the political arena of the United States (1995:11). Although the Native republics named above *did* produce such texts, they were most often, although not exclusively, composed by their more bi-cultural citizens.

The development of Native American nationality throughout the twentieth century has been a move from primarily ethnic definition to strongly political and legal definition. In the early twentieth century, little evidence of politically and legally-defined Native nations can be found, since the five nations named above had been unilaterally demolished by the Congress of the United States through the passage of the Curtis Act (1898). In the kind of irony that is repeated throughout the twentieth century, the United States, attempted to both enrich itself with Native resources and also divest itself of its trust responsibility, and in so doing set in motion processes to legally establish and claim Native political nationality vis-a-vis the U.S. nation-state. With the passage of the Indian

Reorganization Act (IRA) in 1934, and the establishment of the Indian Claims Commission (ICC) in the 1940s, the federal government instituted the means by which Native people have continued to develop legal and political nationality based in both ethnicity and geographic territory.

While ignoring aboriginal forms of self-government, the IRA mandated the establishment of the currently recognized systems of tribal business councils and chairmen under which many Native nations function. This has been extremely problematic for many of these nations. Nevertheless, Natives have used the mandated systems to strengthen assertions of political nationhood. These are governments that the United States will recognize and with whom it will form relationships as it had refused to do with the traditional governments, particularly after the end of treaty-making in 1871. Initially, this occurred only because the United States needed a legal entity for its quest to extract resources from Indian lands, and dealing with the individual allottees had become too cumbersome. And initially, this was exactly the function of most of these IRA governments.

With the establishment of the ICC in the 1940s, the federal attempt to further remove itself from its treaty obligations and trust responsibility through the payment of awards for additional lands and resources that had been usurped also lent further legitimacy for claims by Native governments as representative of nations of peoples. Because the ICC was directed in part by consideration of the terms of treaties, the understandings of the "traditionalist-nationalist" strata described by Warrior were also strengthened and validated. However, it is significant to note that the U.S. was still only dealing with treaties as transactions of real estate. The federal government originally

estimated it would take ten years to settle all outstanding claims; in fact the process continued for decades.

Within fifteen to twenty years after the initiation of the ICC, Native American fishing rights activists in the Pacific Northwest forced some of the first cases premised on treaty rights to the state courts and ultimately to the U.S. Supreme Court. As the trustee of Native Americans, the federal government was constrained to bring these cases on their behalf and against the states. The Supreme Court upheld the treaty rights of Native peoples, affirming the treaties as substantially more than real estate transactions, and strengthened the political and legal aspects of Native nationhood. With the passage of the Indian Education and Self-Determination Act (1975), Native opportunities for self-government, although still restricted by the framework of the IRA, were expanded. The development of political nationhood among Natives throughout the twentieth century has led to an environment wherein Natives today routinely speak of themselves as "nations" and as "members" (although "citizen" is still not in common usage) of nations. Sovereignty, self-determination, and self-government are buzzwords for the twenty-first century, and Native Americans will continue to assert and develop nationhood through the legislative and judicial systems of the United States.

The elaboration of political nationhood has overshadowed the ethnically-based national identity of earlier reservation populations. As Native people struggle today to define criteria for membership, the privileging of a political definition of nationality over ethnic definition is troubling to many. Some evidence suggests that more and more Native people are beginning to reject the racialized constructs of "ethnicity" through the lowering or rejection of blood quantum requirements as membership criteria. But other

components of ethnicity -- culture and history -- are usually absent from the requirements of most tribal groups.[3]

In the twentieth century, the elaboration of political nationhood over ethnic nationhood among Natives largely resulted from the need to define beneficiaries of federal services stemming from treaty rights, land claims, trust obligations, sale of resources on Native lands (implying a territorial aspect to Native nationhood) and distribution of the profits of tribal enterprises. Thus the relationship between political nationhood and ethnic nationhood presently is one that is often subsumed in the realm of "resource ethnicity" -- ethnicity for profit or personal benefit. As mentioned previously, resource ethnicity, when the "rewards" are allocated by the hegemonic state, is highly prescribed. It stands to reason that nationality based on resource ethnicity would also be highly prescribed by the state, often through coercion of the tribal nations into maintaining low tribal enrollment/registration.

Many Native people today who reject notions of blood quantum would privilege a cultural definition of "Native American," coupled with at least descent, but not necessarily a quantification of race. But with the widening diaspora among Native peoples, which incorporates geographic dispersion, urbanization, and expanding educational and class differentials, defining "authentic" culture (and thus "authentic" Indians) is also a highly charged issue. Rural and reservation Indians may not be familiar with nor acknowledge the adaptive and innovative aspects of urban culture as "authentic," and urban Indians may find that "traditional" rural/reservation cultural norms do not sustain them in an urban environment. Thus the privileging of cultural aspects for

[3] There are a few tribes that will naturalize the spouses of tribal members who do not share any of these criteria for ethnic membership, thus placing the notion of "nationality" into a solely political category.

determination of tribal membership runs the very obvious risk of forcing cultures into a dogmatic stasis, and denying even the innovative aspects of rural/reservation culture. The deconstructionist theoretical approach to culture does not aid in addressing this question, and in fact would strongly suggest the opposite: that if tribal membership must be defined in hard and fixed ways, then culture is far too dynamic a realm within which to situate definitions.

Diaspora: Space and Place

Among both Natives and non-Natives, images of Native culture are based in an assumed ideal of continuous rural/reservation culture, yet only thirty per cent of Natives in the United States reside on rural/reservation lands. The questions that arise as a result of geographic dispersion are also troubling in describing Native nationality and nationhood. Many Native groups define national existence as located in both place and territory; the distinctions between these two concepts may lend some clarity to the ethnic and political dimensions of nationality. "Place" may give rise to the more ethnic aspects -- culture, language, and kinship emerge from places as "story" -- and the origins of spirituality, clan and familial relationships, etc., are often located in specific sites, whereas "territory" is inhabited space, a region that can be bounded and defended, legally and politically. Cook-Lynn asserts that "tribal bonding with the geography as the most persistent native nationalistic sentiment is often dismissed as a major criterion for nationhood in the modern world" (1996:87). While not ignoring the importance of politically-defined territory, in her discussion of the importance of geography to Native nationalism, Cook-Lynn focuses on the ethnic qualities of place as determinants of

cultural nationality. In the tribal context, place gives birth and impetus to story, to spirituality, and ultimately, to identity. In this rendering, ethnicity, with its components of descent, culture and history, *is* nationality (1996).

However, Cook-Lynn's work denies the validity of, and even disparages, explorations of cultural and ethnic innovation by diasporic Natives as failing to contribute to the nationalist endeavor (1996:78-96; 1998:111-138). If nationality is to be based in geography, and only a specific geography defines culture and history, and often descent as well, in the specific tribal context, then dispersion out of that geography (both literally and conceptually) leaves little room for ethnic Native continuance. Cook-Lynn recognizes that one does not have to *be* in the traditional place or space to acknowledge a bond with that geography. But her unwillingness to acknowledge the potential to develop new relationships and new sources for ethnic and national identity construction in new geographies leads to a narrowing of identity.[4] How does one move into an urban area and make it a "Sioux" or "Cherokee" area, a place and space in which one can maintain and continue such an identity, both literally and figuratively? And can relationships be built, both conceptually and politically, between the new places and the first places? Those literal and conceptual places (urban existence, mixed-blood existence, etc.) that Cook-Lynn disparages must be explored first before story, spirituality, and identity leading to ethnic nationality emerge from them. These exploratory times require patience.

Political nationality, on the other hand, may be more directed by territory, which contains not only place, but also the means of subsistence and resources. While there is clearly a relationship between these qualities and the cultural and spiritual life of a

[4] It also overlooks the fact that Natives have repeatedly developed such new relationships with new places, even in pre-contact times.

people, there is not the specificity of place as origin or site of divine revelation. Nevertheless, the defense of territory is crucial to sovereignty in its many aspects. While focusing mainly on the geographic place as nationality, Cook-Lynn links the ethnic definition of nationality with the political (1996, 1998). This is a junction that most Native peoples would like to achieve. Yet in a political context, nationality and nationhood become problematic in situations when many tribal members do not inhabit the geographic territory, the space, of their nation. The dispersion of Native peoples from their national geographies poses questions of their involvement in a national/tribal political process that has a lessened impact on their lives. Nevertheless individuals can assume roles that will enhance their senses of nationality and continuing ties to the national geography. Cook-Lynn *insists* that Natives in diaspora, whose ethnic qualities of nationality are presumed to be lacking, should assume these roles -- an insistence that is not necessarily demanded of rural/reservation populations, whose ethnic dimension of nationality is assumed to be sufficiently resistant, even if the political is somewhat lacking (1996,1998). But it is questionable as to whether any of these assumptions actually hold true in the modern era.

Diaspora and Opposition

Spicer (1971) has theorized about native nationality and nationhood in an ethnic context, as well as in relation to larger states. While acknowledging the classic definition of "nations" as groups that share language, culture, and history, Spicer prefers to call these groups "peoples" to contrast with the larger state apparatus he calls "nation." Spicer is interested in the continuity of ethnic peoples as nations under conditions of

social, cultural, political, and/or economic occupation by the larger nation-state. In contrast to Cook-Lynn, and based on many contemporary and historical examples, Spicer asserts that neither land nor language is essential to maintaining an identity as a people, a nation. He cites many historical instances, including the Cherokees, wherein territories have been lost, but the national identity of a people has continued in an ethnic sense, and often politically, as well (798).

Spicer is also concerned with the importance of symbols in maintaining a persistent identity system. While he specifically mentions artifacts, words and phrases, role behavior, and ritual acts as the kind of symbols that will enable group members to find a personal belief binding them to a cohesive group identity, the categories of symbols are clearly not limited to these (1971:796). Thus while loss of land (territory) may not result in loss of identity, the importance of "place" as a symbol of ethnic and nationalist identity is significant. The assertions of the importance of "place" provided by Spicer and Cook-Lynn seem especially relevant given the present geographic dispersal of tribal members.

This variety of national identity has a historical component that is essential, according to Spicer, since a people coalesce around a perception of a history that is shared with and through ancestors, and a history as they believe it to have taken place. The people build a cumulative image of themselves through the use of symbols that indicate, among other things, a shared history in which each individual and his or her ancestors have been performers. Identity, both ethnic and national, stems from this cumulative image (1971:796).

Spicer moves to a discussion of ethnic nations in relation to larger states. He focuses on peoples/nations whose existences have spanned one or more state organizations into which they have been incorporated. In his comparative approach, he examines peoples/nations who have resisted strong assimilative pressures. None of those examined controlled a political organization that included others for more than a few decades at most. And few had controlled any kind of state organization.[5] After noting these similarities, Spicer elaborates his concept of "opposition." Peoples/nations persist, Spicer asserts, when there is a continuing sense of opposition among the group members. This opposition may be manifested in a number of ways, such as militarily. But it may also be exhibited in more benign ways, such as the continuation of behaviors and practices that are differentiated from those of the larger cultural group (1971:797). This would agree with Warrior's assessment of the reservation-based "traditionalist-nationalists" as the resistant (oppositional) strata through the continuation of their religious practices. Even more subtly, opposition may simply be an internal awareness of difference that may not even be apparent to others (1996:11). This may be described in the Native context as the "walking in two worlds" phenomenon.

State power and coercive or forceful policies enacted against ethnic nations may result in the disintegration of those nations, or in the development of opposition that reinforces ethnic nationalism, according to Spicer. He asserts that reinforcement is often achieved through participation in three areas: communication through language, sharing of moral values, and political organization. While the first of these may seem self-evident, Spicer notes some interesting points. Just as he has asserted earlier that loss of

[5] Since the Cherokees are among the groups examined by Spicer, it is entirely possible he regarded the Cherokee republic of the nineteenth century as a "state organization."

land is not necessarily a crushing blow to nations/peoples, he likewise asserts that loss of language is not a defeat. "Communication through language" requires only that the symbols by which a people defines itself are being communicated verbally. This need not be in the aboriginal language, in fact, it may be an incorporation of certain aboriginal words into the colonizing language, which then act as symbolic reminders of the pressures on the aboriginal language, resulting in a sense of opposition. When faced with the real loss of language, that language itself may become a symbol leading to oppositional sensibility. Frequently a terminology of opposition develops, even through the colonizer's language, which contributes to a continued sense of differentiation and internal solidarity. And, of course, many peoples/nations have lost their aboriginal language without losing a sense of their national identity. These aspects of language result in a strengthened sense of opposition, differentiation, and a reinforcement of the ethnic nation/people (1971:799).

But participation in a language of opposition is not enough in itself to maintain an identity as a people/nation, according to Spicer. The language must be employed in conjunction with participation in a moral sphere, which he defines as a specialized moral world that "guid[es] them in the realities of opposition." This includes ideal values for both individual and group behavior, and also stereotypic understandings about the opposing peoples, all of which can be communicated through symbols. He notes that there may be internal differences of class or other factors, but that interethnic differences supersede the internal stratifications of an oppositional people/nation (1971:799).

Finally, Spicer regards political participation as necessary to the persistence of a people/nation. This consists of organization and mobilization to achieve political goals in

relation to the opposing society. He recognizes that this aspect of persistent peoples/nations may lie dormant even as the linguistic and behavioral components of nationhood continue to be enacted. Yet this sphere receives the attention of the opposing society, and so the opposing society may interpret periodic dormancies in the political sphere erroneously, concluding that the national identity of a people/nation has disintegrated, that they have been assimilated (1971:799).

Questions about nationality and the differences, as well as the relationships, between cultural/ethnic nationality and political nationality, are significant to the present situation of the Cherokees and the emergence of "new" Cherokees. Many historical accounts of the Cherokees confuse the differences between ethnic and political nationality, and disparage the innovative attempts to merge the two into a state apparatus. Instead, they often cast the development of a Cherokee republic as a blow to the ethnic nationality of historical Cherokees. In the twentieth century, historians have seen the dismantling of the republic and the loss of land and language as devastating to the maintenance of a Cherokee identity in all except those who remained ethnically oppositional throughout the twentieth century. These writers have also overlooked the continuing oppositional sensibilities of many Cherokees due to the dormancy of the political sphere. The re-establishment of a political Cherokee nation in the 1970s has brought this opposition to the surface again through the resurgence of diasporic "new" Cherokees as emergent tribal members and nationals. The question of "resource ethnicity" and the predication of twentieth-century political nationhood among Indian nations on claims, benefits resulting from treaty rights, and new resource revenues has made this resurgence suspicious in the eyes of many, in the oppositional society as well

as Cherokees in the geographic homeland. And to some extent, such suspicions are justifiable. But there is also a possibility that political dormancy and the subsequent geographic dispersion of individual Cherokees led to an erroneous assumption and that the situation has been "misinterpreted...to mean that the identity system of the persistent peoples has disintegrated" (Spicer, 1971:799). It may be possible to explain the continuity of the "new" Cherokees by reconsidering the history of the Cherokees in light of these theoretical approaches involving nationality, identity and opposition.

The Paradox of Continuity

Spicer's work also shifts away from the predominant emphasis on cultural loss or even cultural change, to the more insider interest in cultural continuity (which can also be derived from cultural change). Gerald Sider, in his intricate ethnography- ethnohistory of the Lumbees (1993), shares this interest in continuity, ethnic reconstruction, and the assertion of political and cultural rights. After twenty years of intense involvement with the Lumbees of North Carolina, including the years devoted to their unsuccessful struggle for federal recognition, Sider has arrived at some extremely insightful deconstructions of race and ethnicity within a problematic group in a problematic region of the U.S., the South, where the historical Cherokee experience is also located. Exemplifying Omi and Winant's theories on racial construction, Sider shows how this historically continuous group now known as the Lumbees has been defined as "white," "Freemen of Color," and "black" in various eras. They have struggled to define themselves and be recognized by others as "Indian," although the name and type of "Indian" they claim to be has changed repeatedly throughout the past two hundred years, partly in response to specific events.

At times, the local white power structure has cast them as "Indians," as well, whenever the people presently termed the Lumbees happened to be behaving in ways that the power structure believed to be typical of "Indians."

Cultural change can be an extremely destructive process. But, in a work that recognizes such paradoxes, Sider asserts that cultural change can also be adaptive and fluid, even at the moment of destruction. This is the dynamism of persistence. Culture may persist, albeit in a changed form, and importantly, identity finds continuity in adaptive shifting. In the modern era, with the pressures to consolidate communities into the larger framework of national and transnational economy, Sider recognizes the breakdown of the localized institutions, schools, churches, and other centralized aspects of the community, through which ethnicity and cultural identity have previously been expressed. As opportunities for daily, small expressions of "Indianness" are reduced, especially perhaps in areas where communities of Indians and non-Indians are less differentiated, it often becomes necessary to engage in what Sider terms an "assertive Indianness." Formal organization around Native identity and bold, public assertions of that identity remind oneself, the group, and outsiders of differentiation despite the decline in external differentiation. In many respects, the assertion of an Indian identity shifts from a local context to larger political and social arenas (1993: 60-62, 244-46, 250-51). This bears a relationship to Spicer's theories on the importance of a sense of opposition, even if that is but an internal awareness on the part of only one side (Natives) that differentiation remains, and *must* remain if identity is to persist.

But Sider also states that it is difficult to see how opposition is effectively mobilized from being merely an internal sense of difference to an active expression of

resistance and continuance. Opposition, in this sense, emerges primarily as a response to outside dominations and thus has little freedom or autonomy to develop proactive strategies. But Sider returns to Spicer's recognition that one of the most critically adaptative strategies of Native peoples has always been in appropriating the imposed tools and symbols (such as language, as Spicer theorized) of the dominating culture, refashioning them and employing them through resistance. While these kinds of actions can be organized and politicized, individuals can also manifest them in small, but personally meaningful ways that continually reinforce identity and enable opposition and persistence (1993:99).

However, Sider strongly criticizes imposed notions of what constitutes cultural persistence by hegemonic culture. In an argument that has deep similarities to Nagle's, Sider rages against the "fantasy images" of what defines a "real" Indian as perpetuated by government, corporate interests, and popular culture. He decries the tendencies of some Native persons and groups, who are asserting a more public Indian cultural and ethnic identity in response to the breakdown of smaller, localized opportunities for expression of that identity, and in so doing accept the images of Indians derived from hegemonic fantasies. He also insists that these images perpetrate a psychic violence by celebrating an image of Indians as warriors, chiefs, spiritualists, or environmental stewards -- peoples of infinite strength, freedom, autonomy, wisdom, and security. These are precisely the attributes of Indians that hegemonic culture has worked most effectively to destroy. Sider states that these images derive from "brutality and illusions, not symbols of any real human beings ever or anywhere." Indians are required to live up to these images in order to receive validations of authenticity from dominant culture, even as that culture works

incessantly to insure that Indians are anything but free, strong, autonomous, and secure peoples. Although he recognizes that some Indian people are beginning to confront these images, and others knowingly use them for what they can attain politically while not buying into them, Sider's critique is directed toward those who are uncritically adopting these images and employing them as public expressions of re-emergent ethnicity or "cultural persistence." He states that in so doing, Indian people have been persuaded to assist in enacting this psychic violence on both themselves and other Indians (1993:244-45, 270-71).

The Paradox of Unity

For Sider, the complexities of speaking about cultural persistence and persistent Indian identities have additional dimensions. In one of the most interesting facets of his analysis, Sider examines the profound factionalisms that have rent Indian peoples and nations from the 1500s forward. In a different view of these divisions, he questions the purported value of "unity" as a goal of tribes seeking definition and persistence. Instead, he proposes that the divisions may contribute much more to the continuity of ethnic groups and nations than has previously been understood.

In fact, Sider would challenge one of the assumptions that underlies definitions of "ethnicity" -- that of "shared culture." He recognizes that historically, aspects of culture were certainly shared within distinct groups -- language and clan systems, for instance. But in the present efforts of Indian people to find continuity and definition of membership, he questions the value of striving to consciously mandate a shared culture. His examines the internal factional splits of Indian peoples that developed under early

conditions of contact. He recognizes that the word "factional" minimizes these disagreements, since they often involved civil wars within tribes, prolonged outbreaks of murders and assassinations, or caused eventual splits within tribes and the formation of new and distinct groups (1993:182). These divisions often resulted from the need to strategize responses to encroachment as well as the vulnerability of Indian peoples, a vulnerability that Sider asserts derived from their need to be *used* in the context of expanding European economic domination. The strategies are familiar to anyone who has studied Native histories in relation to the hegemonic powers: isolation, violence, accommodation, opposition, distancing, separate development, collusion, cultural distinctiveness, and confrontation are among those named by Sider (1993: 108, 280). These strategies, and others, occurred repeatedly throughout the continuing era of contact and domination. Each has had some measure of success for fleeting periods of time, but ultimately, all have failed in halting the creeping spread of colonial and modern expansion and occupation.

Each of these strategies has had adherents, opponents, and those who ignored the whole process, but none has ever been representative enough to assure "unity." While most see this as a failure that led to the inability of Indian nations and peoples to deter the spread of Euroamerican domination, Sider considers a different possibility. Given the enormous power of the dominating culture, the biological devastation of the Native population and their economic incorporation into accumulative, pre-capitalist economic systems as well as the political and military strength of the early colonial regimes and the emergent federal republic, is it realistic to believe that Native peoples would have *ever* been able to halt the crush of expansion, even had they been able to unify under a single

strategy? Have tribal peoples been able to halt these forces anywhere in the world? Sider clearly believes the answer to be "no," and given this, he proposes that it is the diversity of strategies and the *inability to unify* around any single one that has enabled Indian peoples to constantly shift and adapt, responding to but also forcing responsive shifts from the hegemonic power, thereby ensuring themselves some measure of continuity. In a sense Sider feels it has been more fortuitous to employ a variety of strategies like a scattershot, especially since no single strategy has ever proved ultimately effective. Still, it has prevented the dominating culture from fully incorporating Indian peoples and groups into what he terms "use" systems. Conversely, Sider proposes, if Indian peoples had been unified in a single strategy, placing all their eggs in one basket, so to speak, one successful offensive against that particular strategy would have resulted in the devastation of all Indian peoples (1993: 108-9, 280-81).

Sider's concept of "use" factors importantly into this argument. In this conception, hegemonic power has nearly always been capable of enacting total genocide on Indian peoples. That it did not do so was due to the use value of Indian peoples in an emerging pre-capitalist economic system. Indians have been the procurers of pelts and skins, employed as mercenaries, courted as allies, both enslaved and recruited as slavers themselves, coerced into providing a front to retain runaway slaves, and induced to attack neighboring native peoples as part of colonial settlement schemes. In short order, Indian survival came to depend on their continuing usefulness in the context of colonial rivalries. There was room for Native maneuvering and negotiation in this, but ultimately, to be without use was to be without *any* power. Indian peoples needed to be used, but unification, while often meeting Indian needs to consolidate power, also provided the

dominating culture with one area of focus and use, and this generally proved destructive to Indian peoples in the long run (1993:234-5).

Sider calls this the "paradox of unity" and it can be seen how this has functioned throughout the ensuing centuries unto the present day. While not denying the intensely painful and destructive aspects of factional divisions within ethnic groups, he points out that unity is also not without its drawbacks, primarily that *unity facilitates use*. He quotes the remark of a local politician in Robeson County, North Carolina, who stated at an Indian strategy meeting the reasons for their lack of appeal to a local campaign: "As long as you're not together, no one can use you" (1993:281). He shifts the discussion to the area of culture by stating that as in a unification behind a political strategy, unification behind a single shared culture also lends itself more easily to appropriation, and the dominating culture is masterful at incorporating challenges into its own political and economic schemes. It has shown its ability to do so with differentiated emergent culture; shared cultural values should be a snap (1993:280). It should be apparent that we are already seeing the incorporation of oppositional symbols of emergent pan-Indianism as they are appropriated and marketed by hegemonic culture and cultural groups, particularly segments of the "New Age" movement.

In closing this argument, Sider states that the anthropological notion of "shared culture" as a requisite of ethnic identity is in our time a "terrain of necessary struggle." The contest is important, particularly in Native groups exhibiting diaspora and/or stratification, because it occurs along questions of "who is going to share what sorts of values, in what ways, why and with what effects." There is a recognition that Indian peoples continue to commit both physical and psychic violence on each other in the

context of this necessary struggle, but in the end, Sider argues that it is critically important to learn to exist in a situation of *not* sharing cultural values, either with the dominant culture, or between ourselves within our own cultures (1993: 285-87). This is an astounding idea, but also one which opens space for acknowledging Natives in diaspora and the important roles they may play in formulating new and differentiated senses of opposition both culturally and politically, as ethnics and nationalists.

In this conception there is also space to realize patterns of symbiosis between the various strata within Native nations, even as differences are contested and strategies are considered. The discussion of the expressions of cultural persistence encompassed in change, and division and diaspora as valuable and necessary components of an internal discourse of resistance, can also acknowledge the evidence of and the potentials for symbiosis. In this light, I reconsider the Cherokees, who are frequently cast as a people whose culture has changed and disappeared, who can no longer be differentiated from dominant culture peoples, and whose national and ethnic existence is wracked by internal conflict. The emergence of "new" Cherokees is more amenable to explanation when considered in light of recent theorizing by Sider, as well as others, in new considerations of the functions of factionalism and division, diaspora and symbiosis.

CHAPTER THREE

The Production of Cherokee History

The Cherokee resurgence is puzzling to many. This is due in large part, I would assert, to the promulgation of an historical narrative of the Cherokee people that is fundamentally flawed in some important respects. It is indeed difficult to discern how the Cherokee people got to "here" from "there" given some of the prevailing paradigms in historical narratives of the Cherokees, which will be discussed throughout this chapter. A nation whose people intermarried extensively with non-Indians, apparently deeply assimilated the cultural norms, technologies, and worldviews of Euroamericans, been dispersed from their territories throughout much of the nineteenth and twentieth centuries, and whose political and social structures lay dormant since Oklahoma statehood, defied the prevailing "logic" of federal policy (assimilation/allotment of 1880-1930; or termination-compensation-relocation of the 1950s) and nineteenth and early-twentieth century reform movements (such as the "Friends of the Indian" headed by Senator Henry Dawes) which said that such a people should be lost to the cultural and political distinctness required to assert a "Cherokee" identity.

The discussion of ethnographic deconstructions in the previous chapter is important to this project because the same kind of deconstructionist critique can be directed at the production of historical texts as well. Haraway states that perspectives of the subject are preferred at this time because they are unlikely to accept a continuation of the "denial through repression, forgetting, and disappearing acts" (1991:191). Native peoples have "disappeared" from the histories of the states that have enveloped them, and

often even from their own histories. And Sider recognizes that "'history' is not just 'about' power, it *is* power, and sensible people take it cautiously into their hands" (1993:xxiii). The prevailing historical paradigms concerning the Cherokee people that will be discussed in this chapter, exhibit denials, repression, forgetfulness, and disappearing acts of the subject peoples. These predominant tellings of Cherokee history have directed power in the usual direction -- away from the Cherokees themselves (Dale and Litton, 1939; Foster, 1885; malone, 1956; Royce, 1975; Starkey, 1946; Walker, 1931; Wardell, 1938; Washburn, 1869, 1910; Wilkins, 1970; Woodward, 1963). Some of the denials and omissions have been challenged in recent revisionist texts. Some remain obscured, and it is only when they are also re-examined that the emergence of new Cherokees can be better understood.

The pertinent theoretical models on which the project is based also suggest a loose methodology for considering the historic-to-contemporary construction of Cherokee identities in a realm where no standard methodologies exist. The methodology I will incorporate includes (1) the cautious deconstruction of race, ethnicity, and nationality, (2) a search for expressions of opposition, (3) a search for expressions of persistence, rather than interpreting change as loss, and (4) a view of division and factionalism as necessary components of a discourse of resistance and the development of symbiosis in ethnic and national identities among the Cherokees. All historical analyses derived from either primary or secondary sources are subject to the interpretation of the researcher, and as such, I purport to offer a partial and situated piece of the overall historical view. It is a view from one inevitably insider Cherokee position (but not the *only* internal Cherokee position), one informed by a variety of scholarly and community

perspectives in which detachment and passion can barely be separated. It is a perspective that I believe has been overlooked, probably deliberately, and which merits consideration.

In the following chapters, I will apply deconstructionist theories to histories of the Cherokees in search of the ways in which Cherokee peoples have negotiated ethnic and national identities in the past two centuries. I believe that this exercise reveals some interesting aspects concerning the production of historical texts about the Cherokees. "The production of history," as Sider terms it,

> *refers both to basic social changes that have taken and are taking place and also to how people come to comprehend their past -- how they commemorate and silence it (or parts of it), claim or deny, discover or describe one or several "pasts," in their own way or by the rules and standards of the dominant society. Above all, the production of history refers to how people try to grasp -- not just to understand, but to take control of and to reshape -- the multiple connections between past, present, and impending future, including the terrors and the hopes that come to reside in the spaces between past, present, and future. All this, and more, is included in the concept "the production of history"* (1993:xviii).

The "grasping as taking control and reshaping of their own histories" empowers Native peoples as active participants in the production and reproduction of their own histories, in contrast to institutional and literary sources, which have not been produced primarily by Native persons. From different strata, different Cherokees in different social and political eras have shaped and emphasized various aspects of Cherokee histories, sometimes colluding with the dominant society and its agenda, sometimes rejecting it, but always displaying evidence of Haraway's (1991:190-191) assertion that "the standpoints of the subjugated are not 'innocent' positions." This shaping and reshaping has been both literary and oral, through written document, testimony and anecdote. It also has shifted

as positions of internal stratification have been variously privileged at different historical moments.

Sider also recognizes the impositions of histories about Indians by a "totalizing" dominating society (echoing Haraway's rejections of claims of a "totalizing" view as an objective view in a researcher) that have often forced Native peoples to measure their own existences against these imposed notions of who they are and what they should be (1993:198). This recognition hinges on the assertion that history *is* identity, is about identity as much or more than it is about social, political, or cultural events. Aspects of social formations that are either glorified and commemorated, or conversely, silenced and denied in the histories that are told about them, Native people have been shaped by the desires of dominant culture and must first react to these dominant narratives, in collusion, resistance, or any number of other ways, as part of the process of retaking control of their own histories (1993:245-46).

Nowhere is this more apparent than in the legal and political realm, where Native peoples are required to document themselves and their histories according to a standard of who and what constitutes an Indian and/or a tribal community in the historical formations of Indians created by the dominating culture. This is especially evident in the federal recognition process, but also manifests in blood quantum requirements and notions of "authentic" culture as previously discussed. While clearly a pervasive example of the deniability of actual lived experience and processes, and a privileging of "fantasies" of tribal existences over complex realities, these "proving" processes also strike at the fundamental dignity of human beings in surviving (Sider, 1993:284).

The histories of Native peoples usually are not about continuity and cultural cohesion. It is cruel of the legal and social institutions of the United States to insist that "continuity of culture" and "survival" are the same thing, and that one follows from the other. In fact, in the Native context, they have just as often been exactly opposite. This represents a tremendous example of the "deniability" of history on the part of U.S. institutions, since those same institutions have conducted a full-scale, multicentennial assault on the continuity of Native existence. "Survival," in fact, has often been about ruptures, new origins, incorporations, dislocations -- these have been the bases of "continuity" for many Native peoples (Sider, 1993:283).

The Progressivist Tale

Sider's premise that Native continuity is based in ruptures and disruptions is particularly relevant to the productions of histories both by and about the Cherokees. Taking a broad view, I would assert that almost all narratives about the Cherokees exhibit what Haraway (1991:191) calls "disappearing acts" -- but who and what has been "disappeared," and why, has changed in some very interesting ways. The extent to which outsiders or Cherokees themselves have imposed these omissions and denials also varies. In addition, the disjuncture between what even Cherokees themselves *state* about Cherokee history and identity, and the ways in which Cherokees interact with each other *in actuality*, is readily apparent to both inside and outside observers. The psychic Cherokee space within which this disjuncture is reconciled is elusive.

Probably no Native people in the United States have had more historical accounts produced *about* them than the Cherokees. And, although it is a relative thing, probably

no other Native people in the United States have produced more formal historical texts about *themselves* than the Cherokees. While Native peoples in historical writings have often been cast as a sidebar to the mainstream events of the United States and its citizens, a number of texts about the Cherokees have placed the Cherokees as central characters in their own stories. Like much history, the dominant narratives about the Cherokees could, at this time, be grouped into two large, general categories -- those that are Progressivist in their bias, and those that are Revisionist, the latter being the more modern approach.

The older historical texts, those that I have termed "Progressivist," are based on perceptions expounded upon in earlier decades and centuries. In these versions, the progressive Cherokees -- those who are acculturated, educated, and Christianized -- are extolled as the future of the tribe, those who will rightfully lead, those who will command respect for the Cherokees from the outside world as they demonstrate how much like white men Cherokees can be. Almost without exception, these come from dominant culture historians of an older era and are based upon unquestioned assumptions of Euroamerican superiority and the ideology of Manifest Destiny.

The more recent texts, which I have termed "Revisionist," have shifted the focus from the elite classes of Cherokees to the common people, in particular, the "fullbloods." In later eras, these are the classes of Cherokees that are considered to have held firmly to the "old ways" and thus have perpetuated a Cherokee identity that the acculturated elites are considered to have abandoned. These texts are often the work of social scientists familiar with the challenges to and critiques of the political nature of their productions. Their very laudible intent often has been to shift the emphasis, the "gaze," to focus on the

more traditionalist strata of the people in an effort to empower these perspectives by lending them legitimacy in the outside world, and hopefully reducing racist oppression.

Both of these types of histories spring from "situated knowledges" and "partial perspectives" as proposed by Donna Haraway (1991) and described in Chapter One. The "progressivist" texts (in this Indian context, as defined above) tend to spring from those who are centrists or right of center in the American political arena; revisionist texts tend to spring from those left of center. As a generalization, the second category of people have usually (though not always) been the more important source of potential alliances for Indian people. But the texts that have been written about Cherokees, even by the best of those who could be called revisionist social scientists, have still been driven by paradigms that have more to do with American and global politics than the internal conditions of the Cherokee world. For example, McLoughlin (1986, 1993), from his position as a socialist-leaning theologian, writes about the Cherokees from a perspective that shifts the focus from race to class. The shift away from emphasizing race as the source of division and conflict among the Cherokees is correct, in my view. Yet even as he structures a narrative that places class as the source of division, reading between the lines of McLoughlin's own work calls this interpretation into question as well, despite the excellent and detailed research. As is the case with researchers who delineate racial categories that crumble upon closer inspection, McLoughlin's categories of economic class as linked to social and political behavior also crumble in the Cherokee context. Both types of categories, and their failings will be examined in Chapter Four.

However, within each of these categories, Progressivist and Revisionist, consistent paradigms about the Cherokees exist: (1) the Cherokees have undergone a

tremendous amount of cultural change, and in both categories this is regarded as a *loss* of cultural integrity and identity, and (2) the Cherokees are a people who have been severely divided by intratribal conflict between their mixed- and fullblood populations, and these racially-based divisions have underscored all major historical events during the last two centuries in particular. Within this overall paradigm, however, the analyses of the factions have shifted from the Progressivist era interpretation to that of the Revisionist.

Both major paradigms very directly address the subject of Cherokee identity. They are interrelated in that internal racial stratification and cultural change are presented as being directly linked. Biology, ideology, and culture are conflated, with mixed-bloods cast as progressives who urge, enact, and are primarily responsible for culture change, in contrast to fullbloods, cast as traditionalists who preserve and live the "old ways" while being highly resistant to cultural change. Framed by a common paradigm concerning race and culture in Indian peoples, the Cherokees seem to exemplify either the shining example of racial pride, or the dismal failure of cultural identity retention, depending on the prevailing bias of the particular historical moment.

Progressivist historians of the Cherokees have emphasized the cultural changes of the nineteenth-century Cherokees, in particular in the areas of education, adoption of Christianity, and a general adaptation to the cultural norms of the dominating culture. Their assimilationist bias, which has enabled them to accord the Cherokees the title of a "civilized tribe," glorified their "advancements" -- advancements that were attributed to the influences of intermarried whites and their progeny and descendents. The "fullblood" strata was not disparaged, but described paternalistically as in need of uplift from their more advanced tribespeople. They were seen as a group with whom we must have

patience since they would come along more slowly, not having the "benefit" of white influences in their lives and families. Many of the texts of the late nineteenth and early-to-mid twentieth century display this tone (Dale and Litton, 1939; Foster, 1885; Malone, 1956; Royce, 1975; Starkey, 1946; Walker, 1931; Wardell, 1938; Washburn, 1869, 1910; Wilkins, 1970; Woodward, 1963).

Factionalism among the Cherokees is drawn along sharp racial lines for progressivists; "progressive mixed-bloods" are cast in a positive light, as those whose ideological vision proved to be correct, and whose descendants became prominent in state and national life, as well as in the towns and counties of northeastern Oklahoma, after the dismantling of the Cherokee Nation. This is an intersection of the major paradigms named above, as cultural change is cast as a positive, civilizing advancement that takes the Cherokee away from a tribal identity and into a mainstream identity as "American." The resistance of "fullbloods" to these changes is described as racial and thus inherently "backwards."

It is not difficult to understand who was served by this rendering of Cherokee history. The burgeoning new state of Oklahoma was illegally carved out of lands that were promised through treaty negotiations for time immemorial to numerous Indian tribes. The separation of the various strata of Cherokees from each other was of paramount importance to the consolidation of the power structures of a state that was still populated largely by people of Indian descent. The privileging of those Cherokees, and other Indians, who had adopted "white" values and cultural habits, and who were phenotypically "white" encouraged such persons to separate from their former

countrymen and women and shift their allegiances to the state, a shift for which they were well rewarded. The histories of this era serve the very-recent victors.

These narratives exhibit all the aspects involved in the "production of history" as described by Sider. They are distorted histories because a large segment of the population is denied and "disappeared." The "fullblood" segment of the tribe is denied, while the progressivist mixed-bloods are glorified. But in addition, other segments of the tribe are also disappeared. Rural mixed-bloods from common, uncelebrated families, who are not prominent in the state institutions, or even in the county and town structures, but who lead a working-class or poverty-level existence, are also invisible in these versions of Cherokee histories. Pressured by the state to internalize a "white" identity, especially in the counting of school children as "Indians" on the basis of those who are of one-quarter blood quantum or more, this strata of Cherokees found itself geographically dislocated in the Depression era as well when their own "grapes of wrath" migration forces them to seek work elsewhere, particularly in California. Their grandchildren are among those who have emerged as "new" Cherokees, whose origins arose out of rupture and dislocation -- exactly the kind of history Sider recognizes as more typical of Native peoples. This history is disputed, however, because of the earlier erasure of the strata from which "new" Cherokees are descended.

The Revisionist Tale

Even in this progressivist era, a few historians who were themselves Cherokee were beginning to exhibit a somewhat different perspective from the totalizing vision of the colonialist histories. While still exalting the progressive aspects of their countrymen

and women, these historians nevertheless displayed a more comprehensive view of their own people and society, emphasizing interrelationship and symbiosis (although they would never have conceived of those terms) more than conflict and division. They display a high degree of respect and solidarity for their fullblood compatriots, and a loving regard and interest in the "old ways" of their people (Eaton, written prior to 1938, publication pending; Foreman, 1934; Starr, 1921). And all remember the glory of Cherokee nationhood.

This perspective contrasts sharply with the words of Marion Starkey who has written, "There would, to be sure, still be Council on occasion in their western capital, Tahlequah, and there would still be a Chief of sorts, but a Chief and Council of sharply circumscribed power. Now indeed their government was what John Quincy Adams had once called 'of purely municipal character.' The old Cherokee Nation was dead" (1946:323). Starkey clearly was not aware of the first informal election since the federal dissolution of the national government of a Cherokee Chief, J.B. Milam, by community and tribal people. Likewise she seemed unaware of the ongoing attempts to renew nationhood by filing claims with the Indian Claims Commission. Fifteen years later, in the early 1960s, this resulted in a multimillion-dollar award from which, in part, the modern nation was re-established. To a dominant culture historian writing hegemonic texts in 1946, it may indeed have appeared that the Cherokee Nation was dead; but many Cherokees could have apprised Starkey of the continuing national character of insider activity, as well as the continuation of a culturally distinctive way of life among some strata of Cherokees.

Starkey also collaborated in the erasure of Cherokees when she stated, "But if you really want to see the Cherokees you look not west, but east. For in North Carolina the Cherokees still possess their hills almost as if Andrew Jackson had never been born and the removal never heard of" (1946:323). The rupture of families and nation by the Trail of Tears is portrayed as not having affected the eastern Cherokees, a tremendous denial, and the notion of continuity in an "unchanging" people is privileged over the purported assimilation of Cherokees into an indistinguishable people in the western group. This is a striking example of the "deniability of Native histories" which Sider critiques, and the failure to understand that ruptures, origins, incorporations, and dislocations are the more continuous reality of Native existence.

The task of the Revisionist category of historians in the last few decades of the twentieth century has been to re-insert the denied and disappeared peoples and their voices into the tellings of their own stories/histories. In the case of the Cherokees, this has most obviously mandated the strong inclusion of the fullblood and traditionalist strata. This has resulted in a Cherokee history that more nearly represents the complexity of culture that any human group displays. The fullblood stratum is no longer portrayed as enacted upon, but as active participants in the life of their people and nation.

In the Revisionist scenario, historians take a different approach to the paradigms that have been typical in the renderings of Cherokee. Initially, revisionism and the incorporation of the "fullblood" voice resulted in some narratives that reversed perceptions of the process of culture change considered solely as culture loss. Now, instead of glorifying of the "civilizing" effects of culture change, adaptations are more likely to be challenged, or even vilified (Gaines, 1989; Hauptman, 1995; Hendrix, 1983;

Mihesuah, 1993; Miner, 1976; Speer, 1990; Steele, 1987). I view this as only a partial paradigm shift, from viewing culture change as a positive loss opening the door to "progress," to viewing culture change as the eradication of further identification as "Cherokee." Some have questioned whether the tribe is even "Indian" any longer (Baird, 1990). Instead of leading to advancement, this presumed lessening of Indian identity is considered extremely negative.

In the progressivist texts the divisions between mixed-bloods and fullbloods, are acknowledged, but seem to diminish as the ideology of the "mixed-blood" or "progressive" segment of the tribe prevails. In revisionist texts, this division is emphasized much more, and the "progressivist" and "mixed-blood" categories held responsible for the imposition of culture change that resulted in loss of cultural integrity and identity (Wahrhaftig, 1975, 1978; Wahrhaftig and Lukens-Wahrhaftig, 1977; Wahrhaftig and Thomas, 1970). Particularly in an era of heightened activism and a reawakening pride, several Cherokee historians began to realign their own histories to bring forth the "fullblood" voice, and to privilege it, an endeavor that was supported by many within the tribe (Conley, 1988, 1995; Hendrix, 1983; Mankiller and Wallis, 1993; Strickland, 1975; Thornton, 1987, 1993).

But the disjuncture between what Cherokees say about themselves and the manner in which they act *in reality* became especially apparent at this point, and is evident in the aforementioned texts. For example, Mankiller and Wallis (1993) reaffirm the binary categories of "fullblood" and "mixed-blood," blame the erosion of Cherokee society on the mixed-bloods, and positively highlight attempts to maintain the balance of the Cherokee world as the responsibility of the fullbloods. Yet their book also provides

many examples that describe the two categories working to achieve the same ends, using different strategies. In a more recent era, the elevation of the "fullblood" ideology has often led to the condemnation of mid-twentieth century mixed-blood Chiefs such as J.B. Milam and W.W. Keeler. Yet Mankiller and Wallis describe the high regard that many traditional Cherokees had for the sixteenth-blood Keeler (1993:181). Milam's biographer supplies ample details of Milam's many interactions and political alliances with traditionalist and community leaders (Merideth, 1985).

Transcripts from the Doris Duke Collection of interviews conducted with Cherokee people during the late 1960s and early 1970s, suggest that the biases of the era have strongly influenced the reports of the Cherokees of the time. Many of the student and volunteer interviewers (Tyner especially) displayed a strong bias through the leading nature of their questions that blatantly seek affirmation from their interview subjects of divisions between the racial strata of Cherokees, and ridicule or even vilify the mixed-blood and "thin-blood" Cherokees. Notions of "real" Indians and "real" Cherokees are expressed in exactly those words. This extended even to soliciting such comments about Keeler, as well as mixed-blood attorneys E.B. Pierce, and future Chief Ross Swimmer. The Cherokee elders of the time, fullbloods included, did not take the bait, did not seem to comprehend what they are being asked to affirm, and frequently glossed over the solicitation without direct comment or response. In sharp contrast, younger Cherokees, especially those who are more educated, were somewhat willing to affirm this bias, and Tyner's interviews with them were longer and more emotionally heightened.

These perceptions will be discussed at greater length in Chapters Five and Six. They are mentioned here only to exemplify the influence of ideological and social

positionings on the production of history. The Revisionist productions of Cherokee history that not only bring forth, but privilege, the fullblood voice are a reaction to the suppression of that voice in earlier texts, which is laudible. But the concurrent vilification of the mixed-blood and progressive classes of Cherokees also mirrors the activist era, in which militancy, Indian ethnocentrism, and romanticization of suppressed cultures promoted sharp categories dividing "real" Indians from "sell-outs."[1]

Challenging the Paradigms

The disjuncture for Cherokee historians and other individuals who draw these sharp divisions and categories is that they do not endure for very long. They do not reflect reality in the lives of Cherokee people today. This is evidenced by the lack of reaction to Tyner's leading questions, as well as the interactions between Cherokees that any casual observer can see on the streets of Tahlequah and in the surrounding communities in the Cherokee Nation today. Stemming from that recognition, still other Cherokee historians are asserting, once again, that the divisions that have been emphasized and the culture change that has been reported, are perhaps not as devastating to Cherokee identity and Cherokee nationalism as outsiders have expected and claimed. Strickland (1977) states that "Cherokeeness never became a blood issue..." and he acknowledges the symbiosis between the acculturated and the "nativistic" Cherokees. He also states that "the great Cherokee compromise [was] a uniquely Indian adaptation that survives into the present in unique aspects of culture and government," belying the view

[1] While I fully support the goals of activists of the era, I would rather strive for them from a reality that can acknowledge the greater complexity of various advocacy positions and strategies, one which is based in less ethnocentric and romanticized visions of who we are, and one which leaves the door open for alliances

of culture change as a source of irreparable devastation. Thornton likewise describes symbiotic relationships between various strata of Cherokees by describing how inclusive registration policies have become a strategy that "buffers" the traditionalist segment of the tribe from outside forces. These forces could be even more devastating than they are were it not for the sometimes strategic interventions of their more acculturated tribespeople (1987:198).

The non-Cherokee historian William McLoughlin (1986, 1990, 1993, 1994) has perhaps done the most to substantiate the complexity of Cherokee culture and society throughout the late eighteenth and nineteenth century. He also provides very provocative and empowering perspectives of the historical evidence that contrast sharply with the prevailing paradigms. In the most innovative statement yet, historian Theda Perdue (1998) dispenses entirely with the categories of "mixed-blood" and "fullblood" and even "progressivist" and "traditionalist" as meaningless in the context of Cherokee history. In their stead she favors "conservative" or not, but refuses to develop a binary that would demand an opposing term.

Still, the attraction of conceptualizing Cherokee history in binary terms proves strong. Even in a recent revisionist text, the paradigm that has prevailed for almost two centuries drives the work. In a text published in the same year as Perdue's, Hoig (1998) states "The concept of 'blood' and 'racial mixture' was such a powerful and charged issue among the Cherokees that it is impossible to relate their internal tribal strife without using such commonly accepted terms [as 'mixed blood' and 'full blood']. It must be noted, however, that the issue among the Cherokees was not primarily a matter of

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and allows for the possibility of shifted positions, on the part of ourselves, our allies, our adversaries, and those who are none of the above.

prejudice of race against race, but a social and political conflict that became focused upon homeland and cultural values. To ignore this critical contest between full bloods and those designated as half or mixed bloods is to distort Cherokee history" (xii). The conflict is real, and it is indeed about homeland and cultural values. But the racialization of the conflict is overwhelmingly an outsider's position, as many Cherokee historians, both past and present, have attested. It is a position that many present day Cherokees have internalized, driven by the emphasis placed upon this paradigm in the flood of texts produced by non-Cherokee historians. But as we produce our histories today and in the future, written, oral, and otherwise, Cherokees must ask themselves, who is served by these prevailing paradigms? Certainly it is not the Cherokee people themselves. We must ensure that while we do not dismiss the fact of internal conflicts, we also do not accept those situated positionings that would see *only* conflict and would dismiss or deny the interrelationship and symbiosis between various strata of Cherokees that has also been a strong current in the course of Cherokee society and culture. When we produce our own histories, let it be with an eye to those aspects of our grand and complex story that serve us best, and will take us into the future as a strong people in a continuing dialogue of survival and persistence -- which is perhaps not the same thing as unity, and need not be.

CHAPTER FOUR

Ethnicity and Nationality in the 19th Century

Histories of the nineteenth-century Cherokees have been written from a bias that equates internal changes among the Cherokees, especially in political and cultural structures, with a loss of identity based upon Euroamerican awareness of racial constructions. These histories present a story of the racialized identities of "fullblood" and "mixed-blood" as of paramount importance, and of persistent conflict between the two groups and the "traditional" or "progressive" ideologies that are presumed to accompany these racial constructions. "Assimilation" is presumed to have occurred because political, social, and cultural systems have been adopted that resemble more fully those of the dominating European society. Cherokee identity appears to have weakened under such conditions because it can no longer be externally differentiated; there are fewer and fewer cultural markers separating "Cherokee" from "non-Cherokee."

This type of analysis of the historical evidence has gone virtually unquestioned until late in the twentieth century. It perpetuates dominant culture notions of "vanishing" Indians and the superiority of Euroamerican political, cultural and social systems. Intermarriage and the resulting exposure of spouses and children to these supposedly superior systems are presumed to sway these persons immediately and irretrievably to adopt them. Assimilation is thought to be unidirectional, only as a movement *away* from Native ways and *toward* non-Native ways, and never in the other direction. Identity is believed to be categorical, fixed, and static, and is based upon race and cultural practice. Whether these histories of the Cherokees are written to celebrate the victories

contemporary Cherokees in forging a new modern identity, or to lament the defeat of traditionalists in maintaining a Cherokee identity, both are predicated in dominant cultural notions of "Indianness."

But this analysis is at a loss to explain the continuity of Cherokee identities into the twentieth century and the explosion of emergent Cherokee identities in the present day. Shifting the historical gaze could instead provide evidence that political and cultural change have composed the very strategies that have *ensured* Cherokee adaptability and persistence into the present day. Rather than equating change with loss, change can be regarded as the very natural human and cultural process that enables individuals and cultures to deal with altered conditions, and thus continue to survive and flourish.

This perspective offers explanations for both historic and contemporary Cherokee identities that previous perspectives do not and cannot explain. The evidence defies the assumption that racial identities are mirrored in ideological stances: eighth-blood John Ross led the "fullblood" traditionalist majority; some intermarried whites were selected as town chiefs; fullblood traditionalists controlled the progressive constitutional governing structure as well as the new structures of courts and law enforcement, and much more. Such evidence can instead substantiate complexity and adaptive shifting within the culture for the purposes of national and ethnic survival. From this perspective, the historical Cherokees are instantly rendered a proactive people, as certainly they were. Intermarriage and acculturation are not automatically the agents of assimilation. The existence of many whites, blacks, mixed-bloods, and Indians of other tribes who assimilated quite thoroughly *into* Cherokee culture and society can be acknowledged and explained if assimilation is understood as multi-directional, and the strength and appeal

of Native cultures to attract outsiders *to* them and incorporate outsiders *within* them is revealed. Dominant historical paradigms have ignored or denied the historical evidence of such movement because it could not be explained within the framework of presumed superiority of Euroamerican systems.

Within that paradigm, there is no satisfactory explanation for the fact that many such "outsiders" and their offspring moved into and remained in Cherokee society and culture in the eighteenth and nineteenth centuries, *becoming highly invested in ethnic and national Cherokee identities.* Instead, such persons seem often to be regarded as carriers of a social virus that was introduced to the Cherokees and that caused irreparable cultural and political schisms, eroding the "true" Cherokee identity.

A shifted gaze can recognize instead the beginnings of a diversity *within* the Cherokees, one from which both conflict *and* symbiosis emerged. Identity is described by Clifford "not as a boundary to be maintained but a nexus of relations and transactions actively engaging a subject" (1988:344), and this can be seen in the nineteenth-century Cherokees as well. The complexity of issues and identities, and the shifting relations and alliances of individuals and groups within the Cherokees can be more fully explored and explained. This reduces the colonizing potential of the dominant historical paradigm, explaining the emergent Cherokee ethnic and nationalist identities of the late twentieth century within a continuity of Cherokee diversity that has never been vanished, but rather continues to evolve. Thus, conflict is part of a continuing dialogue within a flourishing, persistent people and culture, a dialogue resulting in what Strickland terms "the great Cherokee compromise...a uniquely Indian adaptation that survives into the present in

unique aspects of culture and government" (Wardell, 1977:xv). From this perspective, let us re-examine what it meant to be "Cherokee" in the nineteenth century.

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In the bibliographical foreword to Wardell's *Political History of the Cherokee Nation, 1838-1907* (1977), Cherokee/Osage legal historian Rennard Strickland writes, "Large numbers of nativistic Cherokees retained their Indianness. Their right to do so was vigorously defended by the more acculturated members of the tribe. *Cherokeeness never became a blood issue...*" (Wardell, 1977:xiv, emphasis mine). Yet it is difficult to find an account of the nineteenth-century Cherokees that does not place the issue of mixed-blood/fullblood competition and conflict as a central force driving social processes and underlying historical events. To the extent that these fundamentally racial identities have been elaborated, they have usually been posited in a "progressive"/"traditional" binary. For the most part, the rudimentary assessments of Cherokee identities in the nineteenth century that have been buried within the chronicling of historical events have been left at the level and in the language of twentieth-century racial constructions.

Racial constructions become even more confusing when one understands that Cherokees and other Indian peoples will often denote someone as "fullblood" on an entirely cultural basis. For example, other Cherokees may call a Cherokee of mixed racial heritage a "fullblood" if that person speaks Cherokee and is steeped in Cherokee worldview. Thus at various times, prominent figures in Cherokee history such as Major Ridge, Stand Watie, Sequoyah, Lewis Downing, and Redbird Smith have all been termed

"fullbloods" even though each had a parent or grandparent who was white. This habit of defining "fullbloods" on a cultural as well as a racial basis persists to this day, in my experience.

In bringing questions of identity to the forefront of nineteenth- and early-twentieth-century Cherokee historical inquiry, it would be simplistic to follow the existing paradigm and present the Cherokees as a people engaged in a massive, century-long identity crisis. Early- and mid-twentieth-century texts on the Cherokees would declare this crisis as one that the Cherokees "won," or as Strickland states, "love song[s] to the inevitable emergence of 'progressive' white ways." Indians *can* be "civilized," acculturated, and assimilated, and no group better exemplifies this than the Cherokees, in the view of these earlier texts from the dominant historical paradigm (Foreman, 1934; Mooney, 1897; Starkey, 1946; Starr, 1921; Walker, 1931; Wilkins, 1970; Woodward, 1963). For these historians, evidence supporting successful Cherokee assimilation is based largely in the reports of amazed white explorers or travelers, accounts of army personnel who both supervised the Cherokee removal and later acted as Indian agents, advisors, and diplomats, and most especially, the missionaries.

Late-twentieth-century revisionism has shifted the focus from the "dominant" assimilated Cherokees to the less-recognized "fullblood" segments of the tribe. In the modern, more sympathetic era following Native American activism and movements to reinstill Indian pride, this segment, commonly termed "traditional," is described as outnumbered, oppressed, and finally overcome, both politically and culturally, by the progressive majority (Conley, 1988, 1995; Hendrix, 1983; Mankiller and Wallis, 1993; Mihesuah, 1993; Wahrhaftig, 1975, 1978; Wahrhaftig and Lukens-Wahrhaftig, 1977;

Wahrhaftig and Thomas, 1970). One side effect of this revisionism has been a questioning of how much the Cherokees (as well as the other "Five Civilized Tribes") can even be called "Indian" in the late twentieth century (Baird, 1990). The door allegedly has been opened for "white" imposters, opportunists all, to falsely represent "Cherokeeness" at the expense of the real Indians, the fullbloods. In this revisionist scenario, popular in Indian Country as well, the Cherokees have "lost" in the struggle to maintain and preserve an Indian identity.

Very recently, other historians of the Cherokees have taken a more complex view of the situation of the nineteenth-century tribe. While still generally employing the racialized terms of "mixed-blood" and "fullblood," William McLoughlin (1986, 1990, 1993, 1994) and Theda Perdue (1979, 1991, 1993, 1995) have gone further in examining a fuller range of what was and is implied in these terms. McLoughlin regularly pursues an analysis of stratification and class formation among the Cherokees beginning in the late eighteenth century. Perdue is most interested in ethnohistorical manifestations of socio-cultural processes (such as gender construction), rather than focusing on historico-political events per se. Although identity construction is not at the forefront of these scholars' interests, their elaboration of the terms "mixed-blood" and "fullblood" in light of ethnic and class dimensions is long overdue, and is crucial to an examination foregrounding identity concerns.

In addition, it is perhaps telling that two prominent Cherokee social scientists exhibit strong aversion to centralizing race as generally occurs in accounts of both the modern and historical Cherokee people. As Strickland states (quoted above), "Cherokeeness never became a blood issue." In his work Fire and the Spirits, Cherokee

Law From Clan to Court (1975), Strickland holds fast to this perception, developing instead the notion of social and legal *systems* which he fashions as "white" and "Cherokee." Individuals and families are described as adhering mainly to one type of system or the other, and the great Cherokee dialogue involves merging and adapting systems to ensure a *Cherokee* survival. The emphasis is on (1) finding the way to incorporate bicultural individuals into the tribe with a solidly Cherokee identity and loyalty, and (2) employing the skills of these individuals to benefit the other strata of Cherokees and the cause of the "Nation," both previous to and during its official existence (1975:50-52). In this lies an implicit acknowledgement of the inevitability of change, but also evidence of a far more active role taken by the Cherokee majority in shaping the influential bicultural minority.

Cherokee demographer/historian Russell Thornton also describes clearly bi-directional influences at work throughout the nineteenth century in his review of revitalization movements among the Cherokees (1993). Like Strickland, Thornton avoids overly racialized assessments in describing individuals or groups of Cherokees subscribing to diverse cultural systems and social values. He describes the revitalization movements "not as mere reactions to a changed Cherokee society, but as reactions to *continued* change" (1993:367, emphasis mine). Changes in the legal, political, and social structures were instituted, involving significant concessions to those who expressed dissent, and some of those who were actively involved in the conservative movements later played active roles in the new political and legal structures (1993:368).

A description of Cherokee identity construction in the nineteenth and early-twentieth centuries thus involves the difficult task of getting past simplistic racializations

that are contained within most texts concerned with those eras. Every text displays ample evidence that these simplistic renderings are problematic, but few challenge the prevailing paradigm that racial constructions have driven Cherokee historical events.

The most glaring contradiction that faces every chronicler of the nineteenth-century Cherokees who has complied in racializing Cherokee identities lies in the personal heritages and public actions of the two most prominent political figures of the century, Principal Chief John Ross and Confederate General Stand Watie. Eighth-blood John Ross led the Cherokee people for almost forty years, consistently backed by the fullblood majority, while Watie, a cultural fullblood, led opposition factions of wealthy, plantation-oriented, slaveholding Cherokees, often generically termed "mixed-bloods;" although certainly only a portion of the mixed-blood population was of this elite class, while another portion of the elite class were Ross Party people. It is astounding that equations between race and ideology continue to be asserted in the face of even this one fact. Compounded with additional evidence indicating the great complexity underlying Cherokee identities and motivations -- and it is vast -- one should begin to question why this racialized opposition has been so adamantly promoted, and who is served by it.

Some Cherokee scholars may have an advantage in discerning the inconsistency in these racialized identities. While the evidence from the most visible, highly acculturated, politically influential families may tend, in most cases, to indicate progressivist alignments along concurrently racial lines, most modern Cherokees have other evidence from within their own families. Today, the overwhelming number of Cherokees have both Indian and non-Indian ancestors, primarily from common, uncelebrated, working and middle-class families. If we but look within our own

genealogies and family histories, most of us will see that, rather than separation and isolation between those of different blood degrees, there has been a great deal of interaction and interrelationship. Modern Cherokees will discern that this is the case in the late-twentieth century as well. There is every reason to be suspicious of both characterizations of nineteenth-century Cherokee identities as heavily racialized, and of this characterization as the basis for accurate understanding of the historical events of the time.

Rejecting overly-racialized, bounded descriptions of nineteenth-century Cherokee identities does not mean that the negotiation of Cherokee identity was not significant in the century's events, nor that the influence of Euroamericans adopted permanently into Cherokee families\clans and society was negligible in these negotiations. Although contact and colonization had already been impacting the Cherokees for more than two hundred years, the nineteenth century may have been the era of greatest upheaval. Intensified relations with an increasingly powerful and avaricious nation-state necessitated swift, innovative, and defensive responses on the part of the Cherokees. Many historians describe the century as one in which the Cherokees were repeatedly devastated, in which losses of population and, especially, culture were insurmountable. Others are congratulatory in their tone, emphasizing not only Cherokee survival, but Cherokee civilization and progress. While each is but a partial perception of a complex situation, in one respect both are in absolute agreement: the Cherokees made profound changes.

Cherokee identities were certainly impacted by two major events of the century: the Removal, generally known as "The Trail of Tears" (1838-39) and the Civil War

(1869-65).[1] But identity formation and change tend to swirl around these events, rather than being located only in them. In some ways, these events are the corollary, rather than the cause, of emergent constructions of identity. An historical investigation emphasizing identity may require a closer examination of other kinds of processes.

I would assert that ethnicity and nationality are the most significant ways in which Cherokee identities have changed, both from the outsider viewpoint, and in the views held by Cherokees about themselves. The nineteenth-century process culminated in 1907 in the dissolution of the very real Cherokee Nation, the allotment of Cherokee lands into individual ownership, and the absorption of upwardly-mobile Cherokees into the structures of the state of Oklahoma. Changes in Cherokee identities are generally viewed in a linear fashion, as a movement from a greater to a lesser degree of ethnic/cultural differentiation, and from a greater to a lesser, or even non-existent, sense of Cherokee nationality in exchange for entrance into "American" nationality.

Yet these ethnic and nationalist identities, which are seen as having been severely *eroded* by the upheavals of the nineteenth century, were, in fact, *created* in the nineteenth century as part of a process of negotiating Cherokee continuity and Cherokee survival. Far from having disintegrated in the twentieth century, these identities have continued to react to the external pressures of physical and psychological occupation by the U.S. nation-state and the state of Oklahoma. Acknowledging and examining the changing nature of both ethnic/cultural and national Cherokee identities, rather than restricting them in a framework heavily reliant on social constructions of racial identity, will allow both Cherokees and non-Cherokees insight into the greater complexity of the people and

[1] The era of land allotment and national dissolution (1898-1907) also commenced in the nineteenth century, but can be more properly considered a twentieth-century event in the case of the Five Tribes.

the society. In addition, for Cherokee people facing the twenty-first century, a shifting understanding, from identity as static in either racial or ideological terms to one that suggests process and interaction, may provide the grounds for greater proactive self-identification in the future, which in a deep sense would be a return to a more sovereign state of being -- psychologically, culturally, spiritually, and politically.

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Throughout historic and pre-historic times, the Cherokees and their predecessors have done what peoples do upon contact with outsiders: they shared technologies. Technology transfers frequently result in subtle or not-so-subtle changes in the self-identification of a people. In the case of Cherokee-Euroamerican contact, the adaptation of "superior" technologies and other cultural adaptations were assumed by Euroamericans to have had a "civilizing" effect on the Cherokee people. This is not a unique assumption as applied to Native American peoples, but few tribes are considered to have adopted so much, or to have become so thoroughly "civilized" as the Cherokees.

Technologies and other cultural attributes do not exist in a vacuum. They are accompanied by a worldview -- a system of thought, beliefs, and values that guide the perception and uses of the various aspects of culture. Much has been made of the early encounters of the Cherokees with traders, which grew in both frequency and intensity throughout the eighteenth century, as traders (primarily Scottish and English) increasingly were marrying Cherokee women. That these persons brought new

technologies to the Cherokees cannot be disputed; it is more difficult to discern the degree to which an accompanying worldview was also traded.

For centuries it had been the custom among the Cherokees to adopt some captives and other outsiders into Cherokee society (Perdue, 1979:8-12). The goal was to incorporate such persons fully into Cherokee clans, lifeways, and worldview. It is certain that the Cherokee ethic of accepting traders and other whites who had married into Cherokee society during the eighteenth and nineteenth centuries, often according them a place of full citizenship with all the rights contained therein, was enacted with the same goal in mind. This was specified in the extension of both the jurisdiction and the protection of Cherokee law over adopted and intermarried citizens in the nineteenth century (McLoughlin, 1993; Sober, 1991; Speer, 1990; Steele, 1987; Strickland, 1975; Wardell, 1977). Certainly the Cherokees did not share the new American republic's notions of "E Pluribus Unum." Outsiders were to be incorporated into an already highly-developed Cherokee social system and worldview; they would also contribute diversity and plurality to a new, emerging identity.

Yet in their ethnocentrism, colonists and, later, Americans assumed that the outward trappings of technological and social change, and even racial change through intermarriage, would lead inherently to deeper assimilative changes which would bring the Cherokees into a civilized state. Most histories of the Cherokees have been written from within this assumption. But as late twentieth-century historians and anthropologists have shifted the focus of inquiry, interest has centered instead on the *insider* perceptions of technological and cultural transfers. The evidence for the supposed assimilation and "civilization" of the nineteenth-century Cherokees is being reconsidered.

For instance, in her 1995 essay, "Women, Men and American Indian Policy: the Cherokee Response to 'Civilization,'" Theda Perdue examines the impact of Euroamerican technology on Cherokee gender roles in the early nineteenth century from the perspective of the Cherokees and their worldview. The promotion of technology to compel a shift from a hunting economy to an agricultural economy and an economy of production for the marketplace was considered to be a civilizing advancement by American policymakers. The primary obstacle lay in the resistance of Cherokee men to agricultural work, considered a woman's role in the gendered Cherokee divisions of labor (92). Cherokee women, on the other hand, were immediately accepting of other related technologies such as spinning wheels, which enabled them to restructure a traditionally feminine pursuit (making clothing) into production for the marketplace, at least for a time. Cherokee men found their traditional role as mediators between Cherokee society and the outside world adaptable as they became the merchants of the women's products (102-107). In this way, Cherokees adapted to both agricultural and manufacturing technologies, and entered into the market economy, in manners which supported their own worldview, while also lessening the potential for feminine labor to fall into feminine subservience.

The introduction of animal husbandry to the group was adapted as an acceptable occupation for men when Cherokee men chose to perceive and treat "stock" animals as "game." Not only was this a Cherokee adaptation that permitted a continuation of an aboriginal gender role (that of hunter), but perhaps even more importantly in terms of thwarting the intentions of white Americans, it continued to necessitate Cherokee occupation of larger tracts of land (Perdue, 1995:97-101).

The Cherokees appeared to have successfully assimilated other cultural aspects. Although most historians have overestimated the breadth of the Cherokee desire for formal education and Christianity, both were introduced into Cherokee society. As McLoughlin (1990, 1994) and Mihusuah (1993) discuss, the adoption of each was slower and fraught with more tension than most historical accounts of the Cherokees have indicated. In addition, the development of the Cherokee syllabary by Sequoyah over a period of about twelve years demonstrates not only the intense desire of one individual to counter the charges of both religious and cultural inferiority that were leveled against his people, but also to partake of the advantages that this technology seemed to impart to the white man. The development of the Cherokee system of writing greatly facilitated the communication of ideas and information within the tribe. From the time of its introduction in 1821, the Cherokee people became an instantly literate and better-informed people. Now the actions of those Cherokees fighting in Washington against the policies of removal could be reported and disseminated throughout the nation with greater consistency and in a form allowing for prolonged study. Likewise, the new laws that were being put in place could be studied and debated by the common Cherokees as well. Furthermore, interpretations of these events could be communicated from the Cherokee worldview, rather than attempting translation from a foreign language filled with foreign concepts. The written language contributed greatly in boosting the Cherokees' sense of self-determination in a time of growing pessimism, and strengthened Cherokee pride and sense of ethnic identity (McLoughlin, 1986:350).

Although clearly double-edged swords, the white man's knowledge and religion also became more accessible to the Cherokees through the development of the syllabary,

with common schools established after the 1850s instructing Cherokee students through the Cherokee written language. Although the more elite Cherokee seminaries projected quite the opposite image, by insisting on English only and denigrating much that was culturally Cherokee, the educational experiences of most Cherokees occurred in the common schools (Mihesuah, 1993).

White missionaries to the Cherokees, especially the Reverend Samuel Worcester and the father and son Reverends Evan and John B. Jones, who were both Cherokee speakers (it was John's first language), wasted no time in translating the Bible into the written Cherokee language. This was quite an undertaking, as the worldviews underlying the two systems of thought were vastly different, but through the translations of John B. Jones, in particular, Christianity managed to develop among the Cherokees with a peculiarly Cherokee twist to it (McLoughlin, 1990, 1994)!

In this way, increasingly larger segments of the Cherokee population were able to find value in both the educational structures and religious teachings of the white man, but their value was in their adaptation by Cherokee people *to already existing Cherokee worldviews*. Changing technologies and social systems present a backdrop in front of which identity was constructed and reconstructed. The invention of the Cherokee syllabary greatly increased the possibilities for the *retention* of Cherokee identity and worldview in the face of the changing technological, educational, and religious adaptations.

Some very immediate threats to Cherokee existence accompanied technological and social changes, and no Cherokee was unaware of them or untroubled by them. At moments, the life of every Cherokee was punctuated by great change that endangered

their existing worldviews, and then struck by the reactive backlash to those changes. In a larger sense, Cherokee identities were impacted much more by these dramatic punctuations. In particular, ethnic and nationalist identities were most emergent, and often in conflict with each other. Yet both areas of emergent identity, ethnic and nationalist, eventually fused by the end of the century into what might be described as a tense symbiosis. The symbiosis has rarely been acknowledged, nor has the resulting internal Cherokee acceptance in the nineteenth century of widely inclusive identities, and the emergence of Cherokee diversity and diaspora, which ultimately allowed both ethnic and nationalist identities to persist even to this day.

Ethnicity is often described as a twentieth-century Western invention. Likewise, nationality is a fuzzy term, employed differently by anthropologists than by political scientists. But the Cherokee people in the nineteenth century developed notions of what would be called today, by anyone's standards, ethnic and nationalist identities as means to simultaneously change and persist. Certainly both were in reaction to white encroachment; what is less recognized is that both were also proactive to Cherokee survival.

The earlier social structure of the Cherokees was highly dispersed and decentralized. The Cherokees were a loose conglomeration of peoples calling themselves "Ani' Yunwiya" (the Real People), united culturally by language, clans, and ceremonial practices. There was a system of clan laws and town chiefs that united the Cherokees in a loose political structure, although each town was autonomous of the others and no overarching governmental structure existed to link them (Champagne, 1992; Fogelson and Kutsche, 1961; Gearing, 1962; Mails, 1992; Reid, 1970; Strickland, 1975). As told

in the oral tradition, a hereditary priesthood, the Ani' Kuta'ni, seems to have been overthrown by the people sometime prior to contact with Europeans because of their corruption and heavyhanded use of power (Champagne, 1992:35, 39; Mooney, 1982:393-3). Afterwards, the Cherokees ruled themselves by consensual systems with powers and duties delegated among a number of chiefs. Chiefs were divided, according to their recognized abilities, into "white" chiefs, who had primacy in times of peace, and "red" chiefs, who had supreme authority in times of war. In some of the towns there was also an office that existed specifically for women. The "Beloved Women" were part of the red government and were most prominent in wartime in deciding the fate of captives and adjudicating disputes. These were usually women who had fought in battle alongside the men (Allen, 1986; Gearing, 1962). Cherokee towns were also divided into White towns and Red towns, the Red towns being the defensive flank of the people (Mails, 1992:91, 93-4, 99-100; Strickland, 1975:24-26).

This political structure continued throughout the eighteenth and into the nineteenth century. Although the Cherokee people still conceived of themselves as a system of autonomous towns with numerous chiefs throughout their dealings with the British and the early American republic, an anthropological sense of "nation" as a people united by shared language, clan, and ceremonial practice also existed. But as white encroachment resulted in greater and greater cessions of land through warfare and treaty, some of the northern and eastern towns began to be relocated or dispersed. The decentralized Cherokee political structure was not respected, and the colonial government quickly realized that chiefs could be played off against each other, selectively chosen as

representing all the people when convenient, or none of the people, if that were more convenient. In truth, some of the chiefs represented some of the people some of the time.

The selection of chiefs to represent the towns in the late-eighteenth and early-nineteenth centuries is telling. Among those chosen as chiefs were intermarried whites such as John McIntosh and John Walker, mixed bloods such as Major Ridge, and fullbloods such as Toochelar, Skiuka, and The Seed (McLoughlin, 1986:144). At other dates, mixed bloods such as John Ross, William Shorey, and Charles Hicks served as chiefs in the old town structure, as did fullbloods Chulio, Katahee, Doublehead, Black Fox, and Pathkiller (McLoughlin, 1986:114-17). At various points in Cherokee history, these chiefs flowed in and out of alliances with and factional splits from each other.

Consider the stories of some of these individuals. The fullblood chief, Black Fox, was deposed on charges of enriching himself at the expense of the people. The fullblood chief, Doublehead, was assassinated by Major Ridge and two others, acting upon orders from the other chiefs under Cherokee law, which stated that selling or ceding more Cherokee land was punishable by death. Ridge himself, his son, and nephew were assassinated for exactly the same crime thirty-two years later, as Ridge suspected he would be, after signing the 1835 treaty of removal.

The fullblood and traditionalist Pathkiller was chosen as the Principal Chief of the newly restructured Cherokee Nation, with the full support of the mixed-blood and intermarried white chiefs. Several years later, the eighth-blood and highly acculturated John Ross was chosen to take the position, supported by the fullblood and traditionalist chiefs.

The fullblood Chulio (The Boot, Shoe Boots) was a wealthy man and a slaveholder, later reprimanded for marrying one of his black slaves and having children with her. He struggled near the end of his life to have these children recognized as citizens by the Cherokee Council and to keep these children from being claimed by white slavers, the latter an endeavor in which he ultimately failed.

A few decades after, Richard Fields acted as attorney general of the Cherokee Nation south (the Confederate-sympathizing minority of the Cherokee Nation, often described as the "wealthy, mixed-blood slaveholders") during the Civil War, opposite the "fullblood" Ross factions. He served later as a delegate to Washington in the reunited Cherokee government in the Reconstruction era after the southern Cherokees had been defeated. His daughter, Lucy, married Redbird Smith, born of a family of staunch traditionalists and northern sympathizers aligned with the Ross Party. Smith became a powerful medicine man and the charismatic leader of the Nighthawk Keetoowah Society, the most enduring revitalization movement to date among the Cherokees.

These stories, and many others, illustrate the complexity of social and political life within the Cherokee Nation and once again belie the contentions that racialized identities have had ideological corrollaries or have been an overwhelmingly divisive force among the Cherokees. In their self-determined political system, developed from a worldview that stressed both individual and town autonomy, the Cherokees functioned by consensus, decentralized authority, and widely-distributed leadership. Mechanisms for swift removal and replacement of leaders were part of this system, and Cherokees from many strata could be incorporated into the leadership structure. Institutions also existed in which the participation and leadership of women was important. Those who aimed at

acculturation and were familiar with its mechanisms were brought into relevant positions. Those who were militarily experienced and talented were placed into appropriate slots. And those who were conservative were chosen for leadership by constituencies in towns that resisted further acculturation. But all were part of the overall council of towns that discussed and attempted to reach consensus on major issues affecting the nation.

Cherokee identities began to change significantly when the older political structures of the people changed. The formation of the tri-cameral, constitutional Cherokee Nation was one of the turning points in nineteenth-century Cherokee history. In this moment, a new Cherokee identity was established, that of the Cherokee national. It was an identity that derived from a need to find more effective ways to resist the increasing power and belligerence of the United States.

The move to seek unity in the face of an immediate and extreme threat resulted in concessions on all sides, and an emerging sense of a larger nation that surpassed the autonomy of the town structure. The issue of territory became extremely significant as more and more Cherokees faced forced or voluntary displacement. Relocations were not unknown to the Cherokees. Cherokee oral tradition tells of an enormous migration across the great waters from "the old country" and the loss of five of the original twelve clans (some say a loss of seven of the original fourteen), leaving the Cherokees with their remaining seven clans.[2] At the end of the search for "a country that had a good climate

[2] The story tells of a migration from the south, usually interpreted by traditionalists as an island home in the Gulf of Mexico or off the northeastern coast of South America. The people who later became known as the Cherokees left this island home after a volcanic event, crossed the waters and arrived on the coast of North America, perhaps in the region of present-day Texas. After moving north across the continent, the predecessors of the Cherokees encountered snow and ice ("the water turned to white") at which point they began to move east, soon coming into contact with mound building societies. After joining with them for a time, the Cherokees again broke away, continued to move east and finally met up with and joined the Iroquoian peoples, from which the contemporary language is derived. Later, the Cherokees broke away from the Iroquois and turned south, moving into the southeastern region of what is presently the United

and [was] suitable for raising corn and other plenty," the Cherokees arrived at their southeastern homelands in the present-day United States, and there they remained and prospered for many long years (Meredith, Milam Sobral, and Proctor, 1997:33).

The autonomy of the town structure was in itself partially the result of mobility *within* the Cherokee lands. Dissenting groups and clanspeople from already-existing towns sometimes formed new towns. Towns also moved due environmental pressures. In addition, population pressures caused existing towns to divide. Place and territory were important, but the communal ties of clan, ceremony, and language enabled the Cherokee people to move into new places, and ultimately discern the spirit of the new place and make it a *Cherokee* place.

By the early eighteenth century, white encroachment into their territories was already threatening to displace Cherokees. Oral tradition combined with the historical record tells of the first land cession of the Cherokees in 1721, and the angry emigration of a group of Cherokees who deeply objected to the sale. These Cherokees set out for the west and after crossing the Mississippi River were never heard from again. But in later years a hunting party discovered a tribe that had established itself at the foothills of the Rocky Mountains who spoke the old Cherokee language and kept to the old Cherokee ways (Mooney, 1982:391-392).

More concretely documented are the migrations of Cherokees from the easternmost regions of their territories in South Carolina and the northern areas in Virginia whose towns were destroyed or displaced by warfare and land cessions. In addition, warfare with white colonists in Kentucky and Tennessee drove the Cherokees

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States, arriving there probably no later than 1000 years ago. Both the Cherokees and the Iroquois have stories about this separation.

out of their lands west of Appalachia. Many of these displaced Cherokees from east and west were forced to relocate into regions the Cherokees shared with the Creeks and Chickasaws, territory that presently constitutes northeastern Alabama. In understandable anger, some of the more intransigent warriors among this population formed confederations with like-minded warriors of other tribes. Called the "Chickamauga Cherokees," they continued to engage in resistant warfare for several decades, while also being among the first to consider an exchange of land and migration to areas west of the Mississippi in order to evade further encroachment by whites. Although the people of the Lower Towns ultimately coalesced with the majority populations of the Upper Towns in resisting removal, by the end of the first decade of the nineteenth century, many individual families or small groups of Chickamaugans had already emigrated to territories presently in Arkansas and Missouri (McLoughlin, 1986:138-56).

Among those who migrated to Missouri was a Chickamauga chief, John Bowles, also known as The Bowl, or Diwa'li. In 1794, Chief Bowles had settled with his family and followers in the valley around the St. Francis River in present-day southeastern Missouri, where they remained until 1811 when the New Madrid earthquake occurred. Like many people in the affected regions, the Cherokees were badly frightened by the quake and moved their settlement into a region of Arkansas near present day Perryville. In 1817, the eastern Cherokees ceded part of their lands in exchange for territories in Arkansas where many of their expatriates were already living. The Arkansas territories of the Cherokees were surveyed in 1819 and did not include Chief Bowles' village in the surveyed area. At this time, Chief Bowles and his followers were forced to leave their Arkansas homes. This time they journeyed still further south, ultimately settling in the

area of east Texas now included in Smith, Cherokee, Rusk, Gregg, and Van Zandt counties, near the present day towns of Tyler, Rusk, and Henderson (Everett, 1990; Clarke, 1971).

In 1817, as part of the land cession treaty, a larger migration of Cherokees from the east to the Arkansas territory occurred. This group, called the "Old Settlers," consisted largely of the more traditional peoples of the Lower Towns who sought to escape the intrusion of whites that had become particularly irksome in their Alabama and central Tennessee regions. But also included among these settlers were intermarried whites and their offspring, former British loyalists, some of whom had aligned with the Chickamaugans in earlier decades. Thus the western Cherokee population came to consist of a mixture of deeply cultural and ethnic Cherokees seeking a place where they could continue an old way of life, and highly acculturated plantation owners and businessmen who were politically aligned with them (McLoughlin, 1986:220-27).[3]

One additional term of the treaty, which ceded portions of the Cherokee territories in Georgia and Tennessee, was that individual Cherokee heads of household who wished to accept 640 acre reserves and become citizens of the United States, in exchange for detribalizing, would be allowed to do so. A number of Cherokees in the affected areas accepted these terms (McLoughlin, 1986:231).

Thus by the early nineteenth century, when the Cherokees began to restructure their government and assert a more formal political nationalism, ethnic\cultural Cherokees who continued to maintain contact with the eastern Cherokees were already

[3] Stories are told of dinner parties of an evening in opulent Arkansas Cherokee homes, at which food and drink would be served on the finest china and crystal. The guests would be surrounded by the richest furnishings, and would sleep on the finest feather beds. The next morning, war parties would leave from these homes, intent on raiding and scalping neighboring Osage warriors!

widely dispersed across Missouri, Arkansas, and Texas, and detribalized Cherokees existed in North Carolina and Tennessee. In addition, detribalized bi-racial (white and Cherokee) and tri-racial (white, Cherokee, and African-American) communities continued to exist in Virginia, West Virginia, and South Carolina, many of which date to at least the early to mid-1700s. These are communities that were identified by outsiders as "white" or "black," but whose own members retained a knowledge and a memory of their Cherokee ancestry as well (Rice, 1995). Thus a variety of displacements, both geographic and cultural, could be found. Ethnic and nationalist Cherokee identities were both interwoven and separate, contested and strengthened, dependent on which portion of the Cherokee diaspora one wishes to emphasize.

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As described by McLoughlin (1986:146-67), the Cherokee government began to consolidate into a more centralized form at about 1809 in response to an especially threatening removal scheme that was being actively promoted by the Indian agent Return J. Meigs. The more conservative populations of the Lower Towns (in northeastern Alabama and central Tennessee) were showing significant indications that they would be willing to consider removal to territories west of the Mississippi River. The more numerous populations of the Upper Towns (in the region of northern Georgia, eastern Tennessee, and western North Carolina) included the acculturated minority in the tribe, but large numbers of very traditional people as well. The Upper Towns were adamantly opposed to removal of anyone from Cherokee territories, which the federal government

was insisting would result in the loss of 1250 acres of (eastern) Cherokee land for every family who chose to remove, in exchange for a comparable amount of land west of the Mississippi (McLoughlin, 1986:162).

Ultimately, the coercive pressure to remove pushed most Cherokees to side with the position of the Upper Towns and their chiefs, some of whom were mixed-bloods. This group fought strongly to oppose removal, but also made concessions to the Lower Town chiefs in order to coalesce both groups into a more formal governmental structure, called the National Committee. The National Committee thereafter superseded the town structure of government that had tended to represent very regionalized issues at separate councils. The structure of the new National Committee was more resistant to outside manipulation, and contained representatives from both the old (white) chiefs, who tended to be more conservative, and the young (red) chiefs, who included some of the more bicultural members of the nation, as well as the most fiercely resistant.[4]

In one of the first resolutions passed at a council in 1810, the Committee took several steps to define the emerging Cherokee national identity. This Cherokee identity was, for perhaps the first time, strictly tied to territory, and pertained only to those who lived within the fixed boundaries of the Cherokee Nation. Initially it was made clear that those who chose to remove did so as individuals, and that the lands they had occupied would revert to the larger Cherokee Nation and were not to be regarded as exchangeable by the federal government for lands in Arkansas Territory. Severe wording made it clear that those who removed would be considered as having committed treason against the

[4] As McLoughlin points out, the designations "young chief" and "old chief" were loosely generational, but referred more to the experience and standing of a particular chief. Most "young chiefs" did not become "old chiefs" until they were into their forties, at least, if at all. The movement from the status of "young chief" to "old chief" was ritually marked.

Cherokee Nation. The revered personal and town autonomy of the past had become a threat to the overall good of the people, and this was reflected in the redefinition of the Cherokees as a nation, no longer a conglomeration of towns.

But in this, the aboriginal conception of land as held in common was strengthened and reinforced, even among the wealthier, more acculturated Cherokees who occupied large tracts of land. While a Cherokee might own his\her house and all improvements upon the lands s\he physically occupied and used, s\he would never own the land itself. The merging of aboriginal conceptions of land use and ownership with more centralized political structures adapted from the Euroamerican system was seen as the best defense against the pressures for detribalization and removal.

For the first time, Cherokee identity was specifically stated as primarily a national identity, rather than one based in the ethnic structures of language, clan, and worldview. But for some among the leadership, the notion of Cherokee identity was being envisioned beyond even territorial nationality. Some were beginning to see the possibility of establishing a distinct, sovereign, and independent republic separate from the United States. Some were beginning to conceive of a Cherokee nation-state.

The aggressive delineation of the nationalist identity continued over the next twenty years. Amidst another mounting campaign for Cherokee removal, the National Committee developed the political reform act of 1817. Sometimes called "the first Cherokee constitution," the act was an insightful attempt to merge some of the most important social tenets of the Cherokees, in which their ethnic worldview was central, with the urgent need to protect Cherokee lands and rights. As a vehicle for more firmly asserting the national identity, this early act addressed within its scope the continuing

problem of land exchanges and emigrating Cherokees (basically reaffirming and codifying its positions taken in 1809). It institutionalized the National Committee and another body, the National Council, within which the Committee existed. The Committee numbered thirteen and, although not specifically mandated, was comprised mainly of the more acculturated Cherokees (i.e., those who were most proficient in the English language). The Council, whose larger number included the chiefs of all the towns, was comprised of about three-quarters traditionalists, accurately representing the composition of the Cherokee people at this time. The duties of both bodies were specified. All proposed laws were to originate in the Committee, but it was up to the Council to concur with or reject them. Only the Council, as the more representative body, was authorized to enter into treaty making with foreign governments. The Committee was assigned control over the National Treasury, the annuities received from the federal government, all expenditures, and the disbursement of funds and stipends. It denied the ability of the Indian agent Return J. Meigs to disburse monies from the national annuity to traders and others who often presented inflated claims against Cherokee individuals (McLoughlin, 1986:224-26).

While its scope covered primarily economic and political concerns, the reform act did significantly incorporate aboriginal Cherokee practices and beliefs in these particular areas. As a first step towards institutionalizing a new sense of nationhood, the act moved between dealing with the reality of Cherokee participation in a market economy, and the desire to retain Cherokee notions of property rights. Common ownership of land and certain other kinds of property (presumably a nationalization of enterprises such as saltworks, mines, mills, ferries, hostelries, etc., if their Cherokee operators were to desert

them to remove west) was reasserted, reaffirming the Cherokee conception of ownership. Importantly, Cherokee women's property rights were reaffirmed. In Euroamerican terms, women's property was at risk in cases of intermarriage, or cases of removal where the husband emigrated and the wife chose to remain. The reform act of 1817 specifically upheld the property rights of Cherokee women, and reaffirmed separate ownership of the products of their own labor and improvements (McLoughlin, 1986:225).

In the formation of the relationship between the National Committee and the National Council, the beginnings of a symbiosis between the more acculturated Cherokees and the more ethnic Cherokees can be derived. In the duties designated to the National Committee, there is an implicit acknowledgement of the particular skills of these individuals in interacting with a culture and worldview that is entirely foreign and intensely dangerous. In the duties stipulated to the National Council, which includes the ultimate power to render a decision (to accept or reject a proposed law, to enter into a treaty), there is an implicit bow to the traditional ethic of consensus, and the better ability of the traditionalist majority to understand and judge what is acceptable change and what has gone too far. One body deals largely with the external world; the other provides the relationship to the internal society. Membership in both bodies was not mutually exclusive; some persons were recognized as able to walk very well in both worlds.

Throughout the following decade of the 1820s, the nation underwent further political restructuring. The bicameral nature of the Council was elaborated, a national court system was instituted, and representation by town chiefs gave way to redistricting and a system of elections. Although this has been described as a decade in which the

Cherokees either progressed nicely, or, conversely, when traditionalists were overrun by the minority, McLoughlin probably describes the situation more accurately:

> *Although there was no outright attack upon Cherokee traditionalism by the Council (and could not be, because the majority of the Council were traditionalists), there was a clear effort by strong mixed-blood leaders* ***to adjust tradition to current circumstances.*** *It was no easy matter to convince a Council that had a majority of full bloods who spoke no English to graft all of these innovations onto traditional practices. The leaders in these innovations -- Charles Hicks, John Ross, Major Ridge, William S. Coody, and John Martin -- risked alienating the conservative people in order to prove to the white man that the Cherokees could understand and manage a republican form of government. Not all of the Cherokees approved of these laws or followed them in detail, but most acquiesced. They did so in hope of improving their standing with whites who kept calling them savages...*(1986:284, emphasis mine).

This statement underscores the assertion that race was never understood by Cherokees as a factor that determined individual abilities. The leadership pushing political acculturation never believed the fullblood Cherokees were incapable of all the white man said they were incapable of. If they had believed that, they would never have attempted this restructuring working within and through the predominantly fullblood Council. The intent of the acculturationist minority was not to override or throw away traditional Cherokee systems or worldview, but to merge that worldview with outside political systems. Perhaps in this they were naive, but they were attempting, on a grand and conscious political scale, what has generally been done by peoples who come into contact -- adoption and adaptation. It is unquestionable that their ultimate goal was to create a better situation for the people, one in which the Cherokees, all together, could defend themselves more effectively. The high regard the acculturationists generally held for the traditionalists, and vice versa, is perhaps best exemplified by the fact that of the five men named by McLoughlin, all except Major Ridge continued to act in ways that

were overwhelmingly respectful of and respected by the majority of Cherokees. All were continuously elected and appointed to positions of leadership until their deaths. Major Ridge would likely have continued in this fashion as well, had he not signed the removal treaty, an action for which, in accordance with Cherokee law, he paid with his life.

The laws that were passed during the 1820s most impacted the elite classes of Cherokees. Forty-two per cent of all laws were intended to provide regulation to the emerging market economy in which these elite families were dealing heavily. For most Cherokees, these laws probably had negligible impact. The twenty per cent of the laws that concerned more immediate social relations were sometimes troublesome. These included laws regulating marriage customs (such as the Cherokee practices of polygamy and serial monogamy, accompanied by an ease and lack of formality around both marriage and divorce), women's roles and rules of inheritance, education, religion, gambling, drinking, and the status of slaves and intermarried whites (McLoughlin, 1986:289). In truth, most Cherokees simply disregarded the laws when they were at odds with private traditional practices. This included even acculturated Cherokee polygamists such as John Martin, who had two wives, and Joseph Vann, who had three. Even among these elite families, it can be discerned that, with a Cherokee tolerance, divorce remained relatively easy and without stigma, and women's power was not severely eroded (Starr, 1968). Other laws were undoubtedly equally ignored. But they were on record, and the Cherokee notion of themselves as a people who could make laws just as good (or even better) than any white man was reinforced.

The culminating event in the development and institutionalization of the Cherokee Nation was the 1827 Constitutional council. At this time, the vision some leaders had of

a sovereign, independent, self-governing nation-state, separate from and equal to the United States, had fully matured. As described by McLoughlin (1986:396-401), and as in previous documents, the Cherokee Constitution first asserted permanent Cherokee ownership of its 1827 territory, and it reaffirmed communal ownership of all land within this boundary. It asserted sovereignty and jurisdiction over all people within its boundaries, and over all Cherokees, who must reside within its boundaries in order to remain citizens. In this statement is the clearest delineation to date of the difference between an ethnic identity as "Cherokee" and a national identity as "Cherokee." A Cherokee national was defined by residence within the nation, within the group.[5] In retrospect, it can be said that this drew a distinction that has been problematic ever since.

The new Constitution reaffirmed the National Committee and the National Council, but made a very distinct separation of them at this time, resulting in a fully bicameral legislative body. The Constitution further defined Cherokee citizenship; intermarried whites and blacks within the nation were henceforth limited in their citizenship by being excluded from elected office. Women were disenfranchised, and the father was established as the official source of parentage, directly contradicting the traditional matrilineal clan system (1986:398). Other articles defined the positions of Principal Chief and Assistant, and provided for new structures such as a Council of Advisors and a National Treasurer. It also institutionally established the Cherokee system of courts, which had been developing for several years by this time (1986:339).

[5] Although the relationships between the eastern Cherokee Nation and the western Cherokees were maintained, the Texas Cherokees and the Old Settlers in Arkansas both maintained separate leadership and separate forms of government, in essence, separate nations. In Arkansas, the government was also constitutional, with codified sets of laws, legislative and executive bodies, and a formal system of law enforcement. In Texas, the structure followed an older system of chiefs and warriors.

In the social realm, the Constitution articulated, for the first time, a sort of "Bill of Rights," at least as concerned judicial matters and religious freedom in a situation of increasing religious pluralism, as Christianity began to be adopted by some Cherokees. Freedom of speech and freedom of the press (the Cherokees were on the verge of establishing their first newspaper) were not guaranteed; the situation with the federal government and the pressures for removal were too precarious for the Cherokees to abide much more in the way of internal dissent. For the most part, the articles dealing most directly with social matters contained nothing that would be too offensive to traditionalists (McLoughlin, 1986:399-400).

Overall, the document is diplomatically and ambiguously worded, with several areas of obvious concession to traditionalist sensibilities, and several areas that may have been irritating. On the one hand, non-Christian forms of marriage were implicitly validated, but the matrilineal clan structure was implicitly overturned in favor of patrilineality. Patriarchy gained an even stronger toehold among the Cherokees via the article disenfranchising women, probably to the dismay of traditionalists, but in actuality, women had not participated in councils for twenty years or more by this time. The Council of Advisors was an attempt to further incorporate learned elders and old chiefs into the new government. The article guaranteeing freedom of religion must have especially delighted traditionalists as much as it especially displeased missionaries, for in the Cherokee context, it amounted to a refusal to discriminate against the non-Christian majority or to institutionalize the new Christian religion. In fact, in only one place does the Constitution specifically make a reference to "God," which traditionalists could easily translate into the context of their own worldview.

In all, the first official Cherokee Constitution of 1827 was another remarkable attempt to incorporate traditional social systems and worldview into a new political order. It represented the hope that a national identity, in the context of a centralized nation-state, could be achieved without subverting ethnic identity. The remainder of the century would be spent in discerning if that notion could hold true.

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The eighteen-year process of the development of the Cherokee nation-state and an emergent Cherokee national identity may seem as though it occurred gradually. But traditionalist response to the changes indicates exactly how rapid it really was. The eighteen-year period over which the Cherokee Nation emerged was indeed a punctuated "moment" in the perceptions of most Cherokees. But just as rapidly as it was formed, the new political structure seemed to achieve some important successes for the Cherokees. Beginning in 1809 and again in 1817, and throughout the decade of the 1820s, the Cherokees used their new political system and their savvy young chiefs to stave off one removal scheme after another, even as they ruefully watched other tribes succumb to the pressures to remove. As their successes multiplied, self-confidence rose and the new sense of Cherokee nationhood and nationality was swiftly consolidated. Through the structure of the National Council and the dissemination of information through use of the syllabary, wider segments of the common people felt they had a real involvement in these successes, and their personal senses of national identity and nationalist pride were greatly enhanced.

Not all traditionalists were willing to negotiate, compromise, and consolidate to the extent that many of their Council representatives were. Throughout this period, notably in the years just after official changes in political structures were enacted, traditionalist rebellions and ethnic revitalization movements erupted. Such movements broke out in 1811-13, just after the consolidation of the town chiefs into a more unified National Committee. These were small-scale movements whose specific impacts were negligible, but significantly, they centered in the revitalization of the Cherokee religious practices (Thornton, 1993:366-7). As such, they were a deeply ethnic response to the emerging importance of a national identity, which the participants intuitively or cognitively understood posed threats to the dominant and ethnically-rooted Cherokee identity.

Their impact was noted, however, mainly in reiterating to the innovative chiefs the necessity of moving slowly and achieving consensus before further enacting political changes. No concerted rebellion broke out after the 1817 reform act, but by the early twenties, there was growing feeling that enough was enough. The strongest rebellion arose in the years between 1824-27, and is most commonly referred to as "White Path's Rebellion."

White Path was one of the most traditional chiefs in the National Council. He was "broken" -- displaced and removed from his position -- as was the traditional practice in instances of dissension, by the other chiefs for his staunch and continuing opposition to the calling of a convention to draft a formal Cherokee Constitution. After his removal from the Council in 1824, he assumed the leadership of a loose movement of discontent that later came to be called a rebellion (McLoughlin, 1986:388).

The "rebellion" was not especially organized. It was not violent in its nature; no one was killed in its course. It, too, was largely religious in its manifestation. It displayed the growing awareness on the part of traditional Cherokees of the potential impact that political and economic reforms could have, and were having, on their ability to retain ethnic Cherokeeness.

While the rebellion's most apparent agenda was to block the development of a Cherokee constitution, its wrath seems to have been directed in large part to the rapid expansion of Christian missionary activities in recent years. It openly challenged missions and mission schools, camp meetings, itinerant preachers, etc. The traditionalists, whose worldview sought and valued harmony and cooperation above all else, were greatly affronted by the challenges, unrest and divisions that Christian missionaries were deliberately fostering in their quest for converts (McLoughlin, 1986:384).

Perhaps out of fears that a constitution would institutionalize laws and practices that had been but loosely enforced up to this point, including the institutionalization of Christianity and Christian morality, the dissident traditionalists began a campaign of resistance. Especially odious were the laws that made illegal longstanding Cherokee customs derived from the system of clans and clan law. These included laws pertaining to clan revenge, polygamy, matrilineal inheritance, witchcraft, and the maternal right to practice abortion and infanticide. Other laws specifically discouraged the old religious practices, such as ball play and all-night dances and other ceremonials (McLoghlin, 1986:389). While most of these laws had been sparingly enforced, the fears of the traditionalists seemed to be that they would be further codified, entrenched, and implemented if drafted into constitutional form.

At its inception in 1824, many of the chiefs of the National Council and National Committee, as well as white observers, did not seem to pay a great deal of attention to the rebellion. The missionaries, for obvious reasons, seemed to have been most aware of it, and were concerned. But documentation of the events of the rebellion is sparse, apparently due to this lack of attention on the part of the councilors (McLoughlin, 1986:391-93). By the time the constitutional convention was proposed in 1827, dissension had risen to a degree that threatened this planned development. At this point, the Council could not but pay attention.

The fact that there are few written accounts of the rebellion is, in many respects, a testament to the ability of the traditionalists to organize via the power of the oral tradition, without employing the "advantage" of written recordkeeping or communication, and without being discerned by those who depended perhaps too heavily on the emerging literate culture. In retrospect, the fears of the traditionalists about the content of the Constitution seem to have been unfounded. But it is more likely that *because* of their strong and open dissent, the Cherokee Constitution was careful not to overstep the limits to its acculturative goals, in order to be supportive of or, at the least, benign with respect to the desire of most Cherokees to retain a deeply ethnic identity.

The goals of the rebels were thus achieved to some degree. The Council was compelled to make overtures to the rebellion, and an agreement was reached whereby traditionalist dissidents consented to strive within the new political framework to achieve their desires. The Council almost certainly moved more cautiously in drafting a constitution than they would have had the insurgency not broken out. White Path and several other leaders apparently refused to participate in reaching a compromise.

Nevertheless, sufficient trust for the members of the Council remained among enough of the insurgents to the extent that the insurgents agreed to try to work with the Council. The alliance was still possible because, in fact, the rebels were not so much rejecting the changes already enacted, as they were reacting against moves toward continued rapid change (Thornton, 1993:367). In some way, the rebellion was cautioning the Council to proceed more carefully.

In the year after the ratification of the Constitution, White Path was chosen as a representative from his district to the National Council under the new electoral system. By 1837, he was described as being within the inner circle of correspondents of Principal Chief John Ross, and the following year he was included among a delegation operating in Washington (McLoughlin, 1990: 159, 168). White Path and the traditional agenda were not co-opted; rather the new government under John Ross had learned from the experience of White Path's Rebellion that the traditionalist majority of the tribe would insist on playing a determining role in the future of the Cherokee Nation. It was a lesson Ross would never forget, and the traditionalist support he gained enabled him to survive the challenges to his leadership over the next forty years. Those attempting to forge a new nation and national identity learned to respect the desire for ethnic identity in the forefront of their efforts. Once again, the various segments of the Cherokee people found methods of achieving a symbiosis of roles and identities.

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The Cherokees had no sooner survived a cultural crisis in the development of their new constitutional government than they were obliged to put their new nation-state and its pronouncement of sovereignty to the test. In 1828, gold was discovered in present-day northeastern Georgia, a region within the territorial boundaries of the Cherokee Nation, but claimed by the state of Georgia. White encroachment into this area, which had been encouraged by the state and unchecked by the federal government for several years, now exploded, and the state of Georgia began to enact forced removals of Cherokees from their homes. Most of these removals were carried out by hastily-organized gangs of state-supported riff-raff who called themselves the "Georgia Guard."

Cherokee families were thrown out of their homes and driven off as they watched white intruders swarm in within moments to occupy their houses and usurp all their possessions, their improvements, their stock and their gardens. Cherokees who resisted were beaten and sometimes killed. No amount of wealth or influence seemed enough to save any Cherokee family from this fate. Not only were the common people vulnerable to attack, the wealthiest man in the nation, Joseph Vann, and his family were thrown out of their opulent home in just this fashion. Principal Chief John Ross also returned from a trip to Washington, D.C. (perhaps to protest this very problem) to find that his elegant family home had been overtaken and his family confined to two rooms until his return, at which time all were cast out. No amount of "civilization" or pretensions to nationhood seemed to matter. The Georgians wanted the land and they were determined to take it.

Georgia began to take aggressive action to extend its legal jurisdiction over the Cherokees within the boundaries it claimed and to assert states' rights over those of the federal government and Cherokee political communities. Elected in 1828, U.S. President

Andrew Jackson was not only a staunch advocate of Indian removal, but also of states' rights. In these circumstances, with Georgia acting more aggressively and the federal government disinclined to restrict her, Cherokee options for further actions were limited. Warfare was unrealistic against the growing power of the United States and the white settlers that both surrounded the Cherokee Nation and intruded within her boundaries. In 1830, Congress passed the Indian Removal Act, negating the possibility of a legislative option or of Congressional support for the Cherokee cause (Norgren, 1996:52). The Cherokees had lately considered the option of working through the legal system of the United States to try to secure their rights and homeland. As other options began to disappear, they began to weigh more heavily the idea of testing their sovereign status in the U.S. Supreme Court against the State of Georgia.

The first of two landmark cases, *Cherokee Nation v. Georgia*, was filed in the Supreme Court in 1830. It asserted that the Cherokee Nation was a sovereign foreign nation and as such was not subject to the jurisdiction of Georgia state laws. It claimed that the relationship between the Cherokees and the United States via federal treaties superseded any state laws. The Court very deftly avoided the central argument of the case (that Georgia had no jurisdiction) by addressing the assumed basis for the suit: that the Cherokee Nation was "foreign." In the majority opinion, Chief Justice John Marshall argued that Indian nations were not foreign, but were "domestic dependent nations," and wards of the United States. This determination rendered moot the rest of the case, and the Court thus sidestepped the broader implications for states' rights (Norgren, 1996:101-2).

Soon after, Georgia passed another coercive law that made it illegal for any white person to work within the Cherokee Nation without a license from the state. This law particularly impacted the many missionaries operating in the Nation, and in 1832, a number of American Board missionaries, led by Rev. Samuel Worcester, decided to defy the Georgia law. They were arrested, convicted by the state, and sentenced to four years hard labor in a Georgia penitentiary. The state offered pardons to those who would remove themselves from the Cherokee Nation. Most accepted the deal, but Rev. Worcester and Dr. Elizur Butler, two of the most prominent missionaries in the Nation, agreed to offer themselves as a vehicle for the Cherokee Nation to once again bring its assertions of sovereignty before the Supreme Court (Norgren, 1996:113).

The case was entitled *Worcester v. Georgia* and was brought to court in 1832. Technically the case argued that the missionaries had been sentenced under a state law that violated the U.S. Constitution's commerce clause. But more importantly for the Cherokee Nation, the case asked the Court to rule definitively as to whether the Cherokee Nation constituted a sovereign nation recognized by treaties with the United States, a status that should remove the Cherokees from state jurisdictions (Norgren, 1996:115). The Court was being asked to rule on the same question it had so circuitously avoided in the 1830 Cherokee case.

The attorneys for the missionaries (and formerly for the Cherokee Nation) used Justice Marshall's own words from the earlier decision to argue the sovereignty of the Cherokee Nation. Marshall had left the question of sovereignty in an ambiguous state, asserting that even as Indian nations were dependent and domestic (not foreign), they were also sovereign: "They are a State -- a community. Within their territory, they

possess the powers of self-government..." (Norgren, 1996:117). On March 3, 1832, Justice Marshall and the Court affirmed this version of Cherokee sovereignty, declaring that, "[T]he Indian nations ha[ve] always been considered as distinct, independent political communities, retaining their original natural rights, as the undisputed possessors of the soil." (*Worcester* 31 U.S. [6 Pet.], 559). Georgia was ordered to release the missionaries, and the state's harassment laws against the Cherokees were declared unconstitutional. The court went much further, laying out a vision of Indian nations not as foreign states, but nevertheless internally sovereign in their political structures, and in a direct relationship with the federal government that superseded their relationship to any state. Indian nations were thus defined as having "a status higher than states." The basis for this status and the sovereign relationship with the federal government lay in their treaties.

The enormity of these decisions for Native Americans cannot be overestimated. To this day, and it is anticipated, for generations to come, these decisions, collectively known as "the Cherokee cases," provide the precedent and the standard from which all federal Indian law is derived in the United States. The wording of the decisions is still too ambiguous, and the sovereign status of native nations is limited to a greater degree than they would desire. Subsequent court interpretations of specific cases have twisted the Marshall Court's opinion back and forth to arrive at desired outcomes over the years. But to date, these cases still offer to Native nations the possibility of success in the American legal arena in asserting the many aspects of political sovereignty.

The Cherokees could not know, of course, that the result of this case would have such an expansive impact. But they certainly understood the immediate impact, or rather,

what the immediate impact *should* have been, as evidenced by Elias Boudinot's reaction upon hearing the outcome: "And I will now take it upon myself to say that this decision of the Court will have a most powerful effect upon public opinion. It creates a new era on the Indian question" (letter to Stand Watie, March 7, 1832, as quoted in Dale and Litton, 1939). As stated by McLoughlin: "The Cherokees had now maneuvered white America into a corner. To drive the Cherokees off their homeland, the whites would have to subvert their own Constitution" (1986:409). Andrew Jackson and the state of Georgia proceeded to do just that.

The state refused to release the missionaries, and Jackson refused to order federal enforcement of the Court's decision. As news of the victory spread, euphoria exploded through Cherokee communities, but just as quickly turned to disbelief and dismay. In a series of complex events, the missionaries were finally released through a deal with the state in which they acknowledged their guilt and asked for magnanimity. Their position soon turned to acquiescence to the inevitability of removal, urging the Cherokees to cease further resistance.

Within three years a minority party signed the illegal Treaty of New Echota (1835), without the required approval of the Cherokee National Council. Protest and further opposition proved to be useless, and in the spring of 1838, federal troops rounded up almost 17,000 Cherokee people, forced them from their homes and their lands and into stockades and internment camps where they were held for months. Numerous estimates exist as to the loss of life resulting from the Trail of Tears, depending on the various methods of calculating the losses. Most estimates put the number of actual deaths at

4000, although the actual numbers reported amount to only 2000-2500. However, another 1500-2000 persons are simply unaccounted for (Starr, 1921; Thornton, 1990).[6]

At that earlier moment in 1832, the Cherokees had realized the vision of the young chiefs in establishing a functioning nation-state, an entity whose political sovereignty was acknowledged and upheld by the highest court of the United States. There was not a Cherokee alive who did not then believe that they could understand and operate within republican structures as well as any white man, or who was not fully participating in their new emergent identity as Cherokee nationals. They had won, and everybody knew they had won; that removal was still being forced upon them was due only to the dishonor of the white man in not respecting his own laws and courts (McLoughlin, 1986).

The commitment to retaining this new national identity was strong. The Council recognized that the Cherokees had a choice at this historical moment as to whether they wished to carry on with their great experiment. At the "moment" of removal, when everything would have to be built again from the ground up, the choice could be made to build the political edifice differently. In 1838, at the time of their greatest demoralization, a council was held in the camps in which a decision was made to carry the constitutional form of government to Indian Territory (Strickland, 1975:67).

The Cherokee cases represent the crowning achievement of the people not only in asserting a national identity, but also asserting political sovereignty through the courts of their greatest antagonist. The victory within their adversary's own system confirmed that

[6] Thornton (1990:73-76) also calculates what the Cherokee population *should have been* by 1850 and estimates that an additional 10,000 Cherokees would have existed had this ethnic cleansing not taken place.

the new identity could be workable alongside the older, ethnic self-conceptions, and ensured a strong commitment from the people to continue on the path they had taken.

In the new lands of Indian Territory, present-day northeastern Oklahoma, the eastern Cherokees reconsolidated after the Trail of Tears with the "Old Settler" Cherokees of Arkansas, who had also been compelled to move into Indian Territory in 1828. In addition, the Texas Cherokees had been encroached upon by growing numbers of Americans yearning to make Texas a republic of their own. Cherokee land claims in Texas had been denied, and warfare had ensued. White Americans had engaged Chief Bowles and his followers in battle on the Neches River in 1839. The old chief had been killed and dismembered and his roughly 800 followers, including women and children who had been present at the battle, were immediately dispersed. Some escaped deeper into Mexico, where they continued to reside; others headed north to rejoin their clanspeople in the Cherokee Nation in Indian Territory, although their return earlier had been discouraged by both the eastern and western Cherokees (Everett, 1990; Clarke, 1971). After arriving in Indian Territory, they continued to constitute a distinct group among the Cherokees, and were commonly referred to as the "Texas Cherokees" for generations afterwards. Likewise, the Old Settlers continued to be acknowledged as such within the reconstituted Nation.

The Cherokees who escaped to Mexico were quite isolated from the larger Cherokee Nation, but their existence was known. The inventor of the syllabary, Sequoyah went on a journey in search of the Mexico Cherokees, whom he discovered in San Fernando, Coahuila in 1842, shortly before his death (Everett, 1990:114). But as the decades passed, all contact was lost with the Cherokees who fled to Mexico.

Reconciliation was difficult in the Cherokee Nation after the Trail of Tears. The Treaty Party families faced the wrath of their countrymen for signing an illegal treaty of removal. In June, 1839, several of their family members, in accordance with traditional law, were assassinated. Some of them, the Ridge family, in particular, moved into Arkansas at this time. Near the end of the 1840s, some Treaty Party people, most notably John Rollin Ridge, emigrated to California and settled in the gold country around Grass Valley. Other Cherokee families remained in their longstanding homes in Arkansas and Missouri, detribalized and passed for "white" in their own communities. Still more Cherokee families "dropped out" of the Trail of Tears across southern Illinois, Missouri, and northern Arkansas, also integrating into white communities as well, or more likely, returning to the southeast, increasingly cautious in successive generations about revealing their heritage, as hatred and discrimination grew towards the few Indians remaining in the south. About 1000 detribalized Cherokee reservees remained in areas of North Carolina, Georgia, and Tennessee, coalescing in time with several hundred Cherokees who escaped the federal roundup to establish a reservation in North Carolina where they became known as the Eastern Band of Cherokees.

By mid-nineteenth century, the displacement of Cherokees thus had broadened. Cherokee communities could now be found from coast to coast and across the southern border of the United States in Mexico. While the main bodies continued to exist in Indian Territory and North Carolina, the expression of Cherokee ethnicity and culture diverged at this time. The language began to differentiate into distinct eastern and western dialects (with already existing sub-dialects in the western), and cultural practices evolved somewhat differently in each place. Variations in governmental systems also developed.

Among the more isolated Cherokee communities and individuals, different manners of ethnic Cherokee or "Indian" expression emerged, often of a necessarily more covert nature due to the more repressive conditions in which they existed. But in many of these families, the knowledge of a Cherokee heritage persisted nonetheless. The diaspora of Cherokee identities widened.

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In rebuilding a nation after the devastation of removal from their aboriginal lands, the Cherokees had cause to question the value of "civilization" programs, the tenets of which had often come into direct conflict with their ethnic identity as conceived through their tribal worldview. At this juncture, it appeared to many Cherokees that the respect and equal treatment they had expected from the white man upon becoming "civilized" was an illusion. For all of the attempts of the people to acculturate and adopt the ways of whites (attempts at which they had been successful), racism and greed had triumphed in the end.

The missionaries felt the brunt of this disillusion. A number of missionaries among the Cherokees had removed with the people, but after reaching Indian Territory, Cherokee participation in Christianity plummeted (McLoughlin, 1990:188). However, the ancient religion was in turmoil, as well, having been severed from its spiritual nexus which was located in the geographic places of southeastern Cherokee origin. In this context, the arrogance of the missionaries was checked, but the separation from the ancient religion remained unresolved, creating the moment for the fashioning of a

Cherokee Christianity. This process was in many respects similar to the grafting of republican government onto traditional worldview. The process was influenced by a cadre of newly-ordained Christian ministers, many of whom were ethnic Cherokees -- bilingual or even monolingual Cherokee speakers, frequently fullbloods raised in the traditional Cherokee worldview. Their brand of Christianity differed considerably from the individualistic, pull-oneself-up-by-the-bootstraps ethic that the wealthier Cherokees found more palatable. Largely under the direction of missionaries Evan and John B. Jones, Cherokee Christianity forged a link with the poor and downtrodden, and it was given a more cooperative flavor, resonating with the fundamental Cherokee worldview that emphasized a balanced and harmonious existence (McLoughlin, 1990).

In the late 1850s, it was at last possible for many Cherokee Christians (who still comprised only 12-15% of the population) to align themselves with Cherokee traditionalists through a secret organization, the Keetoowah Society (McLoughlin, 1990:193). Led by Cherokee Christian ministers, as well as traditional ceremonialists, and influenced by the Joneses, the emergence of this organization indicated that in the sensibilities of the conservative people, the time had come once again to apply the brakes to a Cherokee society that was changing too rapidly. The assertion of ethnic identity once again rose to the forefront, as had been the case with White Path's Rebellion and the religious revitalization movements of the early 1800s.

This time, however, there were some significant differences. Although Principal Chief John Ross was not involved in the emerging Keetoowah Society, the members of the secret Society essentially placed themselves at his disposal as a strategy for countering the opposition faction that was becoming increasingly threatening as the onset

of the Civil War loomed. At this point, the ethnic and nationalist agendas and identities intertwined more fully than ever before to counter what was perceived as a threat to both.

Leading the opposition faction was the Cherokee Confederate General Stand Watie, a member of the removal-era Treaty Party, a brother of Elias Boudinot, and a nephew and cousin of Major and John Ridge, all of whom had been simultaneously assassinated in 1839. Watie himself had been targeted for assassination at the same time, but had managed to escape. After leading a futile but bloody seven-year struggle to prevent the Ross Party from retaining power after arriving in Indian Territory, an uneasy peace had been negotiated, and Watie had lived a relatively quiet life. But the desire for revenge and to take what they considered to be their rightful place as leaders of the Cherokee nation had never dissipated in the Ridge-Boudinot-Watie family. The impending Civil War offered these families and their supporters, with Stand Watie as their leader, the opening they desired to destabilize the Nation and topple the Ross government.

The Watie faction consisted of wealthy, slaveholding Cherokees, but John Ross and many of his followers also owned slaves. Although the conflict is often described as wealthy-slaveholding-mixed-bloods versus oppressed-traditionalist-fullbloods, the Keetoowah Society understood their organization as a defense of ethnic identity, wealth and slavery aside. The Watie faction had become increasingly aligned with white business interests in the neighboring state of Arkansas. Their attitudes were becoming increasingly racist toward the fullblood Cherokee, and their rhetoric increasingly denigrated the traditional Cherokee worldview and practices, even the Cherokee language. This was despite the fact that Watie was himself a Cherokee-speaking

fullblood. There is abundant evidence that the Keetoowah Society reacted more to the haughtiness of this faction, rather than their wealth or their practice of slaveholding (Gaines, 1989; Hauptman, 1995; Wardell, 1938).

The Keetoowah Society's activities differed significantly from those of earlier traditionalist uprisings. McLoughlin has stated, "as a political movement, it represented a high level of acculturation for the full-bloods" (1993:159). Although its requirements dictated a highly ethnic Cherokee membership (proficiency in the Cherokee language and "fullbloodedness" were mandatory, the latter qualification mainly determined by one's ability to speak and think Cherokee, rather than a racial construction), it aligned itself closely with the Ross Party, and fought to defend John Ross personally and the Cherokee government generally during the Civil War.

The Society exhibited a high level of comfort with the idea of codified laws and a constitution, so much so that they were considered desirable even for their own traditionalist group. They developed a constitution which in part states, "As lovers of the government of the Cherokees, loyal members of Keetoowah society, in the name of the mass of the people, we began to study and investigate the way our nation was going on, so much different from the long past history of our Keetoowah forefathers who loved and lived as free people and had never surrendered to anybody: They loved one another for they were just like one family, just as if they had been raised from one family. They all came as a unit to their fire to smoke, to aid one another and to protect their government with what little powder and lead they had to use in protecting it" (Keetoowah Society constitution and laws, 1859-1866). The Keetoowah statement expresses *love* for the Cherokee government, and acknowledges concern for the direction of the nation. This is

not a repudiation of the national identity by any means, but rather indicates deep involvement and a sense of empowerment; the document shows that the Keetoowahs aimed to take matters, which had gone too far, in their estimation, into control. They proposed to do this by reiterating the traditional worldview of the Cherokees, repeatedly emphasizing the ethic of love and somewhat more abstractly, of harmony ("they were just like one family," "they all came as a unit"). For final emphasis, they harkened back to the spirit of the town of Kituhwa from which they derived their name. The town was considered the original nucleus of the tribe, was among the most conservative in keeping to traditional practices, and strongest in defending the northern border of the Cherokee territories under the old town system of the southeast (Mooney, 1891:15). The amazing reference to "coming to their fire to smoke" from a Christian-led organization is indicative of the continuing expression of the ancient Cherokee religion and the "Kituhwa spirit" among Christian Cherokees.

The Society was a remarkable expression of the degree to which Cherokee ethnic and national identities were developing compatibly with traditionalism, and the degree to which Cherokees could assert an emergent Christian component as part of an ongoing ethnic identity. The Society was primarily a cautionary organization, arising, as had others before it, when it appeared the Cherokee ethnicity was in danger of being politically overwhelmed by the elite minority. Principal Chief John Ross had learned early in his political career to respect and pay close attention to the overwhelmingly traditionalist majority; without them, he would not have continued to lead the nation. The Watie faction displayed evidence that by this time they were driven primarily by motives of revenge and a desire for power (Dale and Litton, 1939).

The Keetoowah Society was integral to restraining the Confederate Cherokees led by Watie during the Civil War. Each side, often in the guise of being Union or Confederate regiments, carried on guerrilla warfare against the other, devastating the Cherokee Nation and taking thousands of lives. One-third of the Cherokee people and their black slaves perished as each faction employed scorched-earth tactics against the other (Hauptman, 1995:42). At this time, some of the Texas Cherokees, as well as many of the Treaty Party families, fled again to Texas, where some remained even after the end of the War. The northern sympathizers and neutralists were more likely to flee to Kansas and Missouri, where some of them remained after the War. But for the Keetoowahs, no less was at stake than the continuation of the Cherokee people, both ethnically and nationally. They did not see how they could live either identity if the southern Cherokees were to prevail. In addition, all their treaties were signed with the federal government. After the declarations of sovereignty, which they understood seemed to have been legitimized by the U.S. Supreme Court in 1832, many Cherokees fully realized the significance of the treaties. The Keetoowahs expressed this understanding even more clearly in later decades.

Carried by the passion not merely for power, but for their very existence, the Keetoowahs and the Ross Party ultimately prevailed. This was not achieved solely via the Union victory, but also in their own victory in keeping the Cherokee Nation from being divided after the War. In 1866, the southern Cherokees requested that the federal government enact a division of the Cherokee Nation into two separate political states. The Watie faction put forth a declaration stating, "For thirty years, we have had neither a community of interests, tastes, or aspirations. *We are two different peoples, to all intents*

and purposes" (McLoughlin, 1993:223, emphasis mine). The assassinations of their family members in earlier times, congruent with the old Cherokee laws, had set them against their ethnic countrymen and -women forever. Proudly acknowledging that they shared more "interests, tastes, and aspirations" with their white associates than with the majority of the Cherokee people, they could do naught but assert that they were a "different people." But the dream of leading nations still lived within them; they would not be content to merge into white society as they could easily have done. They continued to insist on a national Cherokee identity (Dale and Litton, 1939).

As with the White Path Rebellion, the Keetoowahs were not unequivocally opposed to acculturation and cultural adaptation, as evidenced by their own adaptation of Christianity into their traditionally Cherokee worldview. But they considered themselves the sentry warning that the situation had moved too far beyond the boundaries of a "Cherokee" identity, even as those boundaries were being expanded and redrawn. Ethnic and nationalist Cherokee identities had accommodated each other to some extent, yet the emergence of the Keetoowah Society at this critical juncture indicated that tensions still remained, and threats still existed. The "nexus of relations and transactions," the tense symbiosis, was still being worked out.

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In 1866, the southern Cherokees were literally within hours of succeeding in the division of the Cherokee Nation. At the last moment, ailing and aged, but still powerful, Chief John Ross snatched their last hope for power from them. Congress and the War

Department decided that the Cherokee Nation would remain politically and geographically intact -- for the moment.

For two more decades, thanks in large part to the boldness and power of the Keetoowah Society, ethnic Cherokee identity would continue to be manifested in the political and social life of the Nation. After Ross' death in 1866, the Keetoowahs were instrumental in taking leadership of the Nation into their own ranks through the election of Lewis Downing, one of the leaders of the Society. Downing was a racial mixed-blood, but generally referred to as a fullblood since he spoke no English. He was a traditionalist and a Christian minister. He had been a chaplain to the Keetoowahs who had fought with the Union forces.

Many historians state that at this time, the primary Keetoowah objective of placing the fullbloods back in power was realized. In reality, the fullbloods had never been out of power. For nearly forty years under the Ross government, they had sanctioned his continuing leadership. As stated by Thurman Wilkins:

> *There was no question of Ross' influence on his countrymen or of his authority over them, but the secret of his control was that he led them according to their profoundest desires, their deepest bent, their instinctive will. Missionaries who understood Cherokee affairs denied the allegation that he ruled with an iron hand. They claimed he led by, in effect, following. As Worcester once remarked, "Individuals may be overawed by* ***popular opinion****, but not by the* ***chiefs****. On the other hand, if there were a chief in favor of removal,* ***he*** *would be overawed by the* ***people****." Ross never foreswore his awe of the people -- or his duty to them.* (1970:275-76).

In directing the National Council in which they were proportionately represented, and as part of a burgeoning court system in which they played integral roles, the fullblood influence on the rising Cherokee Nation was consistently present (Strickland, 1975). The celebration of the progressivist Cherokees denied and hid this fact for many years.

Present-day traditionalists, in recounting their own perceptions of their ancestors' integral involvement in Cherokee history, "contend that [the construction and direction of the Cherokee Nation was] firmly under the control of their traditional elders. Cherokees know sophisticated government to be their tradition and their history" (Wahrhaftig and Lukens-Wahrhaftig, 1977:229).

Throughout the last decades of the century the symbiosis of roles and identities continued to be refined. After Downing's death, traditionally-oriented chiefs Charles Thompson and Dennis Bushyhead continued to lead the nation. The more acculturated members of the tribe, some of whom had been Watie supporters, but who found they could still support and work with the ethnic\nationalist Cherokee majority, often acted in Washington as diplomatic representatives and attorneys. They were at the forefront as the Cherokees fought the new threats of railroads and white intruders in their nation, as well as the many bills to abrogate the treaty promises made to the Cherokees and incorporate their lands into a new territory designated for statehood -- Oklahoma (McLoughlin, 1993; Miner, 1976; Sober, 1991). The National Council, now called the Senate, continued to feature proportional representation of all strata of Cherokees, and to act as the link with the internal world of the Cherokees. As for the Cherokee courts, Strickland has stated, "One of the major reasons for the success of the Cherokee legal system was the participation of both mixed- and full-blood members of the tribe" (1975:92). The continuing understanding of traditional law made fullblood\traditionalist judges and law enforcement officers indispensable in defining "justice" under the new system in ways that were understandable and acceptable to both the masses of people and the legislative bodies.

By the end of the century the Cherokees were, in many respects, a very different people than they had been at the beginning. The fusion of ethnic and nationalist identities, the "nexus of relations and transactions" described by Clifford, had resulted in a new "Cherokee" identity. There were frequently moments of contention between the two, but most Cherokees had found areas for negotiation and room for reconciliation. Cherokee survival under an imperializing nation-state could be achieved, and a personal and religious existence still intimately connected to the past could be retained. These goals were met by the symbiosis between different strata of Cherokees, with different levels of acculturation, and differential adherence to either ethnic or nationalist identities.

CHAPTER FIVE

Ethnicity and Nationality in the 20th Century

For the Cherokees the twentieth century has been characterized by three predominant trends that have affected both ethnic and nationalist identity. First, federal and state institutions began to actively insert themselves into determinations of Cherokee (and Native American) identity. Second, outsiders have created an ethnocentric version of Cherokee history based upon the dominant culture's themes of intratribal racial conflict and cultural loss, a history that Cherokees themselves have read\heard, internalized, and retold. Third, racial and class stratification have been promoted by the state of Oklahoma with the intention of creating divisions among the Cherokee citizenry. Each of these trends has been based upon Euroamerican constructions of race. These mechanisms can be seen as part of a typical process that hegemonic, colonizing nations employ to subdue less economically and militarily powerful nations and peoples (Bodley, 1999).

There are but a handful of secondary texts dealing with aspects of the history\story of the Cherokee people in the twentieth century (Debo, 1940; Mankiller and Wallis, 1993; Merideth, 1985). Perhaps there is an unacknowledged tenet among historians that one is prohibited from writing about a chronological era until it is "completed." Given the dearth of histories about twentieth-century Cherokees, in comparison with the wealth of histories about the Cherokees of the past, one might suspect that historians consider that there is nothing more to write about the Cherokees as a distinct people. With the dismantling of the Cherokee Nation, the coerced theft of Cherokee land under the jurisdiction and into the possession of the state of Oklahoma and its citizens, and the mixing of Cherokee and white

towns and peoples, the twentieth-century Cherokee story, appears subsumed by the dominating story of Oklahoma and its peoples.

Alternatively, the history of the twentieth-century Cherokees could focus on the hidden persistence of Cherokee cultural and ethnic identities, closely examining the continuing efforts of Cherokees from many different strata, both in concert with and separate from each other, to achieve national re-formation. This is a history of a proactive people, but also a people who increasingly have been *told* who they are, rather than allowed to determine identity for themselves as they had in past centuries. As with many colonized peoples, the apparent Cherokee acquiescence to these geographic and psychic occupations has cloaked subtle, intuitive, internal resistance to deep assimilation. The easing of federal paternalism in the late part of the century, combined with deep social changes within the dominant society, have opened the door again for the re-emergence, explosion even, of the Cherokee diaspora, still existant, still complex, but now puzzling to those, both Cherokee and non-Cherokee, who have believed the dominant paradigms concerning the assimilated Cherokees. Where are all of these "new" Cherokees coming from, both literally and figuratively?

Primary source documents about the twentieth-century Cherokees are abundant. After perusing a limited amount of evidence of a certain kind, I want to consider selected and significant expressions of Cherokee ethnic and nationalist identities in the twentieth century.

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During the period of the independent republic, the Cherokee Nation and people negotiated questions of identity, determined membership requirements internally, and

managed a situation of conflict *and* symbiosis across the increasingly diverse Cherokee society. But the twentieth century dawned bleakly over the Cherokee Nation. Land allotment and impending Oklahoma statehood appeared to be bringing the existence of the Cherokee Nation to a close, both ethnically and nationally. While often viewed as the culminating event of the nineteenth century, the era of land allotment and national dissolution actually carried over into the twentieth, and may be more accurately seen as the opening event of that century, one from which the Cherokee Nation and people are still trying to recover. The passage of the Act of March 4, 1893, established the Dawes Commission in the Indian Territory to begin negotiations for the allotment of the lands of the Cherokee Nation into individual, private ownership. The Curtis Act of 1898, by which the governments and social institutions of the "Five Civilized Tribes" were unilaterally dismantled by the Congress of the United States, hurled the power of the federal government and white legal and cultural norms squarely at the ethnic and nationalist discourse and debate that had been occurring within the Cherokees for the past one hundred years. As far as the federal government and many others were concerned, the discussion ended at this time.

Land allotment was initially opposed by the majority of Cherokees, but none so strenuously as the Keetoowah Society, which split in the first decade of the century into the political and predominantly-Christian Keetoowah Society, Inc. (which has evolved into the present-day United Keetoowah Band, a federally-recognized entity), and the Nighthawk Keetoowahs, a nativistic revitalization movement that also persists to this day, more commonly known once again as simply "The Keetoowah Society." While the Keetoowah Society, Inc. began to pursue political goals in response to allotment, the Nighthawks were clearly more interested in the ethnic impacts of allotment, focusing on the privatization of

land, which struck at the heart of the cooperative Cherokee tradition. As part of their justification for removal of the Cherokees from the southeast, earlier generations of whites had contended that the "fullbloods" were being deprived of land due to the occupation of large tracts on the part of the elite class of Cherokees. The same rationale was now employed as part of the allotment attempt.

But the traditional people had never begrudged the land that was used by the elite families, as long as the tribal estate was commonly owned. There was enough land for all, and then some, as evidenced by the huge numbers of white intruders who were illegally squatting on Cherokee land, and who created a far greater problem for the Cherokee Nation and its fullbloods than did the large landholders among their own citizenry (Sober, 1991). As long as the Cherokee Nation owned the land tribally, the opportunity to work larger tracts of land was available to anyone, the traditionalists included. Some traditionalists had taken advantage of this opportunity. But most did not enter into the market economy, and required only the amount of land needed for family subsistence rather than for profit. However, every Cherokee had access to *all* of the land, and beyond the acknowledged individual and family acreages, there were open rangelands, orchards, woodlands, hunting grounds, rivers, and streams that were utilized by *everyone* as part of their means of subsistence (Debo, 1940:127).

Reformers and proponents of allotment, such as Massachusetts Senator Henry Dawes and the "Friends of the Indian" organization that met annually at Lake Mohonk, New York, intended to break up the "monopolies," as they characterized the large landholders among the Cherokees. They felt that allotment and the privatization of land would most negatively impact the large landholders because it would actually reduce the amount of acreage they

controlled. In fact, it was the traditionalists and the subsistence farmers who lost the most—they lost the entire national acreage that they had previously shared. For these latter segments of the Cherokee society, impoverishment would certainly result; but for the Nighthawks and those of like mind and heart, it was the cooperative, harmonious worldview and the spiritual life of the Cherokee that was most threatened by the loss of the land.

As they had during the Civil War, the Keetoowahs resisted this assault on their way of life. Confronted this time with a power greater than simply that of opposing factions of Cherokees, their opposition took a different form. Led by Redbird Smith, the Nighthawks made alliances with their conservative counterparts in the other Five Tribes, particularly among the Creeks among whom the "Crazy Snake" movement led by Chitto Harjo was active. They directed their thousands of followers to make sure that no one succumbed to the pressures to enroll. They evaded allotment agents from the Dawes Commission by arranging camp meetings, dances, and ball plays to keep the people away from their homes when commissioners were known to be in the region (Debo, 1940; Hendrix, 1983; Thomas, 1954; Tyner, 1949; Wisdom, 1953). The Snake movement among the conservative Creeks was reputed to have gone further, even whipping Creek citizens who had violated Snake proscriptions not to take allotments, lease lands, or hire whites to work for them (Debo, 1940:54). The regional newspapers, particularly in Muskogee, exploited these occurrences, and the media created terror among local whites who feared a bloodbath (Wahrhaftig and Thomas, 1970:50). The reports of violence on the part of the Nighthawks and the Snakes were, however, greatly exaggerated. For the most part, these conservative tribal members engaged in a campaign of passive resistance and civil disobedience.

At the beginning of the allotment era, the majority of Cherokees were adamantly opposed to the division of their lands, as well as the dismantling of their government, courts, schools, and social welfare institutions. At first they refused to negotiate with the federal government. Then they attempted to negotiate ways around the policy, and finally to negotiate the most favorable terms for the Cherokees when it became apparent that the United States was going to implement allotment no matter the objections. Finally, in 1901, the Cherokees signed an agreement with the federal government for allotment of their tribal lands and dissolution of their Nation. They were the last of the Five Tribes to do so, and under some of the relatively most favorable terms. The Cherokee people ratified the agreement, but the vote was close. The Nighthawks boycotted the vote; had they voted, the agreement would not have passed. Much as in the removal era, this most acculturated of the Five Tribes, with the highest proportion of mixed-race citizens, unexpectedly exhibited the most conservative behavior while also engaging in the most sophisticated legal\political battle of any of the Indian nations (Debo, 1940:32-37, 45-48, 50-58). And as in the case of removal, the Cherokees were able to hold out a little longer than any of the other nations as a result of the resistance they displayed on all fronts and the variety of strategies they employed. The traditionalist Nighthawk resistance combined with the legal maneuvering of acculturated Cherokees was one of the last major instances of symbiosis between various strata of Cherokees. Significantly, their cooperation represented an effort to save bothe national and ethnic identities, identities which had not even clearly existed a hundred years earlier, yet which had intertwined and solidified completely in the modern citizenry.

Ultimately, however, allotment could not be avoided, nor could the dissolution of the tribal governments. In a unique effort toward compromise, the Five Tribes of Indian

Territory met in local conventions in 1905 and proposed to coalesce into an Indian state, to be called "Sequoyah." In agreeing to give up their nations and come under the umbrella of the federal government, the attempt at an all-Indian state was a last-ditch effort to retain important elements of ethnic identity and some semblance of self-government. Apparently proposed by an acculturated mixed-blood Cherokee, James A. Norman, the idea was also strongly endorsed by the Keetoowah Society, Inc. and the Nighthawk Keetoowahs. The proposal was extended to whites whose residences, legal or illegal, would have fallen within the territorial jurisdiction of the proposed state, but was overwhelmingly ignored by them. As described by Angie Debo:

> *The whole movement was a most impressive demonstration of the political vitality that still existed in the Indian citizenship...The account of any of the local conventions with its tribal leaders in attendance, its debates in English and the local Indian language, and its smoothly running parliamentary procedure is strongly reminiscent of the great days of tribal politics... (1940:163).*

The convention was attended by both acculturated and traditionalist tribal members. Except for the Chickasaw chief, all other chiefs of the Five Tribes were in attendance, as well as Cherokee attorney, and later Oklahoma State Senator, Robert Owen, and non-citizen and future Oklahoma governor Charles Haskell. Owen read a memorial from the Nighthawk Keetoowahs, in which they offered their support for the idea, and traditionalists spoke at the proceedings in their own languages (Debo, 1940:162-64). The support from all quarters for the state of Sequoyah provides further evidence of the symbiotic qualities of the Native diaspora. Under this structure, the Keetoowahs could still count on the support from their fellow citizens for their preference for a deeply ethnic way of life. Their continuing participation in the political life of their nation was demonstrated, even as they had become,

by this time, a cultural and racial minority among their people. They expected full citizenship and a political voice in the new Indian state -- an expectation they feared would not be met under the auspices of the predominantly white state of Oklahoma.

The convention drafted a state constitution and sent it to Congress seeking approval for the formation of the state of Sequoyah. Congress never considered the proposed constitution. The federal agenda did not include Indians retaining a land base or cultural distinctness, and it certainly did not include the continuation of Indian political autonomy to any degree, even under conditions that would have amounted to the relinquishment of their republics and status as nations. A year later, in 1906, a constitutional convention was held to draft a document to govern the state of Oklahoma. A number of the more acculturated Indians, including Cherokees, participated in this convention. Their particular skills transferred nicely into this arena, and they were disproportionately well-represented in the meetings. Although they attempted to gain concessions to bring their more cultural tribespeople into state structures, as they had been with the Dawes Commission, they were defeated in these endeavors (Debo, 1940:166-67). Their education and abilities were thus denied a relationship of continuing symbiosis with their fellow Cherokees; the state began to separate them out and afford them a place in state government and politics that was withheld from their traditionalist relations. With the dissolution of their nation, many of these persons no longer had a space in which to claim a "Cherokee" identity, which for many had become primarily nationalist and only vaguely ethnic\cultural. The state of Oklahoma thus began to encourage them to adopt a "white" identity. The incorporation into an "American" sense of nationality had begun in earnest.

In 1907, the state of Oklahoma was created from the former Indian Territory, land that had belonged to four indigenous tribes and dozens of relocated nations, and which had been promised to many of them by treaty for time immemorial. The celebration included a mock "marriage" between an Indian maiden and a white settler, with the part of the "Indian" being played, prophetically perhaps, by a white woman. The intersection of race and gender was also significant in this image. The patriarchal character of the dominant social system was made apparent in that the Indian occupied a "feminized"—that is, subservient—position. It is hard to imagine the depth of anguish statehood caused the Cherokee people, but Strickland presents a poignant quote from an essay by E. E. Dale (Strickland, 1980:54):

> *...Dale, the dean of Oklahoma's white historians, wrote with some surprise of the sadness an Indian woman still felt when she remembered the 1907 festivities to celebrate Oklahoma statehood. The Cherokee woman, married to a white man, refused to attend the statehood ceremonies with her husband. He returned and said to her, "Well, Mary, we no longer live in the Cherokee Nation. All of us are now citizens of the state of Oklahoma." Tears came to her eyes thirty years later as she recalled that day. "It broke my heart. I went to bed and cried all night long. It seemed more than I could bear that the Cherokee Nation, my country and my people's country, was no more" (Dale, 1948-49:382).*

The pillage had already begun by the time the state of Oklahoma came into official being. Initially seeking thirty-five year restrictions, the Cherokees had only succeeded in obtained twenty-five year restrictions against alienation and taxation of the "homestead" portions of the allotments of its fullblood citizens (but not on the "surplus" acreage of their overall allotments), ostensibly to give them time to become accustomed to the white man's systems of real estate taxation and transaction. But some leaders and officials had recognized that many mixed-blood citizens also lacked an understanding of these systems and needed this kind of protection as well. Although the Cherokees initially had secured restrictions on

all allotted lands, the federal government later removed restrictions on the allotments of those of less than half-blood degree (Debo, 1940:34, 140). Blood quantum, which in itself had rarely been a source of either privilege or discrimination within Cherokee society, became both as Euroamerican conceptions of race defined government policies toward the Cherokees.

The allotment era was the most significant federal intrusion to date in terms of an outside imposition upon Cherokee identity. It is true that some acculturated Cherokees, who already operated in market systems and entrepreneurial businesses, regarded the allotment of land as an economic boon, and took the first opportunity to sell their allotments to the highest bidder. However, the assumption that all mixed-bloods had the understanding to cut deals with the dominant culture's real estate system proved false, and many were swindled out of their lands or forced into selling off property in order to stave off immediate impoverishment. Likewise, the assumption that all "fullbloods" were incompetent in the market system proved false. Those whose lands were restricted had guardians appointed for them to administer their homesteads, and the unrestricted "surplus" lands of these allottees were bartered away immediately, often bringing them but a shameful pittance while the guardian pocketed the profits. Thus the institutionalized constructions of race that were imposed on the Cherokees through federal policy created divisive classes of "haves" and "have nots," and provided the means for opportunists to strip the people of their birthright. Within the first twenty years after statehood, white citizens of the state of Oklahoma, by hook or by crook, had taken ownership of the bulk of Cherokee allotments.

Allotment has been *the* catastrophic event for the twentieth-century Cherokees. There have been two additional sharply punctuated moments in terms of Cherokee identity:

(1) the economic displacements of Cherokees throughout mid-century and (2) the re-organization of the modern Cherokee Nation. After the allotment of Cherokee lands, stratification within the Cherokee people under the state of Oklahoma became extremely pronounced. Allotment had the almost immediate result that many had predicted -- those Cherokees who had previously provided for themselves through strategies of subsistence were limited in their use of the lands and then culturally and economically marginalized in the rugged hill country of the Ozark Plateau. As railroads, white townships, and fenced-off pastures and wooded hunting areas quickly became the norm in northeastern Oklahoma, opportunities for making a living became extremely scarce for this stratum of Cherokees (Hewes, 1942:405-412). Their labor was appropriated since they could no longer be self-sufficient, and they were relegated to the class of sharecroppers and underpaid seasonal agricultural workers. This Cherokee underclass now worked alongside the descendants of the black, formerly slave, labor force that had been deployed in the region by the elite Cherokees of fifty to seventy-five years earlier (Hewes, 1978:45-63). In the first decades of the century, traditionalists and racial fullbloods in the hills were rendered invisible. Their existence was denied ("all the Cherokees have assimilated; we're all a little bit Indian around here"), and class division was further promoted among the Cherokees. Mirroring the dominant society of the U.S., the middle class of Cherokees were encouraged to differentiate themselves from the underclasses of the hills, who were stereotypically represented as drunken, ignorant, lazy, superstitious, etc. (Wahrhaftig and Thomas, 1970).

Other Cherokees remained in the areas around their longstanding settlements or in the new white towns that were being established. These Cherokees were not well-to-do, or even middle class, but lived economically and culturally much like the surrounding whites. They

had limited education, spoke primarily English at home, worked at blue-collar jobs in the towns, and attended Christian churches (Haynes, 1995).[1] Still other Cherokees of middle class or well-to-do backgrounds continued to flourish and to move into prominence in county and state political apparatuses. These were the most visible classes of Cherokees to the white population.[2] The "Cherokee" identity of these classes could not be externally differentiated in the eyes of their white neighbors, but within many families, the knowledge and pride of a Cherokee heritage was frequently passed down. However, in still other families, Cherokee heritage began to be minimized or even hidden at this time. Deprived of the existence of their nation, without deep cultural knowledge, some families seemed to concede the past to the victor, and felt they had little right to claim a "Cherokee" identity. Many began to internalize the state\federal message that they (and their children or grandchildren) were not "real" Indians. State and federal counting of school children differentiated Indians from whites on the basis of those who were of one-fourth blood quantum or more and those who were less, a distinction never conceived of under the Cherokee Nation itself. Among the older generations, some of those who had retained knowledge of cultural practices and language began to believe that their descendants would be more secure if they were to become part of the state and the American nation. Many persons who grew up during this era recall their elders participating in stomp dances and speaking the language, but report that younger generations began to be deliberately excluded from these practices (Haynes, 1995). Haynes' interviews focused on a small group of

[1] This can be discerned not only from the informants in Haynes' research, but also from interviews I conducted in 1998 with Cherokee elders who had grown up in Oklahoma but who now live in other states, including Marjorie Lowe, Ed Holland, Wade McAllister, Otis Croy, Watt Bear, Winn Starr, Catherine Anglin, George Chaney, Jack Bradley, Geraldine Birdsbill, and Lenora Scott Keliiaa.

[2] Accounts of some of these families can be found in older publications of The Pocahontas Club, as well as in Merideth's biography, Bartley Milam, Principal Chief of the Cherokee Nation, 1985. Others, such as Robert Owen, are well-known in the history of the state of Oklahoma.

Cherokee descendants in the town of Catoosa on the western border of the old Cherokee nation. Her research concluded that part of the difficulty in maintaining a Cherokee identity lay in the small, and rather isolated, Cherokee population. Many of the interview subjects did not realize that some of the other subjects, whom they had known all their lives, were Cherokee.

However, other interviews conducted in the late 1960s as part of the Doris Duke Project evidenced the great complexity of identity construction throughout the larger Cherokee region of northeastern Oklahoma.[3] Although interviews were conducted with Cherokees of all generations, most were with elders. Many of them could remember not only the dissolution of the Cherokee Nation, but also stories of the Trail of Tears and of Cherokee life in the southeast that had been told to them by their own grandparents and other elders. That older generation had actually lived these experiences, rather than having read about them in history books or having heard the stories second- and third-hand. Many of these people, who were young and middle-aged adults throughout the 1920s and '30s, described continuing interactions between Cherokees of all strata throughout these decades, as well as awareness of diversity within the Cherokee world. Overall, much can be gleaned from these interviews, which provide a vivid picture of life from the perspective of a variety of Cherokee experiences and positionings throughout the 1920s and '30s, "lost" decades about which little official history has been written. The complexity of life and the shifting nexus of ethnic and nationalist Cherokee identities are apparent, and relationships that defy simplistic and stereotypical renderings of an acculturated and assimilated Cherokee people are continuously manifested.

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3 This collection of interviews from tribal persons across the state is housed in the Western History Collection of the University of Oklahoma in Norman, Oklahoma.

Many themes emerge from these interviews. These include the continuing symbiotic interactions between mixed-bloods and fullbloods, as well as interactions between Cherokees and neighboring whites and blacks, thoughts about education and Christianity, and the persistence of Cherokee language, social customs, behaviors, worldview, and cultural practices. Ongoing subsistence practices are described, as well as deepening gaps between poverty and wealth. Prejudice and discrimination are evident in the daily existence of many of these Cherokees, and dealings over land are fraught with complications and bewilderment. But there are also latent national expressions. In sum, Cherokee identities and their manifestations are multiple, deep, and prolific.

Many of the "fullbloods" depicted interactions with Cherokees of a "progressivist" bent, and vice versa. For instance, John Dry recounted visits to his family's subsistence-oriented home by Blue Keys, a well-to-do Cherokee cattleman who taught young John about the cattle industry.[4] Mr. Bob Duncan spoke about his father, a red-headed Cherokee, formerly High Sheriff of the Cherokee Nation, a proficient speaker of the Cherokee language which enabled him to interact frequently with "fullbloods," interactions which Duncan claims were enjoyed by all.[5] Jefferson Fields remembered that Indian people would take in orphaned, neglected or runaway children and raise them until they were grown. Fields recalled that this distinctive Cherokee behavior was exhibited not only towards Indians, but also to whites (black children are not mentioned), who would be informally adopted into Indian families. He stated that Indian homes were welcoming to anyone who came to the door.[6] This behavior and ethic was also described by Lizzie Swimmer Bearpaw, who spoke

[4] Interview with John Dry by J.W. Tyner on February 12, 1969.
[5] Interview with Bob Duncan by J.W. Tyner on April 22, 1968.
[6] Interview with Jefferson Fields by J.W. Tyner on November 8, 1968.

of the many children she has raised, none of whom were biologically "her own."[7] Sunday Bark concurred, and stated that he and his wife, who never had any children of "their own" nevertheless managed to acquire and raise fourteen orphans, all of whom grew up to be hard-working men and women.[8] Owen Grant, an apparently acculturated mixed-blood, recalls his days teaching predominantly fullblood children at Wickliffe School in the Kenwood community. During this time, he resided with a fullblood family headed by John Grass.[9] Fullblood Sam Gourd recalls the work done for the Cherokee Nation and people by the Cherokee lawyers Frank J. Boudinot, W.W. Hastings, Simon Walkingstick, and Houston B. Teehee. The names and the deeds of these acculturated Cherokees were known to and approved by this conservative informant.[10] Mr. Ocie Grey, himself a fullblood, spoke about his education at the Cherokee Male Seminary, and the blend of fullblood and mixed-blood Cherokees at the elite school. Interviewer J.W. Tyner asked, "How many Indian boys did they have [at the Seminary]?" Grey replied, "Oh, I never know how many they have, couldn't tell. *They was all Indians but they wasn't all fullbloods* [sic]. But some of them, not all of them, *not white folks*, you know."[11] Here Mr. Grey makes a highly inclusive statement on identity that contradicts a non-Cherokee historian's recent description of the Seminaries as bastions of elitism populated heavily by Cherokees of minimal quantum whom many, it is asserted, would not have considered "Indian" (Mihesuah, 1991).

These examples demonstrate the continuing symbiosis between Cherokees of different strata in the era immediately after statehood. Rather than division, these instances reflect the social interrelationships between the diverse segments of the Cherokees that had

[7] Interview with Lizzie Swimmer Bearpaw by Boyce D. Timmons on August 17, 1967.
[8] Interview with Sunday Bark by J.W. Tyner on September 1, 1969.
[9] Interview with Owen Grant by J.W. Tyner on October 28, 1968.
[10] Interview with Sam Gourd by J.W. Tyner on June 17, 1969.

existed under the republic. These relationships were continuous in a population not long removed from the nationality that had bound them together. In addition, Cherokee customs such as taking in orphaned or neglected children were also being continued, with additional evidence that race was of negligible importance in the world of the rural Cherokees. It is certain that these adopted children were raised according to Cherokee practices, regardless of the race of the individual child.

Joe Harlow and his father, on the other hand, displayed a more stereotypical attitude toward the "blanket" Indians in their community with whom they interacted, holding somewhat derisive attitudes toward the resistant stoicism that some conservative Indians may have displayed in unfamiliar or unfriendly situations.[12] This occurred despite the fact that Harlow's mother was herself a fullblood, perhaps indicating that their derision was rooted more in ideological and behavioral bases, than racial ones. Harlow's descriptions and the location of his encounters with these fullbloods (Centralia, a town in the far northwestern area of the Cooweescoowee District of the Cherokee Nation), indicate that he and his father, a shop owner, might have been dealing with Indians of other tribes, perhaps Osages. These descriptions do not seem typical of the Cherokees of the time, among whom even the most conservative had adopted the dress of rural whites.

One of the most interesting accounts of continuing symbiotic interactions among individuals from the different strata of Cherokees was provided by John Armstrong, a Cherokee-speaking mixed-blood elder, who recalled the many instances in which he was hired as an interpreter, either by visitors to the area or by government agents, lawyers or corporate officials who needed to deal with individual Cherokees regarding their allotment

[11] Interview with Ocie Grey by J.W. Tyner on June 18, 1968, emphasis added.
[12] Interview with Joe Harlow by J.W. Tyner on February 3, 1969.

lands and resources. Armstrong reported that in several instances he acted as an intermediary, informing non-English-speaking "fullbloods" when they were being swindled or otherwise taken advantage of in the leasing agreements that were being arranged for their allotment lands. He recalls several instances when he assisted these allottees in receiving fair-market compensation for the use of their lands, and also when he advised these "fullbloods," without the lawyer understanding, to hold out a little longer, in effect, assisting them to gain the best possible terms. "I did it 'cause I knew they were getting skinned," he states. "Just daylight robbers, you know."[13]

In these specific recollections, as well as in the numerous more generalized attitudes displayed in their stories, Cherokees who lived through the early part of the twentieth century and who were interviewed as part of this project revealed the persistence of complexity, symbiosis, and acceptance in their constructions of a myriad of "Cherokee" identities. Many Cherokees either continued to enact a culturally Cherokee existence or, as individuals, supported others who made this choice, even if they themselves did not. These examples belie the contentions that racialized identities have been of paramount importance and a significant source of contentious and divisive currents among the Cherokees.

Lena Soap Carey revealed in a few sentences the marginalization of Cherokees with respect to whites that had developed in the region. Mrs. Carey was a nearly monolingual Cherokee speaker, born in 1920, and interviewed in 1969, partially through the use of a translator. In a few simple sentences, she described her own community of Bell, a completely rural settlement in the hills of Adair County near the Oklahoma-Arkansas state line, where virtually everyone was a Cherokee-speaking fullblood, and contrasts Bell with

[13] Interview with John Armstrong by J.W. Tyner on May 31, 1968.

"the people who owned the stores" in the nearest town of Stilwell, who were all white.[14] This recollection was shared by Lizzie Swimmer Bearpaw, as well, who stated that she was afraid of the first whites she had ever seen when she was a child, and that "white people they was in Stilwell though (sic)."[15]

There is some evidence that this marginalization, too, was more complex, and perhaps structured along socio-economic rather than racial lines. Several other people reported congenial relations between whites, blacks, and Cherokees in the region among those who were still engaged primarily in a subsistence economy. Gertrude Thompson Blevins felt that the commonality of hard work required to eke out a living in the flint soils of the eastern part of the former Cherokee Nation bound together whites and Cherokees in her community, and that for the most part, relations were good between them.[16]

Religion was another point of affinity among the diverse population in northeastern Oklahoma. John Armstrong, for instance, also described the situation at rural Indian churches where the regular fullblood Cherokee minister would be likely to turn the pulpit over to a visiting white or black preacher without any apparent apprehension.[17] On the other hand, Margaret Sixkiller Bagby recalled that her grandfather, who was a Nighthawk, took great delight in running whites off his property, with the exception of a few for whom he had some respect.[18]

At least two informants recalled a doctor from the black community of Melvin, Dr. Bank, who worked extensively throughout the Cherokee region and whom the rural

[14] Interview with Lena Soap Carey, by Faye Delph on October 5, 1969.
[15] Interview with Lizzie Swimmer Bearpaw by Boyce D. Timmons on August 17, 1967.
[16] Interview with Gertrude Thompson Blevins by J.W. Tyner on April 7, 1969.
[17] Interview with John Armstrong by J.W. Tyner on May 31, 1968.
[18] Interview with Margaret Sixkiller Bagby by J.W. Tyner on March 31, 1970.

Cherokees held in high repute.[19] George Butler recalled that many of these local blacks, who were descendants of the Cherokee and Creek freedmen, could speak Cherokee, and even noted that he knew one who was married to a white woman in this rural southern state in the 1920s and '30s.[20] Saugee Grigsby discussed the "blacks" who also had Indian ancestry and who had been eligible for allotments, even as they were being identified as "black" by the state and surrounding communities. He said that one such friend of his, who he described as a quarter Cherokee, didn't like being called a "nigger," which in the context of Grigsby's remarks does not mean that the friend resented the designation as a racial slur, but that he self-identified as "Indian" rather than "black." Grigsby's own attitude was one of unbiased acknowledgement of the man's Cherokee ancestry.[21]

These examples indicate yet again the complexity of relationships between the races in the region immediately after statehood, as well as the continuation of an inclusive attitude toward those of mixed black and Cherokee ancestry, as well as freedmen and their descendants. Although the story is most often told as being one of divisions, there is ample evidence that congenial interrelationships were also abundant.

Many informants described the continuation of a deeply cultural way of life. Large encampments and meetings were a particular favorite. Sarah Cheater remembered attending such encampments at both church gatherings and stomp dances. In both instances, Cherokee was the only language spoken, and Mrs. Cheater reflected that besides the actual camping out for four or five days, she most missed hearing and speaking the language which typified

[19] Interviews with Lulu Hair by Faye Delph on September 20, 1969, and George Butler by J.W. Tyner on April 9, 1968.
[20] Ibid.
[21] Interview with Saugee Grisby by J.W. Tyner on May 2, 1969.

these encampments.[22] There was no apparent disjuncture between attending Christian services and Cherokee stomp dances, either for Mrs. Cheater or for the Indian church she attended. Gertrude Thompson Blevins recalled four-day gatherings that were organized for almost any occasion, in order for people to discuss "Indian matters," sing, play games, visit, and feast. She stated that it was a way for people to check in with each other and attend to the needs and well being of others.[23] Sam Gourd and Molly Downing Gourd both mentioned the old Downing Convention Grounds near Moodys community in Cherokee County as a place where an especially large gathering was held on the second Monday in August. Mrs. Gourd also recalled that there was sometimes additional excitement at these meetings when people would bring their arguments and attempt to settle them with hatchets and hunting knives![24]

These recollections suggest a diversity of religious and social customs among the Cherokees, with involvement in multiple practices on the part of many individuals. In addition, interest and support are indicated for a variety of customs, even from persons who are not practitioners themselves.

Other social customs continued throughout the era as well. Because it seemed to be a special interest of the interviewers, many of the participants in these interviews were questioned about the continuation of Cherokee "medicine" practices, which can be categorized as either medicinal herbal knowledge or knowledge of "conjuring." Other customs most often mentioned were stomp dances and the practice of "Indian" marriages, including polygamous relationships.

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[22] Interview with Sarah Cheater by J.W. Tyner on March 3, 1969.
[23] Interview with Gertrude Thompson Blevins by J.W. Tyner on April 7, 1969.
[24] Interviews with Sam Gourd and Molly Downing Gourd by J.W. Tyner on June 17, 1969 and June 9, 1969, respectively.

Herbal knowledge was widespread among the Cherokees of this era. John Fox and Frank Osage described remedies for arthritis and stomach upset.[25] Sakey Henson Bread was a virtually monolingual Cherokee speaker whose statements were translated by her friend, Maggie Downing, but her knowledge of herbal remedies was prodigious. Although she was at first reluctant to speak, she shared information about remedies for headaches, blackouts, constipation, menstrual cramps, muscle relaxation, fever, blood clots and nosebleeds. Mrs. Bread's mother passed on her herbal knowledge to her daughter throughout the era of the 1920s and '30s.[26] Many other informants sprinkled their interviews with offhanded remembrances of the widespread use of Indian medicines and the prominence of Indian doctors in this time, which was apparently a more open thing, especially among their elders. Yet several of them also express a disinterest in learning anything about the practices, or a fear of the potential relationships between medicine and "conjuring." Such a shift in the perceptions of some younger Cherokees of this era indicates a move from the deeply cultural Cherokee practices to the more "modern" practices and beliefs of the dominant culture. But at least two informants indicated other reasons for their reluctance to talk about this aspect of Cherokee beliefs and practices. Through her interpreter friend, Sakey Henson Bread expressed that she was reluctant to speak of her abilities because of a fear of repercussions for practicing medicine without the licenses she understood were now required.[27] In an interview with Polly Cochran Blackfox, also employing Maggie Downing as a translator, the same analysis was given by the interviewer (who is the same person who interviewed Sakey Bread) for Mrs. Blackfox's tendency to "clam up" when the interviewer broached the subject of her knowledge of Indian medicine. Again, fear of prosecution for practicing without a

[25] Interview with John Fox and Frank Osage by J.W. Tyner on July 15, 1968.
[26] Interview with Maggie Downing and Sakey Henson Bread by Faye Delph on September 9, 1969.

license, fear of being hounded by income tax collectors, in addition to "absolute downright superstition" are reasons the interviewer suspect's for Mrs. Blackfox's reticence to speak on these matters.[28]

Many interview subjects also mentioned that knowledge of Cherokee herbal medicine was often related to abilities that can easily lead one into practices of "conjuring" for purposes other than healing. Jealousies and rivalries between Indian doctors and conjurers, which can become dangerous, are also noted as reasons for not displaying one's knowledge and skills. Maggie Downing revealed an attitude towards conjuring that reflects a Cherokee worldview that accepts the existence of chaotic forces as a necessary reality, but also integrates that understanding with Christian beliefs in a seemingly smooth personal synthesis:

> *And I know a lot of earth medicine—I help a lot of people. And I got all kinds of stuff. And I believe it, when you have your home and you get a lot of trouble—and Indians, they stir your home up. When they get mad, and they're pretty bad. And they go and make tobacco and spread it around your house. Then when your feeling have a trouble 'round home, then go to see people they one they knows that can help you they fix tobacco and have it around home and smoke, until everything go away. And that's the way I believe it. And I believe in the Lord, too. And I pray and work medicine—everything. Because the Lord—Indians—and teach and believe it, my faith and my medicine, and believe in the Lord. You ask him. And that's what I do [sic].*[29]

Once again, the apparent ease with which a variety of cultural expressions are combined is indicated by these examples.

Several interview subjects mention stomp dances and the continuing influence of the Nighthawk Keetoowahs as well. Samuel Cummins and Sunday Christie both stated that through the mid-twentieth century, the Nighthawks were still quite active in the area around

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[27] Ibid.
[28] Interview with Polly Cochran Blackfox by Faye Delph on July 1, 1969.

Chewey in northern Adair County.[30] Sam Chewey and Lizzie Swimmer Bearpaw mentioned other stomp grounds.[31] Mrs. Bearpaw, in particular, recalled the great satisfaction her mother received from attending stomp dances, and her own inability to sleep through them when she was a child due to her fear, even though her mother told her to go sleep in the back of the wagon until they ended at sunrise. She also discussed the stickball games that were played at stomp dances, and stated that she continued to go to dances until the grounds were moved to another location "close to Marble City."[32] Maggie Culver Fry recounts her family's attendance at stomp dances from this era as well, although she stated that for her personally, they were quite boring since she couldn't speak Cherokee and all the conversation around her was in Cherokee. From her subsequent remarks, we can presume that Mrs. Fry did not continue her attendance at stomp dances as an adult, although her remarks were generally supportive of the persistence of the practice.[33]

The prevalence of other Cherokee cultural practices in this era was mentioned in the area of marriage customs. Two continuing practices were mentioned: that of common-law or "Indian" marriages, and the older Cherokee custom of polygamy, although it is never defined by that term. Hooley and Maggie Downing both elaborated on the more common practice of "just get[ting] together...and make a home," which was considered a marriage. Maggie stated:

> *Just like the preacher one time say you know people that was sin, you know, and live together, go to bed together and one of 'em got up and spoke up. She said, "Well," she said, "All mothers and fathers and grandpas", she*

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[29] Interview with Maggie Downing by Faye Delph on September 9, 1969.
[30] Interview with Samuel Cummins by J.W. Tyner on October 3, 1968, and Sunday Christie by J.W. Tyner on August 15, 1968.
[31] Interview with Sam Chewey by J.W. Tyner on April 14, 1969, and Lizzie Swimmer Bearpaw by B.D. Timmons on August 17, 1967.
[32] Ibid.
[33] Interview with Maggie Culver Fry by Velma Nieberding on May 15, 1971.

said, "I guess they're going to hell then. Every one of them not married." And they was Christian life when they died [sic]-- (Laughter).[34]

Maggie also wryly mentioned that although common-law marriages are recognized by the state, divorce must go through the state courts and is costly anyway. In the old days, she said, divorce occurred "Just like you got together just go away --."[35] As revealed by their granddaughter, Vonnie, Hooley and Maggie were not married "on paper" until about 1965, after they had already lived together for about forty-four years.[36] Polygamous marriages also persisted. Even in one of the more prominent and prosperous Cherokee families, the Ross family, Ben Garvin described a situation of either polygamy or serial monogamy to an interviewer, stating, "One of 'em [a Ross family member] had about five wives. Had a two-story building."[37] And two of the interviewees were quite open about their own fathers' polygamous relationships. Lulu Hair described her "eleven or twelve" siblings, only one of whom was a full sibling. They "had one daddy but we all had different mothers," she stated, while also identifying another half-sibling by her mother and a second husband.[38] And Lizzie Swimmer Bearpaw was also quite forthcoming about her father's two families, one of which -- her mother's -- he left after five years.[39]

These are especially interesting examples since these particular Cherokee practices -- "Indian" marriages and polygamy -- technically had been prohibited by the Cherokee republic since the 1820s, although they continued to be practiced openly and were widely accepted among the Cherokees throughout the century. With the advent of the state of

[34] Interview with Hooley and Maggie Downing by Faye Delph on April 25, 1969, T-414, pg. 29.
[35] Ibid, pg. 28.
[36] Interview with Vonnie Downing by Faye Delph on March 10, 1969.
[37] Interview with Ben Garvin by J.W. Tyner on February 17, 1970.
[38] Interview with Lulu Hair by Faye Delph on September 20, 1969.
[39] Interview with Lizzie Swimmer Bearpaw by B.D. Timmons on August 17, 1967.

Oklahoma, these practices became illegal and were forced underground, but these remarks indicate a continuing informality surrounding marriage.

While these and many other behaviors and cultural practices are mentioned throughout the Duke Collection interviews, deeper elements of constitutive culture can also be found. Prominent among these are the kinds of practices that could be attributed to what anthropologists and others have termed the "harmony ethic" of the Cherokees, a cooperative undergirding of the overall Cherokee cosmology and worldview. Much of this ethic was manifested through the traditional clan system of the Cherokees, which enabled a Cherokee to find clan kinship and hospitality extended to him or her in any life situation, or while traveling among any of the Cherokee towns (Finger, 1984; Fogelson, 1961; Mails, 1992; Mooney, 1982). George Butler described the practice of housing travelers and feeding them, an extension of hospitality that is still considered of paramount importance among conservative Cherokees. Butler stated,

> *While we was farming out there, I guess he's about as well to do a fellow as there was around there, there was two or three families that stayed with us all the time. People get hard up they just come and stay. Yeah they stay there and the old lady just put 'em to work, washing, never did pay, though. When they left they take a side of meat, a bunch of flour. We'd put 'em to work while they was there. Got their board out of it. They knew they was welcome any time they got hungry (sic).* [40]

Butler recalled a kind of hospitality that had been adapted to include people beyond the clan system and is similar to customs practiced by rural whites and blacks of the era as well, but which in a Cherokee context also reinforces old cultural traditions and worldview.

Lulu Hair mentioned the sharing of food among the desperately poor as well. Among her childhood recollections were not only the hard work of her husband to feed the family, but also the many instances when neighbors helped them to keep going.

We didn't have no cows but sometimes our neighbors had cows, well, they'd give us milk. They just give it to us at that time. Well, of course, some people that had a lot of meat or anything like that, well they'd give you some meat. When you went home, they'd give you a mess of meat.[41]

The reference to "[going] home" probably indicated a situation of visiting among neighbors, and the common practice of sending some food home with the visitors.

John Armstrong and Lizzie Swimmer Bearpaw related most eloquently the importance of neighbors in a cooperative worldview. Armstrong describes the "Indian" attitude in a situation of new neighbors: "To an Indian, if you come and build a house up there somewhere close to me, I was just tickled to death. I got a neighbor, I got a new neighbor, I got a neighbor. I just shout about it."[42] But Lizzie Swimmer Bearpaw provided the most comprehensive account of the continuation of the Cherokee practice of *gadugi*, the cooperative style of working together. She recounted an incident when she was a young girl and one of the family hogs killed one of her chickens. A fence was needed to keep the hogs and the chickens separated and so,

[A neighboring man] said "Let's give like this and make a rail. And you can fence and they can build a fence." And I told mama, I say, "Mama, you want to cook? Some people come in and work up here to fix a fence? A rail?" Mama say, "Oh, yes, I guess so. Have to." Grandpa told him "You work week – today week. You tell everybody." Well he come in 'bout week a time. You know they come up there. Lot a people. Some come in a wagon, on horse and saws, ax, everything. They cut it right up here and they started a big old tree. By that big tree, they started to make rail out there and other people hauling, just lined up. You know? Yeah. They make rail for our home. They just put all way round big enough this fence. And he told me "Well this big dinner you know, they kill chicken and pie and mama cooking you know and somebody helping." When it come late evening and they went home, he said, "We come back next week, today week. Finish." Well, 'bout a week they finish. Put fence here, you know. You know rail fence like that you

40 Interview with George Butler by J.W. Tyner on April 9, 1968.
41 Interview with Lulu Hair by Faye Delph on September 20, 1969.
42 Interview with John Armstrong by J.W. Tyner on March 10, 1969.

know they used to. They fenced all way round one day. Another man make gate. Like this they done (sic).[43]

Mrs. Bearpaw went on to reveal an even deeper cosmological foundation for these cooperative habits, one deeply rooted in the Cherokee conceptions of what is translated by them as "love." This expression on Mrs. Bearpaw's part mirrored the larger expression of "love" by the Keetoowah Society in their constitution (see previous chapter), and many expressions from the leadership and members of the Nighthawk Keetoowahs as well. Mrs. Bearpaw's further comments reflected the changes from the cooperative work of *gadugi* to employment in wage labor systems that were occurring among the conservative Cherokees after the 1920s, and her understanding of the ways in which these changes were impacting Cherokee worldview:

If they want to give a work. They build it in one day. Used to be a lot of people like that. This time it is all gone. Nobody could help you got money. Well you draw pension. You have the money. You better pay. If you had the money, 'bout this much round here but you can't find a man to work. Nobody, ain't nobody work. Used to help them. You know they told them – you know the preacher people talking 'bout lost in love, you know. I told 'em, I betcha I know who done it. And nobody didn't love this time. They came and visited – you know long time ago my husband working railroad, down – [the Cherokee community of] Bunch, you know section and lot of people round here, they didn't get no check, pension check, you know. They know where they eat this house. All they know they can eat at my table. And they come, woman, you know and they want to help me make a cook. I say, 'Yeah.' They sometime wash. Washing my clothes and everything cleaned up. They help me. They just want to eat. They ain't got nothing at home. That's all they know round here. When that time when they started to get check, I didn't see nobody. That's Government done it. Give a check. ***That's what broke the love*** *(sic).*[44]

[43] Interview with Lizzie Swimmer Bearpaw by B.D. Timmons on August 17, 1967. This custom is also vaunted among the accounts of white settlers in America who engaged in barn-raisings and quilting bees. Is it possible that these customs were adopted after observing Native practices of cooperative labor?
[44] Interview with Lizzie Swimmer Bearpaw by B.D. Timmons on August 17, 1967, emphasis mine.

While Cherokees have historically employed, throughout good times and bad, the longstanding tradition of cooperative work, these were definitely among the worst times for many rural Cherokees. In numerous instances, the assistance given by other Cherokees, who were usually no better off themselves, was the only thing that kept a family going. Subsistence practices – gardening, hunting, gathering, fishing – were coupled with seasonal agricultural work in order for many families to just get by. At least one participant in the Duke interviews mentioned migrant farm labor, which took him far from the Cherokee lands, as part of his means of survival.

Despite their relative poverty, some of the participants looked back nostalgically on this era. Andrew Crittenden remembered that most Indians near his community of Lost City had small agricultural areas where they were content to grow just enough food and grains to meet their own needs, and that they also kept beautiful orchards.[45] Sarah Cheater recalled that Cherokees were very self-sufficient, and that they did not need to enter much into the cash economy. Salt, sugar, and coffee were the only things they ever needed to buy, she asserted.[46] This was reiterated by John Fox and Frank Osage, who stated that there wasn't much need for money, since people kept gardens and hunted extensively, as well as gathered wild onions and mushrooms.[47]

Other participants recalled a more expansive economy among families who were a little more prosperous. George Butler recalled trips to town where the grains his family had grown were milled. He also recalled raising hogs, and stated that his family was one that poorer families relied on to help them out when they were in dire straits.[48] Mary Downing

[45] Interview with Andrew Crittenden by J.W. Tyner on September 12, 1968.
[46] Interview with Sarah Cheater by J.W. Tyner on March 3, 1969.
[47] Interview with John Fox and Frank Osage by J.W. Tyner on July 15, 1968.
[48] Interview with George Butler by J.W. Tyner on April 9, 1968.

Gourd's family also traded for things they needed, and she mentioned that nearly every family grew another Cherokee essential – tobacco.[49] Vann Bly was raised in a Cherokee family that still owned relatively more wealth in an era and area (Adair County) where wealth among Cherokees was rare. He spoke of a large farm and home, an orchard, pastures that kept cattle and horses, fenced hog pens, a grainary, smoke house, and hay barns.[50]

Mr. Bly's experience was the exception. In the era following allotment, when so many Indians of the Five Tribes were suffering dire and immediate impoverishment, historian Angie Debo declared that "the Cherokees were the hardest hit" (1940, 1972:xiv). She credited the efforts of the Red Cross and other relief agencies for preventing the Cherokees in the hills from literally starving *to death* in the 1920s and '30s (1940, 1972: xv). Lizzie Swimmer Bearpaw openly stated that after her father left the family (which was his second family), her mother worried tremendously, and that the family, which then consisted of her mother and two very small children, "nearly starved to death" at this time. In order to keep the family going, her mother began "working around" at this time, hiring herself out as a migrant laborer in other people's fields, doing domestic work, and making stockings, as well. The family relinquished its own garden and the few hogs and chickens they owned because they were not at home enough to care for them.[51]

The impoverishment experienced by the second family of a polygamous Cherokee upon his departure is indicative of the breakdown of the clan system and of the system of subsistence households with kinswomen at the center that would have supported the children of this marriage, or any that had been terminated. The privatization of land is also deeply implicated in this impoverishment, and during the era spoken of by Ms. Bearpaw, many

[49] Interview with Mary Downing Gourd by J.W. Tyner on June 9, 1969.
[50] Interview with Vann Bly by J.W. Tyner on March 23, 1970.

Cherokees were suffering the same fate. Cherokee social practices continued, but without the traditional context of land, clan and kinship, the results fell into the category of social dysfunction.

Maggie and Hooley Downing also recalled days of dire poverty and the times when Hooley worked as a migrant laborer in the onion and cabbage fields of Colorado, which took him far from his family and the Cherokee lands in order to make a living. Hooley came from a family that initially owned some wealth from oil, but the pool under their allotment either went dry or may have been "drilled from the other side [and] pulled [the oil] out from under," as the interviewer speculated. Hooley agreed there is a good possibility that this kind of theft has indeed taken place, but he really didn't know and hadn't investigated it. At any rate, whatever initial wealth there may have been in the family had not extended to his generation.[52] Maggie mentioned other strategies that the family has employed to get by, including the usual gardening, hunting, gathering, and fishing. She, too, had done seasonal work picking strawberries, and also works as a "doctor" and a midwife.[53]

Lulu Hair related the lack of variety in her family's poor diet; skin corn, beans, and hominy were the only foodstuffs available for long periods of time. She recalled the hard work of her husband, who made railroad ties and bolts from the wood of trees in this vast hill country. The sale of these ties brought in a little flour, lard, or sometimes even meat to break the monotony of a diet of meal soup and cornbread. "Boy, we thought we was rich when we'd get a little sack of flour or lard. Especially if we got a little piece of meat. We sure thought we was rich. But at that time that's all I had to eat. Didn't have no greens, no flour.

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[51] Interview with Lizzie Swimmer Bearpaw by B.D. Timmons on August 17, 1967.
[52] Interview with Hooley Downing by Faye Delph on April 25, 1969.
[53] Interview with Maggie Downing by Faye Delph on September 9, 1969.

Come that weekend, then he'd take his ties off and he'd get the flour and a little lard, a little piece of meat or beans. Well, I sure be proud to see that when he brings it in (sic)."[54]

The Depression brought new kinds of wage labor to Cherokee men who began to be employed in WPA railroads and road building projects. While making railroad ties had been a staple of survival for many Cherokee families over several decades, as described above by Mrs. Hair, during the Depression, it became virtually all that many of them had to rely on. Others found employment with the federal "Indians and Roads" project, including John Christie, who recalls that he left farming near Vinita, OK, at this time, to join a bridge gang that was building highway bridges. He returned to farming during World War II, when his labor as a farmer was deemed more important to the national cause than his attempts to enlist.[55]

The dire situation of the 1920s became truly life threatening with the onset of the Depression. As poverty deepened, famine struck the Cherokee people in the hills. A Congressional investigation conducted in 1930 revealed that many were living on just one or two meals a day of cornbread and gravy, and that several deaths listed as resulting from "undernourishment" or "diseases due to insufficient nutrition" as causes – i.e. death by starvation. Relief efforts, in particular the Red Cross's disaster relief program, were unquestionably the only thing that saved many more from starvation in the early days of the Depression (Debo, 1940:356, 375-6). As conditions of extraordinary poverty and drought persisted, many Cherokees began to look elsewhere for relief.

The story of the migration of Oklahomans to California during the Dust Bowl has been fictionally chronicled in John Steinbeck's "The Grapes of Wrath." But Steinbeck

[54] Interview with Lulu Hair by Faye Delph on September 20, 1969.
[55] Interview with John Christie by J.W. Tyner on May 20, 1969.

neglected to mention that huge numbers of the Oklahoma migrants to the agricultural fields of California were Indians. While Sallisaw, Oklahoma's (in the southern Cherokee Nation) promotion of itself as the "origin" of the grapes of wrath migration is largely an embellishment, it is nevertheless true that tremendous numbers of Cherokees – perhaps as much as half the total Cherokee population – left their former nation and its communities at this time, desperate to make a living elsewhere. Of those who left, about two-thirds of them surfaced in California, judging by later census data, while most of the remainder appeared in Texas.[56]

Principal Chief Chad Smith of the Cherokee Nation has referred to this emigration as a "Second Trail of Tears" or an "Economic Trail of Tears" for the Cherokee people. The ramifications of the loss of one half of the Cherokee population can be compared in some ways to the devastation from smallpox epidemics and border warfare in the 1700s, or the campaign of ethnic cleansing enacted by the United States during the Removal era of the 1830s, at which time the Cherokees and other southeastern tribes sustained appalling losses of population. The Depression-era migrations do not represent, for the most part, the loss of lives. But this 1930s-era migration, and several others subsequent to it, has had enormous implications for the continuance of cultural/ethnic and national identities among *individual* Cherokees, individual identities upon which the Cherokee nation, culture, and people *as a whole* are critically reliant.

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[56] These percentages are asserted by Principal Chief Chad Smith in his Cherokee Legal History course. I can find no statistical corroboration of them in other sources, and indeed find contradictory statistics. But certainly many Cherokee families in Oklahoma can attest to the existence of relatives in California and/or Texas dating to this time, as well as subsequent migrations in later decades. My own preliminary research through interviewing the descendants of these emigrants indicates that the dispersion out of Oklahoma took place over several decades, with the migrations during World War II comprising the largest part of the population loss. The BIA's relocation programs of the 1950s and '60s took significant populations out of the region, as did the oil boom in Texas in the 1970s. It is verifiable that at the present time, approximately half of the Cherokee citizenry resides outside the historical boundaries of the Cherokee Nation.

This era represents one of the sharply punctuated moments of the Cherokee people in the twentieth century. While there had frequently been emigrations of Cherokees in previous centuries, all these emigrations took place as entire *communities* (the Chickamaugans, the Texas Cherokees), or as portions or the whole of the *nation* to lands that were exchanged by treaty (the Old Settlers, the eastern Cherokee Nation). In these latter instances, a rejoining with other Cherokees already in the new lands also occurred. Some who did not emigrate had coalesced again as a tribe in the form of the Eastern Band of Cherokees. In all of these instances, Cherokees had managed to maintain a communal, cultural, and sometimes even national way of life and identity.

Only once before, during the time between 1817-1819, when individuals relinquished Cherokee citizenship by taking individual reserves on ceded lands and became citizens of the respective states and the United States, had detribalized individuals been a significant population in Cherokee experience. In the 1930s, these masses of emigrating Cherokees, in their landlessness, poverty and desperation, tested a new situation, one in which the structures of their culture and former nation were seemingly powerless to assist or retain them. For many, the questions of maintaining ethnic and national Cherokee identities placed a far second to the need to simply survive to the next day. In this decade of significant detribalization of the population, the belief that their nation no longer existed, and the difficulty in maintaining culture in a new place did not bode well for the retention of a "Cherokee" identity among these persons or their descendants.

In Oklahoma, the questions of maintaining ethnic and national identities continued to be essential for other Cherokees, many of whom, dire poverty notwithstanding, could not imagine living away from their Cherokee families, clans, societies, churches, and

communities, and apparently never considered seeking work elsewhere. Still other families strategized – some would leave to seek work and would send money to those remaining at home. Someday, when things were better, those who had left would be able to return, too.

The westward flow of Cherokees at this time resulted in a diaspora of a magnitude that the Cherokees had never before encountered, inspiring questions with which the Nation and people grapple increasingly as they enter the twenty-first century. Shall these geographically outlying Cherokees be retained as citizens, or shall they be cast off? Shall they have the full rights of citizenship, or shall they be disenfranchised? Shall they be eligible for or excluded from benefits and services? Shall they have representation on the tribal council? Perhaps most importantly, shall any outreach be made in order that they may be assisted in continuing specifically Cherokee cultural and spiritual practices?

Since the relationship of Cherokees with their nation, culture, and people has always been reciprocal, the concurrent questions are: what are the responsibilities of Cherokees in diaspora to their nation and the people in the homelands? What contributions can they make? What cultural and political niches can they fill to benefit the overall Cherokee national and ethnic existence?

Most of these questions did not come into play for several decades after the 1930s. Without a viable nation to look to, they internalized the message taught by Oklahoma institutions that they were not even "Indian" anymore. An emerging outsider nomenclature named them "Okies," that is, backwards. Many emigrating Cherokees of these generations felt that they had no option other than to acculturate to the mainstream world of the other states in which they and their descendants found themselves. Since many of them could "pass" as non-Indian in this world, they did, or at least they did not challenge the

assumptions made by others who "passed" them. For several decades after the Depression, these Cherokees remained virtually invisible, and many presumed they were lost forever to tribal life and nationality.

In Oklahoma, the desire for a distinct Cherokee nationality had not been crushed with the dismantling of the Cherokee Nation and the establishment of the state of Oklahoma. Many Cherokee groups and organizations continued to pursue the re-establishment of some semblance of nationhood. Most of these efforts operated internally for several decades, since the federal and state governments refused to acknowledge a Cherokee government. The last elected chief of the Cherokee republic, William C. Rogers, was elected in 1903, and remained in office until his death in 1917, as all Cherokee governmental structures were suspended by federal legislation between 1898 and 1906. Afterwards the United States adopted the procedure of appointing "chiefs-for-a-day." The office was occupied only for the convenience of the U.S. when issues of land, minerals, and other resources needed to be rubber-stamped by a Cherokee "executive" in order to create the appearance that legal and moral transactions were taking place. Over the years, six men served as "chiefs," their terms ranging from one day in five cases (including one whose term was prescribed as "one day on or before December 31, 1925"), to two weeks in the longest instance. There was no functioning council to constitute a legislative branch, and these "chiefs" had no power to challenge the tasks demanded of them by the President of the United States and his representatives (Merideth, 1985:24-25).

Throughout several decades in the mid-century, various groups of Cherokees attempted to form a governing body. In the 1920s, the most prominent of these groups were the Eastern Cherokee Council, the Western Cherokee Council, the Tulsa Cherokees (or the

Cherokee Executive Committee), and the Keetoowah Society, Inc. (now differentiated from the "Nighthawk" Keetoowahs, Redbird Smith's revitalization movement). These organizations were community-based, but had broad regional affiliations. In 1925 they formed a consortium called the Cherokee Executive Council. This council soon became the representative body of those Cherokees who continued to meet in large conventions during the '20s and '30s – conventions which interestingly came to be called a "National Council."

In 1926, Levi Gritts of the Keetoowah Society, Inc. was selected Chairman of the convention. The nationalistic sentiment of the Cherokee Nation was far from dead within the Cherokee people, and once again it manifested as an attempt to connect the deeply cultural structures of communities with a broader office that would represent the wishes of the Cherokee communities to the outside world, specifically the federal government. It was still imperative to have a legitimate representative to interact with the Indian Service (as the pre-Bureau of Indian Affairs administrative entity was called) in matters of concern to the Cherokee people. However, the Cherokee Executive Council and its chairman received little attention from the federal executive branch, which continued to deal exclusively with its own appointed chiefs-for-a-day. The Indian Service was equally unresponsive, due in part to its own inept yet heavyhanded administration which was increasingly coming under fire from a new era of reformers (Merideth, 1985:25-27).

By the 1930s, additional organizations had joined the consortium involved in nationalist activities. The Nighthawk Keetoowah Society, the Seven Clans Society, and especially the Cherokee Seminary Student Association (an alumni association) began to insert their voices into the mix. Federal Indian policy, which is sometimes said to swing like a pendulum, was beginning to move in a more favorable direction under Commissioner of

Indian Affairs John Collier. In direct opposition to former policies of allotment and assimilation, the very policies that had been so extraordinarily devastating to the Cherokee people and which had smashed the Cherokee government only a generation earlier, the Indian Bureau reversed itself and began to sponsor and lobby for legislation to restore tribal culture and tribal governments. In this climate, the Cherokee councils began retaining Cherokee attorneys, filing claims, and attempting to secure federal acknowledgment of their own reawakening government.

Although initially rejecting the imposed governmental model of the Indian Reorganization Act, Oklahoma tribes were given another alternative two years later with the passage in 1936 of the Oklahoma Indian Welfare Act (OIWA). For a decade afterward, many grassroots Cherokee organizations applied for charters as cooperatives for purposes of community development and self-help. In addition, the Keetoowah Society, Inc. applied for separate re-organization as a band of Indians, requesting a charter of incorporation under the OIWA (Merideth, 1985:43-44). The Commission of Indian Affairs initially rebuffed this attempt, stating that the Keetoowah Society, Inc. had not demonstrated any significant ways in which its membership differed from that of the already existing Cherokee Nation.

By 1938, the district and organizational representatives of the Cherokees met in National Council. Through a process of consensus, which included the agreement of Gritts, head of the Keetoowah Society, Inc., the council eventually selected Jesse Bartley (J.B.) Milam as Permanent Chairman of the National Council. Merideth asserts that this position closely mirrored that of Principal Chief under the old town systems of selecting leadership through councils and consensus decisions (1985:40). Milam's ability to work with many

diverse groups of Cherokees from a variety of ideological stances made this selection by consensus possible.

Milam had come into the Cherokee Council as the head of the Seminary Students' Association. He was born to an acculturated and wealthy Cooweescoowee district family, and was related by blood or marriage to other prominent and prosperous Cherokee families such as the McSpaddens and the Rogerses (including humorist Will Rogers). The Dawes Commission and its allies had charged these families, among others, with being "monopolists." They were also among those the state of Oklahoma had accepted, because of their education and acculturation, into its social and political life. Nevertheless, they were families who maintained a strong memory of and dedication to Cherokee nationhood. From his youth, Milam had worked among the Cherokees as a Cherokee. He was well known to them, and they to him.

As Cherokee attorneys directed by this council aggressively pursued claims against the federal government, the United States and the world became embroiled in World War II. Once again the resources of northeastern Oklahoma, within the territorial bounds of the Cherokee Nation, became particularly significant. This necessitated another federal appointment of a Chief, despite the Cherokee assertions that they already had a leader. On this basis, the Superintendent of the Indian Bureau in Muskogee recommended Milam to federal officials, who were apparently favorably disposed toward him on the basis of his proven ability to work with many different Cherokee organizations and communities. In 1941, the federal appointment at last matched the Cherokee selection: J.B. Milam became Principal Chief of the Cherokees in everyone's estimation. The appointment lasted a year since wartime enterprises involving the lands and waters of northeastern Oklahoma were

deemed vital and necessitated a full-time officeholder (Merideth, 1985:53-55). The federal appointment of Milam was continued annually until 1947, at which time it was extended to four years, and thus began an era of uninterrupted leadership in the modern Cherokee Nation, through selection, appointment, and, finally, popular referendum.

Milam realized that his official position was primarily one of approving business transactions in the name of the Cherokee Nation. Still, as a banker, he was well-equipped to counter the condescension and paternalism of the Indian Service. He took the opportunity to expand the functions of the office of Principal Chief, even under the eye of the federal watchdog. Always active in the pursuit of Cherokee claims, Milam continued to support such endeavors by Cherokee attorneys, especially in relation to the newly-established Indian Claims Commission. In particular, he instructed that claims to the navigable waterways and riverbeds of the territorial Cherokee Nation be initiated, envisioning a time when the awards of such claims, either in monetary compensation, or, preferably, in re-established ownership, could be of widespread benefit to his Nation and its impoverished citizens (Merideth, 1985:57).

Milam also moved to obtain federal acknowledgment of the Cherokee council. In 1944, as one of the founding members of the pan-Indian lobbying organization, the National Congress of American Indians (NCAI), Milam argued to the federal government in favor of Cherokee Nation representation among the NCAI's membership. But he felt this could not happen as long as there was no legally recognized legislative body among the Cherokees. The logic of the argument was not lost on federal bureaucrats, who at this time encouraged Milam to work to form a representative body among the Cherokees that would not only give authority to Cherokee participation in the NCAI, but would also be the authoritative

representative of tribal sentiment in other areas as well. One step at a time, Milam worked to re-establish the legitimacy of the Cherokee National Council and its relationship to the federal executive (Merideth, 1985:86-7).

Establishing a council proved to be far more difficult than expected. Although there were certainly ideological differences and also differences of priorities among the Cherokees, in retrospect it seems that the divide over ideology should not have been as insurmountable as it became. The lack of clear leadership of the Cherokee Nation during the previous forty years, and the desire of regional community and organizational leaders to fill that void themselves or with representatives of their organizations, coupled with the strong Cherokee social tendency toward individual and community autonomy, may have been far more responsible for the inability to achieve consensus than substantial ideological differences. The consortium of groups attempted several types of representation, first along the lines of the already established organizations, and then consciously drawing upon historically important lines – those descended from Ross Party/eastern and those descended from Old Settler/western Cherokees – as a means of cutting across factional divisions. Nothing worked for very long, and by 1947, Milam conceded that the election of a representative council could not be achieved at that time. He proceeded to appoint a council, basing it on the nine historical electoral districts of the Cherokee Nation, choosing two representatives from each district, as well as independent representatives from descendants of the eastern and western Cherokees. Included among these were individuals from the Keetoowah organizations and others (Merideth, 1985:97-102).

A large convention of the Cherokees was organized in 1948. Two years earlier, in 1946, the Keetoowah Society, Inc. had taken their attempt to organize separately as a

corporation or band of Indians under the Oklahoma Indian Welfare Act to the United States Congress. Although the Commission of Indian Affairs, representing the executive branch of the federal government, had previously rebuffed this attempt, the federal legislative branch allowed their legal designation as a separate entity at this time. The designation is confusing, reading "the Keetoowah Indians *of the Cherokee Nation*," (emphasis mine), reflecting the federal ambiguity about the status of the Keetoowah Society as distinct from the Cherokee Nation. Nevertheless, as a separate corporate entity, the Keetoowah Society, Inc. continued to participate in the councils of the Cherokee Nation. At the convention of 1948, the umbrella of the "United Keetoowah Bands," which purported to represent several groups that contained the designation "Keetoowah" in their names, was present at the convention, although each of these groups, including the Nighthawks and the Keetoowah Society, Inc., also participated separately (Merideth, 1985:121). The Rev. Jim Pickup led the United Keetoowah Bands, Gabriel Tarepin and Levi Gritts the Keetoowah Society, Inc., and Sam Smith was at the forefront of the Nighthawks.

The convention of July 30, 1948 was the first widely attended council of the century seeking to re-establish a legislative branch of the Cherokee Nation under federal sanction. The proceedings were difficult and painstaking, as the Cherokees worked in the old style of consensus, requiring unanimous acceptance of every proposal, every amendment, and every appointment. Half a dozen translators, including Levi Gritts, insured that those who were monolingual, either in English or Cherokee, understood the proceedings. By the end of the day, the Cherokee Nation once again had a council, called a standing executive committee, and two national speakers to support the Cherokee executive, which continued to be

represented in the person of Principal Chief J. B. Milam (Merideth, 1985:112-121; Sunday and DuPriest, 1953:153-161).

A few weeks later, the Keetoowah Society, Inc. passed a resolution opposing the work of the convention, despite the fact that their leadership had been present, had acted as translators, and had joined in the unanimous acceptance of the proceedings. Gritts' enmity towards Milam escalated, and the Keetoowah Society, Inc. which had extended membership to Milam in the previous decade, now expelled him. Gritts approached the Nighthawk Keetoowahs seeking support and an extension of Keetoowah condemnation of Milam, but the Nighthawks refused and pleaded instead for Cherokee unity. In the end, Gritts and the Keetoowah Society, Inc. stood alone among the Keetoowah groups in their condemnation of Milam and the council of the Cherokee Nation (Merideth, 1985:121-22).

Milam, who had suffered from heart disease throughout most of the decade, became increasingly ill. In the following year, 1949, his eighth year as Principal Chief of the Cherokee Nation, J. B. Milam passed away. He had lived long enough to plant the seeds and see the first small shoots of Cherokee nationhood reborn in the twentieth century. Upon his death, the federal appointment to the office of Principal Chief went to W.W. Keeler, a representative of the Texas Cherokees who served on the Cherokee Executive Committee, and was Vice-President, and later CEO, of Phillips Petroleum. Keeler had worked within both the ad hoc and formal councils of the Cherokees for more than twenty years at the time of his appointment. As the Presidents of the United States repeatedly appointed Keeler to four-year terms as Principal Chief for the next twenty-two years, he continued Milam's pursuit of Cherokee claims and expanded nationhood.

As the Cherokee Nation attempted to elaborate its political existence once again, the Keetoowah Society, Inc. pursued another path. By 1950, the organization was successful in attaining federal recognition, the official establishment of a government-to-government relationship with the United States as a legal and political entity separate from the Cherokee Nation. At that time it took on the name of the umbrella organization and officially styled itself as "the United Keetoowah Band of Cherokee Indians in Oklahoma" (UKBCIO, generally called the UKB). It nevertheless traced its origins to the 1946 Act that gave the "Keetoowah Indians of the Cherokee Nation" the right to reorganize under the OIWA's corporate model. The status of the UKB as an umbrella over the organizations containing "Keetoowah" in their names was also quite blurred at this point, as the Nighthawk Keetoowahs persisted in their appeals for Cherokee unity and support for the Chief and council of the Cherokee Nation. The Keetoowah Society, Inc. dissolved completely into the UKB, and in most respects it could be said that the UKB was composed primarily of the former Keetoowah Society, Inc.

Thus as Cherokee nationality re-emerged throughout the middle decades of the twentieth century, the event that Principal Chief John Ross had spent so much of his life trying to prevent in the previous century finally occurred: the federal government legislated a division of the Cherokee people into two governments. For many years after their federal recognition, the UKB functioned largely as a social entity, with a loose and informal governmental structure. Membership requirements were not clear, membership totals were not enumerated, and elections were sporadic. For four decades, from 1950-90, Cherokees were allowed to maintain dual citizenship in both the Cherokee Nation and the UKB. Federal assistance, awards from claims, etc., were channeled to the Cherokee Nation, and

would often be distributed through the Cherokee communities by the UKB's networks. For twenty-five years, from 1950-75, the relationship between the UKB and the Cherokee Nation was largely non-competitive, and often even cooperative.

Even before the establishment of the Indian Claims Commission (ICC) by the federal government in the mid-1940s, the Cherokee Nation had been filing claims like a scattershot, in courts at all levels (municipal, county, state, and federal), on any possible grievance stemming from the massive thefts of Cherokee lands throughout the 1890s and early 1900s. Most of these claims had been dismissed, but finally, one not only hit, but hit big.

Argued by Cherokee attorney Earl Boyd (E.B.) Pierce, who had been long retained by the Cherokee councils and chiefs, the Cherokees were finally awarded additional monies for the extorted sale of the more-than-seven-million-acre Cherokee Outlet in 1893, land which had ultimately been opened up for one of the famous Oklahoma land runs by white homesteaders. The additional award for $14 million was received in 1962, and was paid per capita to 80,000 Cherokees who were identified as either original enrollees of the Dawes Commission from the allotment era, or the first generation of their heirs. There were no tribal operations of the Cherokee Nation at the time, which was being largely administered by the Bureau of Indian Affairs, and so no other use of the funds was allowed. Chief Keeler and advisors argued successfully for the investment of the award into interest-bearing accounts until the awardees could be identified, and an allowance on the part of the BIA that interest earned could be used to initiate tribal operations.[57] By the time the award was finally paid out, it had earned almost $2 million in interest, which in the late 1960s was used to establish a small tribal office and hire three employees. Aggressive efforts were undertaken

[57] From a transcript of a discussion between Justice Ralph Keen, Sr. and Col. Martin Hagerstrand in Chad Smith's *Cherokee Nation Legal History Course*, sometime in the early 1990s, and contained in the

to acquire additional lands for a tribal complex. With the development of a base of funds, the Cherokee Nation was beginning to awaken from a long, dark sleep. Milam and Keeler's dream of restored nationhood, a dream shared by decades of grassroots councils, was finally on the road to realization.

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By the 1960s and '70s, identity questions were becoming paramount issues for the Cherokees. With the devastation of the governments of the Five Tribes several generations earlier, racial and cultural differentiation from whites, rather than political citizenship, had become the standard markers of "Cherokee-ness" in the eyes of both the federal government and the dominant society. As a result of federal relocation efforts and expanding economic opportunities, Native Americans in general were becoming an increasingly urban population. This had led to increased political organizing and activism, and also deepening differences and rifts between urban Natives, with their particular expressions of Native identity, and reservation/rural Natives at the "cultural core" (Ablon, 1964; Guilleman, 1975; Liebow, 1991; Waddell and Watson, 1971; Weibel-Orlando, 1991). Rising rates of intermarriage also intensified the dilemmas around race as an identifying marker or boundary which, when coupled with the activists' assertions of treaty rights and demands that the federal government live up to its trust responsibilities to Indians, brought the questions of "resource ethnicity" into sharp focus.

Social science research among the Oklahoma Cherokees of this era was also largely focused on the cultural and racial aspects of Cherokee identity. Some of the most fervent

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compilation presently used as the course text.

field workers involved in chronicling the existence of the Cherokees in the late 1960s and 1970s were participants, as well as observers, in the social reform movements of these decades. For instance, several of the interviewers employed by the Doris Duke Project were former VISTA Volunteers. The most prolific researcher of the era, Albert Wahrhaftig, although himself non-Indian, was deeply involved with Indian activism through his associations with Robert Thomas, a Cherokee active in national pan-Indian political and social movements. Wahrhaftig also participated with a grassroots Cherokee organization first called the Five County Northeastern Oklahoma Cherokee Organization, later renamed the Original Cherokee Community Organization (OCCO). As a result of the perspectives driving their research, the assertion of anthropologist Gerald Sider that "partisanship doesn't change the answers social science finds...It changes the questions one asks" is well illustrated. The work of these social activists and progressive academics, Wahrhaftig in particular, is extremely insightful and remains extraordinarily beneficial and useful to understanding the Cherokees even to the present day.[58]

The Duke project interviewers, J.W. Tyner in particular, often asked openly leading questions that were quite biased. Their questions often blatantly solicit affirmation of the interviewers' own perspectives from the participants, especially in questions concerning

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[58] In particular, Wahrhaftig's overview of Cherokee history, provided to contextualize the existence of the Cherokee communities in which he was working, draws sharp historical divisions of residency within the Cherokee territory, which he ties to class and also to race to some extent (1970, 1977, 1978). Wahrhaftig's categories are extremely rigid and easily challenged, but they support the view of the communities in which he was working as to who they are and from where they derive. The dilemma for an outside reader is that Wahrhaftig fails to acknowledge that not all the Cherokee people in "the communities" were politically of like mind concerning the events of the late '60s and '70s; he presents his findings as though there was a consensus. Wahrhaftig's primary personal involvement was with political activists -- Cherokee, pan-Indian, and white -- and he describes their activities as Cherokee "militancy." Yet among the Cherokees, who tend to be a politically conservative people, persons and actions that are overtly "militant" are generally eschewed. Wahrhaftig, Robert Thomas, and others among the community leaders they worked with, were controversial people involved in a controversial project among the Cherokees. As mentioned by Mankiller and Wallis (1993), there were others in the communities who felt quite differently about the political personalities and events of the time; Wahrhaftig never acknowledged these diverse perspectives.

quantum and those concerning Chief W.W. Keeler's leadership. On the whole, many Cherokee participants, especially elders, not only evaded confirmation of the interviewers' biases, but frequently didn't seem to understand what they were being asked to confirm or offered a very different perception from that framed by the interviewer. However, several of the younger and/or more activistic participants comprehended Tyner's leads exactly, and the resulting interviews are among the lengthiest and most emotionally charged of the entire project.

For example, one of the longest interviews compiled by Tyner was with Don Bread, a twenty-five year-old college graduate of Cherokee and Kiowa heritage, recently employed by the controversial drama of the Trail of Tears that was being performed for the first time at the new Cherokee Heritage Center's outdoor amphitheater. Fully a third of the fifty-two-page interview transcript involves discussions of who is and is not a "real" Indian, either along the lines of quantum or along the lines of cultural understandings and behaviors. Additional sections concern commentary on Chief Keeler, Ralph Keen, Sr., and Col. Martin Hagerstrand (a non-Indian married to a Cherokee) three controversial political and cultural figures in the Cherokee world of the 1960s and '70s. At several points Bread questioned their rights to even claim to be Indian or to involve themselves in Cherokee politics and culture. Still other questions involved the matter of assistance that were beginning to be available in the areas of education and health care, and who should or should not be able to access these benefits. This discussion focuses upon "resource ethnicity" as described in chapter one. In short, the entire interview is steeped in questions concerning ethnic and national identity.

Mr. Bread conceived of distinct categories of Indians:

> *Well, when you speak of local Indians, there are several types of Indians, that I personally I classify...Now there's your Indian, now he's an Indian, now he's a real Indian like myself...There's your mixed-bloods. They're either Indian or they're not...* ***Their personality, the way they live, their experience, their background*** *and there's a lot of them that are half-Cherokee, and they don't understand the Indian part of their heritage.*

Tyner inserts, "And they think white, don't they?" Mr. Bread replies,

> *Right, they think white and they don't think Indian and when I think, when I speak of Indians,* ***I'm speaking of people who think Indian, they know that they belong to the Indian race.*** *You know if something was to come up, I'd take sides with the Indian race. If they were wrong, if I knew they were wrong, I'd still have sympathy for the Indian race and even if I knew I was wrong and on their point of view, I'd stick to the Indian race because it's my heritage.*[59]

In these statements, Mr. Bread described the popularly expressed, although poorly defined, categories of culture, behavior ("their personality, the way they live, their background") and race, which he parallels to a great extent with the way that individuals "think." Later in the interview, again following Tyner's lead, Mr. Bread defines an Indian in terms of quantum. He states that all the people working in the ancient village at the Heritage Center are Indians, although some are mixed-bloods. Tyner asks, "By mixed-bloods, now do you go down as far as one thirty-second or do you mean half-blood?" Bread responds, "I don't when I say mixed-bloods, I think a quarter to a half...I don't think anybody [under a quarter] can say they're really Indian." In the end, Mr. Bread narrowed the category of "real" Indians to those persons who are a quarter or more in quantum, but who must also "think" Indian and thus align themselves and their loyalties with Indians at all times, even when they know the Indian position is "wrong." This, of course, mirrored the standards that had been set as part of the federal acknowledgement process: Indians were persons of one-quarter

[59] Interview with Don Bread by J.W. Tyner, in 1969, exact date unknown, emphasis mine.

quantum or more who lived as "Indians" in some kind of distinct tribal existence. Lacking a viable nation or membership criteria, the Cherokees were adhering to these federal standards of blood quantum in the administration of services, most notably at Hastings Indian Hospital in Tahlequah, and were apparently internalizing the federal definition.

But there is other evidence that many Cherokees, especially those who were less inclined to the activism of the day (and that was the overwhelming number of them) still were not as influenced by racial measurements of Cherokee-ness. This becomes especially apparent in the behaviors of many traditional "fullbloods" toward the longstanding Principal Chief W. W. Keeler. In yet another collection of interviews, editor Dorothy Milligan wrote, "If the person seeking to understand Bill Keeler talks with full-blood Cherokees of Adair County, he will hear the former chief eulogized as downright saintly. If he talks with some of the former Chief's detractors from the Tulsa area, he will think Keeler is in league with the Devil" (1977:154). Much of the debate about this controversial Chief seems to have centered around his one-sixteenth blood quantum, with many asserting that a quantum requirement of one-half should be placed on the office of Principal Chief.[60]

Indeed, Keeler himself had once resigned his federally-appointed position in 1954 because of the increasing amount of time he was spending out of the country in his position as Vice-President of Phillips Petroleum. He recommended to the Secretary of the Interior at the time that the new appointment should be a bilingual fullblood. Cherokee fullbloods themselves began a petition drive to request that the Secretary of the Interior retain Keeler as their Chief. Keeler stated that he was surprised by this, yet a segment of the Cherokee population that has not ever seen Cherokeeness as a blood issue, to use Strickland's phrase,

[60] Another source of debate was class based, and located Keeler's inappropriateness to serve as Chief in his wealth and corporate position.

has always existed, hidden by those who are more vocal (Milligan, 1977:159).

Albert Wahrhaftig's research provides the richest reports of life within Cherokee communities and the most complex theoretical analysis of Cherokee persistence through the 1960s and '70s. While his work is extremely detailed in many respects, it can be generally regarded as also addressing the three categories with which this dissertation concerns itself from the perspective of this era: ethnicity, nationality, and, to a lesser extent, history. In describing his general findings, the questions about ethnic identity -- the intersection of race and culture -- come to the forefront. Wahrhaftig rarely broaches the discussion of quantum, except marginally and from the other direction, as he is forced to admit that the term "fullblood," as Cherokees use it, is often not being used in a racial sense. As a field worker in Cherokee communities, he could not have escaped the fact that many persons were introduced to him as "fullbloods" who, judging from their phenotype, obviously were of mixed racial heritage. From this he correctly came to the conclusion that "The criterion defining this population, however, is sociological, not biological" (1968b:510). Yet he appears to accept a relationship between quantum and cultural identity in another essay in which he writes about the enrollment on the Dawes rolls for allotment of many Cherokees of "1/16, 1/32, 1/64, 1/128, and even 1/256 Cherokee!...It is quite obvious that the *cultural* and *legal* definitions of 'Cherokee' are in conflict" (1978:472-3).

But these are not statements about culture at all. These are metaphorical fractions that attempt to delineate racial heritage. Wahrhaftig himself states that the rolls listed the names of Cherokee *citizens*. Again, the confusion as to whether Cherokees are a race, a cultural group, or a nationality emerges. By this statement, Wahrhaftig would seem to be drawing an equation between race and culture, a common assumption in the United States as concerns

Indians, with a concomitant disregard of or discounting of the importance of political nationality -- citizenship -- under the old Cherokee republic.

Nevertheless, Wahrhaftig generally worked from sociological and anthropological, rather than racial, perspectives. From these perspectives, he did establish criteria that "bound" the communities he worked in. In a general sense he made a distinction between (1) the population of people who have legal and political claims to being Cherokee and (2) those who are participants in functioning Cherokee communities (1968b:510). Wahrhaftig's research was with the second category of Cherokees, those he considered and named the "real" Cherokees. These communities are without exception located around what he calls a "Cherokee ceremonial site," either a Baptist or Methodist Church, or a stomp ground (1968b:512). Thus, in Wahrhaftig's conception, Cherokee identity in the 1960s and '70s was based deeply in two socio-cultural aspects, residence and religious practice.

Among the Cherokees in these "fullblood" communities, Wahrhaftig finds great cultural persistence, the overriding anthropological interest of the day as exhibited by the theorizing of Spicer (1971), in particular. In several articles Wahrhaftig described the surprise that outsiders, who are largely under the impression that all the Cherokees have assimilated and that "everyone is a little bit Indian" in northeastern Oklahoma, would experience if they knew of the existence of over 10,000 deeply cultural Cherokees in the region (1968b:515, 517; 1968a:7; Wahrhaftig and Thomas, 1970:43). As Oklahomans continued to predict the demise of the Cherokees, Wahrhaftig's findings indicated that the number of Cherokees in the communities in which he was working was actually increasing. He calculated that about 11,500 Cherokees were either living in or participating socially within functional traditional communities in the 1960s. He stated that this exceeded the 8200

"fullbloods" who were recorded on the Dawes rolls in 1898-1906, once again making the assumption that "fullbloods" (a racial designation by these rolls) referred to cultural and community-based Cherokees, and that all fullbloods were/are community-based people and all others were/are not. Still, Wahrhaftig's basic premise is correct: the number of Cherokees was (and is) increasing and the prediction that the dominant society had been making for decades, if not centuries, about the vanishing Indians was baseless.

As stated previously, Wahrhaftig established two categories of Cherokees. He also proposed a division between those 11,500 who are "socially" Cherokees -- those who reside in the communities clustered around Cherokee ceremonial centers -- and the more than 32,000 (by his count) who are "legally" Cherokees. The latter group he described as people of Cherokee descent and heritage, but who live culturally as "whites," although the attributes of "white" culture remain undefined in his work. In addition, he observed a marked isolationist stance between those in the Cherokee communities and local whites. The persistent ability that he found in these communities to maintain an "unfragmented" existence, a sense of continuing identity as Cherokees who interact correctly in the world based on an ancient understanding of what their rightful place and actions are (Wahrhaftig, 1975a, 1979).

That understanding is contained in the ancient Cherokee vision of the "White Path" which Wahrhaftig finds to be still very strong among the Cherokees in both the Christian and the stomp dance communities. As part of an essay containing questionable assertions that will be critiqued in the next chapter, Wahrhaftig identified the characteristics of the White Path that define traditional Cherokee identity. The majority of these characteristics fall into the category of "intra-Cherokee relations." The first is the Cherokee language, which he

described as symbolic of the continuity and the boundaries of the Cherokee people. The second is the existence of game, which he states is symbolically important to the Cherokees both in conceptually reaffirming a connection to an aboriginal way of life and also as representing a continuing relationship to the natural world. The third characteristic is individual literacy in the Cherokee language, which he explained as a continuing "harmonious relationship with one's own psyche inasmuch as the ability to read appears as a 'gift from God' when a person is alone and at peace with himself." The fourth characteristic he found is the existence of the medicine practice and Indian doctoring among the Cherokees, which illustrates continuing interpersonal relationships based in wisdom, justice, and faith. The fifth is the collective production of new prophecies, dreams, and medicine which join the Cherokees together as a people engaged in ongoing revelation towards a shared future (1979:263-4). At these points are aspects that define the ethnic quality of Cherokee identity.

The last three aspects of the White Path vision concern extra-Cherokee relations and the position that the Cherokees see themselves as occupying among the peoples of the world. In this realm, Wahrhaftig describes Cherokee literacy and Christianity as symbolizing to Cherokees that the Cherokee tradition is that of an intellectually and spiritually developed people in the world. Since the Cherokees incorporated both of these elements long after the origin of the White Path vision, they exemplify the evolution of the tradition to support a continuation of Cherokee identity through changing historical eras (1979:264).

The seventh and eighth elements of the vision also represent the evolution of a nationalist identity among the Cherokees. The Cherokee Nation, vested in its constitution and laws, represents "the orderly institutionalization of the Cherokees' primordial capacity

for self-government and their ability to deal as nation to nation with the powerful peoples of the world" (1979:264). This represented, in the 1960s, a continuing psychic investment in the collective memory of the Cherokee republic of the 1800s, more than a relationship to an existing government and nation, which had yet to emerge as a viable entity.

The last aspect of the vision of the White Path is that of "being a civilized people." The designation as "civilized" was placed on the Cherokees in the 1800s by the dominating culture to describe a people who were apparently involved in processes of assimilation via their adaptation of Euroamerican technologies, religion, and systems of government. As evidenced here, the Cherokees adopted the term to mean something quite different. In the conception of Wahrhaftig and his informants, the Cherokees are civilized because they signed treaties that they have upheld. This renders them a moral people and places them in sharp contrast to the government and citizens of the United States who have broken every single treaty negotiated with Indian nations. Thus, in the conception of the Cherokee White Path, to be "civilized" is to be moral, to keep one's word (1979:264). It is a stunning Cherokee appropriation of the term, one that turns its hegemonic and ethnocentric original intent entirely on its head. It is also couched in national understandings of themselves as a government and a people in an international arena.

Wahrhaftig regarded this conception, whether stated or not, as the foundation of Cherokee identity, both ethnic and national. He found this vision enacted in the Cherokee communities in which he conducted his research, correctly leading him to assert that the Cherokees have been an amazingly persistent people. Language survived, relationships to game and to the natural world survived, literacy in Cherokee still existed and the medicine tradition was vibrant; the Cherokees still held to prophetic visions of themselves and their

collective destiny. The ethnic character of Cherokee identity was strong in these communities, even growing. Wahrhaftig asserts that isolation from "meaningful" interactions with whites enabled this persistence (1979:257-9).

But the national identity of these communities as described by Wahrhaftig was rooted in the past. The Cherokee Nation that functioned under laws and a constitution, and which held its own in relation to other powerful governments, was no longer, nor were the tenets of treaties with the United States that had guaranteed the Cherokees their full inherent rights of sovereignty and self-government, common landholding, and had assured them that their lands and national existence would never be subsumed into any territory or state (Treaties of 1828, 1835, 1846, 1866). Cherokee nationality belonged to the realm of identity that Spicer had theorized concerning extinct languages; just the *idea* or the remembrance of a language, even if it no longer was in use, could become a powerful symbol of identity for a people (1971:799). Likewise the remembrance of the Cherokee republic and the terms of treaties remained potent symbols of nationality and identity. But few regarded them as a modern, viable reality.

All could agree in the 1960s that the former Cherokee republic no longer existed. There were nominal structures of government and a person in the figure of the appointed Principal Chief of the Cherokee Nation who functioned under the direction of the Bureau of Indian Affairs. In addition, grassroots community efforts such as those enacted by the Original Cherokee Community Organization (OCCO) constituted attempts to bring some kind of representational institution from the Cherokee communities (Wahrhaftig, 1975b). But the desire for real nationhood still swelled in the hearts and minds of many Cherokees, and by 1970 some of the first steps had been taken toward its re-establishment.

After the initial start up of tribal operations resulting from the Indian Claims Commission settlement, one of the first initiatives undertaken by Chief Keeler was to approach the Congress with a request that the Cherokees be allowed to elect their own Principal Chief once again, rather than continuing the practice of federal appointments to that office. In 1970, that request was granted through the passage of federal legislation. The first elections of the modern era were conducted the following year. Initially, W.W. Keeler did not intend to run for the office, but was persuaded to do so by Cherokees themselves, including many of the "fullbloods" of the traditional communities who held Chief Keeler in high regard (Mankiller and Wallis, 1993:181; Milligan, 1977:153-4). In 1971, in the first election since 1903, W.W. Keeler was elected Principal Chief of the Cherokees by a landslide.

Not everyone regarded the election that returned representative government to the Cherokees, at least in the executive office, as a step toward revitalized nationhood. Others viewed Keeler's election as but a strengthening of federal and corporate infiltration and control over the Cherokees. The oppositional rhetoric of the day spoke of Keeler's connections to the white "establishment," and asserted that Keeler's election, and the ascension to influence of a cadre of Cherokee professionals along with him, represented the (paralleling) Cherokee Establishment. Wahrhaftig has been foremost among the detractors, and offered a rich and detailed analysis, yet again, of the alleged behind-the-scenes operations of the Cherokee government and its use of federal and corporate finances, which he stated was heavily influenced by local white institutions, such as banks, oil companies, and chambers of commerce (1978:487-506). In a complex argument, Wahrhaftig moved from criticism of the Cherokee Establishment's new boldness in the face of the Bureau, to its

apparent lack of ideas or economic plans, to its opposition to Cherokee militancy (with which he was closely involved), and its extolling of Cherokee celebrities of low quantum and without ties to Cherokee tribal culture or community (1978:489).

Wahrhaftig then turns to very astute, anthropologically-based critiques of the HUD-regulated programs for tribal housing that were being offered through the Housing Authority of the Cherokee Nation (HACN). He regarded the HACN as insensitive to and destructive of certain traditional cultural behaviors and residence patterns (1978:490-96). He proceeded to a discussion of the lack of Cherokee Establishment initiatives in providing the thing Cherokees need far more than houses -- jobs. He rendered a particularly scathing attack on one of the most controversial undertakings of the era, the new Cherokee Heritage Center with its "ancient village" in which Cherokees were hired to dress up and play out pre-contact cultural activities in a reconstructed Cherokee town of the 1500s for the benefit of white tourists. Other severely criticized economic endeavors are the Phillips Petroleum plant and Cherokee Nation Industries (which contracts with the Defense Department, NASA, etc.). His most viable argument is that these enterprises offer only blue-collar employment to Cherokees while providing the most economic benefit to the surrounding white-dominated economy. In essence, the Cherokees were being harnessed once again as a cheap labor force for burgeoning industry in the region (1978:496-500).

The remainder of Wahrhaftig's critique focuses on the efforts to merge community representation into the re-established nation (1978:500-506). It is an interesting perspective in that it highlights the fact that although there was now an elected executive branch, the lack of an elected legislative body that could represent the wishes of the grassroots Cherokees in the counties and communities of the Cherokee Nation continued to contribute to the divide

between the people and their government. That government was only slightly less hamstrung at this point than it had been for the previous sixty-five years. The discussion in this essay, and others also, emphasizes that the majority of the concerns of the community people had to do with what the Cherokees have termed "services" -- housing and health care, in particular. These entitlements had been channeled largely through the Bureau of Indian Affairs during its sixty-five years of heavy-handed administration, and the federal one-quarter quantum requirement had been placed on the recipients of those services, health care in particular (Wahrhaftig, 1966; Wahrhaftig, 1968b; Wahrhaftig and Thomas, 1970; Wahrhaftig and Lukens-Wahrhaftig, 1977; Wahrhaftig, 1978; Wahrahftig, 1979). As the Cherokees began to take over administration of these services under self-governance agreements allowed by the American Indian Self-Determination and Education Assistance Act of 1975, these quantum requirements began to be eliminated, since the Cherokee Nation had never had any quantum requirements for membership. After the development of the 1975 Cherokee Constitution, which designated the Dawes roll of 1898-1906 as a base roll, and required only that one be descended "by blood" from an original enrollee, access to services began to be extended to a wider spectrum of Cherokees, and the questions of resource ethnicity moved to the forefront for many Cherokees. This had been a situation of more abstract institutional advantage in previous years, as the state privileged a certain kind of Cherokee over another in its incorporation of them into regional political and economic structures. Now federal policies began to foster a direct competitiveness with more oppressed Cherokee populations as those of lower quantum began to also be eligible for services offered directly through the Cherokee Nation.

Controversies continued to swirl around the re-establishment of the nation as represented in two events: (1) the opening of tribal offices in 1968 and (2) the first popular election of a Principal Chief since Oklahoma statehood. As additional efforts to expand nationhood continued, each was advanced by proponents and confronted by detractors. The election of Ross Swimmer as Principal Chief in 1975 (after Keeler declined to run again) in a hotly contested campaign brought the conflict to a head, in many respects. One of Swimmer's opponents during the ugly campaign, Jim Gordon, ran for Chief of the United Keetoowah Band only a few years later and was elected. The rivalry between the two began to create a situation of competition between the two governments, which had been largely congenial prior to that time. The level of contentiousness has risen ever since and has marked the last decades of the twentieth century, to the dismay of Cherokees on both sides of what is, at the root of it, a federally-created divide.

Swimmer brought one of Keeler's early initiatives to fruition, the development of a Cherokee Constitution to supersede the Constitution of 1839. Approved by the Bureau of Indian Affairs in 1975, this Constitution re-established the legislative and judicial branches of the Cherokee government as well, although at the time, there were no courts and no thought of re-establishing courts, as it was assumed there was no longer any territory over which the Cherokee Nation held any jurisdiction. Rather than re-unifying the Cherokee people under a new sense of shared nationality, the 1975 Constitution brought conflict and protest, just as the development of the first Constitution had in 1827. The formation of the committee to propose revisions, composed entirely of Chief Keeler's selection, came under attack (Wahrhaftig, 1978:505). When the section on membership was approved, many Cherokees disapproved. The membership qualifications followed those of the pre-statehood

Cherokee Nation in that there were no quantum requirements for membership, and descendants of the Delaware and Shawnee citizens of 1898-1906 were incorporated as members of the Cherokee Nation as well. They diverged from the criteria of the pre-statehood Nation in that intermarried whites and the descendants of freedmen were excluded from membership, but also in that non-resident Cherokees (those who lived outside the historical boundaries of the Cherokee Nation) were incorporated as citizens (Mankiller and Wallis, 1993:218). There were many who objected to various aspects of these criteria; it is unlikely that there would have been, or ever will be agreement among the Cherokees on these points. Historically, it is unlikely that there ever was.

Among the sections of this Constitution, one in particular has proved extremely troubling in later years. Near the end of the document, Article XV, Section 10 states "No amendment or new Constitution shall become effective without the approval of the President of the United States or his authorized representative." As the Cherokee Nation has attempted since 1999 to revise its Constitution and place the proposed amendments in front of the Cherokee voters for approval, the Bureau of Indian Affairs (BIA), represented by then-Assistant Secretary Kevin Gover, the "authorized representative" of the president, repeatedly refused to approve the proposed amendments, attempting to mandate instead its own ideas of membership criteria, etc. In 1975, under a fledgling new semblance of government, the Cherokees placed this approval section in the document, mirroring the requirements of tribes that had re-organized under the Indian Reorganization Act (IRA) or the Oklahoma Indian Welfare Acvt (OIWA), whose constitutions must be federally approved. After almost seventy years of administration by the BIA, and only the tentative beginnings of restored government, the Cherokees were informed that the same kind of requirement would be

demanded of them as well, even though they were not an IRA or OIWA tribe.

As the legislative branch of the Cherokee Nation also began to be restored, similar movements toward expanded self-government were occurring within the other Five Tribes as well. In particular, the Creek (Muscogee) Nation had established a tribal council that was beginning to assert itself. But the BIA, under escalating challenges to its authoritative administration of the Five Tribes, attempted to maintain its control by acquiescing to only the bare minimum of tribal self-government as was mandated by federal law. In the mid-1970s, in the eyes of the Bureau, this meant that only the office of Principal Chief had any legitimacy under the Act of 1970 that had allowed for the elections of the Principal Chiefs to once again take place within the Five Tribes. By 1976, a disgusted young councilman of the Creek Nation, Allen Harjo, brought suit against the Bureau challenging its continuing dismissal of the legislative branch of the Creek government, and its refusal to deal with anyone but the Principal Chief of the Creeks, especially in matters pertaining to expenditures of tribal/federal funds. In that year, the suit, *Harjo v. Kleppe* brought a stunning decision from a federal court that kicked the door wide open for the re-establishment of full governmental functions for the Five Tribes of eastern Oklahoma.

In this decision, a federal district court judge recognized that although a strong attempt had been made at the time of Oklahoma statehood, in fact the governmental functions of the Five Tribes had never been legislatively abolished. The judge referred to an obscure section of a federal legislative act passed in 1906, The Five Tribes Act, that, in fact, had *expressly continued* the government of the Five Tribes in full force until otherwise provided by law. Section 28 of the act, which was passed six weeks after the date upon which the Cherokee Nation (and the other of the Five Tribes) were to have been terminated,

was initially inserted as a legal facade at a time when it was convenient to maintain a Principal Chief in office to sign off on transfers of allotment lands, leases, etc., as directed by the Commission of Indian Affairs. For seventy years, everyone had understood this to be the situation. Also contained in Section 6 of this act were the provisions that had allowed the President to appoint the chiefs/governor of the Five Tribes.

But in 1976, in a stunning ruling, this seemingly innocuous little section became the salvation of the governments of the Five Tribes. The section is unambiguously worded; tribal governments are continued "in full force and effect for all purposes authorized by law." From this, the judge determined that the Five Tribes of eastern Oklahoma had always held the right to the *maximum* of self-government guaranteed by treaties and congressional objectives. The appointment of the executive branch was not intended to usurp the right of the tribes to elect their own leaders, but simply to insure that the office would always be filled in case of a vacancy (ironically, under the system of federal appointments, there had been many years in which the office was vacant throughout the early decades of the twentieth century). The constitutions of the Five Tribes had always been in effect, and the powers of the legislative branches had always been present as defined by the tribal constitutions, including the power to determine expenditures of tribal funds.

Importantly, in relation to later attacks on the Cherokee Nation by its detractors, the decision also stated that the re-organization of tribes under the Oklahoma Indian Welfare Act had no bearing on the Five Tribes, which had never been statutorily terminated, and thus continued to enjoy existence as "inherent" sovereigns. The judgment also acknowledged that the governments of the Five Tribes have the right to develop new constitutions, either as an

exercise of the tribe's inherent sovereignty, or under the OIWA.[61] The existence of the Cherokee Nation had been legally continuous and without termination; the Nation that re-emerged in the 1970s was the direct descendant of the Cherokee republic of the 1800s.[62]

With the *Harjo* decision in 1976, the governments and the powers of the Five Tribes were restored to a great extent. In particular, the court not only slapped the hand of the Bureau of Indian Affairs, but essentially punched it in the nose, threw it to the ground and stomped on it by admonishing its oppressive and, in the court's view, illegal administration of the affairs of the Five Tribes for the previous seventy years. In powerful language, the court chastised the Bureau, stating that "The available evidence clearly reveals a pattern on the part of the Department [of the Interior] and its Bureau of Indian Affairs designed to prevent any tribal resistance to the Department's methods of administering those Indian affairs delegated to it by Congress. This attitude, which can only be characterized as *bureaucratic imperialism*, manifested itself in deliberate attempts to frustrate, debilitate, and

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[61] By this ruling, it was clear that the Cherokees need never have placed the section in the 1975 Constitution requiring federal approval of any new constitution or revisions. A proposed amendment, if passed by the Cherokee voters, would abolish this section and thus remove this requirement from any future Cherokee constitutions. Ironically, it first would have to be approved by the BIA's Assistant Secretary of Indian Affairs!

[62] In very recent years, two groups in particular have attempted to make legal arguments that the present Cherokee Nation is not a valid legal entity because it has not re-organized under the federal statute of 1936 entitled the Oklahoma Indian Welfare Act. A small group led by Cherokee Nation citizen Robin Mayes, calling itself The Cherokee Nation 1839 and stating that it is a "provisional government" has recently been defeated in state court by the Cherokee Nation, which has prosecuted them on the grounds of consumer fraud for their sale of coins and car tags under the guise of the "Cherokee Nation."

Lately, certain persons in the government of the United Keetoowah Band have also begun to make this argument in an attempt to establish themselves as the rightful successor to the territory and jurisdictions of the pre-statehood Cherokee Nation. In cases which were filed in the early 1990s, *UKB v. Mankiller*, the federal court ruled that jurisdictions for purposes of regulation, taxation, and law enforcement over trust and restricted lands within the former territory of the Cherokee Nation remain still with the Cherokee Nation, and only the Cherokee Nation.

Although not impacted by this argument, jurisdictions are also being asserted by the Delawares, as part of their recent attempts to separate from the Cherokee Nation, and the matter is in court, with the Cherokee Nation attempting to block separate federal recognition of the Delawares under these demands.

Very recently, the Shawnees have separated and received their own federal recognition, with the blessing of the Cherokee Nation, since they have not attempted to take land or jurisdiction away from the Cherokee Nation by their separation.

generally prevent from functioning the tribal governments expressly preserved by [section] 28 of the [1906] Act" (*Harjo v. Kleppe, 1976,* as reproduced in the text of the Cherokee Nation History Course, 2001:20-37, emphasis Chad Smith). The Five Tribes were up and running once again.

Twelve years later, an additional decision resulted from another case also brought by the Creeks. In *Muscogee Nation v. Hodel,* the Muscogee Creeks challenged the abolition of the tribal courts that had taken place under the Curtis Act of 1898. Although the federal district court initially denied the right of the Creek Nation to re-establish tribal courts, the federal appellate judge reversed that decision in the 1988 case, stating that the policy objectives of the United States in the Indian Reorganization Act and the Oklahoma Indian Welfare Act of the 1930s implicitly repealed all previous statutes that were contrary to the new goal of re-instituting tribal government. Thus, the passage of the OIWA implicitly repealed the Curtis Act. Another facet of Cherokee self-government was restored, and soon thereafter, the Cherokees began to develop codes of tribal law and a system of tribal courts.

By the 1990s, an additional case, *Ross v. Neff,* had recognized Cherokee jurisdiction in law enforcement over tribal and trust lands within the fourteen county area of northeastern Oklahoma that formerly comprised the territory of the Cherokee republic. Shortly thereafter, in a difficult decision, the Council of the Cherokee Nation narrowly voted to assume self-governance in the area of law enforcement. Because of complex land tenure in northeastern Oklahoma, the Cherokee Nation began to seek cross-deputization agreements with county law enforcement agencies in order to provide the maximum of protection to tribal members and others in the region. These agreements have sometimes been elusive, and some political maneuvering has accompanied their negotiation, but slowly, a bit at a time, the Cherokee

Nation has been regaining real status as a nation, exercising true governmental capabilities, and surpassing its late twentieth century functions as predominantly a service agency.

The re-establishment of the Cherokee Nation and its governmental functions marks the third punctuated moment in the evolution of Cherokee identity in the twentieth century. The process of rebuilding has been a slow one, lacking the land base that had previously been the ultimate source of Cherokee prosperity. But the devotion to nationhood continues to grow among the Cherokee people. Under Principal Chief Wilma Mankiller, who took office in 1985 after Ross Swimmer resigned the position to become the Director of the Bureau of Indian Affairs, the Nation began to be more responsive to community-based organizing.

Raised in the Bay Area of California under the BIA's urban relocation programs of the 1950s and '60s, Mankiller had returned to Oklahoma as an adult and had become involved with numerous community initiatives as a grantwriter for the Cherokee Nation. Effective at community development and respected by those with whom she worked, Mankiller was asked to run for the office of Deputy Chief in 1983, as the stated choice of Principal Chief Ross Swimmer, who was also running for re-election. As someone who had been raised in the outside world, Mankiller's views were generally not as conservative as those of most local Cherokees, but this proved to be a minor point in relation to the biggest issue of the campaign -- Mankiller's gender. In the typical ugliness that seems to pervade Cherokee elections, the campaign was rough and tumble, and even permeated by threats of violence. In the end, in a runoff with another woman, also a respected community person, Mankiller was elected Deputy Chief in Swimmer's administration. She succeeded to the office of Principal Chief upon Swimmer's resignation two years later (Mankiller and Wallis, 1993:238-245).

Wilma Mankiller became the most celebrated tribal leader in the United States during the course of her administration, which lasted from 1985-95. Many initiatives were undertaken under her leadership, but in the larger sense two aspects of her tenure are particularly significant. First, under her leadership, the Cherokee Nation sought and received increasing levels of federal funding, ultimately bringing millions of dollars in revenue not only to the Cherokee Nation, but into the local economy of northeastern Oklahoma. As the Cherokee Nation began to be a major player in the area, the ability of Cherokees to combat regional institutional discrimination began also to be enhanced.

Second, these efforts were furthered by an aggressive drive to register everyone who was eligible under the membership criteria as citizens of the Cherokee Nation, which also brought more federal dollars to the Cherokees. The Nation began to be accused by other Indian nations of padding its membership by enrolling persons who would not be eligible under the federal one-quarter quantum requirement, in order to receive an inappropriate share of the federal "pie." But in this respect, the Cherokee Nation was, for the most part, simply following requirements for citizenship as they had been under the Cherokee republic before it was shattered by the United States -- requirements in which blood quantum had not been a factor.

The registration drive brought more eligible Cherokees into tribal membership than anyone had ever imagined there could be. During Mankiller's administration, the numbers doubled from the approximately 80,000 who had received per capita payments from the Outlet settlement in the 1960s. By the new century and millenium, over 230,000 Cherokees had applied for and received membership in the Cherokee Nation. This represents a seven fold increase from the 32,000 Cherokees "by blood" who were enumerated on the Dawes

rolls a century earlier. It does not include the approximately 7000 Cherokees, also descendants of Dawes enrollees for the most part, who comprise the membership of the United Keetoowah Band. Such an expansion is, of course, not possible as a result of a natural rate of increase in a population that lives in isolation, marrying only endogamously, and is sharply bounded from the surrounding world. The only way this rate of increase "by blood" can be explained is through widespread intermarriage, and then retention as Cherokee citizens of the children of those marriages. At this time, the Cherokee Nation continues to register about 1000 new tribal citizens monthly, 85% of whom are newborns.

The motivations vary widely among those seeking to register for membership in the Cherokee Nation. Resource ethnicity continues to be a driving force, as people receive their "blue cards" (proof of tribal membership) and go immediately in search of what they can get for it. Most are quite surprised to discover that there are no checks in the mail, no free education being handed out, and hours, if not days, of waiting for free health care at local Cherokee Nation clinics and Indian Health Service hospitals.

For many, Indian preference in hiring for the 1800 jobs at the Cherokee Nation, or the additional 1200 jobs through its instrumentalities (the Housing Authority of the Cherokee Nation, Cherokee Nation Industries, and Cherokee Nation Enterprises) is the most palpable benefit they can imagine. They likely discover that the pay is not competitive with what they could make in a similar position outside the region. Still, the Cherokee Nation has become one of the largest single employers in northeastern Oklahoma, and one of the best employment opportunities for those Cherokees seeking to stay in the cultural core, the Cherokee homeland.

Many Cherokees trade higher rates of pay for the personal satisfaction of staying "at home" and in a job that assists with the rebuilding of their Nation, people, and culture. The numbers of those who are seeking ways not to take from their nation, but to give to it are increasing, along with the awareness that the "blue card" is not a symbol of membership in a social club or a genealogical society, but a document that confers citizenship in a Nation.

National identity is slowly reawakening in the Cherokee people -- not an identity based in the symbol of the nineteenth century republic, but an identity deeply invested in the government of today, which is growing daily in sophistication and regional influence. The importance of the existence of the Cherokee Nation to the Cherokee people became apparent in the late 1990s as the government faced a 1997-99 constitutional crisis precipitated by a refusal on the part of then-Principal Chief, Joe Byrd, to obey both the Cherokee Constitution and the orders of the Cherokee courts. The complex series of events, which unraveled during two years, led to mass firings (and de facto dismantling of self-governance in law enforcement) of the Cherokee Nation Marshals by the Chief, and his very questionable impeachment of the justices of the Cherokee's highest court, the Judicial Appeals Tribunal (JAT). Dissident councilors responded with a twenty-month boycott in order to prevent the quorum necessary under the Constitution to transact business from being achieved, thus preventing the Chief from continuing to engage in what they believed to be illegal activities with the sanction of half the council. The crisis and the boycott divided the nation, and many Cherokees went into action in defense of their government and their constitution.

Chief Byrd had not been elected but rather had been defaulted into office in 1995 when his opponent in the runoff, George Bearpaw, was disqualified after it was revealed that Bearpaw had pled no contest to a felony assault twenty years earlier under an agreement that

it would be expunged from his record. The Cherokee Judicial Appeals Tribunal ruled that the expungement did not invalidate the initial conviction, and thus Bearpaw was ineligible under the Cherokee constitution to hold the office of Principal Chief. Byrd's ascension into the office was questionable in the eyes of many Cherokees, who felt they had not been given the opportunity to vote for a chief.

The administration of Chief Byrd and the constitutional crisis that occurred under his leadership also revealed the continuing importance of questions of identity in the Cherokee world. Chief Byrd was proudly the first fullblood, bilingual chief of the Cherokees in more than 100 years. Many Cherokees in the communities were elated and confident that now that one of "their own" was in office, things would be different. The Cherokee Nation would display a more congenial atmosphere to its traditional citizens when they entered the tribal complex. The concerns of the communities would be heard and attended to immediately. Privilege would be given to Cherokees of higher quantum. As the crisis deepened, many traditional Cherokees refused to believe that a man like Byrd, whom they regarded as a man like themselves, was capable of the level of corruption with which he was charged. Explanations began to circulate charging a conspiracy to defame Byrd on the part of Mankiller and her supporters, since she had handpicked his opponent, George Bearpaw, to succeed her. Byrd's alleged financial irregularities were compared and contrasted with those alleged to have occurred under Mankiller's administration, with the prevailing cynicism asserting that "all of the chiefs have been corrupt, and they're just picking on Byrd because he's a fullblood."

But racial politics began to crumble as the corruption continued to mount. By the Cherokee National Holiday in early September 1997, SWAT teams from the State of

Oklahoma perched on the buildings of Tahlequah as the parade passed below. Byrd began to have bodyguards with him wherever he went. Many Cherokees wondered how they had arrived at a situation in which their own Chief seemed to be so fearful of them. Increasingly, with a sickening irony, it appeared to many that this bilingual fullblood Chief, in whom the hopes of the traditional communities had been invested, instead was deeply aligned with local business and banking interests, both Cherokee and white, and even with some who were alleged to be involved in the regional drug trade. As attorneys' fees mounted into the hundreds of thousands of dollars, and millions of dollars in tribal funds remained unaudited and unaccounted for over months and then years, even some among the traditionalists began to call for Byrd's resignation or impeachment. As the drive for recall mounted, it became obvious that the 1975 Cherokee Constitution was not well elaborated and could offer no guidelines for the process of recall of the Principal Chief of the Cherokee Nation. Many Cherokees were overcome with horror and grief for their nation. Many expressed their shame in being Cherokee at that moment, when the Nation that had been so renowned for its adherence to sophisticated systems of law and government could not seem to find guidance from either.

Among some of the traditionalists, a quiet, grudging change in sentiment could be noticed, best exemplified by a letter to the editor in a local newspaper that, paraphrased, said, "Joe, you need to step down. We were so proud to have a fullblood chief, but now you're making the rest of us look bad." Perhaps most unfortunately, among those of latent racist sensibilities, the cant of fullblood incompetence that had been increasingly quieted since the oppressive days of BIA administration began to rise again. Racial divisions within the Cherokees that had been promoted so effectively by state and federal institutions over the

past century were erupting once more among the Cherokee people. Nonetheless, even among those who began to believe that Byrd was in error, a sense of longing was still expressed. It had been nice to walk into the Cherokee Nation complex and talk to people there -- even the Chief -- in the Cherokee language.

Despite the attempts at recall, the calls for resignation, and the rumors of federal indictment, Chief Byrd served his full term and ran for re-election in 1999. In another ugly primary, seventy per cent of the Cherokee voters voted for candidates other than Joe Byrd. No one received a majority on the first ballot, so a runoff election was slated between Byrd as the top vote-getter and his closest opponent, Chad Smith.

Smith, an attorney, tribal planner, and former director of the Cherokee Nation Office of Justice, had been among the most vocal opponents of Byrd and his disregard of the Cherokee Constitution. Early in the constitutional crisis, the Cherokee courthouse had been occupied and the justices locked out by the BIA police, who had been brought in by Byrd after his firing of the Cherokee Nation Marshals. In June 1997, during a demonstration on the sidewalks around the courthouse square, Smith had attempted to cross the street toward the courthouse and had been wrestled to the ground by BIA police. As a result of this incident, he was later charged in federal court with felony assault and battery. Those charges, which have been neither dropped nor advanced in the more than four years since they were filed, became a point of attack in Byrd's campaign against Smith, while Smith hammered at Byrd's alleged misappropriation of funds, which he estimated at around $11 million.[63] In addition, revelations about the private lives of both candidates became focal points of the campaign.

[63] Later audits indicated a deficit of about $6 million in federal funds that were unaccounted for.

Finally, in July, 1999, Chad Smith was elected Principal Chief of the Cherokee Nation in a runoff in which he garnered 58% of the vote to Byrd's 42% -- a landslide, according to the local press. Three years into Smith's administration, the financial state of the nation is solid once again, and community initiatives strikingly similar to those proposed by Albert Wahrhaftig's informants within the Cherokee communities of thirty years ago are the focus of Cherokee Nation planning. Bottom-up development funded by the Cherokee Nation is proposed, based on self-help initiatives emerging from the communities themselves.

The old tradition of *ga-du-gi* is being formally promoted by the administration among its tribal employees, and other calls to indigenous traditions of self- and group-reliance are being trumpeted. A renaissance of culture and language is being attempted, and efforts are underway to build an empowering understanding of their own unique history within the Cherokee people. The sovereignty of the Cherokee Nation is being asserted as compacts are developed with the state for licensing of automobiles, and hunting and water rights cases are being developed. Cross-deputization agreements are sought and the Marshal Service has been reinstated and expanded. The Cherokee Judicial Appeals Tribunal has been restored and briefly had a full complement of sitting justices for the first time in several years.

The new Chief has detractors, as well, among them the governments of the Delawares and the United Keetoowah Band, against each of whom the Cherokee Nation under the Smith administration has been aggressive in defending the jurisdictions of the Cherokee Nation from attempted erosion. As always, the Tribal Council provides a contentious counterpoint to the administration, and the checks and balances of the Cherokee Constitution are played out.

At this moment, both ethnic and national identity for many Cherokees are more pronounced than they have been for years. The situation is extremely complex. Quantum, residence, and class are not what they were a century ago. The land is not what it was, neither is the society. But as we enter the twenty-first century, the Cherokee story and existence is being revitalized in ways that many would never have predicted, and by the very institutions and processes that seemed least likely to assist. The histories as written are ill equipped to explain the reality that is being enacted by the Cherokee people, today. The final chapters will attempt to offer an alternative reading of events.

CHAPTER SIX

Deconstruction, Opposition, and the "New" Cherokees

To review, this project began as an investigation into the maintenance of ethnic and national identities among Cherokees living in diaspora. I used a four-part methodology to analyze the interviews that involved (1) the cautious deconstruction of race, ethnicity, and nationality (2) a view toward cultural adaptation and persistence, rather than loss, (3) evidence of "opposition" as theorized by Spicer, and (4) a view of social conflict as a necessary component of a discourse of resistance and persistence, rather than as factionalism leading to cultural loss.

I also attempted to contextualize these diasporic "new" Cherokees in a historical continuum, but a disjuncture became evident between the histories as they have been written and the expressions of the project participants. For instance, historians and other social scientists have often presumed that intermarriage would assimilate mixed race Indians into an identity as "white," but often the non-Indian spouse has been the one to assimilate into Indian culture and society. Likewise, geographic dispersion perhaps has contributed to the dwindling of core communities, such as those Wahrhaftig investigated, but it has also led to emergent new urban Indian communities -- communities that express their "Indianness" very differently from those "back home," yet enable their members to maintain an Indian identity in their contemporary environment.

In attempting to resolve the disjuncture, I applied the methodology outlined above to the data about identity construction among historical Cherokees. From this, an interpretation of the ways in which Cherokees may have constructed their ethnic and

national identities emerged that differed sharply with prevailing interpretations. This interpretation revealed patterns of symbiotic relationships among the Cherokees that have been overlooked or dismissed, and opened a space for explanation of the identity claims of the new Cherokees in diaspora of the present day. Although I am reserving the in-depth analysis of these interviews for a later publication, some general observations can be made about this emergent space for their identity claims, and place the diasporic Cherokees within the historical continuum.

Derided as "wannabes" by those at the cultural core, who declare that the identity claims of these "new" Cherokees are emerging only because Indians are now "in vogue," these project participants' expressions about the importance of reclaiming a Cherokee identity defied this simplistic explanation. Other popular perceptions among the Cherokees in Oklahoma, as well as Indians of other tribes, are based upon resource ethnicity, and the presumption that the non-resident and "new" Cherokees also want benefits and services. In these respects diasporic Cherokees are considered competition to the populations "at home." Most of the project participants did not engage in overt displays of what Sider calls "assertive Indianness." Most were not receiving anything for being Cherokee except personal satisfaction, a sense of themselves, and, in the organizations they had formed, a sense of community. Others were also finding spiritual meaning through their Indian identity claims, but most were Christian, always had been, and didn't identify their religious practice as either particularly Cherokee, or not Cherokee. No one was profiting as a result of his or her claims. Several who were tribal members were employed in Indian service jobs, but no one was making a living in an entrepreneurial sense by being Indian.

The "new" Cherokees seem to defy popular understandings of race, ethnicity, and nationality. It is not difficult to understand why observers of the phenomenon are skeptical. In the analysis that will comprise the remainder of this work, I make a historically-based argument for the validity of identity claims by the participants in this project; I do not, however, suggest that these claims are without problems. There are risks on all sides -- risks for the claimants and risks for the Cherokee Nation and its citizens. I hope to bring an additional kind of situated knowledge to the overall picture. It is important to pay attention to those at the core, but it is not wise to discard those outside the core or even at the periphery. It would perhaps be wiser to foster symbiotic relationships, a symbiosis that I believe was formerly a part of Cherokee existence.

Racial Construction and the "New" Cherokees

Historical domination by a hegemonic power is extremely significant to the matrix of race, ethnicity, and nationality among the Cherokees. As we apply the first step in the methodology -- the cautious deconstruction of these aspects of identity -- it is important to recognize the presence of the United States government and its bureaucracies in virtually every aspect of the existence of Indian nations and peoples. The deconstructionist project can be quite dangerous if we do not constantly keep this reality at the forefront.

The historical analysis provided in Chapters Four and Five reveals many instances of egalitarian interaction between Cherokees of various racial compositions -- fullbloods, mixed-bloods, and whites. Delaware, Shawnee, and freedmen (former slaves) populations became citizens of the Cherokee Nation under agreements and treaties whose terms were

largely imposed by the United States (Treaty of 1866, 1867 Delaware Agreement, 1869 Shawnee Agreement). At this time, some level of institutional discrimination began to be enacted against even the Delawares and Shawnees, despite the fact that they were racially "Indians" as well. Discrimination against the freedmen was even more pronounced. This situation continued throughout the existence of the Cherokee republic. In the twentieth century, the Cherokees largely internalized American conceptions of race, and many project contemporary constructions of race onto conditions in earlier eras, sometimes even claiming that these are "traditional" ways of thinking. But there is ample evidence to assert that in the Cherokee republic, neither the cultural structures of clans nor the later political category of "citizen" had anything to do with race as hegemonic U.S. culture constructed it, then or now.

Many Cherokees, as well as Indians of other tribes, do not understand or agree with the lack of quantum requirements for citizenship in the Cherokee Nation today. Thus the claims of many of the "new" Cherokees, most of whom are phenotypically "white" as race is constructed today in the United States, may seem ludicrous to those who define Cherokees as Indians and Indians as a race. In fact, there is a long historical basis for the construction of Cherokee identity that denies the presumed relevance of categories of racial phenotype. Awareness of this denial remains within the Cherokee people.

As Omi and Winant have suggested, contemporary political opposition is based in non-compliance with the "logic" of the signifying marker of race as constructed by the dominant society, a logic that would lead one to believe that being Cherokee/Indian is based in blood quantum and phenotype. This is a presumption of the multiculturalism model in America, as discussed in Chapter Two. But the Cherokee Nation has historically

structured itself almost completely under the sovereignty model, that is, as a nation and a republic that could naturalize individuals into citizenship. In large part, the Cherokee population today, including the "new" Cherokees, is racially diverse as a result of the strong assertion by the former Cherokee republic of its sovereign right to determine its own citizenry.

But, even as the Cherokees continue to resist racially-constructed phenotype as signifying Cherokee-ness, this does not mean that race is irrelevant. The Cherokees do not exist in a color-blind society, either inside their cultural and national group or in relation to the dominating culture. The Cherokee participants in this study had an acute awareness of their racial status. Many interviewees stated their quantum and shared their feelings about their appearance or the fraction with which they were identified. One of the contemporary expressions among diasporic Cherokees of low quantum is that "It's not what one looks like that makes a Cherokee; it's what is in the heart." On the surface, this is an apparently warm and innocuous little saying. Closer inspection, however, reveals a likeness to liberal universalist sentiments ("we're all the same under the skin") noted by Blauner, and stated in Omi and Winant (1994:7-71), that ignore and flatten the particular historical and contemporary experiences of various segments of the Cherokee people and society.

A more descriptive variation of the saying runs along the lines of "I may be only ___ (fill in the fraction) Cherokee, but in my heart I'm a fullblood." Without denying the potential for Cherokees of all strata to align with each other, this self-comparison to fullbloods on the part of those who are predominantly "white" in their phenotype may encompass both a denial and an appropriation of the fullblood reality. As with Blauner's

students, some interview participants seemed unaware of the power dynamics of racism, and regarded racism as prejudice based in skin color and other phenotypic characteristics. As such, a few confided that "fullbloods were prejudiced against them," or that they, too, had experienced racism by the denial of their claims by those of high quantum.

Omi and Winant recognize that racial projects occur on two levels: at the individual level and at the level of sociopolitical structures. The participants in this project who stated that they had encountered discrimination from other Cherokees of higher quantum had experienced racism on the level of the individual -- likewise for those Cherokees of lower quantum who make disparaging comments about those of higher quantum -- which could be referred to as "prejudice." Yet the disparaging comment or two made to a Cherokee of lower quantum about his or her identity claims differs substantially from a lifetime of grinding, ceaseless messages conveyed through the institutions of a society telling individuals from the time they are infants through the waning years of their lives that they are a lesser kind of person. From the time phenotypically Indian children are small, educational systems engage in a myriad of subtle communications that tell them they are not as capable, they cannot achieve as much, they are not as valuable, they are not as lovable. These messages continue to be reinforced throughout a lifetime via law enforcement and the courts, business and the economy, media and popular culture, in a way that is relentless and soul deadening. This is institutional discrimination, and retaining pride and a sense of sustenance from being a Cherokee under these conditions is quite a different undertaking; yet most Cherokees who are "Indian" in their phenotype do take pride and sustenance from their Cherokee identity.

State and federal institutions have long acted to afford privilege to those of lower quantum and to discriminate against those who are phenotypically "Indian" -- that is, dark -- in an effort to distinguish between those Cherokees who were acceptable in the new state structures (and also ineligible for federal assistance) and those who were not. These tactics created divisions among the Cherokees in the twentieth century, and it is not difficult to understand why those who have experienced repression have often closed ranks as communities and become disparaging of those Cherokees who have accepted social privilege without protesting social discrimination against their fellow Cherokees. The process exemplifies the manner by which, as Omi and Winant state, "hegemony operates by including its subjects, incorporating its opposition" (1994:68). To the extent that some Cherokees have colluded with this incorporation, with varying degrees of awareness, it can be accurately asserted that they have contributed, albeit unwittingly perhaps, to the maintenance of a state power dynamic that is racist and oppressive to their fellow Cherokees. In some respects it may be that the joyous celebration of a newfound Cherokee identity on the part on "new" Cherokees and/or Cherokees in diaspora tends to flatten the reality that many of our people continue to pay a severe penalty for being Cherokee, while others do not. Race may not be real, but racism certainly is.

Cultural Deconstruction and the "New" Cherokees

The expression of Cherokee-ness differs among individuals, communities, and strata within the Cherokee Nation and people. Just as the deconstruction of race must be handled cautiously, and always with an eye on the United States' hegemonic power, the deconstruction of concepts of culture and ethnicity must also be approached with

delicacy. In addition, there are particular pitfalls since the social scientists who deal specifically in this field cannot agree on definitions.

Prior to the nineteenth century, Cherokee culture had been fairly autonomous. The Cherokees had never constructed racial, but descent was important because it was the most common way of conferring clan on a person, as long as one's mother was Cherokee. Clan, not race, was the signifying marker between Cherokee and non-Cherokee. But as contact and intermarriage began to introduce new cultural attitudes and behaviors to the Cherokees, not to mention material culture, the great internal debate within the Cherokees began. Should the Cherokees remain as incorporative as they had been, or were the new cultural attitudes threatening enough to warrant rejection or even ostracism or expulsion of the outsiders and their influences, in contradiction to the inclusive nature of Cherokee society and clans, and an isolationist stance in relation to the United States. None of these options were ever feasible.

Instead, the Cherokees incorporated the new diversity that was emerging in their population. They began to do so in ways that avoided the racism and class stratification that impeded the acceptance of pluralism in the United States. Cherokee understandings of diversity were rooted in the inclusive nature of the clans, not the exclusive boundaries of race. Class divisions were minimized because wealth continued to be based in the indigenous understanding of status, which had much more to do with acquisitiveness for the purpose of generosity rather than acquisitiveness for its own sake. Cherokee elites still had a multitude of family, clan, cultural, and community obligations.

"Cherokee" is usually thought of as a single ethnic group, as a single system of cultural practices. But under diversifying conditions of race and ethnic expressions,

beginning in the early 1800s and escalating throughout the century, the unifying structure became one of nationality. As Cherokee political nationality -- the republic -- was created, the space allowing for a range of ethnic expressions within the Cherokee people also opened. Many twentieth-century historians, even in writing about this emerging nation-state, still apply a multiculturalism model from the twentieth century that assumes that cultural homogeneity must be present in constructions of "Indian" identities. Thus they view the multiplicity of expression as an erosion, rather than an expansion, of Cherokee ethnicity and identity.

As the intersection between race and culture, ethnicity is both constructed (like race) and dynamic (like culture). Nagle has examined aspects of culture that she terms "expressive" and "constitutive." Expressive cultural aspects are far more flexible and more readily apparent than constitutive. These would include art, music, ritual and ceremony, food, and "customs," a catch-all kind of category. These would also include technologies and material culture. These are the areas in which ethnic diversity developed most rapidly among the Cherokees, as some began to adapt expressions and practices from the dominating culture, while others adhered more closely to indigenous practices. A wide mix of such expressions grew among the Cherokees. These are also the areas in which "new" Cherokees in diaspora have most easily learned indigenous Cherokee expressions in order to assert their ethnicity.

The constitutive aspects of culture are also flexible, but tend to maintain themselves more firmly than the expressive. These include language, economic and political systems, social organization, and religion. The real range of historic ethnic divergence among the Cherokees can perhaps be better understood in terms of dynamic

change in these categories. Variations in ethnic expressions among the Cherokees began to emerge on the basis of primary language use, although many remained bilingual to some degree. Variation also began to emerge on the basis of religious practices, adding complexity to the picture because religious differentiation cut across the language categories. Social organization by clan and kin group began to expand. While matrilineal clan systems were not discarded, patrilineal descent and inheritance were added.[1] Residence patterns begin to shift, and people adhered to both older and newer patterns, also cutting across the categories of language and religion. For most people, the shifts in these areas that led to divergent ethnic expressions had more to do with adding on to Cherokee practices, rather than supplanting them. Throughout the century, support continued for the tribal Cherokee ethnicity that included speaking the Cherokee language, ceremonial practices that became most closely identified with the Nighthawk Keetoowahs by the century's close, and kinship patterns that included clan and extended family residences. This support also came from those whose own ethnic expression had shifted from tribal to national.

The most significant changes in Cherokee constitutive culture came in the areas of economic and political systems. Although the Cherokee world shifted dramatically in these areas, it nevertheless reflected a great degree of Cherokee agency. Status occupations of warrior and hunter were replaced by status occupations of entrepreneur and plantation operator. By late century, ranching was also added to the mix, and the

[1] As Shirley Pettingill, a participant in one of the Cherokee Nation History Courses that I teach in the communities, pointed out, we can continue to observe the influence of matrilineal clans even in some of the most acculturated families. John Ross, for instance, had sons, but his proteges, those he mentored to take positions of political power, were his nephews, William Shorey Coody and William P. Ross, his sisters' sons. This may seem strange under patrilineal kinship systems, but is absolutely consistent with Cherokee understandings of clanship, in which the elder brother is the male role model to his sisters' sons, being of

Cherokee economy became extremely diversified. Hunting remained integral to subsistence for many Cherokees, and it retained symbolic importance as well. These occupations, as well as subsistence farming, were the areas in which diverse expressions of ethnicity were most clearly differentiated, although how they corresponded to other aspects of identity was not always predictable. For example, the conservative, tribal ethnic expression was usually associated with subsistence activities rather than production for the market. Nevertheless, the mix of economic strategies was complex and again cut across lines of language, religion, kinship/clan, and residence.

Political structures changed most dramatically in the first decades of the nineteenth century, but by its close, which also saw the demolition of the Cherokee republic, these were highly elaborated systems that incorporated the range of ethnic expressions among the Cherokees. By the century's end, nationality defined many people's identity, but the illegal infiltration of whites and the strongarm tactics of the federal government had broken apart the Cherokee Nation.

These areas of constitutive culture have been far more difficult to renew for the Cherokees in diaspora. There is a great deal of interest in learning the language, but this is a difficult undertaking in areas where a viable community of speakers who are actually utilizing the language on a daily basis does not exist. This also poses a dilemma in northeastern Oklahoma, at the cultural core. Cherokees in diaspora also have some interest in traditional religious beliefs and practices, especially the stomp dance, but these are somewhat esoteric ceremonials and likewise difficult to participate in without a larger community of practitioners.

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the same clan, instead of their father, who is from a different clan than his own children. Ross' own sons, for instance, would have been mentored by his wife's brother.

As elements of constitutive culture diversified historically, the diversification cut across categories. There are no clearly defined categories that correlate which Cherokees became English-speakers, which adopted Christianity, or which shifted and adapted social organization based in clan and residence patterns. Thus the diasporic Cherokees are also descended from the situation of plural ethnic expressions within the Cherokee republic, just as the Cherokees in northeastern Oklahoma.

Nevertheless, there are some among the Cherokee people who display behaviors and attitudes that are obviously derived from an era of more autonomous culture. Since the early-nineteenth century, this ethnic expression has been only one among increasingly divergent expressions of Cherokee identity. The majority of the Cherokee people still regard these practitioners, who are the most culturally conservative of the Cherokees, as the heart and soul of Cherokee existence, and are identified as the "tribal core."[2] Historians, anthropologists, or even those who are part of this core, seldom acknowledge that the divergent ethnic expressions among the Cherokees still bear important relationships to this culturally conservative group. The relationships may be dwindling, they may even have been severed for a time, but the possibility for alignment and realignment has never been eradicated. This is the potential and the hope that the re-establishment of nationality and the "new" Cherokees bring to the ethnic mix.

Wahrhaftig and Thomas have recognized this potential, and also the undermining of this potential by state structures, expressing it instead in class terms. Writing about the "myth of assimilation," they state, "By denying there is a Cherokee community with which a Cherokee middle class could identify and to which it could be responsive, [the

[2] This phrase, first introduced to me by consultant Kyle Smith, is being used by members of the Cherokee Nation's Strategy Group to describe the traditional communities.

state] draws off educated Cherokees into 'white' society and leaves an educationally impoverished pool of Cherokees to perpetuate the image of Cherokee incompetence" (1970:51). This remark could be applied to the non-resident populations as well. But as ethnicity is deconstructed and then reconstructed in a fashion that acknowledges the potential for and legitimacy of ethnic re-emergence, other aspects of ethnic identity claims become problematic in the specific Cherokee situation.

The external world usually regards "Cherokee" as an ethnic group, or perhaps not even an ethnic group in its own right, but part of a larger ethnic group, "American Indian." This designation flattens the Cherokee-specific historical context that allows many people that the dominating culture does not regard as Indian to claim Cherokee ethnicity. Since "American Indian" is regarded not only as an ethnic group, but also as a race, many view the claims of these Cherokees as ludicrous. As Waters (1990) has stated, most "whites" in the American society have options about whether or not to claim an ethnic identity, or to choose instead to be "just an American." This option is usually denied to phenotypic Indians, who are presumed to have ethnicity because they are "of color." As Gans (1979) has noted, the ethnicities that are not constrained by race or resources have a much broader range of acceptable expression. New Cherokees who are often phenotypically white may primarily express their identity symbolically, as "heritage." A common expression of this type among project participants is that they are "part Cherokee," which is followed perhaps by a listing of the other ethnicities of which they are also "part." Thus for many, rely on their ability to assert an ethnicity in certain situations, while downplaying it or ignoring it in others. This may also bring resentment from those who do not have this option.

One of the most troubling aspects of asserting Cherokee ethnicity today is the question of "resource ethnicity" -- the allocation of rewards and benefits on the basis of ethnicity. Again, multicultural models and sovereignty models can be confusing. Some types of rewards, such as affirmative action programs, are shared with other "minorities" in the United States, and have to do with addressing historic institutional racism and its impact on modern communities. But certain other entitlements accrue to Indian peoples only, and these are based in the federal "trust responsibility" to Indian *nations* (the sovereignty model) that is derived from the *Cherokee Nation v. Georgia* case of 1830. The claim to Cherokee ethnicity by those who are not citizens of one of the three federally recognized Cherokee tribes, and the denial to them of benefits, seems unfair to them in many respects. But in the case of Native Americans, the benefits are defined by the political claims to citizenship, rather than the racial and ethnic claims of heritage. This is problematic in the case of some tribes, because the sovereignty model is still controlled ultimately by the federal government. Political quasi-sovereignty is "bestowed" upon a tribal nation when the federal government deems that the nation is "recognized."

However, in the case of the Cherokee republic, the criteria for citizenship were well-defined in the era between 1898-1906 when the rolls of the Dawes Commission were compiled -- lists that comprise the base roll for contemporary citizenship. In large part, these rolls followed the Cherokees' own assertions of who their citizens were. Some intruders did get on the rolls; some legitimate Cherokees did not, due to grassroots resistance. There were relatively few who were not finally caught up in the process, not nearly as many as anecdote and family legend would claim among northeastern

Oklahomans. There were, however, 200,000 intruders who claimed citizenship in the Five Tribes and were denied, and it is reasonable to think that the claim of being Cherokee/Indian may have been passed down through the generations in some of these families, and been transformed into a story of resistance to explain why their ancestors were not on the Dawes rolls.

Residency within the territorial boundaries of the Cherokee Nation was one of the criteria for citizenship. Certainly there were Cherokees who did not live in the Cherokee Nation, and therefore did not get on the base roll. Their descendants, some of whom can document Cherokee ancestry, and who participated in this project, made statements during their interviews indicating that they did not understand why their documentation was not acceptable for present citizenship in the Cherokee Nation, while others' was. The concept of nationality is not well-defined among new and diasporic Cherokees. Membership in the Cherokee Nation is not an ethnic membership, nor is it a validation of an individual's genealogy. It is an extension of citizenship to the descendants of those persons who were citizens at the time the republic was destroyed by federal mandate.

Thus resource ethnicity is not exclusively structured around ethnicity among the Cherokees, but rather it is a combination of ethnicity *and* nationality. Nevertheless, the question of who receives benefits is a divisive one, even among the Cherokee citizenry. One of the most common beliefs about the non-resident population is that they are seeking a share of the scarce benefits and services that the federal government provides to Cherokee citizens through the Cherokee Nation. As part of the interviews, I asked participants who were tribal members whether they received any benefits from the Cherokee Nation or the federal government. A few said they used the Indian Health

Service in the area where they lived; a couple said their kids had received some small amount of educational assistance for college. Otherwise, none were receiving benefits, and did not expect to. Conversely, the majority stated that they were not interested in what they could "get" for being Cherokee. The most commonly expressed desire was for greater cultural exchange and connection with the tribal core in Oklahoma.

However, in all of the regional organizations, there were those who had initially joined the groups out of an interest in discovering what they might be entitled to as Cherokees. A few of them had been retained as group members, and through organizational attitudes and presentations, had been assisted to achieve a deeper understanding and appreciation of their ethnicity and/or nationality. But the participants in every organization reported that, almost without exception, those persons interested primarily in benefits had simply faded away when they discovered that there were none. There are unquestionably those among the non-resident population who would like to employ "resource ethnicity," and who have little or no interest in anything else about being Cherokee. But they do not continue to interact with these organizations. Overall, contrary to popular anecdotes circulating in northeastern Oklahoma, the non-resident populations are not competing with them in any way, except for $500 per semester undergraduate scholarships that are awarded by the Cherokee Nation.[3] All other services are awarded only to those in the "service area" of northeastern Oklahoma.

[3] At this time, competition for these small scholarships is nevertheless so intense that the Cherokee Nation is denying some students for the first time. Consideration is being given to additional qualifying criteria. It appears that the Chief is moving away from initial considerations of quantum and residency as criteria, in favor of a promise of service to the Nation, which he feels would probably result in the funds flowing anyway to those who most need them. However, the council appears to be in opposition to this kind of qualification. The question remains under discussion.

The main expression of resource ethnicity among the project participants, both citizen and non-citizen Cherokees, was entrepreneurial. Most of this was centered in arts and crafts production -- beadwork, basketry, and visual arts -- and none of the participants were making a living by it. Most were doing it out of enjoyment, with some minimal sales. A few were voluntarily teaching, as well -- basketmaking, in particular. Teaching the skills, as well as sales of what was produced, were also offered as fundraising activities for the organizations. In Houston, a few participants were involved in a native writers group as well. Overall, the scale of these activities was very small. Overwhelmingly, the majority of the project participants were not engaged in any real form of resource ethnicity. As one participant responded when I asked if she received anything for being Cherokee, "I get a lot of smiles and hugs?...Zip!"[4]

The perception of new Cherokees as undeserving is related to questions of resource ethnicity, but I believe the perception goes further among some Cherokees in northeastern Oklahoma. I have heard at least two individuals refer to those Cherokees who have moved from the area as "traitors," and state that they or their ancestors simply abandoned the Cherokee people and territory when things got too rough. The assertion of Cherokee ethnicity on the part of non-resident and "new" Cherokees thus rankles with those members who feel that Cherokee claimants are only returning to the fold now that things are easier and Indians are "in vogue."

There is a widespread belief in northeastern Oklahoma that the non-resident population constitutes the entire absentee vote, which sometimes determines Cherokee Nation elections. The non-resident voters are believed to have the power to sway the

[4] Interview with Vicki Henrichs, Houston, TX, March, 1998.

results in a way that impacts directly on the people in Oklahoma, but which has little or no impact on those outside Oklahoma. This perception also relates to the sense that the non-resident Cherokees are undeserving, as well as the perception that they are uninformed. These perceptions, along with non-resident activities, can be analyzed in respect to Nagle's observations on resurgent ethnic identity in relation to events in the homeland (1996:25). She states that ethnic resurgences in the United States are often linked to social and political events in the homeland. While romantic, exotic, and sympathetic portrayals of Indians have certainly increased in the last few decades, I would question how much this is actually the source of ethnic resurgence among "new" and non-resident Cherokees.

Indians began to be "in vogue" about forty years ago, in the era of Indian activism. But my interviews indicated that for most, their resurgence of interest occurred during the last ten years. Several factors seem to be involved, the first of which is age. Most stated they had begun to become interested in their "heritage" when they were in their late thirties and forties. Most said they knew from the time they were young that they were Cherokee, but had not cared about it until they were approaching middle age. But the time frame (1987-97) within which many, if not most, of the members of these organizations had reached middle age was interesting. An analysis of events in the Cherokee Nation during the years in which most of these organizations formed and developed their memberships could easily lead one to suspect that the widespread publicity surrounding the election and administration of Principal Chief Wilma Mankiller through most of these years contributed greatly to the resurgence of ethnic identification as Cherokee. Mankiller's fame, coupled with an aggressive tribal registration effort

through the years when she was Chief, kindled an interest in re-asserting a Cherokee identity. For many, the news that they now were eligible for tribal membership in a nation that had not kept a membership registry for most of the twentieth century was inspirational! Although the participants did not consciously state that this was a source of their individual ethnic renewal, the time frame during which most did state a new interest, coupled with the almost universal expressions of respect and admiration for Chief Mankiller that the participants willingly volunteered, would certainly suggest that events "back home" were extremely significant.

In examining ethnic resurgence based upon political and social events in the homeland, Nagle also recognizes that the ramifications of being an ethnic national are quite different in a contested homeland than they are for second- or third-generation ethnics residing elsewhere. This, too, is applicable to the Cherokee situation. The complaints about the absentee vote being decisive are derived from this recognition. Discrimination, poverty, usurpation of land, and federal, state, and county intrusion continue to be factors in the lives of many Cherokees in northeastern Oklahoma. There are often costs associated with being Cherokee in the homeland that simply are not there for Cherokees celebrating their ethnicity and nationality in other states.

The Oklahoma Cherokee population is far more conservative in many respects. Corruption in law enforcement, government, and business are still prevalent and must be negotiated by the local people. "Good ol' boys" networks are prominent. Personalities are involved. Families are extensive. Obligations and promises must be kept. As a researcher and campaigner among the Cherokees, I observed that the Cherokees in Oklahoma often presume that the non-resident population is uninformed about the local dynamics; it is

presumed that they vote from this ignorance. It is presumed they have no connection and no clue as to what the people "back home" want.

The interview participants who were Cherokee Nation citizens were asked if they voted. Most said that they did. But most also said that they had begun to vote only recently, and only because they felt they had received enough information through their own regional organizations to make a good choice. Many also stated that they had not voted prior to this precisely because they felt they *didn't* know enough to make a good choice. This response suggests those who feel they are informed cast that the approximately 3000 absentee votes that are received (from over 100,000 non-resident Cherokee citizens). Those who "don't have a clue" are aware that they don't, and refrain from voting. A comparison of tribal registration lists with voter registration lists indicates that, just as in northeastern Oklahoma, most non-resident Cherokees are not even registered to vote.

Interview participants named the candidates' forums that were sponsored by the organizations as the most common method of becoming informed. The ability to actually meet and hear from the candidates was greatly appreciated and influential in the selections of non-resident voters. They also used the internet to learn more about the situation at home, although several mentioned that the slanderous posts prevalent on some of the bulletin boards during campaigns began to turn their stomachs. Campaign literature and phone calls received mixed reviews, with some saying they read every word of it and were eager to ask questions of the people who called from the campaigns. Others said they took the solicitations with a grain of salt, or even tossed out mail or hung up on phone calls. Many also consulted with relatives in the homeland, a means often

derided by others in Oklahoma. But in fairness, talking politics with other family members as part of making a decision occurs in many Cherokee communities in the homeland as well. In short, there are a variety of ways in which the interview participants work vigorously to cast an informed vote. If they don't feel they can vote responsibly, then they abstain from voting. They exhibit a responsive awareness of their potential impact on those at home who must live with the situation; but they also exhibit a desire to participate in their most prominent right of citizenship.

The new expressions of Cherokee ethnicity may seem to emerge from a vacuum, explainable only by a stereotypic reference to Indians being in vogue, but the recognition that divergent expressions of ethnicity are in fact longstanding among the Cherokees makes them more understandable. There is a tribal core within the Cherokees that rightfully claims an authenticity of culture and cultural continuity. Yet diverse expressions of ethnicity among the Cherokees are not therefore "inauthentic," but rather express the contemporary forms of the processes that emerged in the Cherokee republic in the 1800s. Under the Cherokee republic, the relationship between the core and the diverse ethnic expressions was sometimes explosive, but at other times it was also well-managed, often to the benefit of both. These relationships have weakened substantially during the dormancy of Cherokee nationhood in the twentieth century. The tendency today is to deny the emergent expressions, but the historical experience would suggest that there may be ways to bring the Cherokee diaspora into relationship and connection with the core, which could be of long term benefit to the Cherokee Nation and people. Newly emergent Cherokees could be responsive to the tribal core in both social and

political senses, and the core could respond to the new Cherokees, in turn, with respect to their desires for greater cultural knowledge and tribal ethnic expression.

Nationality Today: Space and Place

The questions of citizenship and voting bring us to a discussion of nationhood and national identity among the new Cherokees. I would assert that the re-establishment of the Cherokee Nation in the 1970s, and its development to the present day, was one of the sharply punctuated moments of Cherokee identity in the twentieth century. The historical overview of Cherokee identity construction contained in Chapters Four and Five suggests the Cherokees changed from a nationality in the anthropological sense, defined by shared language, clan, and religious practice, to a full-fledged and strongly-defended political nationality structured as an indigenous republic. In this sense, the Cherokees differ dramatically from the historical experience of almost every other tribe in the United States. Today's broad, diverse Cherokee population is descended from this historically multiracial, multiethnic republic. This is not well understood by those who would classify the Cherokees (and the other Five Tribes) using the more commonplace historical experience of Native nationality as based primarily in anthropological notions of shared cultural traditions.

Warrior (1995) examined the manifestation of nationalism in reservation-based tribes in the nineteenth and early-twentieth century, and asserted that it rested primarily in the cultural rather than the political arena because of a lack of "literate intellectualism" within the tribes. The divergence of ethnic expression that was manifested within the Cherokee Nation facilitated literate intellectualism within the tribal segment that had

been educated in the English language, and the development of symbiotic relationships with the majority of the tribe who were neither literate nor bilingual. That potential was tremendously enhanced, of course, after Sequoyah's stunning achievement, which opened up the possibility of literate intellectualism, not only in English but also in the Cherokee language. The Cherokees began to produce many texts in both languages, resulting in an enhanced sense of political nationality, not only among those who were serving in the evolving governmental structures, but also among the general citizenry.

Although there was resistance to the rapid rate of these political adaptations, most traditionalists did not necessarily oppose the idea that adaptations were needed. Within a short time, as pressures for removal mounted and the new national structures began to successfully resist those pressures, the citizens began to give more and more credence to their expanding republic. By the Civil War and through the end of the century, the investment in Cherokee nationality remained high, and Cherokees routinely described themselves as a "country" and a "race" (as nationality was often expressed in those times, ie, "the English race"). For Cherokees, unlike most other Native nations, the move from an ethnic definition of nationality to a political definition did not occur in the twentieth century, but rather in the nineteenth.

In many respects, the Cherokees are not wrestling with finding contemporary definitions of membership, as are many other tribes. In the late-twentieth century, deciding on criteria for tribal membership has been colored by the links between nationality and resource ethnicity (benefits and services) as the struggle to move from an ethnically-based to a politically-based understanding of national identity is occurring in

many tribes. Because of these links, most tribal nations are being coerced into limiting the number of tribal citizens.

Since the Cherokee Nation determined political nationality in the nineteenth century rather than the twentieth, the questions of resource ethnicity are in some respects not as prominent. Although there is certainly resentment, widely expressed in northeastern Oklahoma through local anecdote and stemming from the use of scarce federal/tribal resources by those who are clearly middle class, it is generally stated along class lines, and only secondarily along racial lines.[5] But as the direct descendent of the Cherokee republic, a multiracial, multiethnic nation, the contemporary Cherokee Nation remains consistent in respecting the historic determinations of citizenship under the sovereign Cherokee republic. Under that republic, considerations of resource ethnicity were not as determinant of nationality, thus blood quantum and cultural expression were not significant factors of Cherokee citizenship, just as they are not today.[6]

However, the contemporary Cherokee Nation has diverged from certain other criteria for citizenship that were prominent under the old republic, foremost of which was a residence requirement. Residence within the territorial boundaries of the nation became compulsory when the pressures for removal increased, and many Cherokees were being coerced or terrorized into moving west. The requirements were continued after removal to the west, to encourage non-resident Cherokees to move within the boundaries as a

[5] Most of the stories are about "white" people driving up to the Indian hospitals in Cadillacs, diamond rings flashing, being very pushy about being served, while poor, monolingual Cherokee speaking fullbloods wait silently and humbly. However, I have rarely seen or heard of poor mixed bloods or "thin bloods" being slammed *if* they were also waiting humbly. It is class and behaviors that are the source of resentment, and race only secondarily.

[6] There have long been incentives to claim Cherokee citizenship. Beginning in the 1870s, many intruders attempted to do just that, but the rationale for claiming the ethnic/national identity was based in the social systems of the Cherokee Nation itself -- its schools, social welfare systems, lack of personal income tax,

means of combating white encroachment. Thus the requirements existed primarily as a defense of territory, or "space," and the growing Cherokee emphasis on political nationality and the defense of a bounded legal territory.

In a territorial sense, there is no longer "space." The land base of the Cherokee Nation was forcibly allotted and usurped by state structures. Many other tribes that were federally administered on reservations throughout the late 1800s were nonetheless allowed to retain at least the reservation land base. The Cherokees, as a republic, were never federally administered and owned their land in fee simple title -- supposedly a far stronger legal position. Yet when the federal government and the nascent state of Oklahoma wanted the land, they forced the Cherokee Nation to *completely* divest itself of tribally held land. In the end, the Cherokee Nation fared worse than those tribes that were allowed to keep a reservation land base. There is no longer a residency requirement because there is no longer any advantage to having one. There is no territory except as a federal/tribal service area. The advantage now is in the large numbers of tribal members, wherever they may be. The nation has very little land, but it has citizens located all over the globe.

"Place" as a locus of the ethnic aspects of nationality -- story, the origins of spirituality, clan and familial relationships, etc. -- is significant to Cherokees, but since the present citizenry of the Cherokee Nation is descended from the majority who were removed from "place," the "tribal bonding with geography" that Cook-Lynn (1996; 1998) asserts as a major criterion of nationality has been disrupted for most Cherokees, even those at the ethnic tribal core. In this sense, being a Cherokee in California is similar to

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government and law enforcement -- which often surpassed those of neighboring states. The Cherokee Nation itself largely regulated this form of resource, unlike the present situation that is federally regulated.

being a Cherokee in Oklahoma; both are distant from the places in the southeast that are the loci of the ethnic aspects of nationality. It is an important point; my sense is that Cherokees remaining in the southeast do have a different relationship to the "places" of the southeast than do Cherokees from Oklahoma and other parts of the country.

Nevertheless, "place" remains important as a symbol for Cherokees outside the southeast, which will be discussed shortly. The discourses of many Cherokees in Oklahoma indicate that they have found that they carry their identity anywhere they go. Others have stated that it is not the place, but the presence of the sacred eternal Fire that is most important. As long as the Fire is present in the communities, any place is a Cherokee place. It is the Fire that defines Cherokees more than the place, and the Fire is very mobile.[7]

Interview participants in California, Texas, and New Mexico have reiterated much the same sentiment. Most feel a symbolic connection with identity through their knowledge of places in the southeast, even though they may never have been to those places. Some also feel a connection to northeastern Oklahoma as well, but others don't. This connection is usually stronger for those who are citizens, and it is rooted more in historic knowledge of the territory and the republic, and has very little to do with cultural or spiritual identity. The southeast is thus "place" -- symbolic of origin and ethnic identity. Northeastern Oklahoma is "space," the political reality involving territory, history, and national identity.

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[7] Legend defines Cherokees as existing around the sacred "Eternal Fire." The fire is at the center of ceremonial grounds in the Cherokee Nation, and is said by some medicine people to represent the larger fire, the Sun. This ceremonial fire was carried in the form of embers wrapped in peat moss by four bearers on the Trail of Tears, and has been successfully rekindled in Oklahoma. Cherokee sayings assert that as long as the Eternal Fire burns, there will be Cherokees.

However, quite a few participants stated that neither area was particularly important to them, and that they carried a Cherokee identity within them, no matter where they were. There may be several ways to interpret this statement, and it would require further investigation to arrive at a definitive statement. Likely it would be different for different speakers. But some possibilities may be proposed. It may be that they are expressing a sense of American individualism and mobility. There may be a sense of being "Cherokee-Americans" as stated by those who are exercising their ethnicity as an option, and are able to express it situationally and without costs. It may be much tougher for Cherokees who are phenotypically Indian and/or from the tribal core to assert an identity as Cherokee in any geographic location.

But it also may be that the expression is rooted in the same expression that one sometimes hears in the Cherokee Nation -- that it is the Fire and what one carries within him- or herself that makes a person a Cherokee. This statement differs subtly from the sense of individual American mobility, which says, "I can be whoever *I* am in any place." This expression states, "Because we are Cherokee and carry the Fire within us, we can move into any place and make it a *Cherokee* place." Historically, the Cherokees have done this many times -- Chickamaugans in southeastern Missouri in the 1790s; Old Settlers in Arkansas in the first decades of the 1800s; Texas Cherokees in the 1820s and '30s. This is also what has taken place in northeastern Oklahoma. The potential to do this anywhere exists, and these new communities of non-resident Cherokees may be engaged in developing this potential. It only requires a little time.

I contend that the re-establishment of the Cherokee Nation in the 1970s has been an extremely significant event in the resurgence of Cherokee identity among non-resident

Cherokees. For those who had been lacking strong ethnic and cultural ties to the tribal core, the political framework that offered a national identity through citizenship has been the link by which many have also begun to reconnect with an ethnic and cultural basis of identity. The lack of quantum and residency requirements have also encouraged non-citizen Cherokees to assert their ethnic identity as well, as they observe that the Nation is not defining citizenship by either race or territory.

Wahrhaftig and many others were disparaging of the re-establishment of the Nation at the time it occurred, as well as of the initial leadership, which was perhaps testing the bureaucratic waters while also encountering difficulties in shifting to a more representational structure after so many decades of token government. Early predictions were not optimistic that this government would ever develop into anything that could be truly responsive to and representative of the tribal core. Some would say those predictions have been borne out. Certainly there is much more that needs to be accomplished in this respect. There always will be.

Nevertheless, the emergence of the Cherokee Nation as a powerful player in northeastern Oklahoma has benefited the Cherokee people in the region, directly or indirectly. The existence of the Nation for the last thirty years has completely changed the political and economic face of the area. It has become a multimillion-dollar service agency, an employer of thousands, a lobbyist and political watchdog on behalf of its citizens. It is also an expanding government, with structures of law enforcement, courts, and taxation. Although it does not have much land, it has jurisdictions and service areas, and it defends them vigorously. It may also continue to hold other governmental interests such as water rights and hunting rights. This remains to be tested.

The renewal of the Cherokee Nation has been the single, most important impetus to the resurgence of Cherokee identity in the non-resident populations. The fame of Wilma Mankiller, and her influence in turning the Cherokee government's eye toward the tribal core, has also rekindled an interest in ethnic identity among the new Cherokees. For many decades, there had not been a connective entity. When Cherokees left, there was often nothing to keep them in any kind of relationship with the homeland. Now there is. Whether for Cherokee citizens or non-citizens, the Cherokee Nation is the entity that has the most potential for developing outreach that encourages greater political participation, sharpens ethnic definition and direction in the non-resident Cherokees, and fosters reciprocal responses between non-residents, the Nation, and the tribal core.

Opposition and Persistence

The second and third facets of the methodology of this dissertation described expressions of opposition and expressions of persistent identity, both historically and among the non-resident population. These aspects are derived from Spicer's discussion of *Persistent Identity Systems* (1971), which explored the continuity of ethnic nations in relation to larger states. The non-resident Cherokees exhibit some of the qualities and categories that Spicer proposes, indicating that there is a basis upon which to assert that they are part of the continuity of Cherokee identity, as well as part of a resurgence of that identity. In combination with Sider's more recent theorizing (1993), Spicer's arguments take on added dimension when applied to non-resident populations.

A sense of opposition, in Spicer's estimation, is essential to recognizing whether or not a people have been incorporated into the larger nation, or what I have been calling

the dominant society or hegemonic state in the United States. The interview participants demonstrated a strong sense of opposition when individuals were asked to define what they felt were the markers of Cherokee/Indian identity. At this juncture, many identified not only values and/or behaviors, but actually stated that they were Cherokee/Indian values *because* they were different from the values of the dominating culture -- in essence, expressing an oppositional sensibility. The participants most often stated a lack of acquisitiveness/materialism as the identifying marker of Cherokee-ness. Other values stated less often included a respect for land and environment, relationships to nature, and spirituality.

These values mirror stereotypic imagery of Indians, and there is no question that in their responses to this question, many of the participants are in large degree repeating images of Indians that are heavily promulgated through popular media. Cherokees are Indians therefore Cherokees must be like this, too. Nevertheless, if one moves beyond the superficiality of these images, these points do offer a basis for differentiating between native cultures and dominant culture. Although never as simplistic as represented in popular culture, or by most of the interview participants, the tribal core of the Cherokee people *do* exhibit these values. But many *individuals* in dominant society exhibit these values, as well (although I would agree that dominant society as a whole does not), without any claim of Indian heritage. The way such values are and are not manifested also constitutes a marker of Cherokee/Indian identity. Behaviors as markers of identity may also be expressed as oppositional, or not.

Although behaviors were not mentioned as often, the interest in Cherokee-specific cultural activities indicates continuing interest in this facet if identity. This interest was

usually stated without any apparent oppositional sensibility on the part of the participants. For the most part, they engaged in or were attempting to renew cultural activities and behaviors not from a perspective of resistance to threats or assimilative coercion, but because they felt these were *their* unique cultural expressions in a multicultural world. Thus their attempts to renew cultural expression in most cases did not appear to be cognitively linked to their oppositional values as named above.

However, in several instances participants clearly described oppositional behaviors. One of the most interesting pieces of information to emerge from the interviews came from the four participants whose family origins and upbringing were in the southeast, three from Tennessee and one from Georgia. Three were from Houston and the fourth was a member of the Marysville group (none were Cherokee Nation citizens). All four of them, independently of each other, volunteered that, in their small communities, they had been children and young adults through decades when it was risky to acknowledge that one was Indian. They also stated that they knew there were other Indians in their communities or nearby, although it was never spoken about. When asked how they knew, each responded that it had been customary in the rural South for people to gather wild plants and herbs to use medicinally. Although both Indians and whites gathered these plants, there were different ways in which each would handle and use them. "If you saw someone handling plants a certain way, that's how you knew they were Indian," stated one of the participants. This was reiterated in statements made by the others. Medicinal and plant knowledge was commonly retained cultural information in the southeast.[8]

[8] Interviews with Alan Taylor, John Campbell, B.J. Callahan, and Kathleen Shain, March and June, 1998.

In and of itself, there is nothing oppositional about such practices, but they are rendered oppositional by the statement, "That's how you knew they were an Indian" in the context of the South prior to about 1980. For those who were not phenotypically Indian, and who had the option of keeping the knowledge of Indian ancestry private within their families in order not to risk some very real social costs in the racist south, it was important to be able to identify each other without speaking it. There were no real alliances enacted, no real possibilities that an Indian identity could be asserted or lived. But the deliberate retention of Cherokee customs of medicinal plant collection and usage that differed from those of neighboring whites, coupled with the clandestine recognition that a few others were also using plants in this distinctive way, enabled these Cherokees in small southern communities not only to retain such practices and the inherent identity, but also to overcome a sense of isolation and separation. This provided an unspoken bond of shared experience and opposition.

Although this was the strongest concrete expression of oppositional sensibility, a general opposition manifested itself across the interviews, nevertheless. Although most participants were expressing renewed senses of identity within the multicultural framework, as ethnics in a plural American society, many also expressed a sense of a shared history, not only with fellow Cherokees, but with other Indians as well. Along with their sense of shared history they held a shared outrage. Although few acknowledged a tension between their Cherokee identity and their "American" identity, many expressed a clear oppositional sensibility deriving from the historical treatment of Cherokees, the Cherokee Nation, and Indians in general. Some were able to place themselves and specific ancestors into the context of the outrages, especially those who

were tribal members and whose relatives had lost their allotment lands, as well as a few whose elder family members had attended boarding schools and had faced abuses there.

Many participants exhibited evidence of the subtlest level of opposition, however: an internal awareness of difference, even though that difference might not be apparent to others. This is what many Indian people refer to as the "walking in two worlds" phenomenon. To an outsider, it might appear that the individual is assimilated and moves effortlessly through the dominant social environment in his or her region or community. The field of African-American Studies has long theorized that peoples of color and cultural minorities in the U.S. must learn to negotiate at least two social and cultural systems: their own and the dominating system. Many whites seldom realize this, since there is generally little reason for them to ever function in any but the dominating system. This lack of awareness can lead to stereotypically liberal perceptions that assert, "we're all the same under the skin," and the idea that oppositional statements from people of color are deliberate attempts to be divisive and confrontational, as well as the suspicion that peoples of color deliberately choose the stance of victim in interactions with whites.

Several of the participants expressed awareness of remarks and behaviors that non-Cherokees sometimes made to them that presumed a shared history or shared understandings between the speaker and the Cherokee that the Cherokee participant realized were not shared at all. On occasion, the remarks had been insensitive to the point that the participant had corrected them. Yet, many of the non-resident Cherokees also realize that they do not share cultural understandings with many Oklahoma Cherokees either. This resembles the generalized version of mixed-bloods who it is claimed do not belong in either world. Instead, most of the participants who expressed

this subtle understanding of their oppositional stance appeared to be carving out a world in-between, based in their own particular ethnic expressions, but maintaining a relationship to a tribal core, as well as interacting with the larger society.

Cherokees in the homeland often regard these ethnic expressions as inauthentic, as bastardizations of Cherokee cultural practices, or as urban inventions. Some of these expressions have lately been given more credence as urban pan-Indian communities and the mingling of various tribal traditions, as well as the adaptation of specific tribal traditions by those of other tribes, unfold and are legitimized. As the Indian population becomes increasingly urbanized, their efforts to achieve cultural persistence and Indian identity in these particular settings are increasingly being recognized as the fluid and dynamic type of adaptation Indian peoples have historically made in order to remain Indian in a variety of situations.[9]

Project participants were engaging in a number of activities that could be regarded as expressions of persistent identity. Spicer proposed three areas in which reinforcement of identity is located. The first is communication through language, which doesn't necessarily have anything to do with the indigenous language itself, although it may. Instead, it means that defining symbols are being communicated verbally within a people. Many instances of this characterize the Cherokee experience, the non-resident Cherokees included. The Trail of Tears is *the* defining symbol of Cherokee identity, and invoking that symbol can inspire internal emotional shifts among individuals inspiring an oppositional stance of ethnic solidarity that is historically rooted. In Houston, the Cherokee Cultural Society's largest annual event is a day-long "communication" titled

[9] Jaimes (1992) quotes 1990 census figures that indicate about two-thirds of the American Indian population in the United States resides in urban areas.

"Red Nations Remembering." This commemorative event symbolically re-enacts the Trail of Tears, and then devotes the remainder of the day to historical skits that teach about persons and events in Cherokee history leading up to the removal, as well as cultural activities. Guests from the Cherokee Nation are always invited and there are usually several speakers attending from the homeland. It is a relatively elaborate and lengthy exercise in the use of symbols and language to communicate and enhance a sense of opposition and persistent identity.

Spicer is not necessarily speaking about the aboriginal language, although he certainly recognizes language use as a symbol of opposition. He notes that incorporation of aboriginal words as symbolic reminders can be oppositional, and this is a common practice among the participants of these organizations, who routinely greet, thank, and depart from each other with Cherokee words and phrases. Also, in the groups I have worked with, language was the most common aspect of Cherokee culture in which participants expressed an interest. In the Houston and Sacramento organizations, language classes have been taught sporadically.

A desire to learn the language is not in and of itself an indication of opposition or persistent identity. But interview participants often stated that their desire to learn something of the language resulted from the fact that the language was endangered, and this accompanying statement renders the expressed desire oppositional. Although no one would state that Cherokee language usage is unimportant, Spicer does note that there have been many historical examples of peoples/nations that having lost their language, retained their sense of ethnic or national identity (1971:799). Thus assertions that if the language is lost there won't be Cherokees anymore are perhaps a bit apocalyptic.

Nevertheless, every Cherokee is aware that language loss is a fairly immediate possibility, consequently the language has become a symbol of opposition and persistent identity as Spicer posited.

Spicer also states that the language of opposition must be employed in a particular moral context, which includes promoting both ideal values for behavior, as well as conveying stereotypic understandings about the opposing peoples. In some ways, the markers the participants identified, and which were discussed earlier, could fall into this area. A rejection of acquisitiveness and materialism, relationships with land and nature, environmental stewardship, and spiritual enhancement could all be asserted as ideal values that guide behaviors, and many Indian people assert just that. To argue that non-Indian society does *not* espouse these values may stereotype the opposing people, but perhaps not entirely!

In this moral sphere, non-resident Cherokees are expanding the definitions of ideal behaviors from how they are generally conceptualized in the homeland. While most of the participants were Christian, like the majority of Cherokees in the homeland, a few others were engaged in strong, personal rejections of Christianity as a vehicle for teaching ideal behaviors. The rejection of Christianity and the adoption of indigenous spiritual practices were clearly stated as oppositional moral behavior by the majority of those who were engaged in other spiritual practices. This constitutes a pronounced divergence from most Cherokees in the homeland.

Several such practices were identified by participants, one of which, the stomp dance, is a centuries-old Cherokee tradition. In Albuquerque there are a few adherents to this practice who dance sporadically at ceremonial grounds in Oklahoma. In Houston, a

dance ground has been established, although it has become controversial for a variety of reasons, especially the mix of Christianity with the stomp dance tradition practiced there. The project participants who dance or have danced at this ground have ties to grounds in Oklahoma as well, and several are even members of one of the grounds in Oklahoma. In addition, members of four of the Cherokee grounds in Oklahoma recently traveled to Houston to attend an anniversary dance at this ground, apparently lending it legitimacy, despite the controversy surrounding it. There is a mix of feelings among those who have participated at this ground, some comfortable with the mix of Christian and traditional practice, and others entirely opposed to the introduction of Christian influences.

Additional expressions in the moral sphere include the adoption of practices from other tribes, such as the sweat lodge and the medicine wheel. These are complex practices that are legitimately rooted in Plains Indians' traditions, rather than Cherokee, but they have also become widespread in urban pan-Indian communities. Some of the Cherokee participants, including tribal citizens, are participating in these urban traditions. These two practices, in particular, have also been widely appropriated by New Age spiritualists who diverge in many respects from Indian understandings of these practices. Sometimes it is difficult to differentiate between the urban pan-Indian practice and the New Age appropriation. The border separating the two categories of practitioners is often very fuzzy. Thus these are the areas that encourage the suspicions of many Cherokees in the homeland, and for which participants are most likely to gain the label "wannabe." Recently, for example, a tribal official of the Cherokee Nation was quoted in the *San Francisco Examiner* as saying that the belief on the part of a Cherokee on death row at San Quentin that he required purification in a sweat lodge prior to his execution in order

to enter the next world was "hogwash" according to Cherokee cultural tradition. In addition, the official stated that it was very unlikely there would be a legitimate Cherokee spiritual advisor anywhere outside Oklahoma.

But for some expatriate Cherokees, especially those in urban areas, the sweat lodge *is* their spiritual practice, the source of their understandings of ideal values and behaviors and the moral world that "guid[es] them in the realities of opposition," as stated by Spicer. Certainly neither the sweat lodge nor the medicine wheel is an aboriginal Cherokee practice, but the question becomes one of whether that means they are not *now* part of Cherokee cultural tradition.[10] For some urban, non-resident Cherokees, these practices are already integral to their spiritual belief systems and the promulgation of ideal values that guide them toward a continuing sense of opposition, a continuing ethnic identity as "Cherokee." The same was true of Christianity among a minority of the Cherokees located in specific regions of the nation in the early 1800s. Although there was some resistance to the new practices then, as well, they gained authenticity over time. Thus Alan Hanson's statement, as quoted by Nagle (1996:72), comes to the forefront: "The analytic task is not to strip away the reformulated portions of culture as inauthentic, but to understand the processes by which they acquire authenticity." Nagle follows with the proposition that important questions of cultural inquiry should include not only, "What was, and how did it survive?" but also "What is, and how did it become?" (1996:72).

Practitioners in sweats and those who use the medicine wheel among non-resident urban Cherokee populations are seeking spiritual expression that will support them in a

[10] In fact, a number of Cherokee tribal members within the historic boundaries of the Cherokee Nation in northeastern Oklahoma also participate in these practices at this time, often even leading the ceremonies.

sense of oppositional identity as *Indians*, and often feel that Christianity has little to offer to this end. In this respect, they differ greatly from the Cherokee population in Oklahoma, which is overwhelmingly Christian. It can be anticipated that non-resident Cherokees in urban pan-Indian communities will continue in such pan-Indian practices, and that they will be increasingly identified, as the death row inmate did, not only as Indian practices but as *Cherokee* practices.

Still more problematic for Cherokees in the homeland are the handful of Cherokees in the Marysville organization (some of high quantum and tribal citizens) who are followers of the late Rolling Thunder (R.T.), a very controversial "Cherokee medicine man," whose claims were considered to be fraudulent by just about every medicine person in the Cherokee Nation. Was R.T. Cherokee? Who knows, and is it really important? Was his practice Cherokee in cultural origin? Almost certainly not, since the Cherokee medicine practice is entirely dependent on the practitioner's ability to speak Cherokee. Will the fact that some Cherokees are followers of his teachings lend authenticity to them? Perhaps, if the practice became widespread, which doesn't appear to be happening since his passing. But I would predict not. The adaptation of practices that have long existed in other Indian traditions, like sweats and the medicine wheel, and which have been shared among Indians in an urban setting are in a different category, it seems, than a new practice that was heavily identified with one charismatic individual. Certainly such events have happened in Native revitalizations, but not when most of the members of the tribe the individual claimed to be from have rejected those claims.

Many participants in this study also engage in a secular practice that teaches ideal values and guides them to a moral stance of opposition. In all organizations, many of the

participants were active in the pow-wow circuit in their region. In Marysville, several participants had formed a drum group that has lately begun to be invited to local pow-wows, with all the attending protocol. A few others were involved in dancing or in designing and producing regalia, and many were simply consistent in their attendance and support. This most widespread of communal, urban, pan-Indian practices was instrumental in enhancing the participants' oppositional sense of ideal Cherokee/Indian values -- honor, respect, generosity, community, fellowship, mutual support, and shared labor among them.

The third component of persistent identity in Spicer's estimation is that of political participation. In the Cherokee Nation, this aspect was dormant for much of the twentieth century, and Spicer asserts that this kind of dormancy may be interpreted by the hegemonic state as signifying the national identity of a people has disintegrated (1971:799). The Cherokee Nation has demonstrated the fallacy of this thinking, proving Spicer's proposition. As stated before, the re-emergence of the Nation has been the single most galvanizing event for the renewal of identity among non-resident Cherokees, as well. Perhaps other Cherokees had assumed these emigrants had been assimilated, and were surprised and skeptical to find they were not, just as the dominating society was surprised and skeptical to find that Cherokees in the homeland had not lost their desire for nationality.

In fact, there is a segment of the non-resident population that is very politically active in the urban Indian communities where they reside. Often this takes the form of "assertive Indianness" in a situation where communities of Indians and non-Indians are less and less differentiated as described by Sider (1993:60-62, 244-46, 250-51). Several

were active in working or volunteering at their city's Indian Center or in other Indian community groups. Others volunteered with programs for Indian students at local schools. Some served on boards, committees and councils of organizations that represented Indian interests to the city and state.

Many of the non-resident Cherokees are involving themselves in the broader issues in their urban communities and nationwide. Although most of the interview participants are not yet active in these realms (as most are not in the Cherokee Nation or in the United States, for that matter), many do follow national and tribal events pertaining to Indians and Cherokees, and oppositional sensibilities are especially apparent in their statements. Many said they were interested in Indian issues, and several had signed petitions, written letters, etc. to support Indian causes. Some of the national events that evince the most interest are the incarceration of Leonard Peltier and the struggles to protect sacred sites. Indian gaming also elicits generally supportive and oppositional remarks. In addition, in both Houston and Marysville, a couple of people were active around one cause in particular, the religious rights of Native inmates. Other recent issues in the Cherokee Nation in which participants stated an interest included the Arkansas Riverbed cases and the smoke shop cases of the early 1990s.

Most of the interviews were conducted during Principal Chief Joe Byrd's term in office, and were closely following closely the controversies surrounding his administration as well. There were many expressions of dismay among the participants in relation to the controversy and crisis during Chief Byrd's leadership. Most were confused and felt that they did not want to take a position one way or the other. Those who believed they had enough information were almost universally opposed to the Chief's

actions. Only one of the project participants was adamantly supportive and admiring of the Chief. Many of those who did feel informed, on the other hand, did not support the Council boycott during the crisis either. Several expressed a sense of shame in being Cherokee as they watched the events unfold.

Both land and language have become important symbols for most of the non-resident Cherokees, as well as for most Cherokees, the factors that Spicer proposes as nevertheless contributing to a continuing sense of opposition -- communication through language and symbol, the sharing of moral values, and political organization – operate effectively within the non-resident population. Although they are weak and may be manifested in ways that seem unfamiliar or even downright weird to Cherokees in the homeland, ethnic and national identities persist among non-resident Cherokees as well. There is potential, I believe, if nurtured, for strong symbiotic relationships between non-resident Cherokees and Cherokees in the homeland, including those at the tribal core.

Diversification and Symbiosis

The fourth and last section of the methodology I used involves a view of division and factionalism among the Cherokees as necessary components of a discourse of resistance. Sider's recognition that divisions within Native nations have often derived from the need to respond to encroachments from a position of vulnerability leads him to challenge the goals of unity and shared culture. In fact, he proposes that it is the diversity of strategies and the inability to unify around any single one that has allowed Native nations to engage in the constant adaptive shifting that has probably, in fact, been the source of their survival. This inability to unify, and its paradoxical contribution to their

continuity, is particularly pronounced among the historical Cherokees. As presented in the overview of Cherokee history in Chapters Four and Five, although conflicts have wracked the Cherokees, too, a tremendous number of adaptive shifts, as well as symbiosis between different groups developed. Thus division can be regarded as diversity and pluralism; factionalism can be viewed as various individuals' wholehearted investments in a variety of strategies. Such phenomena exist in other cultural groups as well, and are often regarded as strengths of the social and political systems. They can be regarded as such by Indian nations as well.

The divergence of ethnic expression within the Cherokee Nation, combined with the emergence of national sovereignty in the nineteenth century, is the basis for the national identity among Cherokees today that incorporates a multitude of ethnic expressions. But the symbiosis of relationships that existed under the old Cherokee republic, between the ethnic tribal core and the groups displaying more diverse ethnic expressions, was severely weakened by the long years of national dormancy. For re-emergent Cherokees, the lack of clarity between the multicultural model and the sovereignty model leads to an expression of ethnicity that is often oriented outward, especially for the non-resident Cherokees, resulting in a self-positioning as an ethnic group within multicultural America. The flow of energy and resources moves away from the Cherokee Nation and the tribal core in this conception.

The re-emergence of the Cherokee Nation opens a potential to reverse the flow, turning in the opposite direction, moving once again toward relationship with a tribal core group. This moves "Cherokee" away from the optional and situational ethnic identity of a white Cherokee-American, toward a strengthening of oppositional sensibility in an ethnic

and/or national Cherokee. As a people with a cultural core that is presently represented in the communities of northeastern Oklahoma, those communities themselves become symbolic of cultural persistence for all Cherokees. This is a symbol that non-citizen Cherokees can respond to as well. With a sense of relationship directed inward toward the core communities, "new" Cherokees can play an old role, that of buffer and intermediary, in defense and support of the tribal government and the cultural core.

Thornton has recognized that the inclusive registration criteria of the 1975 Constitution, as well as the aggressive registration drive of the Mankiller administration, have set the stage for symbiosis to redevelop:

> *The Oklahoma Cherokee, without a reservation land base, have thus been able to survive tribally by an inclusive definition if what it is to be Cherokee. Their definition allowed relatively large numbers of people with Cherokee lineage but relatively small amounts of Cherokee blood into the tribe. This allowed the tribe to reestablish itself after virtual "dissolution" and to achieve political power in Oklahoma. The tribe, in turn, has protected a smaller group of full-blood, more traditional Cherokee from American non-Indian ways of life* (1987:200).

Although neither the inclusive registration criteria nor the aggressive registration drive were conceived of strategically for this purpose, these policies, in mirroring the position of the former Cherokee republic, re-establish the potential that was enacted in the past. In the old republic, a variety of skills, experiences, educations, and abilities embodied in the Cherokee population were offered and employed. The citizenry did not have to be culturally and racially homogeneous in order to work for the same goals.

Judging from the responses of interview participants in this project, the task of becoming more knowledgeable about the tribal core that is the basis of Cherokee ethnicity is an undertaking that many among the non-residents would embrace

wholeheartedly. It is a far more controversial proposition for the tribal core. Decades of insensitivity, discrimination, oppression and degradation of their beliefs and practices have led to somewhat closed ranks. Rightfully suspicious of the resurgence of support from segments of the Cherokee population that have been silent for many years, due in large part to the political dormancy of their Nation, the apparently sudden interest in their "heritage" by non-resident populations may seem shallow and fleeting to those who believe the interest only springs from the fact that Indians are now "in vogue" or that the new Cherokees are competing for benefits. Among those who have had no option but to endure the bad times, too, the awareness that those bad times may return at any instant is deeply ingrained. And recent experience indicates that they may have only themselves to rely upon if that happens.

The greater annoyance and suspicion, however, may revolve around the issue of cultural and spiritual appropriation. Although it is not necessary that all Cherokees share cultural beliefs and practices, many non-residents do have an interest in returning to more core expressions. But in doing so, many seem to bring with them a dominating cultural ethic of proselytization. As individuals begin to learn more (or believe they have learned more) of the current and/or historical Cherokee expressions of tradition, they may feel that it is their place, even their responsibility, to instruct others, or to represent the tribal ethnicity. Examples of this attitude can be seen on websites and in bookstores across the country. This can seem extremely arrogant or offensive to those who have been raised as tribal Cherokees, and who may feel that, yet again, attention is being diverted away from

them in favor of a type of Cherokee, a newcomer, who is more palatable to dominating cultural and social structures.[11]

The present state of symbiotic relationship between the Cherokee core of government and culture and the non-resident populations is very weak. Several of the non-residents stated that they didn't feel as though the Cherokee Nation or people in Oklahoma had any regard for their existence at all. Several in Sacramento commented on remarks made by a tribal council member during a 1999 candidates' forum, in which she rather belligerently stated that she didn't know "what it is you people want anyway." The links to the tribal core are difficult to make from afar, and few exist at the present moment. The Cherokee Nation is beginning to make a few tentative steps to establish liaisons through visits to expatriate communities by the Principal Chief and Deputy Chief, cultural camps, and history classes. But for the most part, the retention of connections results primarily from the efforts of individual non-resident Cherokees.

[11] For instance, a fullblood traditionalist participating in one of the Cherokee Nation History Courses recently said he has no problem with non-traditional Cherokees wanting to learn more about the cultural beliefs. But he objects when outsiders then begin to treat such persons as "experts," and those persons collude with that assessment of themselves. As he stated it, that leaves him with the question, "What about me?" lingering in his mind, as he feels that his existence, and the existences of persons like him, are obliterated, yet again.

CHAPTER SEVEN

Identity and the Production of History

Most people probably would define history as a recounting of events, dates, places, and persons. A somewhat expanded vision would also include social processes and strategies. It is usually acknowledged that there are different perspectives on history, which may be labeled as economic perspectives, military perspectives, political perspectives, etc. Yet, even recognizing these different perspectives, most people still subscribe to notions that there are "truths" in history, if only we had accurate information presented objectively.

Cherokee people regard Cherokee history, and Indian histories in general, quite certain that the "truths" have not been told. The information has rarely been accurate; it has seldom been objectively presented, either within the context of overall American history, or as a specific history in its own right. Of this, they are well aware and certain; they are not mistaken. They know that the characterizations of Indians/Cherokees as "savages" are incorrect. They know that the federal government has lied and swindled the Cherokees out of their land throughout the centuries. They know that racial discrimination has been pervasive. And they especially know that the representations of their material culture are wrong -- it has been constantly pointed out to me that Cherokees never lived in teepees, for instance. But beyond their opposition to these broad "truths," few have any specific context for constructing a history that connects themselves, and/or others, to a shared future.

I make these assertions at the end of my second year of employment with the Cherokee Nation as a history instructor to tribal employees and in the Cherokee communities. In the past year, I have taught the forty-hour history Cherokee history course to approximately 1400 persons, few of whom knew more than superficial hearsay about Cherokee history previous to taking the course. These statements mirror those made to me in previous years by interview participants among the non-resident populations.

Instead, self-awareness among Cherokees is shaped by the two major paradigms critiqued in the previous chapters. They, too, believe that the Cherokees have experienced a great deal of cultural loss; most feel that they themselves don't "know anything," although many state that their parents and grandparents did. They then go on to reveal behaviors and patterns of thought that I would characterize as deeply Cherokee, but which they themselves don't necessarily recognize as such. They believe that mixed-bloods and fullbloods have always been in conflict, and they will state this even as they go off to work together or socialize with each other.

Producing a Cherokee History: Balance and Incorporation

According to ancient Cherokee cosmology, this world is enclosed in a vessel that also incorporates a world below and a world above. Among other aspects, the world below is one where the forces of chaos reign supreme; the world above is absolutely ordered and serene. Given this aboriginal conception, it is easy to see how Christian notions of heaven and hell were adaptable; they are not the same, however. The Cherokee conceptions do not involve judgments: chaos is not necessarily negative and the world

below is not evil; order and serenity are not necessarily positive, and the world above is not perfection. In fact, perfection may be perceived as *this* world, the world in the middle, the world in which our actions keep the overall vessel in a precarious equilibrium between extremes of chaos and order. By the three worlds, the Cherokees note the existence of opposing forces, and place responsibility for keeping a balance between them squarely on the shoulders of both individuals and groups.[1]

Thus, while such values as the cooperative "harmony ethic" of the Cherokees may seem contradictory to a noticeable Cherokee cultural propensity for gossip and conjuring (Gulick, 1960), in the Cherokee conception, these may be but elements that retain balance between the other two worlds in this, the middle world. It is important that no one attribute or world achieve primacy, thus this balance is possible only when all are present. Within this framework, it can be seen how the Cherokees themselves could conceptually place and balance many different strata of persons and actions, while still keeping them within a Cherokee cosmological view that, in turn, influences Cherokee culture and identity. This balancing act has been ongoing for thousands of years; the expatriate population is only the most recent challenge to the Cherokee tradition of adaptation and incorporation.

Omi and Winant's theory of "racial formation" rejects race as a fixed and biological attribute, conceptualizing it instead as a system of social categories that, in fact, has shifted and altered throughout historical eras. The aspects of a human being that are chosen to signify one's "race" can be anything the society selects. In contemporary

[1] The Cherokees function in a system of sevens. There are seven clans, most conjurations contain seven lines or phrases, etc. In this number system, the number four is of secondary importance. Similar to many other tribes, the number four is representative of directions – east, north, west, and south – and there are corresponding colors for each of the directions. Three, as in the three worlds, represents the remaining

times, phenotype is the prevailing signifier, but this hasn't always been so, even in American society. And it especially has not been so in historic Cherokee conceptions, although many Cherokees today also subscribe to the idea that there is some sort of immutable reality encased in blood quantum.

Cherokees, too, have conceptualized categories to order their societies, but these categories have never been established to institutionally or socially discriminate between Cherokees; rather they have been established as a method of incorporation. The centrally important categories that Cherokees devised were known as "clans." [2]

Like contemporary concepts of race, the concept of clans was only peripherally concerned with biology. It is true that clan descent was passed biologically from mother to child among the Cherokees, but immediate family members were not the only relatives a Cherokee individual had. In fact, each Cherokee was considered to be "related" to many individuals, most of whom they had never met and would never meet. In addition, there were many persons from their father's family/clan that under contemporary understandings we would consider to have a biological relationship to an individual, but who, in the Cherokee world, were considered to be completely unrelated. Thus clans are comparable in some respects to "races" in that they act as signifiers of social categories of people. There is some biological basis underlying each, yet both are defined socially much more than scientifically. Cherokee clans also existed as methods of incorporation. Cherokees believed that outsiders could be incorporated into clans, in effect, could be

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directions that are more conceptually encompassing: up, down, and center, or, in the Cherokee case, above, below, and middle worlds.

[2] In particular, one clan, the Longhair (Ani-Gi-Lo-Hi), existed specifically for the adoption of "foreigners," although outsiders could be adopted into any of the seven clans. The Longhair clan was also the clan of the priests, and has an archetypal representation as being the clan of the teachers. Thus those who were incorporated were taught how to be Cherokee by those most knowledgeable, the priests, but also were themselves teachers of new ways of thinking, new technologies, etc., that they brought from their own

made into Cherokees. Many individuals were adopted into Cherokee clans over the centuries -- Indians of other tribes and, after contact, blacks and whites. Phenotypic difference was obviously noted, but it was not accorded substantive significance. Once an individual had obtained a clan, s/he had achieved the only signification of great importance in the Cherokee world. In this sense, the concept of clans also bears a resemblance to later concepts of nationality. By adoption, the Cherokees were essentially "naturalizing" an outsider and making him/her a Cherokee. Thus, in a later era, the idea that outsiders could be naturalized through political citizenship in the republic was not at all incomprehensible to the Cherokees; they had been doing something like that for centuries.

There is some indication that the Cherokees had a concept of "blood" associated with the clans -- or at least the concept has been translated as such in English. But contrary to dominant cultural understandings of "blood" as an immutable measure of genetic content and heritage, the Cherokee notion of "blood" seems quite transformable. When a person was adopted into a Cherokee clan, for instance, it was considered that his or her "blood" had been changed.[3] This is apparently a far different concept than the racial notions of blood quantum that are prevalent today. For instance, many English and Scottish traders were adopted into Cherokee clans, making them Cherokees in absolute terms. Several of them became town chiefs, despite the fact that in dominant culture racial terms, they were white. But in Cherokee understandings, they were likely perceived as Cherokees "by blood."

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cultural origins to the Cherokees.

[3] Personal communication from Dr. Eva Garroutte, Boston College, regarding her research; unpublished.

Racial awareness continued to be negligible in the Cherokee world throughout the nineteenth century, despite the emphasis that historians have given to it. Many scholars have emphasized the prominence of "mixed bloods" in the leadership of the Nation's government throughout this century. Progressivist historians have laid the stunning cultural "advancements" of this era at their feet; revisionist historians have charged them with responsibility for the removal and the oppression of the traditionalists. But as demonstrated in Chapter Four, the mixed-bloods were a minority in the Cherokee government, and the picture is far more complex. The bi-cameral legislature was structured in some respects along the same lines as the old red and white governments of the towns, in which individuals were selected to serve on the basis of their particular skills and abilities. Just as there had been in the red/white binary system, there tended to be age differences between the Committee (the young chiefs) and the Council (the old chiefs) of the bi-cameral legislature. To the outside world, it may have appeared that primarily men of mixed race negotiated on the part of the Cherokees, but the Cherokees saw that they were sending their young chiefs who had newer kinds of skills -- education, bilingualism, and experience with market economy -- to represent them to the outside world, race aside. The white men who fathered these Cherokees had often exposed their children to the dominant cultural system, and the young chiefs had gained experience in this world as well. But they were considered Cherokees because their mothers were Cherokees and thus they had clans. They had been raised in a Cherokee world with a loyalty to that people, their only people. They put their particular kinds of skills to work on behalf of the Cherokees. Back home, however, in an arena that most whites never saw, the older, traditionalist chiefs were still directing the show.

The Cherokees began to expand their notions of identity in the early part of the nineteenth century to include the concept of "citizen," which could differ from "clansman." Race was still a negligible factor in the conceptualization of "citizen," with one exception. As black chattel slavery expanded in the South around the Cherokee lands, the Cherokees began to comprehend the racial construction of "blackness." But again, they may well have understood it more along the old clan lines. After all, for centuries, Cherokees had taken other Indians as slaves. Some of these slaves had eventually been adopted into Cherokee society; that is, they had been incorporated into the clan system. In the Cherokee world, the marker of identity separated those who had clans from those who did not. The Cherokees may have regarded the inferior status of black slaves in the South as something similar. Among the traditionalists, in particular, there is evidence that blacks were not regarded in a racial and social sense as any different from whites, but simply as persons without clans (Perdue, 1979).

By the 1820s, North Carolina and Georgia, in particular, had introduced the concept of race to the Cherokees with very immediate effects. Along with other southern states, both of these states had developed a racial caste system that included a "free persons of color" category. In addition, black chattel slaveholding had developed among elite Cherokee plantation owners. Land cessions in North Carolina in 1819 had offered Cherokees there the opportunity to detribalize and become citizens of the United States and the state of North Carolina; those Cherokees who accepted the offer discovered that they belonged to North Carolina's "free persons of color" category -- a second class of citizenship that prohibited them from owning land (including the individual reserves that had been set aside for them by federal treaty) and from voting (Finger, 1984;

McLoughlin, 1986). Georgia also passed harassment laws in 1829 and 1830 that, among other things, prevented the Cherokees from testifying in Georgia courts, even in their own defense. The Cherokees began to understand that their status in the eyes of southern whites was only a step above that of black slaves, and was considerably below that of whites. Theda Perdue asserts that Cherokees began to grasp American constructions of race in the 1820s as they were "taught" them by Georgia, in particular, and as a result, Cherokees actively attempted to distinguish themselves from other persons of color, particularly blacks.[4] Even so, most traditionalists continued to display the Cherokees' lack of understanding of race. They did so even in the face of miscegenation laws against Cherokee-black intermarriage that began to be passed by the Cherokee Nation.[5] Thus among the elites and those in government who dealt with the outside world that impinged on the Cherokees, some began to earnestly demonstrate that the Cherokees were in the same category as whites. However, these assertions must be contextualized within the framework of hegemonic discrimination and Cherokee resistance. In the internal Cherokee world, there is little evidence of institutionalized or individual discrimination directed against any segment of the citizenry until after the Civil War.[6]

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[4] Dr. Perdue stated this in a presentation to the Trail of Tears Association conference in Cartersville, GA in April 2000.

[5] These laws, did not, however, call for any punishment of those who broke them; primarily their impact was on the children of these unions, who were prevented from receiving Cherokee citizenship.

[6] Devon Mihesuah in her work *Cultivating the Rosebuds* (1993) makes much of the publications of the elite students of the Cherokee National Female Seminary which displayed condescending attitudes toward the "fullbloods," and in which the students posited themselves as those who would "lift their race" from the depths of ignorance and degradation. These kinds of statements also come through some of the personal missives of elites in the society. However, there is little evidence that there was any kind of institutional discrimination in the educational, legal, economic, or governmental life of the Cherokees throughout the nineteenth century. It should be remembered that these are the expressions of idealistic teenagers of their time, and while they may well reflect the views that they had heard at home, the reality of life in the Cherokee world would quickly have tempered these kinds of public expressions from adults. Without the direction and support of the majority of Cherokees who remained quite attached to an indigenous existence, nothing would be achieved in Cherokee society!

Cherokees took a different path from most other Native nations in the United States. Yet the elaboration of the national identity and the expansion of ethnic pluralism within that nation only continued in some respects the aboriginal Cherokee ethic of inclusiveness, an ethic that is implicit in the incorporative ability of clans.

The symbiosis and the balance that were achieved under the Cherokee republic were always contested. However, it also afforded the Cherokees expanded strategic possibilities, as theorized by Sider, that in several instances actually enabled them to stave off hegemonic authority longer than any other Indian nation in the same circumstances. This resulted, perhaps, because they were *not* unified behind a single strategy, but employed many, and because they did *not* share homogeneous cultural understandings. All segments of the society had roles that they could play in relationship to each other. Presently, those Cherokees beyond the tribal core may more readily acknowledge their own reliance on its existence than they would have thirty or fifty years ago; it is unlikely that many at the tribal core would recognize any reliance on those Cherokees beyond it. But as Thornton has pointed out, the roles of buffer and intermediary, played by those who were outside the tribal core, either racially, culturally, or geographically, have been important to the overall survival and continuation of both the ethnic and national Cherokee identities. By the end of the Cherokee republic, the Cherokees had achieved a symbiosis whereby neither segment, nor indeed any segment, of the society existed without the other(s). The Nation and its people would be strongest if that situation could be replicated and developed in the present day. The "new" and non-resident Cherokees have a part to play in this vision.

The interpretation of this ancient cosmological understanding in the previous section is a situated knowledge; likewise the historical overview that is provided in this work to contextualize the phenomenon of the explosive renewal of Cherokee identities, especially in dispersed Cherokee populations. I have chosen to take seriously the non-resident communities of mixed citizen and non-citizen Cherokees that many other Cherokees do not. This is in no small part because I myself have existed as a member of such communities, and have long understood that their complexity, their beliefs about who they are, and their goals, warrant far more consideration than to be stereotypic dismissal as "wannabes." I have been called such myself, I have been challenged on my residency, my quantum, my cultural knowledge -- or I should say, I have been criticized out of the presumption that I lack of any of the above! And yet I take my identity as an ethnic and national Cherokee more seriously than almost anything else in my life. Knowing this, I had no difficulty believing that there could be others who might also do the same, in addition to those who would fashion their identity quite differently.

As described by Sider, the "production of [native] histories" refers to the ways a people shape their own histories in order to comprehend and control the connections between their past, present, and future. This includes the "terrors and hopes" of a people, and the choices they make in either commemorating or silencing selected aspects of their stories. This project's production of a Cherokee history is not an innocent one. I am a Cherokee national who has spent most of my life as a non-resident citizen. My terrors and hopes are located in somewhat different places than those of Cherokees at the tribal core. They may well tell a different story, but theirs is not an innocent or objective position

either. While we may diverge at many points, there are other terrors and hopes that we share. These will be loci of relationship and symbiosis. The divergent points will be the loci of multiple strategies that we will invest in and struggle over. Our shared nation will be stronger for both the relationships and the divergences.

"Real" Cherokees are often described as those at the tribal core for whom culture and identity are presumed to have been continuous and unbroken. As Sider confirms, this is a "fantasy" of tribal existence that silences the ruptures and dislocations that are the more commonplace historical experience of Native peoples. Those at the tribal core have suffered ruptures and have been silenced from much of the historical rendering of Cherokee history. The non-resident and "new" Cherokees have also been dislocated and dismissed. The story of rupture that destroyed the national government and extorted the land base is obliterated in the official histories of Oklahoma and the United States. The tribal core was tremendously impacted by these events. Less recognized is the fact that the new and non-resident Cherokees also derive from this history. Their dislocation from northeastern Oklahoma, no matter when it actually occurred, stems from the loss of national and ethnic definition leading to economic devastation. Without the knowledge of this rupture and its result, their emergence at this time seems to come from nowhere. Without knowledge of the long Cherokee habit of recovery and rebirth from such ruptures, the "origin" of these populations is viewed as illegitimate. Without knowledge of the many ruptures of Cherokee existence over more than two centuries now, the existence of the many who believe they are of Cherokee ethnic descent is derided. But much of it is possible and explainable, as well as representative of future potential within

the repeated Cherokee historical continuum. This has been the nature of our survival for a very long time now.

Native histories are about incorporation and re-creation, as much as they are about unbroken chains of cultural continuity. The "new" Cherokees are in the process of re-creation that will hopefully lead to incorporation once again into the fabric of life in the Cherokee Nation. The deconstruction of race, ethnicity, and nationality, the expressions of opposition and persistence, and the focus on division and divergence as a necessary component of resistance and symbiosis clarify today's Cherokee population from an insider perspective. From this we can conclude that the new and non-resident Cherokees, as well as many other segments of Cherokee society, represent the ancient pattern of Cherokee continuity and survival. We can recognize that rather than a situation where "None of us are supposed to be here," the paradoxical situation is one in which *each of us is exactly where we are supposed to be* given the rupture/continuity of our history that is embodied within every one of us. And as Redbird Smith stated almost a century ago, each of us has a particular Cherokee destiny to fulfill; there is a role for each of us to play in relation to our Nation and culture from the position in which we find ourselves located, geographically, culturally, racially, educationally, and spiritually.

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UNIVERSITY OF OKLAHOMA
NORMAN, OK

Referenced under "Personal Names:"

John Armstrong, T-192, T-382
Margaret Sixkiller Bagby, T-559
Sunday Bark, T-518
Lizzie Bearpaw, T-134
Polly Cochran Blackfox, T-478
Gertrude Thompson Blevins, T-400
Vann Bly, M-42
Don Bread, T-486
Sakey Henson Bread, T-499
Lena Soap Carey, T-513
Sarah Cheater, T-379

Sam Chewey, T-431
John Christie, T-426
Andrew Crittenden, T-312
Samuel Cummins, T-314
Hooley Downing, T-414
Maggie Downing, T-499
Vonnie Downing, T-390
John Dry, T-377
Jefferson Fields, T-335
John Fox, T-295
Maggie Culver Fry, T-654
Ben Garvin, T-554
Mary Downing Gourd, T-470
Sam Gourd, T-476
Owen Grant, T-325-A I
Ocie Grey, T-282-BII
Saugee Grigsby, T-426
Lulu Hair, T-514
Joe Harlow, T-376
Frank Osage, T-293

INTERVIEWS CONDUCTED BY JULIA M. COATES
(Original cassette tapes in her possession)

In Houston: Cherokee Cultural Society of Houston

Judith Bruni, Jan. 6, 1998
Barbara (B.J.) Callihan, Jan. 6, 1998
John Campbell, Mar. 6, 1998
Victor J. Carroll, Jan. 7, 1998
Joe Davis, Jan. 5, 1998
Patricia W. Davis, Jan. 5, 1998
James D. Gravino, Jan. 12, 1998
Vicki S. Henrichs, Jan. 5, 1998
Edward Holland, March 6, 1998
Cindy Linnenkohl, Jan. 5, 1998
Lori Smiley Lipke, Mar. 7, 1998
Marjorie Lowe, Jan. 13, 1998
Wade McAlister, Mar. 9, 1998
Deborah Scott, Jan. 10, 1998
Charlie Strack, Jan. 10, 1998
Harry Alan Taylor, Mar. 6, 1998
S. Carter Terry, Jan. 6, 1998
Joe Williams, Jan. 9, 1998
Julie Williams, Jan. 9, 1998

In Marysville, CA: Cherokees of California

Daniel Allen, June 19, 1998
Neal Byrd, June 18, 1998
Rick Childers, June 17, 1998
Otis Croy, June 21, 1998
Donald Elder, Jr., June 20, 1998
Connie Halderman, June 16, 1998
Elizabeth Kanihan, June 20, 1998
John J. Miller, June 21, 1998
Barbara Norton, June 17, 1998
Jerry A. Pierson, June 18, 1998
Rodney Presswood, June 21, 1998
Kathleen M. Shain, June 19, 1998
Barbara Simeroth, June 18, 1998
Barbara Warren, June 16, 1998
Leuwanna Williams, June 17, 1998
Anonymous, June 18, 1998

In Sacramento, CA: Cherokees of Northern California Club

Catherine Anglin, July 27, 1998
Joyce A. Bowling, July 27, 1998
Watt Bear, July 30, 1998
George Chaney, July 24, 1998
Cherokee Chuculate, July 27, 1998
Gary Clem, July 30, 1998
Kevin Clem, July 30, 1998
James Crouch, July 28, 1998
Wennye Edwards, July 28, 1998
M. Lavonne Griffin-Moore, July 26, 1996
Jane Henry, July 29, 1998
Deana Johnson, July 29, 1998
Sharon Richards Ketcher, July 29, 1998
Jeanne Linker, July 30, 1998
Sara Jane Mix, July 26, 1998
Barbara Newton, July 31, 1998
Kevin Sanders, July 29, 1998
Winn Starr, July 25, 1998
Nancy Twining, July 31, 1998
Anonymous, July 27, 1998
Anonymous, July 29, 1998

In Albuquerque:

Richard Bailey, Feb. 21, 1999
Geraldine Birdsbill, 1999
Jack Bradley, 1995
Lenora Keliiaa, 1999
Jack LeMaster, March 4, 1998
Anonymous, Feb. 5, 1999