

“THEY ARE CARRIED IN OUR BLOOD”: VIOLENCE
AND MEMORY IN THE NINETEENTH-CENTURY
CHEROKEE NATION

By

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Abstract: Throughout the nineteenth century, the Cherokees faced unequivocal levels of violence. They experienced unmatched terror at the hands of others and themselves. Death, destruction, and hatred ran rampant in the Cherokee Nation among its peoples and leaders. However, their traditions allowed them to maintain the strength and cohesiveness of their tribe throughout the worst of the violence they faced. Leaders worked to unify and renew the tribe following excessive violence. To determine the best course of action, leaders and peoples alike continuously turned to the past for guidance. The Cherokees' ability to internalize violence and allow it be a renewing force, and to use memories to promote their future, enabled them to persist through one of the most turbulent periods in their history.

Removal emphasized the schisms that already existed in the tribe and only heightened upon arrival in Indian Territory with the assassination of the Treaty Party. A seven-year civil war and forced peace agreement resulted in moving the tribe into their Golden Age of the 1850s. The American Civil War, though, returned violence to the nation resulting in two political parties representing the schisms in the postbellum period. Throughout these affairs, the Cherokees utilized their practice of making violence regenerative, commonly entering a time of prosperity following excessive violence. They also returned to their past to promote their future by implementing the practices of those before them.

More importantly, though, is that these two elements propelled the other forward, creating a tribe that was able to contend with internal schisms, violence, external pressures, and changes throughout a century in an increasingly encroaching world. The Cherokees' ability to internalize violence and maintain connections to those before them allowed them to conserve their strength and autonomy through removal, the Treaty Party assassination and resulting Civil War, the Golden Age, the United States Civil War, and rebuilding during the postbellum period. Although both important practices of the tribe, the ways in which violence and memory worked in tandem in Cherokee history reveal the reasons the tribe has endured for centuries in contention with surrounding powers.

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CHAPTER I

INTRODUCTION

*...we shall fear no evil, we shall apprehend for our race, neither extinction nor degradation, but progress and civilization will follow...*¹-WM P. Ross, 1870

Throughout the nineteenth century, the Cherokees faced a series of events that forced them to rely on their traditions and internal strengths to persist through the pressures of the increasingly encroaching world around them. They had to adapt and change within to remain a strong, independent nation. Beginning with removal in the 1830s, the Cherokees evaluated their internal workings and external relationships in order to survive and maintain their identity as a nation and a people. They called on their past to understand an ever-changing and intervening world. Through each trauma, the Cherokees turned to those before them to determine their response. Although they not only faced violence, but also enacted violence themselves at times, their response to the circumstances was more pressing.

The nineteenth century was arguably one of the most violent periods in Cherokee history, but also one of the most prosperous. This had the potential to destroy the Cherokee Nation. Removal, the assassination of the Treaty Party leaders in 1839 and the resulting Cherokee Civil War, and the United States Civil War could have foreclosed any

¹ WM P. Ross, Editorial, *Cherokee Advocate* (Tahlequah), June 18, 1870.

chance of success or survival for the Cherokee Nation; however, the Cherokees responded with strength, intelligence, and dedication. They refused to allow the violence to destroy them and remained active in their own history because of this. Each time the Cherokees encountered or used violence, they recovered with a period of rebuilding and success. Prosperity and renewal characterized both the Golden Age and the postbellum period due to the Cherokees' ability to internalize violence and move forward without allowing permanent damage.

On the surface, the Cherokee tribe appeared dissimilar prior to interactions with Euro-Americans, but by the nineteenth century they maintained several new practices and traditions than they had previously. The settler state did not dismantle who the Cherokees were as a people as they still maintain this connection to their tribal roots today. Wilma Mankiller, a rights activist and the first female Cherokee chief, maintained connections to the people of her tribe's past throughout her life, as does Gayle Ross who learned what it means to be Cherokee from the stories of the tribe's history.² Although certain practices differed from those of the past, the tribe remained true to who they were as a people throughout their history. Through violence, progress, tension, and success, the Cherokees preserved a connection to the past through memories and stories in order to preserve the true meaning of being Cherokee. Although this definition may shift in ways over time, at the center of this characterization remains strength, dignity, and community. The importance of kin and tribal relations remained at the center of their efforts throughout their history. Because of their use and preservation of traditions, the Cherokees protected their value for community and kin, and the obligations that preside within each one.

² Wilma Pearl Mankiller, *Mankiller: A Chief and Her People* (New York: St. Martin's Griffin, 1994), 62; Gayle Ross in *We Shall Remain: Trail of Tears*, directed by Chris Eyre (WGBH, 2009), DVD (PBS Home Video, 2009).

Outside forces or internal struggles cannot destroy these practices; they have persisted through centuries and remain so today.

The events of the nineteenth century were a result of Cherokee decisions and their relationship with Euro-Americans. Beginning with the Removal Act of 1830, the Cherokees were engrossed in a campaign to maintain possession of their ancestral land. However, their internal conflicts and outside influences placed them at the beginning of a series of violent affairs that would reshape who they were as a people while forcing them to recall their past to maintain traditions. The Treaty Party's secret signing of the Treaty of New Echota in 1835 forced the nation west to Indian Territory and sparked more internal violence than previously existed. The resulting assassination of the Ridge family and the Cherokee Civil War demonstrated the ways in which violence had the potential to destroy the Cherokee Nation, but the Cherokee's Golden Age indicated their ability to remain active and refuse to allow destruction from violence. The United States Civil War, however, enabled these tensions to return and created the perfect environment for more violence than ever before in the Cherokee Nation. Despite these horrific affairs during the nineteenth century, the tribe responded each time with determination and nationalistic rhetoric that allowed them to preserve their nation and peoples through the 1887 Dawes Act. The Cherokees have always practiced a connection to their past and maintained their traditions despite an encroaching world, but this is best exemplified by the tribe and peoples throughout the nineteenth century.

The historiography of the Cherokees in the nineteenth century is multifaceted and varies depending on which aspect is under consideration. Because of this, this study discusses a three-part historiography. The first section of historiography focuses on the

general study of Cherokee history, specifically during the nineteenth century. It is necessary to understand how scholars have interpreted Cherokee history over time. Second, the historiography of Cherokee cultural elements is discussed. This is essential to understanding how traditions and shifting ideas contributed to the circumstances of the Cherokees. Finally, a historiography of violence in relation to Native American tribes is indispensable as it plays a vital and central role throughout this study. Each part of the historiography contributes to the overarching themes.

Andrew Denson's *Demanding the Cherokee Nation: Indian Autonomy and American Culture, 1830-1900* uses the writings of Cherokee leadership to demonstrate the tribe's push for sovereignty and their dedication to progress.³ Using primarily documents of leaders, Denson argues that following removal, the Cherokee leaders emphasized advancing the tribe and demonstrating their success to a wider audience. Denson uses their writings to display the fight for sovereignty against the encroaching United States.

Most recently, Gregory D. Smithers argues in *Cherokee Diaspora: An Indigenous History of Migration, Resettlement, and Identity* that the Cherokees defined themselves as a dispersive group with an ancestral homeland in the East and a political homeland in the West.⁴ This installment in the Cherokee historiography details the ways in which the Cherokees maintained ties to the traditions of their tribe in an increasingly dispersed environment. Smithers's work provides a comprehensive account of the Cherokees'

³ Andrew Denson, *Demanding the Cherokee Nation: Indian Autonomy and American Culture, 1830-1900* (Lincoln: University of Nebraska Press, 2004).

⁴ Gregory D. Smithers, *The Cherokee Diaspora: An Indigenous History of Migration, Resettlement, and Identity* (New Haven: Yale University Press, 2015).

efforts throughout the nineteenth century to maintain their culture and connections amidst dispersal and encroaching powers.

Because this study requires an understanding of identity in the Cherokee Nation, the literature on this topic deserves discussion as well. Anthropologist Circe Sturm studies the development of identity within the Cherokee Nation, specifically at the clan level, in *Blood Politics: Race, Culture, and Identity in the Cherokee Nation in Oklahoma*.⁵ Her work concentrates on the development of a Cherokee identity through the unstable categories of race and blood as these ideas shift with time. Tiya Miles's work is necessary to consider, as well. In *Ties That Bind: The Story of an Afro-Cherokee Family in Slavery and Freedom*, Miles discusses the life of an African Cherokee slave and her master from the late eighteenth century through the Civil War.⁶ The story follows their life and partnership to demonstrate the shift in racial relations in the Cherokee tribe throughout the nineteenth century. Throughout these works, the established racial notions of the nineteenth century Cherokees become clear: despite previous arguments of equality, Cherokees did not see themselves similarly to African Americans and identified more with white settlers.

These works are foundational to this study, but differ on specific issues and sources. Denson's *Demanding the Cherokee Nation* is most closely related to the time frame, but he focuses strictly on leaders. Although an important element in this study, migration is not the focus as in Smithers's *Cherokee Diaspora*. These works discuss necessary topics, but do not directly correlate to the focus of this project. In this study,

⁵ Circe Sturm, *Blood Politics: Race, Culture, and Identity in the Cherokee Nation of Oklahoma* (Berkeley: University of California Press, 1997).

⁶ Tiya Miles, *Ties that Bind: The Story of an Afro-Cherokee Family in Slavery and Freedom* (Berkeley: University of California Press, 2005).

the emphasis is on the role of memory in correlation with violence. Sturm and Miles both discuss Cherokee cultural elements, but these are only part of this work. Throughout this study, all of these elements are discussed, but only play a role in the larger analysis of the changing definitions within the Cherokee tribe throughout the nineteenth century. This study deviates from these scholars by emphasizing the relationship between violence and memory, in addition to the progression of the Cherokee peoples in connection to their past.⁷

Although they do not write on the Cherokee Nation, Claudio Saunt, Karl Jacoby, and Ned Blackhawk are essential to this work for their studies of violence in Indian cultures and history.⁸ In *A New Order of Things: Property, Power, and the Transformation of the Creek Indians, 1733-1816*, Saunt describes a violent time in Creek history and comes to the conclusion that the violence was a result of internal tensions created by cultural accommodation. Jacoby takes a new approach in *Shadows at Dawn: An Apache Massacre and the Violence of History* by separating the work into three parts to address the different perspectives and violence of the 1871 Camp Grant massacre. His work also addresses the element of memory and storytelling from various perspectives

⁷ For further information on Cherokee history, see: Annie Heloise Abel, *The American Indian as Slaveholder and Secessionist* (Cleveland: Arthur H. Clarke Co., 1915); *The American Indian in the Civil War* (Cleveland: Arthur H. Clarke Co., 1919); *The American Indian and the End of the Confederacy, 1863-1866* (Cleveland: Arthur H. Clarke Co., 1925); Wiley Britton, *Union Indian Brigade in the Civil War* (Ottawa, KS: Kansas Heritage Press, 1922); Morris L. Wardell, *A Political History of the Cherokee Nation, 1838-1907* (Norman: University of Oklahoma Press, 1938); Thurman Wilkins, *Cherokee Tragedy: The Story of the Ridge Family and of the Decimation of a People* (New York: The Macmillan Company, 1970); John Phillip Reid, *A Law of Blood: The Primitive Law of the Cherokee Nation* (DeKalb, IL: Northern Illinois University Press, 1970); Theda Perdue, *The Cherokee* (New York: Chelsea House, 1989); Michael Green and Theda Perdue, *The Cherokee Nation and the Trail of Tears* (New York: Viking, 2007); Fay A. Yarbrough, *Race and the Cherokee Nation: Sovereignty in the Nineteenth Century* (Philadelphia: University of Pennsylvania Press, 2008); Mary Jane Warde, *When the Wolf Came: The Civil War and the Indian Territory* (Fayetteville: University of Arkansas Press, 2013).

⁸ Claudio Saunt, *A New Order of Things: Property, Power, and the Transformation of the Creek Indians, 1733-1816* (New York: Cambridge University Press, 1999); Karl Jacoby, *Shadows at Dawn: An Apache Massacre and the Violence of History* (New York: Penguin Press, 2008); Ned Blackhawk, *Violence Over the Land: Indians and Empires in the Early American West* (Cambridge: Harvard University Press, 2006).

and its contribution to the remembrance of an event. Blackhawk's *Violence Over the Land: Indians and Empires in the Early American West* is told from the Indian perspective and contributes to reshaping the narrative of Western Indians relations with colonial powers. Blackhawk shows that violence can be used to interpret the relationship rather than simply being part of the narrative or dismissing it as inescapable. These works provide a framework for discussing violence and its role in Indian history. The authors demonstrate that discussing violence is not only beneficial, but necessary as well. Although difficult to appropriately address or describe as productive, violence is an essential part of the story for many Indian nations. Not only is it part of their histories, but it also influenced their decisions, actions, and futures. Violence is essential to understanding the progression of these peoples as it was thrust into their existence and altered their understandings of the world around them. Discussing the Cherokees' history without considering ever-present violence would be omitting a part of the story that is essential to understanding the tribe's actions and who they are as a people.

It is essential to place violence back in the stories of American Indians despite the pain that accompanies it. Although difficult to endure and discuss, violence is essential to understanding these peoples because it characterized their past for centuries in many instances. It is detrimental to leave out the stories of those who were hurt, killed, and altered forever. However, it is important that the violence does not dominate the retelling of the histories of these nations. It is undeniable that the Cherokees experienced extensive brutality at the hands of others and themselves, but it cannot be excluded that the Cherokees refused to allow violence to destroy them. Rather, they made their response to terror part of who they are as a people. Surviving trauma and regenerating became part of

their indigeneity, and remains so today. Because the Cherokees approached their circumstances this way, they survived without being drowned by violence. Rather than allowing violence to destroy them, the Cherokees faced it directly and processed it into who they are as a nation.

Previously, historians have chosen to address the violence without appropriately analyzing it. It was just another event in their history, just another act of violence involving Indians. It is necessary to incorporate and analyze the violence and the tribe's response to it. Not including this brutality, or simply glossing over it, is detrimental to the history of the Cherokees. These horrific events are part of their story and contribute to changes within the tribe. This is not to say that the violence is the most important or daunting part of Cherokee history, but the Cherokees' response to it deserves inclusion in their story. Therefore, the violence itself has to be included. To understand the true value of the successful periods, such as the Golden Age and the postbellum period, the severity of their circumstances have to be assessed for what they are. To see how the tribe regenerated itself from within to achieve success, the violence is a necessary part of the story.

The story of the Cherokees in the nineteenth century is indeed one of violence, terror, power struggle, and death, but it is also one of progress, success, productivity, and dedication. External forces pressured the tribe into a new society of outsiders making, and internal schisms drove the leaders' decisions with which the peoples often disagreed. The tribe faced extreme violence, both internal and external, that required them to continually evaluate their circumstances and return to familiar methods to make each decision. Despite the constant trials they faced, the Cherokees maintained a culture that

prided itself on traditions, education, and civility. Because of oral traditions, the Cherokees' culture and traditions persisted throughout a century of violence, terror, and inner turmoil.

Oral traditions are common in many Native American tribes and essential for the Cherokees. Prior to the Cherokee Constitution of 1827, the tribe utilized oral traditions and *kanohesgi*, or storytelling, to maintain laws in their society.⁹ These practices also served as the primary way of teaching younger generations about whom the Cherokees are and their history. These traditions remained pertinent elements of the tribe as they enabled the Cherokees to preserve history from their perspective and perpetuate their story as the world around them consistently altered the structure of the tribe. *Kanohesgi* and oral customs contributed to the establishment of a collective memory in the tribe. The collective memory allowed the tribe to preserve their traditions, way of life, and the meaning of being Cherokee throughout tumultuous periods such as the nineteenth century. Collective memory also serves as a guide for the peoples and leaders throughout their lives. When one finds themselves in complex or difficult situations, it is likely they look to the stories they have learned throughout their lives for advice, much as the leaders of the Cherokee Nation did throughout the nineteenth century. Not only does a collective memory serve as a guide, it also maintains the present generation's connection to their past and helps them preserve a sense of indigeneity.¹⁰ Memory, for the Cherokees, is a tool to promote the future.

⁹ Smithers, *The Cherokee Diaspora*, 33.

¹⁰ In this sense, indigeneity is the definition from within. Rather than creating a definition of a peoples from an outside perspective, this is defining from within the people themselves. For the Cherokees, this is determining what it means to be Cherokee, their connections to each other and the outside world, and how these ideas shift over time.

In *Custer Died for Your Sins*, historian Vine Deloria Jr. states, “any movement attempting to build without clarifying its goals usually ends in violence, the energy from which could have been channeled toward sinking the necessary roots for the movement’s existence.”¹¹ Although Deloria compares red and black power in the twentieth century in this passage, the idea is still applicable to this study. Without a common goal, there could be little stability or mutual effort to better the circumstances of the tribe. The environment of the nineteenth century only enhanced existing divisions and made it increasingly difficult for peaceful transitions throughout the period. The contested goals of the tribe led to the internal violence, and the political tension that external pressures and violence worsened. Various parties in the tribe associated themselves with certain issues and goals, but these rarely aligned across party lines creating a power struggle and stressful dynamic throughout the tribe. When goals were similar, such as during the Golden Age, leaders often disagreed on the best way to achieve them. The lack of a common vision could have inhibited the Cherokees from moving forward or achieving success. As Deloria states, violence derives from the lack of common goals and methods during a movement. The Cherokees push for autonomy and survival throughout the nineteenth century can be characterized as one such movement.

The ways in which violence and the collective memory work in tandem are at the center of this study. For the Cherokees, violence is not utterly destructive. It, of course, caused damage, pain, and heartache for many, but it did not end the tribe or their customs. Violence is never positive, but for the Cherokees, it was not completely destructive. It became a force of regeneration within the tribe, a reason to pull together

¹¹ Vine Deloria Jr., *Custer Died for Your Sins: An Indian Manifesto* (Norman: University of Oklahoma Press, 1969), 178-179.

and strengthen from within. In addition, collective memory preserves a connection to the past while promoting the future. More importantly, though, is that these two elements propel the other forward, creating a tribe able to contend with internal schisms, violence, external pressures, and changes throughout a century in an increasingly encroaching world. The Cherokees' ability to internalize violence and maintain connections to those before them allowed them to conserve their strength and autonomy through removal, the Treaty Party assassination and resulting Civil War, the Golden Age, the United States Civil War, and rebuilding during the postbellum period. Their lack of common goals and methods of achieving them led to excessive internal violence following periods of external terror. However, disagreements, divisions, and violence could not prohibit the Cherokees from success. Their ability to, and practice of, internalizing violence and using it as motivation, in addition to their connection to a collective memory, allowed the Cherokees to maintain a level of autonomy and success throughout the nineteenth century that many did not foresee.

CHAPTER II

TRADITIONS AND THE PAST

*“The trail was more than tears. It was death, sorrow, hunger, exposure, and humiliation to a civilized people as were the Cherokees.”*¹²-Elizabeth Watts, 1937

In Cherokee tradition, events are not passing, nor memories fleeting. Oral traditions pass information, stories, and advice from generation to generation. They rely on *kanohesgi* from the elders to show them the connections between the past and present.¹³ For Cherokees, the best advice comes from those before them. Understanding the way in which those before them viewed themselves and the world around them, and more importantly the connection between the two, allows Cherokees to understand themselves as individuals and as a people. There are certain cultural practices and histories of the tribe that are important to understand to assess the circumstances and actions of the Cherokees in the nineteenth century. Cherokees rely on experiences and the stories of elders to understand who they are as a people and, because of this, it is critical

¹² Interview of Elizabeth Watts, April 27, 1937, *Indian Pioneer Papers*, Western History Collection, University of Oklahoma, Norman. 95: 531. Based on the Cherokee tradition of living memories and maintaining a memory to keep it alive through generations, the interviews from the *Indian Pioneer Papers* are primary sources. The interviewees may not have been alive at the time of removal, the Treaty Party assassination, or the following Civil War, but the information they provided remains a primary source, as the generation before them experienced the events and passed the information to them with the intention of keeping the story alive. Angela Cavender Wilson, “Power of the Spoken Word: Native Oral Traditions in American Indian History.” In *Rethinking American Indian History*, edited by Donald Lee Fixico, (Albuquerque: University of New Mexico Press, 1997).

¹³ Gregory D. Smithers, *The Cherokee Diaspora: An Indigenous History of Migration, Resettlement, and Identity* (New Haven: Yale University Press, 2015), 33.

to understand certain elements of their past and beliefs to comprehend the paths they choose and the outlook they adopted during conflict and struggle. It is also essential to understand that, although difficult to experience, violence in the Cherokee tribe served as a regenerating and productive force. The Cherokees consistently faced violence, both internal and external, throughout their history. At each instance, however, the Cherokees internalized this violence and created a stronger tribe.

Although internalizing can mean a number of things, for this study, internalizing refers to the way in which Cherokees made violence part of who they are. Internalizing means that the nation made a practice of adopting violent encounters and experiences into their identity. They chose to directly acknowledge their circumstances and actions rather than disregarding them. By doing this, the Cherokees altered their definition of indigeneity and provided themselves with the ability to move forward following excessive violence and destruction. Internalizing, adopting the violence into their identity, enabled the Cherokees to progress.

An important component of the tribal identity is the role of memory and its development over time. Similar to other Native tribes, the Cherokees in the nineteenth century utilized traditions to educate the next generation about their past and who they are. This tradition became a necessity as the tribe faced forceful impositions from the settler state. It became their way of preserving traditions and a connection to the people, especially through migration and violence. Each event and circumstance the tribe faced became part of a collective memory that elders used to teach each generation. As their traditions, culture, outside involvements shifted throughout history, the role of a collective memory grew increasingly important. Without preserving and continuing to

utilize this tradition, the tribe probably would have struggled to determine future decisions based on the betterment of the tribe and would have lost an important facet of their culture. This tradition allowed Cherokees to maintain history from their perspective and to preserve tradition and nationhood.

Sociologist Eviatar Zerubavel argues, “acquiring a group’s memories and thereby identifying with its collective past is part of the process of acquiring any social identity.”¹⁴ The process of adopting communal memories as an individual one is common among many people groups. Communal or collective memories establish a stronger connection between individuals and their communities. As Zerubavel states, in order to be social and have a social identity, one must identify with the past of their people. By adopting the memories of their communities, one is establishing a larger connection to the people they belong to.¹⁵ In essence, they are making these memories part of their indigeneity. This process works much the same way for the Cherokees. Through each individual adopting the memories of their tribe, they formed a stronger connection to each other. By engaging with previous events, the Cherokees are adopting them into their own memories. Individuals form connections to the past through communal memories, which strengthens the present community through common memories and understandings. Therefore, the establishment of a communal or collective memory enables the Cherokees to form a stronger nation with the reliance on and true understanding of who they are as a people.

An essential part of Cherokee identity is adaptability. They abide by traditions while adjusting to remain strong against opposition. Upon arrival of European settlers,

¹⁴ Eviatar Zerubavel, *Collective Memory and the Social Shape of the Past* (Chicago: University of Chicago Press, 2003), 3.

¹⁵ *Ibid.*, 26.

the Cherokees began adapting to new lifestyles. They assumed certain parts of white culture—such as slavery and government models—and worked to better communicate and interact with settlers. The Cherokees never practiced a static culture or identity; they are innovative and adaptive, which allows them to remain distinct.¹⁶ This enabled the Cherokees to adopt parts of Euro-American culture when they saw fit without succumbing to the pressures of a colonial relationship. The structure of their identity made them malleable when necessary, not weak or untrue to their past. In fact, this shows their intellect and strength. From the beginning, they understood that European settlers would begin imposing their practices and taking land, if not exterminating Native peoples. In response to their changing environment, Cherokee leaders slowly altered the internal structure of the tribe through adoption of written laws and a centralized government in order to better navigate their external interactions.¹⁷

Although the tribe adjusted, there were those who objected to the adoption of Euro-American cultural ideas and practices.¹⁸ Prior to the implementation of a centralized government, Cherokee war chiefs and peace chiefs, the leaders at the time, clashed over their relationship with white settlers. The war chiefs saw intermarriages and dealings with outsiders as an excessive and aggressive change; yet the peace chiefs viewed these

¹⁶ Ibid., 10.

¹⁷ Ibid., 42.

¹⁸ Polly O. Walker states, “This hegemony of Western conflict resolution limits Indigenous peoples’ opportunities to function within their own worldviews and to implement their own methods of processing conflict.” By the nineteenth century, it was common for tribes to have adopted Western methods of government; however, this often caused clashes with their own traditional conflict resolutions. Western conflict resolution methods are the opposite of many tribal methods, including the Cherokees. Because Euro-Americans immediately began colonization, many clashes occurred because of different conflict resolution methods. The implementation of Western methods on the Cherokees “perpetuates ontological violence, the forceful introduction of one worldview to the extent that it marginalizes or suppresses another worldview.” It is important to keep this idea in mind when studying Cherokee government and social transitions with the adoption of white cultural elements. The growing presence of Euro-Americans and their habit of forcing their practices on Cherokees caused friction between the two groups and within the Cherokee Nation. Polly O. Walker, “Decolonizing Conflict Resolution: Addressing the Ontological Violence of Westernization,” *The American Indian Quarterly* 28, (Summer/Fall 2004).

practices as the tribe adjusting to circumstances out of necessity. As intermarriages increased, biracial Cherokees gained more influence becoming an elite group in time, which in turn deepened the divides that had formed between traditionalists and modern sympathizers. Although adapting was part of the Cherokee identity and allowed them to maintain strength, it also contributed to the development of deeply rooted divides within the nation and led to the blending of Cherokee and white cultures for many members.¹⁹ This intermingling and tension gave rise to the ‘elite mixed-bloods’ who came to be the primary leaders of the tribe during the nineteenth century, including longtime chief John Ross. This group became influential throughout Cherokee society and was the product of the increasingly biracial culture. Their educations, connections to both cultures, and desire to work for their tribe brought them to the forefront of the leadership over the course of the early nineteenth century.

Although not the only tribe to survive a colonial relationship, the Cherokees were able to internalize various events, enabling them to adapt and remain strong against demanding pressures. Cherokee leadership used their past and circumstances to determine their paths. From the beginning of their colonial relationship, Cherokee leaders found ways to maintain a blended culture that internalized violence and conflict, making them inherently stronger than outside forces expected. Their leadership continued to use these violent occurrences to renew from within, and to continue fighting outside pressures and internal divisions. Internalizing these events and their adaptability allowed Cherokees to remain resistant against these forces while maintaining a reputation of strength, intelligence, and resilience.

¹⁹ Smithers, *The Cherokee Diaspora*, 42.

Prior to ratification of the Cherokee Constitution in 1827, the Cherokees embedded their laws within their cultural practices rather than recording them. Laws preceding the constitution, or traditional laws as they will be referred to throughout this study, were an understood component of the culture. These laws had been part of Cherokee society for centuries. Traditional laws often held the various clans together despite different dialects and the distance between the sixty towns spread out over rugged terrain.²⁰ The tribe detested coercion and found roots in equality, which served as the basis for many of their practices. Traditional laws represented these traits of the Cherokee tribe; the laws were the highest exemplification of Cherokee culture and disrespect led to drastic consequences. Even after the ratification of the constitution in 1827, elements of the traditional laws remained influential in society.

One of the main facets of Cherokee traditional practices was the blood law. The Cherokee blood law established the cultural understanding of consequences for death, whether it be accidental or intentional. The blood law was comparable to a homicide law, but differed on the issue of liability. In its most basic form, the blood law was a life for a life. However, when implemented, it became much more than that. Under the blood law, if one killed a member of another clan, then the victim's clan was entitled to kill a member of the murderer's clan, but not necessarily the murderer himself. The intention of the blood law was for the retaliation to mark the end of the altercation. There were instances in which the feud continued though. With the blood law, there was no element of motive or accountability, only death and liability. Even if death was accidental, the "murderer's" clan remained responsible. If a clan did not avenge a member's death, it

²⁰ John Phillip Reid, *A Law of Blood: The Primitive Law of the Cherokee Nation* (DeKalb, IL: Northern Illinois University Press, 1970), 6.

was considered disrespectful to the deceased.²¹ To the Cherokees, blood relation and kinship meant “[tribesmen] were morally obligated to protect and defend” those harmed within their families and clans.²² The blood law maintained a balance within the tribe and each Cherokee “understood and obeyed, a law which confined his options and limited his choices, molded his conduct and heralded his responses....”²³

Although at times the blood law was clear and concise, often questions about the law arose that were difficult to answer. In practice, the blood law was complex. Because there was no element of direct responsibility on the murderer, innocent people often died in place of the responsible party. A substitute rather than the slayer himself might receive punishment. It was possible for the murderer to escape unscathed, especially if they chose to go to Echota, the refuge city. This failed to protect the manslayer’s clan, however. A compensation element existed for alternative use under certain circumstances as well. Repeat offenders did not have guaranteed protection, but their clan could still avenge their death if killed, which refers back to the need for equality in the tribe. Although the person is guilty of multiple offenses, they still maintain equal status within the clan and they must be honored through a retribution killing if they are killed. In practice, the blood law proved complicated due to the existence of blood relatives throughout clans, accidental death, and deaths that involved people outside of the tribe.²⁴

The blood law, similar to that of many other American Indian tribes at the time, was the only accepted reason to kill and—most importantly—a law of peace. The punishment that came with the blood law deterred people from killing based on the sole

²¹ Ibid., 78.

²² Circe Sturm, *Blood Politics: Race, Culture, and Identity in the Cherokee Nation of Oklahoma* (Berkeley: University of California Press, 1997), 33.

²³ Ibid., 73.

²⁴ Reid, *A Law of Blood*, 98.

fact that they, or their kin, would suffer death. Author John Phillip Reid states that as a law of peace, the blood law instilled an understanding of guaranteed retaliation against one's clan if they committed an act so heinous.²⁵ The guaranteed retaliation prohibited many from committing the crimes in the first place. Some, despite the blood law, were willing to murder. There were also those who used the blood law to justify their actions against tribesmen. In practice, tribesmen could manipulate the law to their advantage, especially prior to the ratification of the Cherokee Constitution, because there was little central control over the actions of individuals due to rule at the clan level.²⁶ Although viewed as a law of peace and discouraging violence, the blood law also provided a way for families and individuals to achieve justice, or revenge, through a second killing.

In addition to shifting meanings of traditional Cherokee laws, Cherokee ideas of race and belonging also changed with time and new influences. Historically, Cherokees did not practice race-based slavery before encounters with Euro-Americans; however, they maintained dominant positions over 'strangers' in their tribe. These strangers were people that did not belong to one of the seven Cherokee clans, and could be either captives or outsiders that lived among the tribe. They were *atsi-nahsa'i*, or lacking kinship ties.²⁷ These people stood outside the tribal system of reciprocity and, therefore, mutual responsibility and protection. The tribe could choose to adopt them or they could remain outside of clanship. Because of this practice, the adoption of race-based slavery, and later forced recognition of freedpeople, led to complications as the Cherokees

²⁵ Ibid., 5.

²⁶ Sturm, *Blood Politics*, 40.

²⁷ Smithers, *The Cherokee Diaspora*, 6.

possessed a previously established notion that those existing outside of clanship did not enjoy the same rights and status within the tribe.²⁸

It is important to understand that the Cherokees consistently faced internal divides when external conflict arose. Beginning with peace chiefs and war chiefs disagreeing over land cession and relations with European settlers, Cherokee leaders and the people they represented constantly faced internal divisions. The primary example is removal, which divided the tribe more than ever. The factionalism was not new, but these differences continued to foster themselves in new ways throughout Cherokee history. As the tribe changed, the schisms worsened. Factions began to form around specific issues, but they found that these variances could also be the difference in maintaining land, and later sovereignty, or falling to the influences and power of the United States. These problems, and the way the leaders chose to address them, referred back to the internalization and perception of those divisions to strengthen the tribe.

Violence is not a simple concept, nor is it definable by a set of specific acts. Rather, it is complex, difficult to define or restrain, and has the potential to destroy all in its wake. For this discussion, violence can be both physical and psychological. Neither can be narrowed down to a simple list of acts, as it is much more than that when discussing the lives of human beings. For the Cherokees, violence ranged from Georgians burning their homes to the ground and trapping them in what can be qualified as ghettos until they were marched by the military across the rough terrain of the United States. It is the idea that one quarter of the tribe and Chief John Ross's wife died on the same journey that other leaders of the tribe illegally approved. For several years, it was living in fear that their homes would be raided by soldiers or their only source of sustenance would be

²⁸ Ibid.

stolen to feed an army fighting in a war that did not pertain to them. For the Cherokees, violence proved difficult to define as it had the potential to define and destroy them for the better part of a century.

The settler state increased the use and acceptance of violence. Anthropologist and ethnographer Patrick Wolfe defines settler colonialism as “an inclusive, land centered project” that focuses on “eliminating Indigenous societies” to acquire more area.

Although aimed at acquiring land, settler colonialism often introduced more violence and death into Indigenous societies by destroying their cultures.²⁹ As the Cherokee

relationship with Euro-Americans worsened, violence in the tribe grew. Even before the Indian Removal Act of 1830, Georgians used scare tactics and laws to convince the

Cherokees to cede their land and move west.³⁰ The majority of the tribe did not support the idea of giving up their homelands. However, as pressures increased and the tribe

faced more attacks and looting from Georgians, the attitudes of some began to shift. In

1828, the state of Georgia enacted a law prohibiting the Cherokees from enforcing their laws within tribal lands.³¹ Georgians arrested many Cherokees for carrying out Native

laws.³² The Cherokee Nation filed lawsuits aimed at altering the relationship between

Euro-Americans and Cherokees as the tribesmen did their best to maintain a cultural

identity in an increasingly blended culture.³³ The Georgians’ actions demonstrated the

²⁹ Patrick Wolfe, “Settler Colonialism and the Elimination of the Native,” *Journal of Genocide Research* 8, (Dec. 2006): 393.

³⁰ Georgians used scare tactics to influence the Cherokees decision; their attempt was to make life in Georgia so difficult that the tribe felt moving was the only option. Georgians “destroyed the Indian’s fences, and crops, and killed their cattle, burned their homes and made life a torment to them.” Interview of Elizabeth Watts, April 27, 1937, *Indian Pioneer Papers*, 95: 529.

³¹ *Laws of the Cherokee Nation, enacted by the General Council in the Year 1829*. Office of the Cherokee Phoenix. Edward E. Ayer Collection, Newberry Library.

³² Interview of Josephine Pennington, October 12, 1937, *Indian Pioneer Papers*, 70: 366.

³³ In the early 1830s, the Cherokee Nation faced two specific court cases that impeded on their rights as an individual nation. In late 1830, Georgia passed a law that made Cherokee meetings with the exception of

primary elements of the settler state. Georgians worked to dismantle the Cherokee culture and society as it seemed a threat due to the Cherokees' increasing permanence.³⁴

The colonial state produced an increase of violence within the Cherokee tribe that had not been present before.³⁵ The arrival of Euro-Americans forced the Cherokees to adapt to white culture. Euro-Americans soon made it clear that, in their opinion, the Cherokees were incapable of adapting to the culture because they were Indian. With this struggle, violence emerged. The imbalance within the culture persisted and resulted in the use of violence to solve disagreements and to end internal struggles. Intertribal issues became more common as individuals and groups handled their changing situation differently. Some held onto the past and fought assimilation in certain areas of their culture. Others tried to preserve what they could and avoid further fights with the federal government and their white neighbors. This violence prevails in many stories of the Cherokee past. An overarching sense of violence persisted in the tribe following introduction to Euro-Americans and the colonial state. The Cherokees, however, responded in a manner that turned the violence productive.

Throughout the beginning of the nineteenth century, the Cherokees consistently worked to maintain their landholdings in the East, primarily in Georgia. They altered their governmental structure to ease working with the United States government and to

ceding land a misdemeanor. In 1831, *Cherokee Nation v. Georgia* established that the Cherokee Nation was not a foreign state like previously understood. Both cases took sovereignty and power away from the Cherokee Nation resulting in resistance and some of the members to seek removal and others to believe it was the best option. *Worcester v. Georgia* dealt with missionaries visiting tribal establishments without state granted permission. In 1832, the case established that in the relationship between the federal government, state governments, and tribal governments, the federal government was the ultimate authority. Sturm, *Blood Politics*, 62-63; A Cherokee Indian, "The Cherokees and 'A Century of Dishonor,'" *The Independent ...Devoted to the Consideration of Politics, Social and Economic Tendencies, History, Literature, and the Arts* 33, (Feb 24, 1881): 4; Jill Norgren, *The Cherokee Cases: Two Landmark Federal Decisions in the Fight for Sovereignty* (Norman, OK: University of Oklahoma Press, 2004).

³⁴ Wolfe, "Settler Colonialism and the Elimination of the Native," 393.

³⁵ *Ibid.*

demonstrate their level of civilization by establishing a centralized government. In 1827, they ratified a written constitution to bind the laws they had been writing since 1808. John Ross became the first Principle Chief, with many others serving as delegates. The adoption of a National Council and Constitution in 1827 provided the tribe with an official means by which to communicate with the federal government. These delegates were to represent the desires of the majority of the tribe and maintain a relationship with the federal government in order to prevent forced removal. They argued the validity of existing treaties, petitioned Congress, and held meetings with federal representatives. Regardless of appeals from the Cherokees, President Andrew Jackson refused to intervene and favored forcible removal of the tribe. The fear of moving west with no land or compensation led to the development of the Treaty Party, which consisted of Major Ridge, John Ridge, Elias Boudinot, and many followers. The Treaty Party found allies among the Old Settlers, who had moved west to Arkansas and then Indian Territory when first approached by the federal government in the 1820s. John Ridge assured the peoples that ““if the time ever should happen to come when we thought best to make a treaty, we should do so.””³⁶

In 1828, the National Council passed a law that mandated “death for any but this committee and council to enter into a treaty with the United States.”³⁷ As conditions worsened for the Cherokees, a minority of the tribe “saw the folly of such opposition, and expressed a willingness to emigrate,” including several of the tribal chiefs.³⁸ John Ross and the majority of the tribe remained adamant against moving, however. Although

³⁶ John Ridge to Stand Watie, quoted in Mary Jane Warde, *When the Wolf Came: The Civil War and Indian Territory* (Fayetteville: University of Arkansas Press, 2013), 18.

³⁷ A Cherokee Indian, "The Cherokees and 'A Century of Dishonor,'" 4.

³⁸ *Ibid.*

forming delegations, entering law suits, and establishing laws did not prevent the federal government from acquiring Cherokee lands, it demonstrated the Cherokees' use of Euro-American methods of politics to work within the wants of the government.³⁹ The Removal Act of 1830 increased the tensions within the tribe and the attempts of the leaders to fight the federal government. The Cherokees resisted the government's efforts and Georgian's terror for five years before a group of social leaders determined it was in the best interest of the tribe to accept a treaty from the United States and establish a new homeland in the West.

Despite the desires of the tribe, Major Ridge, John Ridge, Elias Boudinot,—all considered elite mixed bloods representing those similar to them— and a few other chiefs, secretly and illegally signed the Treaty of New Echota with the federal government in 1835, ceding Cherokee lands to the United States in exchange for land in Indian Territory and five million dollars.⁴⁰ A portion of the tribe moved immediately west with the Treaty Party, but Ross and many of the full descent Cherokees remained in Georgia refusing to give up their homelands.⁴¹ In 1838, the federal government dispatched troops to place the Cherokees in camps until soldiers could forcibly remove them to Indian Territory.⁴² Georgians invaded, destroyed homes and businesses, and looted the rubble, forcing the Cherokees to watch their homeland taken from them and obliterated. The move west ultimately resulted in the death of over 4,000 Cherokees, nearly one quarter of the tribe. Many died and were left in unmarked graves, which

³⁹ V. Richard Persico, Jr., "Early Nineteenth-Century Cherokee Political Organization," in *The Cherokee Indian Nation: A Troubled History*, ed. Duane H. King (Knoxville: University of Tennessee Press, 1979), 99-103; A Cherokee Indian, "The Cherokees and 'A Century of Dishonor,'" 4.

⁴⁰ A Cherokee Indian, "The Cherokees and 'A Century of Dishonor,'" 4.

⁴¹ The Ridges, Boudinot, and their fellow signers and supporters became the Treaty Party after signing the Treaty of New Echota.

⁴² Interview of Elizabeth Watts, April 27, 1937, *Indian Pioneer Papers*, 95: 530.

remain to this day. This illustrates the brutality that was essential to the settler state.

Without consulting those who remained, the federal government ensured that the Cherokees could not stay on land that belonged to them for centuries. This became one more event the Cherokees had to internalize.

In an attempt to save the culture of the Cherokees, the men of the Treaty Party argued that they acted out of fearful necessity. Elias Boudinot believed the people to be the cultural constant and the land to be replaceable. To Boudinot and the Ridges, saving the culture and the people meant moving. Cherokee culture, for the Treaty Party, had a better chance of survival in Indian Territory than it did facing the mounting pressures in Georgia. The 1835 Treaty of New Echota was a morally bad decision made with morally good intentions. The explicit intentions of the Treaty Party were later explained in the papers of Stand Watie, a leader of the Treaty Party and relative of the Ridge's:

We were all opposed to selling our country east, but by State laws, you, (meaning our countrymen) abolished our government, annihilated our laws, suppressed our authorities, took away our lands, and turned us out of our houses, denied us the rights of men, made us outcasts and outlaws in our land, plunging us at the same time into an abyss of moral degradation which was hurling our people to swift destruction. It was in this state of things, when all Cherokee laws were abolished, when we had no longer a government or a country, that the Ridges & Boudinot with their compatriots stepped forward to snatch their people from ruin, secure payment for property which they no longer possessed, and lead them to a country in the West abounding in the gifts of nature where the Cherokee power might be re-established and the Cherokees, or nearly so, who loved their countrymen more than they loved their country or their own lives. They knew the danger they had incurred...; but they were willing to die if the sacrifice were necessary to save their people.⁴³

⁴³ Stand Watie, quoted in Thurman Wilkins, *Cherokee Tragedy: The Story of the Ridge Family and of the Decimation of a People* (New York: The Macmillan Company, 1970), 1-2.

Their goal was not to sabotage the nation or make money, as some assumed; it was to preserve a centuries-long culture.⁴⁴ The Ridges and Boudinot did what they thought necessary to save their people and the culture, even if it meant death for them.

The Treaty of New Echota has a deeper level of importance that deserves discussion. Echota was the city of refuge in Georgia.⁴⁵ It is unclear how the city gained this role and importance, but it quickly acquired this reputation. The town has been called “white town,” “peace town,” and “the Beloved town.”⁴⁶ The color white resembles peace in Cherokee culture, and, therefore, the town’s name refers back to the idea of calmness, peace, and safety. The town has also been described as “the over the hill town from our Cherokee ancestors called Chota.”⁴⁷ It can be considered a place of sanctuary or renewal.

The city represented the Cherokee need for peace and safety for all members. When presented with the blood law, people entered the city of Chota and immediately found refuge. The word’s meanings also refer to its importance in the culture. Its association with the color white establishes the notion of peace. Its connection to peace, sanctuary, and renewal contribute to its reputation as a sort of safe haven. Some claimed the city as the mother town.⁴⁸

Given this description of the city of Chota, the Ridge Party likely did not deem it the Treaty of New Echota lightly. It is unlikely that they chose this name without regard for the meaning of the word, or the significance of the town. The Treaty Party believed that signing the treaty and moving west was the only way to preserve the Cherokee

⁴⁴ A Cherokee Indian, “The Cherokees and ‘A Century of Dishonor,’” 4; Bethany Schneider, “Boudinot’s Change: Boudinot, Emerson, and Ross on Cherokee Removal,” *English Literary History* 75, (Spring 2008): 160.

⁴⁵ Echota and Chota refer to the same city.

⁴⁶ Reid, *A Law of Blood*, 16-17.

⁴⁷ Rickey Walker, *Warrior Mountains Indian Heritage* (Gloucester Courthouse, VA: Bluewater Publishing, 2008) 22.

⁴⁸ Reid, *A Law of Blood*, 16.

culture and people. Declaring it the Treaty of New Echota displays that better than anything else could. They intended to provide a place of refuge for the tribe, a place where they could maintain their culture without the presence of settlers. They sought to provide a place away from the harassment the Cherokees faced constantly in Georgia. For the Treaty Party, the move west was the way to preserve the Cherokee Nation. It was a sanctuary and a new place of refuge.

Naming the agreement the Treaty of New Echota signified the Treaty Party's intentions. It established a goal for the move to Indian Territory. For the Cherokees, Chota is peace, renewal, beloved, and refuge. By signing the treaty with the federal government, the Treaty Party committed a crime, but their motivations deserve consideration. It is clear that the signers intended to preserve the tribe and provide the peoples with a place of refuge. Despite the assumptions about the party's motivations and greed, their intentions were made more than clear simply through the naming of their agreement, and ultimately their death certificates.

Removal raised several issues within the Cherokee tribe, one being the concept of race and the growing diversity of the Cherokees. The tribe clearly split on the issue of removal. John Ross represented those referred to as full bloods and the Treaty Party represented mixed bloods.⁴⁹ Many of John Ross's followers included those who did not fully conform to the adopted ways of the tribe and instead generally abided by traditions.⁵⁰ Traditionalists generally did not practice slavery and viewed the institution

⁴⁹ To clarify, these tribal members were not necessarily one or the other, but they became recognizable as such.

⁵⁰ It should be noted that John Ross was the son a white man and Cherokee woman despite the fact that he represented the traditionalists of the tribe.

with disgust, because it represented the intrusion of white culture into Cherokee society.⁵¹ Ross followers rarely held slaves in Georgia or Indian Territory despite Ross being a slave owner. Those referred to as mixed bloods often had a white parent, education from Northern schools, and practiced the adopted cultural attributes of white America, specifically slavery. Those that followed the Treaty Party often held slaves, and if not, they did not object to the institution.⁵² To many Cherokees, blacks were not viewed the same as Indians. Racial concepts only developed over time and the tribe adopted, in part, the Euro-American ideas of race.⁵³ The two parties differed on the issue of race, deepening the existing divide between traditionalists and those adopting Euro-American ideals in combination with traditions.

Another issue revealed through removal concerned the increase in the internal division among the Cherokees. There had already been some divisions over land cession and interaction with the settlers, but removal sparked the divide and created such animosity that it persisted throughout the United States Civil War. The Ross Party and the Treaty Party, that of the Ridges, represented the constant division within the tribe anytime conflict arose. Although both parties sought to save the Cherokee peoples and preserve their sovereignty, they understood the process in which to accomplish this in conflicting ways. As discussed in historian Vine Deloria Jr.'s argument for the necessity of a common goal and motivations, the tribe faced circumstances and disagreements that led to death and internal setbacks until they set aside their discord for preservation of their nation.

⁵¹ Annie Heloise Abel, *The American Indian as Slaveholder and Secessionist* (1915; repr., Lincoln: University of Nebraska Press, 1992), 3-5.

⁵² *Ibid.*

⁵³ Sturm, *Blood Politics*, 63.

These elements combined created an atmosphere that could have destroyed the tribe. The Cherokees, however, internalized these conflicts and created a tribe and leadership that persisted through continued violence and pressures, internal and external. Tribal leadership continued to adapt to circumstances while maintaining cultural traditions. This delicate balance often led to violence, but the tribe used the resulting violence productively to move forward and unify those in disagreement. Throughout the nineteenth century, specifically during the assassination of the Treaty Party, the Civil War, and the post-bellum period, Cherokees turned to their past to revitalize themselves and internalize their issues, making them one of the strongest nations. This practice also gave them the ability to contend with the United States federal government for centuries.

CHAPTER III

ASSASSINATION OF THE RIDGE PARTY AND ITS AFTERMATH

*“Throughout the lives of those who made the long journey there remained a bitter hatred in their hearts. More than that, these people instilled into the minds of their offspring the hardships and mistreatment they had received and in their children’s minds it was an awful story and even today among the older full bloods it remains a story of bitter memory to them.”*⁵⁴-Josephine Pennington, 1937

In many Native cultures, events are neither passing nor memories fleeting. The Cherokees are no different. Memories live on and continue through generations, kept alive through retellings. Often times, the painful memories are the ones that persist through decades. They become part of the culture, whether bitter or sweet. These events become living memories that do not fade with the passing of time. Violence and death are as permanent as are the memories they create.

June 22, 1839 was a day that changed Cherokee culture forever. Three respected men were murdered by ‘unknown’ perpetrators who received public pardons and forgiveness in place of punishment. This event, known as the Treaty Party assassination, transformed the Cherokee Nation and lives in the memories of many Cherokees. Yet, those responsible lived free in an attempt to preserve what was left of Cherokee unity and peace. June 22, 1839 also marked the beginning of the Cherokee Civil War and a series

⁵⁴ Interview of Josephine Pennington, October 12, 1937, *Indian Pioneer Papers*, Western History Collection, University of Oklahoma, Norman. 70: 371.

of killings under a law rooted in peace to justify brutal actions.

Traditional Cherokee laws, although not part of the new constitution, still held influence within society. Although replaced with a homicide law in the constitution, the blood law remained a part of Cherokee tradition. Following removal, many of those outside of the Treaty Party felt betrayed by the actions that led to their forced removal and the death of many. These people sought retribution for those they lost and felt that none were more responsible than the signers of the Treaty of New Echota. The blood law provided that when a member of a clan dies at the hands of another, the death of those responsible was necessary out of respect for the deceased. Because of this tradition, and likely out of vengeance, the leaders of the Treaty Party were killed despite the laws protecting the signers of the treaty.⁵⁵ The influence of the blood law remained in the blended Cherokee culture as part of tradition and honor. Although technically a law of peace and used to ensure the safety of the tribe's people, especially following the introduction to Euro-Americans and the violence that came with it, the Cherokees were able to manipulate the blood law to their benefit and to end the lives of those they held responsible for removal despite the protective motives of the Treaty Party.

In later decades and struggles, leaders resurrected these memories as a positive recollection for the tribe. The unique ability of the tribe to make violence productive allowed them to continue to strengthen themselves despite their turbulent history, especially in the nineteenth century. The Treaty Party assassination is a pertinent example of the Cherokees' ability to find renewal in such a terrible event. Although the assassination was considered a retribution killing, the violence involved cannot be

⁵⁵ A Cherokee Indian, "The Cherokees and 'A Century of Dishonor,'" *The Independent ...Devoted to the Consideration of Politics, Social and Economic Tendencies, History, Literature, and the Arts* 33 (Feb 24, 1881): 4.

denied. The murderers of John Ridge, Major Ridge, and Elias Boudinot, three very prominent members of the nation, went unpunished in an effort to maintain some sort of peace and unity within the tribe. However, the memory of removal and the assassination hindered the tribe from moving on immediately, leading to the Cherokee Civil War. Following their war, the Cherokees realized that, for the betterment of their tribe and the lives of their people, their differences would have to be set aside leading to the Cherokee's Golden Age. This period consisted of a flourishing of education, wealth, and government. Without their ability to allow violence to lead to productivity and preservation of their culture through memory, the Cherokee tribe would not have found such prosperity following the widespread violence they faced and forced upon one another.

Prior to the arrival of Euro-Americans, the Cherokees were a peaceful tribe with a centuries-long established culture. The introduction of Euro-Americans changed the way the Cherokees conducted their lives and tribal matters. From the beginning of their relationship, Cherokees and Euro-Americans were at odds. Settlers thought less of Cherokees and their 'primitive' ways. Euro-Americans immediately viewed the Cherokees as violent and savage-like, despite the peaceful nature and cordial reputation of the Cherokees.⁵⁶ Euro-Americans attempted to make the Cherokees more 'white' and less Indian; historian Theda Perdue says this "road to civilization [was] a course that had been charted for them when the U.S. government was in its infancy."⁵⁷

⁵⁶ John Phillip Reid, *A Law of Blood: The Primitive Law of the Cherokee Nation* (DeKalb, IL: Northern Illinois University Press, 1970), 4.

⁵⁷ Elias Boudinot, *Cherokee Editor: The Writings of Elias Boudinot*, ed. Theda Perdue (Athens, GA: The University of Georgia Press, 1996), 67.

For the Cherokees, forcible removal was “death, sorrow, hunger, exposure, and humiliation to a civilized people,” and the Treaty Party was responsible for having to leave the land that had influenced their culture for centuries.⁵⁸ Nearly one quarter of the tribe died during their move to Indian Territory. Americans forced the Cherokees on a miserable trek across the country with no majority consent from the tribe. The Treaty Party technically committed a crime punishable by death according to Cherokee law. Upon the arrival of Ross and the rest of the tribe, the Cherokees, including the Western Cherokees, ratified the Treaty of New Echota and guaranteed the safety of the men that signed the treaty on behalf of the entire nation.⁵⁹ The tribe held this guarantee in good faith only briefly.

Leading up to the assassinations, clear signs emerged that the Ross faction blamed the Treaty Party. Although the government guaranteed their safety, these men were consistently threatened, and some members of the Treaty Party felt it necessary to move out of the Cherokee Nation. Clarence Starr, a Cherokee tribesman, expressed that the Anti-Treaty Party, the Ross faction, “very soon began to emphasize their displeasure by an organized attempt to kill all the leaders who had been instrumental in making [the Treaty of New Echota].”⁶⁰ The anti-Treaty Party threatened those involved and those who they assumed supported the treaty. S.W. Ross, a Cherokee and relative of Chief John Ross, discussed a secret meeting in which a “decision was reached to remove by death the principal signers of the treaty made in 1835.”⁶¹ To these men, Boudinot and the

⁵⁸ Interview of Elizabeth Watts, April 27, 1937, *Indian Pioneer Papers*, 95: 530-531.

⁵⁹ This band of Cherokees voluntarily moved west in 1825 and became known as the Western Cherokees. The Eastern Cherokees later joined this band in Indian Territory and acted as one tribe. Thurman Wilkins, *Cherokee Tragedy: The Story of the Ridge Family and of the Decimation of a People* (New York: The Macmillan Company, 1970), 240.

⁶⁰ Interview of Clarence Starr, November 23, 1937, *Indian Pioneer Papers*, 87: 72.

⁶¹ Interview of S.W. Ross, October 18, 1937, *Indian Pioneer Papers*, 78: 269.

Ridges were responsible for not only selling the Cherokees' land, but also the death of thousands. The Treaty Party's actions were deemed treasonous and these men sought retribution using the blood law as their justification.

On June 22, 1839, John Ridge, Major Ridge, and Elias Boudinot "were assassinated by members of the Ross Party."⁶² That morning, "John Ridge was dragged from his bed and left on his own floor, with his life-blood gushing out through twenty-nine dagger-stabs."⁶³ His father, Major Ridge, was "shot from ambush...."⁶⁴ Miles from the home of John Ridge, assassins ambushed Elias Boudinot on a ride to his home for medicine at the request of community members, and "was chopped to pieces with tomahawks."⁶⁵ There was also an attempt on Stand Watie's life, but he was able to escape.⁶⁶ By early evening on June 22, three men of the Treaty Party were dead with no certain knowledge of who the perpetrators were.

The sources on this day and the events that follow are limited and vary. The few that exist reveal large discrepancies in their accounts of the murders. Some claim that assassins assaulted Boudinot with a tomahawk killing him instantly, while others say he survived a few hours after the attack. An anonymous source asserts that murderers stabbed John Ridge and left him to bleed out on his floor, but James P. Neal, a Cherokee, states that they tied him to a tree and gave him one hundred lashes on his bare back. Major Ridge's assassination suffers the same ambiguous fate. There is little consistency on the actual events of June 22, 1839, with the exception of the fact that the murders

⁶² Interview of James P. Neal, March 1, 1937, *Indian Pioneer Papers*, 66: 165.

⁶³ A Cherokee Indian, "The Cherokees and 'A Century of Dishonor,'" 4.

⁶⁴ Charles Fenton Mercer Noland, *Noland's Cherokee Diary: A U.S. Soldier's Story from inside the Cherokee Nation*, ed. Mildred E. Whitmire (Spartanburg, SC: The Reprint Company, 1990), 55.

⁶⁵ A Cherokee Indian, "The Cherokees and 'A Century of Dishonor,'" 4.

⁶⁶ Stand Watie was Elias Boudinot's brother who also signed the Treaty of New Echota. He had become instrumental in the Treaty Party and was slowly gaining power and support in the nation. After the death of Boudinot and the Ridges, Watie became the primary leader of the Treaty Party.

occurred. Each person living in the Cherokee Nation at the time remembered a different event. When they retold the story to their children, their particular interpretation and understanding transferred as well. These accounts all shared one similar concept: the prevalence of violence. These murders, no matter who retold the event, were brutal and alarming to most. Variations within the sources make it difficult at times to grasp an accurate understanding of what exactly occurred, but this makes it easier to focus on the important element of that day: extraordinary brutality.

It was unclear precisely who killed Elias Boudinot, Major Ridge, and John Ridge. Many assumed that “the assassins came from the rival Ross faction, but Chief John Ross himself disclaimed any involvement.”⁶⁷ Again, the sources are convoluted. There is no way to be certain if Ross or his men were behind the assassinations, but many assumed he was. Ross publically objected to the Treaty of New Echota, referring to it as “the present crisis in the history of our affairs, is one of the most serious and important which the Cherokee people have ever been called to experience.”⁶⁸ This incited similar feeling in his followers. Ross represented a large portion of the tribe, mostly full descendants who did not agree with the Treaty Party’s belief that removal was the only way to save their culture. Upon arrival in Indian Territory, the Ross organization immediately began seeking control. According to historians Rennard Strickland and William M. Strickland, the Ross Party “outnumbered the others, and they voted and adopted laws.”⁶⁹ They presumed they could reestablish their government as it had been in Georgia despite the

⁶⁷ Rennard Strickland and William M. Strickland, “Beyond the Trail of Tears: One Hundred Fifty Years of Cherokee Survival,” in *Cherokee Removal: Before and After*, ed. William L. Anderson (Athens: The University of Georgia Press, 1991), 113.

⁶⁸ John Ross to Lewis Ross, January 13, 1838, in *The Papers of Chief John Ross*, ed. Ross Moulton, (Norman, OK: University of Oklahoma Press, 1984), 1: 579.

⁶⁹ Interview of Elizabeth Watts, April 27, 1937, *Indian Pioneer Papers*, 95: 531.

preexisting government in Indian Territory. Following the murders, the Ross faction overthrew the government of the Western Cherokees and easily assumed power within the Cherokee Nation with their main opposition now gone.⁷⁰

Following the murders, the federal government demanded the perpetrators be brought forth for punishment. However, John Ross asserted that the Cherokees were a separate nation, and the United States had no authority to interfere in tribal matters.⁷¹ He assured the government that the guilty would receive punishment, and it was not of their concern. Ross also stated in a letter to Matthew Arbuckle, a Brigadier General assigned to Indian Territory, that “if any of the persons, charged with the late murders are here, they are not known to me, nor have they been reported to me...”⁷² Ross’s insistence on the Cherokees handling the murderers demonstrates the hatred that still lingered towards the federal government following removal. He immediately prohibited their involvement and refused to allow their interjection in tribal matters. Despite Ross claiming it would punish the assassins, the Cherokee government “publicly pardoned” the murderers, allowing them to fade into the background, unpunished and unknown.⁷³ Nobody received punishment for the murders of Major Ridge, John Ridge, and Elias Boudinot; the murderers went unscathed after committing violent crimes against respected men of the tribe.⁷⁴

The leaders that took power following the murders may not have sought justice for Elias Boudinot, John Ridge, and Major Ridge because the leaders were not in favor of removal themselves, but this argument has its faults. Chief Ross and his followers clearly

⁷⁰ Interview of J.F. Weaver, February 25, 1838, *Indian Pioneer Papers*, 110: 444.

⁷¹ Noland, *Noland’s Cherokee Diary*, 55.

⁷² John Ross to Matthew Arbuckle, June 24, 1839, in *The Papers of Chief John Ross*, 1: 720.

⁷³ A Cherokee Indian, “The Cherokees and ‘A Century of Dishonor,’” 4.

⁷⁴ Noland, *Noland’s Cherokee Diary*, 55.

detested the Treaty Party for forcing the entire tribe into an unfavorable agreement with the United States. The men could justify the murders with the blood law. Yet, using the blood law to justify these murders, calls into question whether or not the murders were out of retribution. If the assassins acted out of honoring those deceased on the journey from Georgia and doling out retribution, then by the understanding of the blood law, the murders should have marked the end of the altercation. A problem, however, arose concerning the promised safety of those who signed the treaty in combination with the murders. Although Ross and the rest of the government disliked the Treaty Party, it is unlikely that their unhappiness was enough to allow three brutally violent attacks to go unpunished.

The murderers probably were forgiven to preserve some semblance of peace within the tribe. If the element of the blood law is removed, there remains the fact that upon arrival in Indian Territory, the government assured the safety of the signers. It is likely that the Cherokee government established the law in Indian Territory protecting the signers in order to restore peace to the tribe in an attempt to move on from the horrors of removal. This argument supports the idea that violence, although hard to endure, served as a reason for the tribe to band together and forgive the past. It is reasonable to believe that the government pardoned Boudinot, Ridge, and Ridge's killers in an attempt to end the altercation and maintain some semblance of peace. To the leaders of the tribe, maintaining peace and moving forward was the most pressing necessity.

Despite the efforts of leaders, the violence continued. Treaty Party followers received threats, but few feared the threats would come to fruition.⁷⁵ After the assassination on June 22, however, other signers and known supporters of the Treaty of

⁷⁵ Wilkins, *Cherokee Tragedy*, 326.

New Echota met their end at the hands of assassins. The hatred of the Anti-Treaty Party toward the traitors was clear and motivated their actions.⁷⁶ Starr discussed the dedication of the Anti-Treaty Party asserting they “went so far as to declare that they would kill every man who had signed the treaty..., and started blood to flowing by killing the leaders of the opposite party.”⁷⁷ The Anti-Treaty Party sought retribution, and, therefore, “carried out these t[h]reats and brutally murdered” other members of the Treaty Party.⁷⁸ The murder of these men resembled the traditional blood law and the desperation of the Anti-Treaty Party to maintain power within the tribe.⁷⁹ The violence continued and the brutality sent the Treaty Party in search of refuge. Many left Indian Territory seeking safety but maintained their ties to the Cherokee Nation. Ezekiel Starr, a leader of the Ridge Party, gathered up a group of tribesmen that felt unsafe and relocated to Colorado; however, with the death of Starr, the group returned to Indian Territory.⁸⁰

The violence within the tribe persisted throughout the early 1840s, resulting in the Cherokee Civil War. The two parties continued killing the others’ members for seven years. As long as one party continued killing, the other would seek retribution as the blood law stipulates. Immediately following the death of the Ridges and Boudinot, John Ross sought protection from the federal government believing “Stand Watie had determined on raising a company of men for the purpose of coming forthwith to take [his] life.”⁸¹ John Ross continued to request protection and employed bodyguards throughout the early 1840s. The attacks from both parties led to thirty-four people

⁷⁶ Dr. Jack Gregory, “The Golden Age and the Civil War” (lecture, Doris Duke Collection, Norman, OK, February 4, 1969).

⁷⁷ Interview of Clarence Starr, November 23, 1937, *Indian Pioneer Papers*, 87: 73.

⁷⁸ Interview of Dr. George Washington Gullledge, January 18, 19, 1938, *Indian Pioneer Papers*, 36: 377.

⁷⁹ Bethany Schneider, “Boudinot’s Change: Boudinot, Emerson, and Ross on Cherokee Removal,” *English Literary History* 75, (Spring 2008), 158.

⁸⁰ Interview of Clarence Starr, November 23, 1937, *Indian Pioneer Papers*, 87: 74-75.

⁸¹ John Ross to Matthew Arbuckle, June 22, 1839, in *The Papers of Chief John Ross*, 1: 717.

meeting death between 1839 and 1846 for which no one received punishment.⁸² The Cherokee Civil War consumed the tribe and engulfed the people for seven years. The only way to move forward and allow the nation to become prosperous again was to end the war and come to a truce. The Treaty with the Cherokee of 1846 accomplished this despite enduring anger and disagreements.

The sources on this fateful day and the events that followed remain varied. There is no single way to interpret or tell this story. But all have a level of accuracy. Those that provided first person accounts did so after much time had passed. The exception was *Noland's Diary*, authored by a white soldier assigned to the area. There are few newspaper accounts from the time, because Georgians destroyed the Cherokee printing press prior to removal, temporarily hindering the tribe from publishing in its new home. It is clear from diverse sources, though, that news of the murders spread quickly by word of mouth, as did the lack of the nation's actions. These sources differ greatly in their telling of the event and the aftermath, in part due to the way those present interpreted the event and people's remembrance of it. Each account has a similar basis, but is not identical, as each individual did not receive the same story each time it was told. The individuals who witnessed the events interpreted it differently and, depending on their affiliations and loyalties, conveyed their understanding of the murders to their children.

The lack of sources is attributable to the degree of violence and the painful memories of the assassination, and the civil war that followed. Perhaps the best example comes from A Cherokee Indian, the author of "The Cherokees and a 'Century of Dishonor'" in an 1881 edition of *The Independent*. The author published this article in

⁸² Strickland and Strickland, "Beyond the Trail of Tears: One Hundred Fifty Years of Cherokee Survival," 113.

response to Helen Hunt Jackson's *A Century of Dishonor* in which she blames the status of American Indians on the federal government, but the author of the article "desire[d] to show that our own leaders are our worst enemies."⁸³ The article appeared forty-two years after the assassination, but the writer still felt the need to remain anonymous. The author possibly held a position in the tribal government, as he was aware of confidential information, such as the current tribal funds. The author's presumed position in the tribe reinforces the authority of his version of what happened. Although the author chose to remain anonymous, which forces the reader to question the legitimacy of the piece, the information provided lends credibility to the article. The author's anonymity, in this case, adds to the account by showing the persistent pain and avoidance of association with the assassination.

Stepping back from this brutal event, however, there is something much larger and more important deserving of consideration. The violence that occurred on June 22, 1839 was not the first, nor the last, occasion in which the Cherokees experienced violence thrust upon them in a way that altered their culture forever. Although scholars largely consider the Cherokees a relatively peaceful tribe, they experienced enormous amounts of violence after their introduction to Euro-Americans.⁸⁴ The arrival of Europeans to what became the United States changed the structure of the Cherokee tribe and their cultural understanding. Prior to the arrival of Europeans, Cherokees maintained a lifestyle based on cultural laws and rituals that had survived for centuries. However, violence increased with contact.

⁸³ Helen Hunt Jackson, *A Century of Dishonor: A Sketch of the United States Government's Dealings with some of the Indian Tribes* (Boston: Roberts Brothers, 1881). A Cherokee Indian, "The Cherokees and 'A Century of Dishonor,'" 4.

⁸⁴ Reid, *A Law of Blood*, 4.

The Cherokees changed the clothes they wore, the way they spoke, the schools they went to, their religion, and their government. The leaders of the Cherokees once were many and ruled with consensus. However, contact with Euro-Americans provided a new model the Cherokees adopted in an attempt to assimilate and maintain what power they could. Their government established branches and an executive, merging the government of the United States with their own in the 1820s. As the Cherokees progressed, their societies seemed more permanent to their white neighbors, scaring them into the idea of removal. If the Cherokees' society became permanent, Euro-Americans could not as easily take their land. By 1830, Americans were again pushing against the Cherokees and calling them savages despite their newfound similarities.

In the process of evolving to be more like the Euro-Americans, the Cherokees became more familiar with violence. In the beginning of their relationship with Euro-Americans, Cherokees consistently faced skirmishes and invasions from their new neighbors. As time continued, so did the violence. The presence of Euro-American weapons and tactics increased as the Cherokees used them against white settlers and each other. The violence and the Euro-American influence within the tribe led Elias Boudinot to detest the use of bows and arrows, tomahawks, and other early weaponry. He believed the Cherokees should put to rest these weapons to continue the progress of their nation and prohibit any more violence from occurring. In his first editorial in the *Cherokee Phoenix*, Boudinot expressed how he wished this weaponry be obsolete. Clearly, Boudinot believed the Cherokees had reached a point in which the use of these weapons was no longer necessary and detrimental to the progress of the tribe. In a most purposeful

sense of irony, Boudinot's assassins used a tomahawk to end his life and demonstrate dedication to their culture and its traditions.⁸⁵

Violence became more and more prevalent in Cherokee society as their understanding of violence shifted with the introduction to Euro-Americans. Violence became part of everyday life and was no longer reserved for certain circumstances. The best use of the blood law illustrates this. Ultimately, the blood law was intended to stop violence from progressing or deter it entirely.⁸⁶ Tribesmen only implemented it when redeeming a deceased member of their clan. However, as time progressed, the Cherokees disposed of their blood law in exchange for a more 'civilized' homicide law in their 1827 constitution. Elements of the blood law, however, remained in Cherokee culture throughout the nineteenth century. The Ridges and Boudinot's assassins used the blood law to justify brutally killing the three men. The entire tribe rationalized one of the most violent times in Cherokee history using it. Although it began as a way of preventing violence and as a law of peace, according to author John Phillip Reid, with the introduction to American culture, the blood law became a justification for committing violent acts upon other tribesmen.

Contact with Euro-Americans and the colonial state ultimately produced a culturally amalgamated society. Cherokees were no longer the unified, culturally determined tribe they were when Europeans first arrived. They now consisted of a blend of cultures, one that wanted to maintain traditions, but also to become more modern. Elias Boudinot, the Ridges, and the rest of the Treaty Party represented this balance perhaps more than any other individuals of the time. Their dedication to the culture never

⁸⁵ Schneider, "Boudinot's Change: Boudinot, Emerson, and Ross on Cherokee Removal," 158.

⁸⁶ Reid, *A Law of Blood*, 5.

showed more than when they signed the Treaty of New Echota in 1835, but their modernity was more prevalent than ever that very same day. In their minds, they were selling the Cherokees' homeland to save their culture; however, to a majority of the tribe, they were sellouts looking for a simple solution to their problems with the federal government and surrounding Georgians, and acting as white men would. The colonial state created a blended culture that could no longer operate the way it once did and became all too familiar, and too comfortable, with violence. The colonial state perpetuated violence within the Cherokee tribe.

It is imperative to understand that the colonial state initiated a new hybrid culture that the Cherokees struggled to adapt to without the presence of violence. When the settler state ripped a culture apart, took its traditions, and continued to destroy what was left, there had to be repercussions. Some tried to preserve traditional culture by sticking to what they knew, and others tried to progress forward and salvage as much as possible along the way. The United States determined that the Cherokees would assimilate without consulting them, as if they were incapable of making appropriate decisions without assistance. However, when the Cherokees tried to assimilate by developing constitutions, changing their clothing, establishing newspapers with their new language, and altering their traditions altogether, the white man said they could not be white, because they were Indian. After the Cherokees became one of the most assimilated tribes, at the insistence of the Euro-Americans, settlers forced the Cherokees to land they deemed undesirable, killing over four thousand along the way. The violence within the tribe was unavoidable due to the circumstances which Euro-Americans thrust upon them.

As Karl Jacoby has stated, situations like this one beg the “enduring question of what it is that brings ‘ordinary’ people to commit extraordinary acts of violence against one another.”⁸⁷ The Cherokees found themselves in a dire situation in the 1830s. Their laws were void, their culture permanently altered, and an impending intertribal divide seemed to haunt them. From the beginning of the colonial state, the Cherokees faced loss of homeland, death, cultural annihilation, invasions, forced assimilation, and many more forms of violence. The colonial state degraded and destroyed their traditional culture and yet the United States continued to believe it was helping the poor, primitive savage. Criticized for being too Indian and then too assimilated, the colonial state changed a centuries-long culture and permeated it with violence to the extent that the Cherokee tribe never returned to their traditional cultural roots. The colonial state produced an altered existence and persisting violence for the Cherokees. The Treaty Party assassination in 1839 is only one example of the violence that still infuses Cherokee memory; these memories infect the thoughts and progress of a people, and refuse to release them. Studying these events is essential to understanding the damage the colonial state has caused. The violence the Cherokees experienced does not die, nor does the memory that comes with it.

More important is the way in which the Cherokees responded to their constantly changing environment. The Cherokee Golden Age followed the peace agreement between all parties of the Cherokee Nation, the Treaty with the Cherokee of 1846. Their government flourished after ratifying a constitution that tried to represent both group’s needs. The National Council held sessions again and addressed the immediate issues of

⁸⁷ Karl Jacoby, *Shadows at Dawn: An Apache Massacre and the Violence of History* (New York: Penguin Press, 2008), 3.

the people. Their farms flourished with growing crops and increasing livestock. Their society rebounded as they reestablished the mix of traditional and American cultural practices that had allowed them to succeed in the East. Following the extensive violence the tribe had experienced for close to a decade, the Cherokee government worked to establish a peace within the tribe and helped promote the betterment of the people.

The language of the treaty is important to this study. The three parties of the Cherokee Nation—the Treaty Party, Old Settlers, and the Ross faction—took part in the treaty and members from each signed it ensuring that everyone was in agreement. Article two of the Treaty with the Cherokee opens with:

All difficulties and differences heretofore existing between the several parties of the Cherokee Nation are hereby settled and adjusted, and shall, as far as possible, be forgotten and forever buried in oblivion. All party distinctions shall cease, except so far as they may be necessary to carry out this convention or treaty. A general amnesty is hereby declared. All offenses and crimes committed by a citizen or citizens of the Cherokee Nation against the nation, or against an individual or individuals, are hereby pardoned.⁸⁸

The writers of the treaty used direct language to ensure that there would be no uncertainty about their intentions. The Treaty with the Cherokee was to end the violence, put a halt to the factions, and move the tribe forward in peace. Following the Cherokee Civil War, the people of the tribe sought guidance from their leaders as they always had. Cherokee tradition regarding conflict, similar to the war and peace chiefs, is to find a compromise and to help the tribe move forward. The leaders understood that an agreement was necessary if the tribe were to progress after years of violence against one another. This also required a level of forgiveness on all accounts as noted in the treaty.⁸⁹ In this

⁸⁸ Treaty with the Cherokee, 1846, August 8, 1946, in *Indian Affairs: Laws and Treaties*, ed. Charles J. Kappler (Washington, D.C.: Government Printing Office, 1904), Article 2.

⁸⁹ *Ibid.*

instance, the leaders internalized their issues and differences, and created an environment to promote the unity of the tribe and the peoples in general. The tribe could not progress without a level of unity, even if it was only a surface agreement.

The writers of the Treaty with the Cherokee also purposefully used inclusive language throughout the agreement. Following such turmoil and division, incorporating everyone became a necessity. Article two of the treaty, stated:

All Cherokees who are now out of the nation are invited and earnestly requested to return to their homes, where they may live in peace, assured that they shall not be prosecuted for any offense heretofore committed against the Cherokee Nation, or any individual thereof. And this pardon and amnesty shall extend to all who may now be out of the nation, and who shall return thereto on or before 1st day of December next.⁹⁰

As mentioned earlier, many Cherokees had left the nation seeking safety, but had not necessarily wanted to leave their home. The Treaty with the Cherokee allowed those who had evacuated to return home without the fear of death or receiving punishment for previous crimes. The signers of the treaty made it a point to not only include all Cherokees, but also forgave all crimes knowing that a pardon was a necessity for the tribe to proceed past the violent Civil War. As in the past, unity and inclusion were essential for the tribe to be successful and the leaders enforced both despite the lingering disagreements and hatred.

During the Golden Age, the Cherokees focused on returning their tribe to the productive state they had enjoyed in Georgia. This required building up various institutions and determining the best way to work together. The first task involved establishing their government. Although the government had been set in 1839, it became necessary to affirm their authority following the 1846 treaty. John Ross remained chief

⁹⁰ Ibid.

and elected delegates addressed the needs of the people. As during the removal crisis, there were also delegates who worked to maintain relations with the United States government. Perhaps the most important job of the government was to encourage growth within the Cherokee Nation.

Although most aspects of the Cherokee Nation improved, their education system became the most well-known success of the period. The Cherokees had always valued education, but during the Golden Age, the Cherokee education system flourished. William Potter Ross claimed in 1847 that education, truth, and reason were the only hope for the Cherokees.⁹¹ They established missionary schools and eventually developed a public school system reaching through the Cherokee Nation. It only ended with Oklahoma statehood.⁹² Schools taught Cherokee traditions and the English culture they had adopted over the years, in addition to encouraging their students to continually engage in literary activities. The education system of the Cherokee Nation during the Golden Age became one of the best in the United States.

The Golden Age of the Cherokee Nation also saw the flourishing of farming, trading, and culture. Most facets of success during the Golden Age intermingled and responded to the success of each other. Although the factions and disagreements still existed, those who had previously disagreed so strongly that they could justify death now worked together to attempt success. The success of the nation, the productivity of the nation, overruled their disagreements. Politics of the 1850s saw a delegation joined to the best of their ability not by choice, but for the recovery of their nation. They sought stability and worked to maintain sovereignty in their nation under thinly veiled

⁹¹ James W. Parins, *Literacy and Intellectual Life in the Cherokee Nation, 1820-1906* (Norman: University of Oklahoma Press, 2013), 68.

⁹² *Ibid.*

agreements.⁹³ Despite the success during the Golden Age, the Cherokees still held deeply divided roots that could only be ignored for so long.

That the tribe entered their most successful and fruitful period following one of their most violent times speaks to their ability to make violence productive. This is not to say the violence was a positive force. Yet, at its most basic form, the Cherokee tribe was able to take a decade of pure violence, including the traumatic move, assassinations, and resulting civil war, and emerge stronger and achieve success despite existing divisions. Their ability to internalize these potentially devastating events and see the value in unifying to move forward speaks to their unyielding strength. They still faced division and factionalism during the Golden Age in which they disagreed on the progression of the nation, but they were able to move past this to a certain extent.

Unfortunately for the Cherokee tribe, their achievements during the Golden Age were short lived as the United States Civil War brought their thinly veiled disagreement and divisions to the forefront of Cherokee society.⁹⁴ Their unification and ability to set aside differences proved to be shallow and unstable in this instance. This, however, does not demean or diminish the fact that for almost fifteen years, the tribe flourished more than ever since contact.⁹⁵ The Cherokee Golden Age is only one instance in which the tribe emerged from violence productively and unified to survive. Without unifying, the tribe could not have achieved the success they did between 1846 and 1861. Part of the Cherokees' ability to succeed is their ability to emerge stronger from decimating situations; they consistently use the violence in their story and their collective memories

⁹³ William G. McLoughlin, *After the Trail of Tears: The Cherokees' Struggle for Sovereignty, 1839-1880* (Chapel Hill: University of North Carolina Press, 1993), 60.

⁹⁴ Smithers, "Uncertain Futures," in *The Cherokee Diaspora: An Indigenous History of Migration, Resettlement, and Identity* (New Haven: Yale University Press, 2015).

⁹⁵ McLoughlin, *After the Trail of Tears*, 81.

to strengthen themselves from the inside, allowing them to continually achieve success despite circumstances.

CHAPTER IV

THE CIVIL WAR IN THE CHEROKEE NATION

*“The Cherokee Nation was in desolation at the close of the War and it is said that this part of Indian Territory suffered more loss than any other part...Many had been killed in battle and many of the women and children had died for sheer want of food and clothing and from the cold and diseases...”*⁹⁶-Josephine Pennington, 1937

In December 1861, Charles Webber scalped and murdered Chunestotie for his heinous actions in the Battle of Chusto-Talasa. A member of Principal Chief John Ross’s Confederate unit, Chunestotie fled the unit before the first battle. Rather, he fought with the loyal Indians and returned home to the Cherokee Nation. Chunestotie disagreed with the tribe’s alignment with the Confederacy and Charles Webber, who favored the Confederacy, killed him because of it.⁹⁷ The outbreak of the United States Civil War caused increasing tensions in Indian Territory; however, over the course of the war, those tensions, the violence, and constant destruction would reach unequivocal levels. The Golden Age left the Cherokees at one of the strongest points in their modern history, but the Civil War quickly destroyed all progress they had made, socially and physically. During it, violence increased immensely in Indian Territory leaving the Cherokee Nation in disarray. But as in the past, the leaders and peoples were able to

⁹⁶ Interview of Josephine Pennington, October 12, 1937, *Indian Pioneer Papers*, Western History Collection, University of Oklahoma, Norman. 70: 381.

⁹⁷ Mary Jane Warde, *When the Wolf Came: The Civil War and the Indian Territory* (Fayetteville: The University of Arkansas Press, 2013), 91.

revitalize their nation.

Although removal divided the tribe, arguably more than any other instance, the Civil War created an environment in which the Cherokee tribe split along the same lines and faced years of violence due to the internal schisms. The tribe had set aside their differences for the betterment of community and thrived during its Golden Age; however, the closer the United States Civil War got to Indian Territory, the higher the tensions grew, and the earlier differences between peoples and leaders returned. At the outset of the war, the tribe attempted to remain neutral, but that option lasted only a short period. The violence encroaching on Indian Territory required the tribe to determine a side to fight alongside, the Union or the Confederacy. Cherokees fought Americans, other Indians, and each other. Similar to the assassination in 1839 and the resulting Cherokee Civil War, Cherokee participation varied during the United States Civil War. Some felt they needed to fight and others believed it was not their concern.

The Treaty Party Cherokees generally identified with Southerners based on their lifestyle, but Ross's supporters did not maintain the same ideals. The tribe had begun assimilating to white culture and adopted some of their practices even before removal. Many of these attributes became part of the Cherokee Constitution, such as slavery and laws prohibiting masters from teaching their slaves to read or write. Many Cherokees still had family and economic ties to the South. Similar education and agricultural practices also linked the Cherokees to the region.⁹⁸ A portion of the tribe, primarily mixed-bloods, supported secession at the outset of the conflict. Ross's followers believed differently and consistently fought off the advancement of their opposition. Despite his ownership of over one hundred slaves, Ross identified with Northern ideals. Ross also respected the

⁹⁸ Ibid., 35.

treaty that the Cherokees signed with the United States and wanted to uphold the agreement. His defenders worked to alienate slaveholders from the government and the community, despite his involvement with the institution.⁹⁹ Although the Cherokees expanded and achieved success throughout the previous fifteen years, their former beliefs and discontent increased with the growing split in loyalties and the fighting of the Civil War.

Throughout the antebellum period and the war itself, slavery often determined which side an individual supported. Watie and his supporters, those formerly of the Treaty Party, advocated for slavery. They adopted the Southern model of economics that relied on slavery and realized they could become wealthy using it. Although Ross owned slaves, his supporters did not agree with slavery and disliked its presence. Throughout the war, the institution remained a point of contention within the tribe until the National Council disbanded the practice in 1863. Ross's supporters put aside their objections to slavery during their alignment with the Confederacy. Following unification with the Union, the loyal Cherokee emancipated their slaves and made them contract workers in 1863.¹⁰⁰ Although not the only factor, slavery was a point of contention within the tribe that amplified discontent and more closely tied them to the American Civil War.

The disagreement over slavery occurred prior to this and morphed into a debate over citizenship following the Civil War. Although the Cherokees did not always practice the use of slavery, they did maintain a status of *atsi-nahsa*—those that existed outside kinship. The tribe consistently worked to define who they were in a constantly changing environment and the fights over slavery, and later citizenship, made this conversation

⁹⁹ Ethel Taylor, *Dust in the Wind: The Civil War in Indian Territory* (Westminster, MA: Heritage Books, 2005), 6.

¹⁰⁰ Warde, *When the Wolf Came*, 138.

much more difficult. As a tribe that looked to the past and tradition to define themselves, a constant change in the people of the tribe created an unstable environment to create that definition. The debate over slavery only partially determined people's allegiance, but it continued for many decades and morphed to fit current situations.

Most of Indian Territory, including the Cherokees, officially remained neutral at the outset of the Civil War. The conflict did not directly affect the Cherokee Nation, so Ross, as chief, elected to keep the tribe excluded from the issue and urged harmony.¹⁰¹ As tensions in the East progressed, "Ross, who was himself a slaveholder, tried to guide his nation along a neutral course."¹⁰² He did his best to persuade all of Indian Territory to "cultivate harmony among themselves and observe in good faith strict neutrality between the States threatening civil war."¹⁰³ Despite Ross's urging, not all agreed due to their personal beliefs and practices, specifically their affiliation with either the North or South. Because of the lack of consensus, unrest in the territory grew. Disagreements continued and violence ensued, leading to a meeting of the Grand Council in early 1861. Ross's representatives promoted impartiality and presented the idea of using the war to assert their sovereignty.¹⁰⁴ Although a majority of the tribe disagreed with Ross's decree of neutrality due to personal beliefs, it became the official position of the nation.

As the war danced on the edge of Indian Territory and Union forces pulled out of the area, it became clear that the nations would have to ally themselves with one side or the other to survive the violence. The federal troops officially abandoned Indian Territory in the Spring of 1861, leaving the Cherokees with little choice but to align with the

¹⁰¹ Taylor, *Dust in the Wind*, 6.

¹⁰² Warde, *When the Wolf Came*, 35.

¹⁰³ Proclamation, May 17, 1861, in *The Papers of Chief John Ross*, ed. Ross Moulton, (Norman, OK: University of Oklahoma Press, 1984), 2:470.

¹⁰⁴ Taylor, *Dust in the Wind*, 7.

Confederates. As the war got closer to the Cherokee Nation, the Confederacy reached out for an ally while the Union focused on the fight in the East. The Cherokees closely watched the events in the East, hoping war was still avoidable and questioning to what extent the Union would uphold the agreements of their treaties. The Confederacy contacted the Cherokees in April 1861 through the Governor of Arkansas, Henry M. Rector. He considered himself “the friend of your people,”¹⁰⁵ and asked the tribe for support. The lack of treaty fulfillment from the North led to the Cherokees looking to the Confederacy for protection. Although not all of the tribe identified with or supported Southern ideals, the majority understood the need for increased defense.¹⁰⁶ Security concerns drove the tribe towards the Confederacy in an alignment that would later cause an amplification of violence and discontent.

In response to the Confederacy’s offer, Stand Watie and three hundred followers entered an agreement of alignment risking further discord with Ross and the tribe. With Watie and part of the tribe committed to the Confederacy and the rest abiding by Ross’s neutrality decree, violence in the Cherokee Nation was unavoidable. Reminiscent of the Cherokee Civil War a decade earlier, destruction, fires, theft, and murders ran rampant in the Cherokee Nation due to the conflicting allegiances.¹⁰⁷ Ross continued to pursue harmony, once asking Colonel John Drew to “please impress upon your neighbors the importance of harmony and good feeling and of avoiding every cause of dissension.”¹⁰⁸

¹⁰⁵ *War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies Published under the Direction of the Secretary of War.* (Washington, DC, 1880-1901), Series 1, vol.1: 683-684

¹⁰⁶ Warde, *When the Wolf Came*, 42.

¹⁰⁷ *Ibid.*, 58.

¹⁰⁸ John Ross to John Drew, July 2, 1861, in *The Papers of Chief John Ross*, 2:477.

The increasing violence and political volatility created an unstable environment in an already tumultuous period.

Although Watie and his followers had already committed to the Confederacy, the South still sought the rest of the tribe's commitment from Ross. Albert Pike, the Confederate emissary to Indian Territory, claimed internal conflict and politics in the tribe hindered him from garnering the full support of the Cherokees.¹⁰⁹ Ross supporters alienated most of Watie's followers from the government, leading to more discord at both a political and social level. Although Ross favored neutrality and thought it best for the nation, he feared the outcome if the tribe remained neutral and the Confederacy won the war.¹¹⁰ The violence in Indian Territory increased over the Summer of 1861 as Ross and the government had yet to acknowledge the growing role of the Confederacy in the West. The Southern victory at the Battle of Wilson's Creek in Missouri finally swayed Ross to support the Confederacy. Following the battle, the government held a public council to determine public opinion on joining the Confederacy. As expected, the majority of the public did not favor allying with the South, but sacrifice was necessary for the tribe to maintain some semblance of stability, security, and unity. Despite the absence of unanimity, Ross and Pike agreed to a treaty finally committing the tribe to the South.¹¹¹

Ross immediately formed his first unit, the First Regiment Cherokee Mounted Riflemen, under Colonel John Drew, that consisted of 480 men. On the eve of their first battle, Chusto-Talasa, more than 400 men deserted at the thought of shedding Indian blood.¹¹² Abandonment at Chusto-Talasa was the physical manifestation of opposition

¹⁰⁹ Warde, *When the Wolf Came*, 57.

¹¹⁰ *Ibid.*, 59.

¹¹¹ John Ross to Albert Pike, February 25, 1862, in *The Papers of Chief John Ross*, 2:509.

¹¹² *War of the Rebellion*, series 1, 8:16.

to Ross's decision to align with the Confederacy. For many, the idea of shedding Indian blood for a fight that did not seem to be theirs drove them to leave the fight before it began. However, upon returning to the Cherokee Nation, many of these same men participated in home guards or committed acts of violence that left the nation in physical ruins. Some of them elected to participate in the war on behalf of the Union as well. The wavering decisions of these men reflected the attitude of much of the tribe at the time. Situated somewhere between participating in the war and remaining neutral, the Cherokee Nation found itself at a crossroads of violence and turmoil yet again.

Unsurprisingly, tensions remained high, and the Cherokee Nation was more fragile than before. The lack of consensus on nationwide decisions encouraged an environment where violence proved not only common, but expected. Home raids, thefts, attacks, and murders became common and consistently a result of differing beliefs on the war and politics. The peoples valued their own opinions and beliefs over that of tribal unity and cohesion. This is not to say that tribal unity could not be salvaged, but it was obvious that many did not see how they could remain a single, united tribe going into this war.

By the end of 1861, Ross struggled to hold the Cherokee Nation together after almost a year of internal violence that only increased when he pardoned the deserters from Chusto-Talasa.¹¹³ Pardoning the men who refused to fight with the Confederacy after the official alliance angered those who continued to fight. Consequently, the violence at home became centered on attacking each other based on personal alliances. Ross's exoneration also demonstrated his lack of commitment to the Confederacy despite the treaty. In March 1862, Ross wrote to Pike that "there is no force to withstand the

¹¹³ Warde, *When the Wolf Came*, 91.

invasion of the Federal Army,” and requested that “Col. [John] Drews Regiment... be stationed in this immediate vicinity to afford whatever protection may be in their power,” for the constantly besieged Cherokee Nation.¹¹⁴ The lack of cooperation from the Confederacy drove Ross and much of the tribe away from the existing alliance and towards the Union.

The vacillating opinions of the tribe reflected their desire to secure the most protection during the war. They continued to evaluate the Union and Confederacy based on who appeared to be winning the war and who could better protect them. Following a series of battles lost by the Confederacy, and their continuing failure to meet the terms of the treaty, Ross allied the tribe with the Union in August 1862.¹¹⁵ Ross wrote to President Lincoln reassuring their allegiance and stating the Cherokees “decided stand in favor of their relations with the United States Government.”¹¹⁶ Immediately following the new alignment, Ross and his family escaped the Cherokee Nation, and spent the remainder of the war and proceeding treaty discussions under federal protection on the East coast. Ross and his followers remained loyal to the Union and the former Treaty Party fought valiantly for the Confederacy. Conflicting treaties officially split the Cherokee Nation along similar dividing lines as the parties of removal. Most members favored the party they or their relatives supported during removal and the Cherokee Civil War. The Cherokee Nation remained in a fragile state throughout the war. Forces divided on party lines, those in the middle evacuated to find safety, and the leaders remained at war or out of the territory.

¹¹⁴ John Ross to Albert Pike, March 22, 1862, in *The Papers of Chief John Ross*, 2:510.

¹¹⁵ Warde, *When the Wolf Came*, 113.

¹¹⁶ John Ross to President Lincoln, September 16, 1862, in *The Papers of Chief John Ross*, 2:517.

Following the change in alliances, violence on the home front became more and more common. Many in the Cherokee Nation lived in fear throughout the war, which was continuously getting more intense and involved. It was obvious that “this was only the beginning of a war in which civilians, caught between warring forces, fell victim to both sides.”¹¹⁷ Although the tribe split and aligned with opposing forces during the conflict, the more important factors were the actions tribesmen committed against each other. The violence at home and during battles demonstrated that the former divides were back in full force and could not be set aside as in the immediate past. Ross’s departure from Indian Territory worsened the extent to which people faced violence on a regular basis. Robberies, fires, and murders became an almost daily occurrence. Regardless of their allegiance, civilians used guerrilla attacks to destroy any aide for the opposing side. Soldiers and civilians alike faced constant danger of surprise attacks throughout the Cherokee Nation.¹¹⁸

As a result of the violence on the home front, many Cherokees fled the nation for safety. Wallace Thornton, a Cherokee living in the nation at the time, said, “all of the settlers...were forced to leave and seek safety,” so “some went north seeking protection from the northern armies and others fled to the south.”¹¹⁹ Other nations in Indian Territory were not as affected by the war and allowed Cherokees to seek refuge with them. Thornton recalled that the “Choctaws were not being molested by the war so we decided to stay [t]here, and did stay for the duration of the war.”¹²⁰ Some Cherokees felt safer living closer to a federal fort somewhere in Indian Territory; however, even inside

¹¹⁷ Warde, *When the Wolf Came*, 114.

¹¹⁸ *Ibid.*, 128.

¹¹⁹ Interview of Wallace Thornton, May 21, 1937, *Indian Pioneer Papers*, 90: 518.

¹²⁰ *Ibid.*, 520.

the Fort Gibson's walls, Watie and his men were still able to invade.¹²¹ Some of the men formed home guards—groups of civilians tasked with protecting camps—to defend their refuge areas. Many, however, did not feel safe living in Indian Territory and fled to Texas, Kansas, and other surrounding states for safety. Wallace Thornton recalled that “in a short time the war became so fierce that mother realized that we must get out of the country or be killed.”¹²²

For those who stayed in the Cherokee Nation, life consisted of eminent danger of thieving, scalping, or murdering. Mrs. Joe Dawson, a Cherokee woman, told a story in which Indians in red blankets confronted her mother and scared her speechless and how “sometimes they would surround the house, but...they never harmed her.”¹²³ Historian Annie Heloise Abel stated, “it was a constant battle for control making it dangerous for most” and their best option was invisibility and patience.¹²⁴ Soldiers and civilians invaded homes threatening those staying there, stole livestock and supplies, and did anything they pleased. In 1862, before leaving the Cherokee Nation, Ross wrote in a letter to Albert Pike that those in the nation “may degenerate into a panic,” due to the increasing fear of military action, other tribal members, and “even a few lawless individuals if they should contrive under such favorable circumstances for plunder and mischief.”¹²⁵ Destruction, violence, and fear plagued the Cherokee Nation and there was little done to end the terror. Life in the Cherokee Nation became dangerous and unbearable for many.

¹²¹ Taylor, *Dust in the Wind*, 50.

¹²² Interview of Wallace Thornton, May 21, 1937, *Indian Pioneer Papers*, 90: 519.

¹²³ Interview of Mrs. Joe Dawson, September 28, 1931, *Indian Pioneer Papers*, 23: 453.

¹²⁴ Annie Heloise Abel, *The American Indian and the End of the Confederacy 1863-1866*, (Cleveland: Arthur H. Clarke Co., 1925), 12.

¹²⁵ John Ross to Albert Pike, March 22, 1862, in *The Papers of Chief John Ross*, 2:510.

Throughout the Cherokee Nation, thefts and destruction of personal property were common. Soldiers and civilians alike entered homesteads and took whatever they felt necessary such as food, weaponry, livestock, and much more. Mrs. Joe Dawson recounted that her husband, a young boy during the war, was unsure of his age because “their house was burned twice during the war.”¹²⁶ Some struggled to find food as crops were no longer tended and most livestock was either stolen or abandoned. Those remaining in the territory frequently stole what little food and supplies families had; it was common for homes to be ransacked on any given day.¹²⁷ Guerrilla warfare continually plagued the area and deserters from both sides of the army who thrived on looting and killing formed outlaw groups.¹²⁸ The Cherokee Nation faced constant violence and instability throughout the war.

One of the largest problems faced by the Cherokee Nation during the war involved soldiers, of both forces, ransacking homes of civilians to acquire anything they desired. Mary Free, a young Cherokee woman whose father and brother participated in the war on behalf of the Union, related her experiences during the war. She observed, “the Rebels came many times to our house to eat and they were so rude. They climbed on our beds with their boots on and in the middle of the bed and ate what f[ood] brought them. They robbed our bee hive cellar and took what they wanted.”¹²⁹ Free was also visited by a black Union regiment which requested food from outside her door before leaving. The most notable experience of Free’s interview, however, concerned her brother who returned home from the Union army after he fell ill. They had to hide him

¹²⁶ Interview of Mrs. Joe Dawson, September 28, 1931, *Indian Pioneer Papers*, 23: 454.

¹²⁷ Interview of Susan Riley Cott, February 15, 1937, *Indian Pioneer Papers*, 35: 64.

¹²⁸ Robert Negelein, 'Pin Indians: Unionist Cherokee in The Civil War', Paper (Oklahoma City, n.d.), Cherokee-Civil War, Oklahoma Historical Society.

¹²⁹ Interview of Mary Free, May 13, 1937, *Indian Pioneer Papers*, 32: 216-217.

from the Confederate forces until he was well enough to return to his unit. They had to “smuggle him out for the Rebels watched [their] home day and night.”¹³⁰ To help him escape, Free and her sister dressed him up as a woman with a dress, hoops, and bonnet, snuck him across the creek, and watched him run out of sight of the Confederates.¹³¹ Free also commented that they rarely rode horses for fear of being killed for their mounts, so they continued to ride mules. Later, Free moved in a government train to Ft. Smith for protection until the war ended. Many Cherokees shared similar experiences to Free and her family. Soldiers consistently raided homes for their own benefit and had little mercy for civilians in Indian Territory.

Although the Cherokees had experienced violent periods in their past, few reached this level of violence. The Cherokee Civil War, as discussed earlier, was violent, but never reached the severity of the United States Civil War. The Civil War completely engulfed the Cherokee Nation and left them with little way to avoid the viciousness and destruction. The acts of violence Cherokees willingly committed against one another spoke to the relentlessness of the divide that resurfaced with the outbreak of the Civil War. Although the dividing lines were similar to removal, the actions were extreme in comparison. The assassination of Elias Boudinot, Major Ridge, and John Ridge was excessively violent, but the frequency at which these attacks occurred during the Civil War created such a volatile atmosphere that garnering control would prove to be difficult.

Despite early neutrality efforts, the Civil War plunged the Cherokee Nation into years of unmatched fear and destruction. The Cherokees have always been active players in their story, but during the Civil War, they were the predominant force in the violence

¹³⁰ Ibid., 217.

¹³¹ Ibid.

committed against the tribe. Unlike the generation before them that fought valiantly to avoid removal and suffered years of violence because of it, the generation of the Civil War voluntarily committed acts so heinous that it destroyed the progress the nation made during the Golden Age. They burned, bludgeoned, and murdered each other and their nation. The hatred from removal and the following years became the stories the Civil War generation heard about the Cherokees' past; that potential hatred for those with opposing beliefs became theirs to own. Both sides believed they were right and their parents had been right too, which carried over to the violence during the war. Cherokee teaching traditions enabled a generation to hold the past against those in the present. However, this is not to say that the traditions are wrong. It is the contrary in actuality. Infrequently are peoples so invested in previous generations' beliefs that it causes such turmoil in the present generation. Not often is a group so dedicated to preserving their nationhood and traditions that they are willing to fight each other for the survival of what they value most. Violence is never a good or healthy solution, or a solution at all for that matter, but in this case, violence is evidence that the Cherokee tribe was as alive and determined as ever.

The ongoing struggle between John Ross and Stand Watie embodied the hostility in the tribe throughout the course of the war. The personal feud between Ross and Watie dated to the Cherokee Civil War, but supposedly ceased with the ratification of the Treaty with the Cherokee of 1846, as all disagreements between parties did.¹³² From the beginning of the United States Civil War, Ross and Watie disagreed on the best course of action, as demonstrated by Watie's commitment to the Confederacy without Ross's

¹³² Treaty with the Cherokee, 1846, August 8, 1946, in *Indian Affairs: Laws and Treaties*, ed. Charles J. Kappler (Washington, D.C.: Government Printing Office, 1904), Article 2.

approval. While Ross dealt with the tensions at home, Watie gained fame as a successful Confederate general in battles such as Chusto-Talasa, where he defeated Creek forces and took as many prisoners as he could.¹³³ Watie's success gained him support within the tribe and threatened Ross's power, which was struggling to make decisions because of a lack of consensus among tribal members.

The feud between Ross and Watie continued until Ross's death in 1866, providing an example of the extent to which the divide in the tribe persisted. The two men represented everything their respective parties detested about the other, which continued to manifest itself in different ways throughout Cherokee history. Cherokees held fast to the divides that formed early in their interactions with Euro-Americans and festered over time. Watie's brief stint as chief demonstrated the constant wavering of the tribe, but the consistency of Ross's role remained pertinent. It was common for the government to try to keep the members of the former Treaty Party out of power, but wartime demonstrated that a large portion of the tribe still identified with the party and their ideals. Ross and Watie's constant disagreement and vendetta for each other persisted over the years, but more importantly, it remained a tangible embodiment of the factions within the tribe.

Similar to the feud between Ross and Watie, secret societies had developed in the Cherokee Nation that frequently aligned themselves with the opinions of the Ross Party and the Treaty Party throughout the nineteenth century. Few knew who belonged to the societies, and many in the government were members of one party or another. The Keetowah society grew out of detest for the Treaty of New Echota and removal. In an effort to weaken the Treaty Party, the Keetowahs, or Pins, used guerrilla tactics and

¹³³ *War of the Rebellion*, Series 1, 8: 32

traditional warfare to assault their enemies.¹³⁴ The members of these societies attacked each other every chance they could, contributing to the constant havoc and terror in the Cherokee Nation. Many of Watie's men left their posts in the army towards the end of the war to return home and engage in such guerrilla warfare against those remaining in the Cherokee Nation. These secret societies wrought havoc on the Cherokee lands, but more importantly, they represented the "deep divisive nature of the... conflict."¹³⁵

Also representative of the feud and secret societies was the consistent fluctuation in power throughout the course of the war. Although the main political figures remained at the head of each, power commonly shifted based on the progress of the war, and the feelings of those remaining in Indian Territory, which fluctuated regularly. The Cherokee Nation recognized John Ross as chief at the outset of the war, and he was technically principal chief until his death. Because of the internal wavering, Ross remained concerned about maintaining his control, especially as Watie's fame as a successful military campaigner increased.¹³⁶ Ross's fears came to fruition upon his 1862 departure and the nation elected Watie as principal chief.¹³⁷ In Watie's absence, however, Ross's Unionists regained control and named Major Thomas Pegg acting principal chief.¹³⁸ The tribe immediately renounced its dedication to the Confederacy and affirmed loyalty to the Union.

Following the Unionist ascension in 1863, the renewed Cherokee government emancipated the slaves of the nation and outlawed slavery. The new government allowed the now freedpeople to remain in the Cherokee Nation as contract workers. It also

¹³⁴ Robert Negelein, *'Pin Indians: Unionist Cherokee in the Civil War'*.

¹³⁵ *Ibid.*

¹³⁶ *War of the Rebellion*, Series 1, 8: 32

¹³⁷ Warde, *When the Wolf Came*, 127.

¹³⁸ *Ibid.*, 114.

repealed the laws that had previously restricted slaves.¹³⁹ This action by the Cherokee government is important because it changed the definition of Cherokee-ness and the process of defining that following the war and the Treaty of 1866. The Cherokees adopted certain ideas of race based slavery from Euro-Americans while still in Georgia. However, their assumptions about race had been changing much longer than that. As a tribe based on kinship and clan ties, outsiders existed from the beginning and held different positions from those considered tribesmen. Freeing the slaves, and the later forced recognition of citizenship for freedpeople, established a question of belonging how to reconcile new circumstances with previously established notions of race within the core of the tribe.¹⁴⁰

The Battle of Honey Springs signaled the end of Confederate victories in Indian Territory and led to an increase in surprise attacks and terror. Many Confederate soldiers abandoned their units and resorted to causing trouble for the loyal Indians in the Cherokee Nation.¹⁴¹ Murders were common, brutal, and frequently went unsolved and unpunished. Acting Principal Chief Lewis Downing wrote President Abraham Lincoln that ““the rebels will doubtless scatter among these tribes ... and [when] we are off our guard, they will fall upon defenseless neighborhoods of loyal Indians ... and plunder and kill unrestrained.””¹⁴² Illegal activity in the Cherokee Nation reached epic proportions by 1865 and set “the people back to where they were as far as circumstances were concerned

¹³⁹ Ibid., 138.

¹⁴⁰ Miles, *Ties That Bind*, 56.

¹⁴¹ Taylor, *Dust in the Wind*, 106.

¹⁴² Lewis Downing to Abraham Lincoln, December 20, 1864, quoted in Taylor, *Dust in the Wind*, 106.

fifteen or twenty years before the war,” according to Doublehead Bird, a Cherokee who lived through the war.¹⁴³

The Civil War devastated the Cherokee Nation leaving few structures standing and only the option to rebuild. The fields that once grew plentiful crops lay bare, and the livestock gone. Soldiers and outlaws alike burned almost every structure in the nation. Every home and public building was gone. Pennington states, “The Cherokee Nation was in desolation at the close of the war and it is said that this part of the Indian Territory suffered more loss than any other part ... homes and barns had been burned, livestock confiscated, fields grown up with underbrush ... many of the women and children had died for sheer want of food and clothing and from the cold and diseases ... in refugee camps.”¹⁴⁴ When refugees returned home, they found complete destruction and a situation that required them to start over. The war reduced them “to impoverished, homeless refugees” in a matter of a few years.¹⁴⁵

The Civil War caused more than physical destruction in the Cherokee Nation; many lives were lost leaving widows, orphans, and broken families. Fighting and internal strife caused the death of 22.0 percent of the Cherokee population, close to the mortality rate during removal.¹⁴⁶ The death of so many men left 33.3 percent of the adult female population as widows.¹⁴⁷ Many children became orphans because their fathers died in battle and their mothers were killed or died from illness in refugee camps. Thomas Gritts, a Cherokee boy, lost his brother and father to the war, and his mother to disease, leaving

¹⁴³ Interview of Bird Doublehead, N.D., *Indian Pioneer Papers*, 25: 243.

¹⁴⁴ Interview of Josephine Pennington, October 12, 1937, *Indian Pioneer Papers*, 70: 381.

¹⁴⁵ Patricia Pierce Fisher, “The War in Indian Territory,” *UDC Magazine*, (December 2000), 19.

¹⁴⁶ *Ibid.*

¹⁴⁷ Abel, *The American Indian and the End of the Confederacy*, 51.

him orphaned at the age of seven.¹⁴⁸ Neither could soldiers return to their previous lives. George Walker reunited with his family at Fort Scott still wearing his Confederate uniform. His wife was happy to see him, “but his children ran away from him. They had been taught to fear men in Confederate uniforms and were too young...to remember him.”¹⁴⁹

Perhaps more damaging was the psychological impact of the war, terror, and dysfunction during the 1860s. Mothers, such as Sally Watie, worried that their sons ““never will value human life as he ought.””¹⁵⁰ For those who grew up during the war, their understanding of the world around them—what is acceptable and their definition of normalcy—changed because of their childhood circumstances. They grew up understanding that it was acceptable to commit heinous acts in times of war. However, this generation also had to learn how to mend a nation after witnessing, or participating in, its destruction. Concerned about her son’s understanding and value for life changing because of the war and his participation in it, Sally Watie could not have been alone amongst the older generation in these feelings. Nevertheless, the same concerned generation had already learned how to recover from these situations based on the generations before them. The younger people of the Cherokee Nation would know to seek the advice of those before them to learn the value of life and how to rebuild a nation from the inside.

Continuing violence and terror prevented the tribe from quietly consolidating after the destructive years of the war.¹⁵¹ Because of the extensive violence, annihilation, and

¹⁴⁸ Interview of Thomas Gritts, June 28, 1937, *Indian Pioneer Papers*, 36: 235.

¹⁴⁹ Warde., *When the Wolf Came*, 267.

¹⁵⁰ Sarah C. Watie to Stand Watie, quoted in Warde, *When the Wolf Came*, 220.

¹⁵¹ Negelein, 6.

detest between the two factions at the close of the war, reaching a treaty acknowledging one Cherokee Nation seemed impossible. Watie and his followers desired to create a separate treaty with the United States and effectively create two distinct nations. Many of the people in Ross's faction would have supported this decision. However, John Ross, who still resided in Washington, D.C. to "receive annuities from the Government for damages done to his people, [and] further to keep the Government from moving the plains Indians into the Cherokee Nation," prohibited this.¹⁵² In addition to the internal disorder and disagreement, the federal government sought to utilize the circumstances as a way to seize land and power from the tribe. Because the tribe faced internal divides, the United States government was able to benefit from playing the factions against one another to cede land, withhold funds as punishment, and force the Cherokees into unfavorable stipulations.¹⁵³ Following a year of negotiations, Ross and the United States signed a treaty that reestablished one Cherokee Nation shortly before Ross's death in 1866.

The Treaty of 1866 reconstructed a single Cherokee Nation by acknowledging that the federal government would only recognize one tribe. The treaty ceded land to the federal government for either its use or sale, and forced the Cherokees to provide land allotments for railroads to pass through the nation.¹⁵⁴ The Cherokees were to participate in a council presiding over all of Indian Territory in order to maintain peace in the area. The treaty also forced the tribe to recognize former slaves as citizens of the Cherokee

¹⁵² Interview of Josephine Pennington, October 12, 1937, *Indian Pioneer Papers*, 70:382; Paul F. Lambert, "The Cherokee Reconstruction Treaty of 1866," in *Civil War Era in Indian Territory*, ed. LeRoy H. Fischer (Los Angeles: Lorrin L. Morrison, 1974), 156.

¹⁵³ Denson, *Demanding the Cherokee Nation*, 84.

¹⁵⁴ Treaty with the Cherokee, 1866, July 27, 1866, in *Indian Affairs: Laws and Treaties*, ed. Charles J. Kappler (Washington, D.C.: Government Printing Office, 1904), Article 11.

Nation.¹⁵⁵ The issues and terms of the treaty violated tribal sovereignty in many ways and left the Cherokees “caught between the trauma of the past and the uncertainty of the future.”¹⁵⁶ The Treaty of 1866 also left an already unstable and discontent tribe in a dismal situation. Knowing from previous experiences that a divided front could cost them more than they had already lost, it became crucial to unite the tribe under a common government and form a sense of normalcy, even if only on the surface. To help achieve this, former acting principal Chief Lewis Downing of the Downing Party came to office in 1867 and helped bridge the gap between the two factions by representing the common cause: protecting the people against loss of land and asserting authority in their own nation.

¹⁵⁵ Interview of Bird Doublehead, N.D., *Indian Pioneer Papers*, 25:154-156; Lambert, “The Cherokee Reconstruction Treaty of 1866,” 156.

¹⁵⁶ Gregory D. Smithers, *The Cherokee Diaspora: An Indigenous History of Migration, Resettlement, and Identity* (New Haven: Yale University Press, 2015), 174.

CHAPTER V

POSTBELLUM AND THE FIGHT FOR SOVEREIGNTY

*“Strength of character consists of two things—power of will and power of self-restraint. It requires two things, therefore, for its existence, strong feelings and a strong command over them. Now, it is here we make a great mistake; we mistake strong feelings for strong character.”*¹⁵⁷ –*Cherokee Advocate*, 1871

Following the United States Civil War, the Cherokees faced a number of decisions they could not easily control. Internally, large divisions seemed to appear whenever conflict arose. The terms of their treaty with the federal government following the war were unfavorable. In addition, Indian Territory was in a constant state of turmoil and confusion that threatened the Cherokees’ land and way of life. Tribal members and leaders followed traditions closely in an attempt to address the complexity of their new situations. They looked to their collective memory and traditions to define who they were as a people. Returning to what they were taught, specifically from the removal generation, allowed the Cherokees to develop their response to the hardships and changing environment.¹⁵⁸

Between the conclusion of the Civil War and the passage of the Dawes Act in 1887, the Cherokees employed strategies similar to those of the removal generation, and they also called on collective memory to fight the increasing interference from the federal

¹⁵⁷ “Strength of Character,” *Cherokee Advocate* (Tahlequah), February 4, 1871.

¹⁵⁸ For the purpose of this study, the removal generation will refer to the leaders of the tribe during removal that were tasked with maintaining relationships with the federal government to demonstrate opposition to removal.

government. They employed tactics such as communication through newspapers, national commissions to address issues at home, and government delegates to reinforce their sovereignty to the United States. Because of the terms of the Treaty of 1866, the Cherokees confronted changing definitions of themselves, sovereignty, and race. The Cherokees followed the teachings of the older generations to determine their approach to their current problems primarily by using political tools to combat the encroachment of the federal government.

Despite the decades of success and progress in the Cherokee Nation, the Civil War and following treaty awoke the internal struggles within the tribe and the painful memories of removal. Because of the stipulations of the Treaty of 1866, the Cherokees deemed it necessary, as in the past, to set aside differences in favor of success and progress. The election of Lewis Downing accomplished this, as he allied Treaty Party leaders with the Keetowahs of Ross's former party.¹⁵⁹ Although their ability to adapt once again benefited them, the Cherokees reverted to methods similar to those utilized during removal. Circumstances were different following the war, but the leaders of the tribe—who shared a collective memory with the members—engaged in political messages, enacted laws, and unified in efforts to force the United States to abide by established treaties.

The postwar chiefs' biggest trials revolved around unity and social harmony, in addition to the fight for sovereignty. Chief Downing consistently dealt with defining who was Cherokee and pleasing all in the Cherokee Nation with that definition. The former divides in the Cherokee Nation now became visible in political parties and legal issues,

¹⁵⁹ Andrew Denson, *Demanding the Cherokee Nation: Indian Autonomy and American Culture, 1830-1900* (Lincoln: University of Nebraska Press, 2004), 86.

but they could not allow this to damage the fragile unity.¹⁶⁰ Francis M. Conner, an adopted Cherokee, stated “there were two political parties; one known as the National, which were the Northerners, and the Downing, which was the Southerners.”¹⁶¹ Political parties harbored the old national divides. This led to hindrances in elections and the federal government threatening intervention in some instances. Social harmony was necessary for Cherokee survival and progress, but the damage done by the Civil War and the Treaty of 1866 led to mass disagreement within the tribe that was only heightened by the fight for sovereignty.

The Treaty of 1866 required the Cherokees to participate in an Indian Territory Council that presided over all of the territory and worked to bring peace to the Plains. Although they did not like this term, as it amounted to an encroachment on autonomous rights, the Cherokees agreed and attended the first meeting in December 1870.¹⁶² Even though this council only met for four years, the idea behind it displayed a change in the federal government’s Indian policy and the tribe’s dedication to maintaining its autonomy. This council set the tribes closer to ‘territorialization,’ which they all sought to avoid.¹⁶³ Although the Cherokees worked to show their own civilization, it became more

¹⁶⁰ Gregory D. Smithers, *The Cherokee Diaspora: An Indigenous History of Migration, Resettlement, and Identity* (New Haven: Yale University Press, 2015), 176.

¹⁶¹ Interview of Francis M. Conner, April 15, 1937, *Indian Pioneer Papers*, Western History Collection, University of Oklahoma, Norman, 20: 77.

¹⁶² Denson, *Demanding the Cherokee Nation*, 122.

¹⁶³ Denson discusses the concept of territorialization throughout *Demanding the Cherokee Nation* referring to the efforts of the United States to dismantle the governments of the Indian Nations. If completed, territorialization would end the autonomy and sovereignty of the tribal governments and create a true territory in the eyes of the United States government. Denson uses the stipulations of the Treaty of 1866 and the actions of the US government to demonstrate their efforts to implement territorialization. The establishment of the Indian Territory Council served as a step towards territorialization as it provided a single council with authority over all of Indian Territory rather than allowing tribal governments to mandate the happenings of Indian Territory. The forced provision of land for railroads also contributes to the efforts of territorialization by using land specified for the tribes for government and economic purposes. Territorialization works towards dismantling the sovereignty of the tribes in exchange for land and authority for the US government. *Ibid.*, 63, 80.

common to fight for the survival of Indians in general. A degree of unity among the tribes in Indian Territory became evident in the fight against the United States government. In 1871, Commissioners W.L.G. Miller and Joseph F. Thompson stated, “there is one object nearer and dearer to our heart than another, it is to see and have preserved the Aboriginal Race of the United States. The only hope for this lies with the remnant gathered now in the limits of the Indian Territory.”¹⁶⁴ The Cherokees prided themselves on, and promoted, their civilization as a way to prevent the government causing their demise. They used this to their advantage claiming that they were “typical Indian[s]—not a so called ‘Wild Indian’ ... the Cherokees have been a ‘civilized tribe’ ever since they were first contacted by European people” and could bring civilization to the other tribes of the territory.¹⁶⁵ For the Cherokees, survival was essential, so they made extensive efforts to maintain their authority in Indian Territory. To do so, there had to be at least a minimal amount of solidarity.

Much like the removal period, several leaders rose to the forefront of the Cherokee Nation and worked to maintain autonomy and sovereignty. The writings of the leaders at this time paralleled those of removal and often cited the Indian Removal Act of 1830 and the Treaty of New Echota when addressing the government to affirm Cherokee authority in its own lands.¹⁶⁶ They emphasized the progress Indians made and the advancement of their civilization.¹⁶⁷ William Potter Ross served as a delegate for the nation and often used the newspaper as his outlet to communicate. He stated in 1870 “the Cherokees, and the whole Indian race, are in distress and danger. Powerless we lie in the

¹⁶⁴ WLG Miller and Joseph F Thompson, *Cherokee Advocate* (Tahlequah), September 30, 1871.

¹⁶⁵ Interview of John Falling, N.D., *Indian Pioneer Papers*, 29: 20.

¹⁶⁶ Denson, *Demanding the Cherokee Nation*, 104.

¹⁶⁷ *Ibid.*

hands of the government and people of the United States... viewed in every light, and from every standpoint, our situation is alarming. The vortex of ruin, which has swallowed hundreds of Indian Nations, now yearns for us.”¹⁶⁸ Leaders like William Penn Adair and William Potter Ross, both related to prominent men of the removal negotiations, often followed the same methods their fathers and relatives did. They sought guidance from previous leaders and, because of the use of memory in the Cherokee tribe, they were able to acquire that.

Following the Treaty of 1866, the Cherokees reinstated the use of delegates sent to Washington, D.C. to work with the government on behalf of the nation. Delegates from the removal period did much the same thing and often took petitions to Congress to halt legislation. The delegates served as advocates, and reported the tribe’s status back to leaders in the Cherokee Nation. Editors of the *Cherokee Advocate* often published delegates’ letters to keep tribal members informed.¹⁶⁹ At the start of each Congressional session and before departing for Washington, D.C., the delegates received tasks and topics from the National Council requiring attention.¹⁷⁰ These envoys were necessary to combat the federal government’s encroachment. Their position allowed them to petition the government and relate the result of the government’s intended plans for the Cherokee people. In addition, they argued the validity of existing treaties, especially following the Indian Appropriations Act of 1871. These delegations allowed Cherokee leaders to have their desires and concerns heard in Washington while able to remain at home addressing

¹⁶⁸ Lewis Downing, “Proclamation by the Principal Chief: A Day of Fasting and Prayer,” *Cherokee Advocate* (Tahlequah), October 22, 1870.

¹⁶⁹ Grand Council of Indians, “What the Indians Say: Memorial of the Grand Council of Nations of the Indian Territory,” *Cherokee Advocate* (Tahlequah), June 18, 1870.

¹⁷⁰ Denson, *Demanding the Cherokee Nation*, 96-98.

domestic situations in Indian Territory. This also expressed their ideas of equality with whites.

These efforts were similar to the establishment of a constitution and National Council that the removal generation instituted to ward off the federal government. This new generation witnessed a similar outcome. Their attempt to demonstrate progress actually displayed the increasing permanence of stereotypes. The federal government claimed the Cherokees were not civilized enough to maintain their own nation, but in reality, this was a facade that served the desire to eliminate the Indian problem and acquire their land. The Cherokees' continued effort to display their progress and civilization showed the federal government that the tribe established a level of permanence that seemingly threatened the federal authority.

One of the primary ways in which the Cherokee government resisted the encroachment of the United States was using nationalistic arguments in newspaper pieces directed at the government and people of the United States. The *Cherokee Advocate*, a regional newspaper, provided an outlet for many leaders and citizens to voice their concerns about the ongoing fight for sovereignty, land, and citizenship struggles. The National Council and chiefs often used the paper to issue statements to both the people and the federal government. In the summer of 1870, the National Council affirmed their “earnest determination to preserve the relations of amity towards the Government of the United States ... Our interests all centre in peace ... we deem a just and fair observance of existing Treaty stipulations with the Government of the United States as indispensable.”¹⁷¹ Posting this in the newspaper enabled the federal government, and

¹⁷¹ Grand Council of Indians, “What the Indians Say: Memorial of the Grand Council of Nations of the Indian Territory,” *Cherokee Advocate* (Tahlequah), June 18, 1870.

more importantly the people of the Cherokee Nation, to see the dedication to fighting this battle and preserving the Cherokee Nation.

Perhaps the most important way in which the editors used the paper was to encourage involvement and promote aid from the entire Cherokee Nation. In June of 1870, the editors of the paper published an appeal stating:

Indian friends, citizens of any of the nations of this Territory, anything you may contribute to these columns serving to show actual condition, stage of advancement, doings, intentions, wishes, and prospects of your people, will be so much contributed to enlighten your white brethren and sister upon matters of which they have been almost wholly but unwillingly ignorant or misled, to your disadvantage; will assist to shape and confirm an opinion of the people by which our salvation, and their honor will be alike secured.¹⁷²

The editors consistently sought information that benefited their efforts to combat the United States and the stereotypical image it held of Indian Territory. This kept the people aware of, and involved in, the state of affairs, and focused on a common goal. By showing their progress as a people, the Cherokee Nation hoped to demonstrate their equality to whites, and their accomplishment of the goals of civilization set forth by whites.

Following passage of the Indian Appropriations Act in 1871, the editors of the *Cherokee Advocate* used the newspaper to express their concern about previous treaties. The Indian Appropriations Act stated that the United States would no longer make treaties with Indians, furthering the dismissal of Indian nations as sovereign states. The act made Cherokees question the validity of previous treaties with the federal government, specifically the Treaty of 1866. In April of 1871, the editors published a piece that claimed answering this question of validity would affirm that “treaties with the

¹⁷² Editorial, *Cherokee Advocate* (Tahlequah), June 18, 1870.

US are living instruments and not mere paper [and] that in all parallel cases of a violation of rights derived from these treaties, citizens will know how and where to go for remedy.”¹⁷³ The editors of the *Cherokee Advocate* continued to use this medium as a way to communicate with the government and people of the United States, but also as a way to keep their people united in the cause.

Using the newspaper allowed the leaders of Cherokee society and the government to reach more people and reach them faster. The newspaper served as a tool to present their opinions and accomplishments to a wider audience. It was a way in which the entire nation could be involved in, and informed of, the fight. It became a coalescing factor. The editors of the *Cherokee Advocate* printed the newspaper in both English and Cherokee so that the news was available to all, including those that did not read English. The paper also was free to those who did not read English, which reflects the increasing desire to fully represent the tribe as a whole rather than engage in further divisions between traditionalists and their counter parts.

In addition to helping preserve the language, the Cherokee leaders used the circumstances of the traditionalists in their arguments against federal government intervention and allotment. Removal sparked a divide within the tribe, but the threat to sovereignty displayed their lasting differences in a way that forced them to use it to their benefit. Their disagreements often led to major discontent, but the tribe ultimately was able to use this to develop healthy discourse and a cohesive front to fight the federal government. The leaders expressed to the United States that the full bloods were whom policy should serve and that they would be the ones to suffer if forced into a new

¹⁷³ Editorial, *Cherokee Advocate* (Tahlequah), April 1, 1871.

government and land system.¹⁷⁴ Full blood leaders reinforced this idea in many instances as well. Rather than presenting them as backwards and uncivilized, they used men similar to Felix Reece, a full blood Cherokee, whose knowledge of English came from contact with others.¹⁷⁵ Many had little experience with English and the market economy, so the argument was these Cherokees were not yet ready to leave the protection of the tribal government.¹⁷⁶ This demonstrates that despite their differences and the tensions between them, the Cherokees knew from experience that posing a divided front would weaken their position. Although this differed from the approach to removal, the Cherokees clearly still used elements of collective memory to know this was a better decision given the circumstances.

Following the Treaty of 1866, citizenship became a more important element of the tribe due to the return of refugees and an influx of white, black, and Indian intruders seeking land in the Cherokee Nation. Similar to those of the removal generation, the leaders and members of the tribe wanted a conclusive definition of who was and was not Cherokee. Often, allegiances to groups like the Treaty Party and the Keetowahs complicated the struggle.¹⁷⁷ The laws of intermarriage, race, and blood determined who would receive recognition as a citizen and who would not. Francis M. Conner, a white man who lived in Indian Territory, married a Cherokee woman in 1873 and “was adopted by the Cherokee Tribe and was placed on an equal basis with the Cherokees themselves and received an equal share of any funds or any privileges that they enjoyed.”¹⁷⁸ Conner served on the Cherokee Council and received the benefits and responsibility of being a

¹⁷⁴ Smithers, *The Cherokee Diaspora*, 216-217.

¹⁷⁵ Interview of Felix Reece, January 4, 1937, *Indian Pioneer Papers*, 75:2.

¹⁷⁶ Smithers, *The Cherokee Diaspora*, 218.

¹⁷⁷ Denson, *Demanding the Cherokee Nation*, 23.

¹⁷⁸ Interview of Francis M. Conner, April 15, 1937, *Indian Pioneer Papers*, 20: 77.

Cherokee until 1875 when the Cherokees established a law that “a white man marrying into the Cherokee Tribe did not participate in funds or allotments.”¹⁷⁹ The National Council established the Cherokee Citizenship Committee in 1878 with the sole task of defining the qualifications of citizenship and reviewing citizenship applications.¹⁸⁰ For the Cherokees, it became increasingly important to keep their tribe purely Cherokee, but they did face complications due to diversity within the tribe. Similar to those of previous generations, knowing who they were as a people was a necessity for the Cherokees.

Before this period, the Cherokees tended to see a difference in those that were full blood traditionalists and those that adopted white cultural elements in addition to white partners and relatives. Following the Treaty of 1866, the internal idea of Cherokee-ness transitioned to a new meaning. In trying to determine who was a citizen and who was not, the Cherokee Citizenship Committee used oral accounts to decide whether someone possessed enough Cherokee “blood”.¹⁸¹ This quickly changed the meaning of being Cherokee to a basis on the strength of one’s connections to the tribe. One had to live in the nation, prove their lineage to be Cherokee, and show their family’s connections to receive citizenship.¹⁸² Prior to this, the “amount of Cherokee” did not deter from the belonging one felt in the tribe. Following the Civil War and the Treaty of 1866, tribal members had to begin proving that they were Cherokee enough to claim citizenship. This practice had lasting effects on the tribe and is a common practice in many tribes now.

Although it can be viewed as a way to separate those who are not full Cherokee from those who are, this new definition actually demonstrated the tribe’s dedication to

¹⁷⁹ Ibid.

¹⁸⁰ Smithers, *The Cherokee Diaspora*, 186.

¹⁸¹ Ibid., 190.

¹⁸² Ibid., 194.

including all that fit the idea of being Cherokee. The Cherokee Citizenship Commission sought to ensure those benefitting from land and tribal funds were doing just that while hindering those that were not qualified. The level of inclusivity this engaged is similar to the language of the Treaty with the Cherokee of 1846. This practice proved, more than anything, an attempt to ensure that all Cherokees were cared for as the government saw fit. It was not to bar those who were not full Cherokee from protection or land, but rather to preserve those who truly identified as Cherokee and maintained the connection to prove it. This practice enabled the leaders to achieve a level of solidarity stronger and more enduring than that after the Treaty of 1846.

One of the most important facets of the Treaty of 1866 was the requirement of the tribe to include freedpeople as citizens. The Cherokees had long ago adopted race-based slavery, and much like Southern whites considered blacks at the time to be of a lesser race. To the Cherokees, the forced inclusion of freedpeople in the tribe seemed an infringement on their rights as an autonomous nation. Because of this, officials made acquiring citizenship more than difficult for Black Cherokees. They were required to apply within six months of signing the treaty, but many had scattered with refugees and could not return that quickly.¹⁸³ In the ensuing decades, acquiring citizenship became nearly impossible for freedpeople given the Cherokee Citizenship Commission standards for who belonged to the nation. Former slaves had to prove their connection to the tribe through eyewitness accounts and were most often viewed skeptically or labeled as an ‘intruder’.¹⁸⁴

¹⁸³ Denson, *Demanding the Cherokee Nation*, 108.

¹⁸⁴ Smithers, *The Cherokee Diaspora*, 188.

Former Cherokee slaves faced difficulty in many matters, even after acquiring citizenship. The National Council attempted to block freedpeople from receiving treasury funds and plots of land. In 1874, Chief Lewis Downing signed legislation guaranteeing former slaves' rights to citizenship, land, and legal protections. By law, freedpeople had equal rights, but factions within the nation hindered them from realizing these rights. Former Confederate Cherokees, for example, often expressed their distaste with sharing citizenship with their former slaves.¹⁸⁵ Wolf Coon, a Cherokee delegate, refused to sign a treaty that ensured the rights of freedmen because it “wrestl[ed] the property from the Cherokees, the original owners of the soil, and which is justly theirs and dividing it with a class of people...who do not own any property.”¹⁸⁶ The Black Cherokees' issues, however, reflected larger concerns within the tribe at the time. The issues of defining who qualified as Cherokee became increasingly difficult due to the growing diversity that a portion of the tribe had previously accepted. The new threats to their sovereignty and resources drove a resurgence in the pureness of the Cherokee race. The removal generation faced this issue as mixed bloods not being Cherokee enough. This issue represented the racial tensions that developed due to the mixing of cultures and the threat to sovereignty.

At the time of removal, divides emerged in the tribe based on full bloods and mixed bloods. They consistently worked to define themselves and clashed over who better represented the tribe. Following the Civil War, the debate arose again, but focused more on excluding those that they felt did not have a claim to land and funds. The fight for sovereignty brought forth the idea that unity was necessary, but complicated the

¹⁸⁵ Ibid., 206.

¹⁸⁶ Interview of Mr. S. R. Lewis, July 23, 1903, *Indian Pioneer Papers*, 53:437.

question of unity amongst whom. The practice of using oral accounts to prove full membership in the tribe called on the practice of *kanohesgi* to understand who they were. Posing a united front was more than necessary in this fight, but defining who was part of that accord became important once again.

Looney Hicks Griffin, a Cherokee, stated, “if I had the privilege of living my life over again I would prefer to live it in the days of my early life for we never saw conditions in those days as they are the last few years. It was not much of a problem in those days for a man to provide for himself and his family...those days have gone forever and only linger in the beautiful memories of the past.”¹⁸⁷ Griffin’s depiction of the earlier days demonstrates that throughout the course of the Civil War and the following decades, the Cherokee Nation changed drastically, and yet the citizens still held close the memories of easier times. These memories allowed the Cherokees to maintain their identity and to determine who they were in changing times that required them to consistently redefine indigeneity. Much like learning who they were, the Cherokees learned the methods of their elders to determine their own. Through the use of collective memory and oral traditions, the removal generation was able to show this generation the way in which they should handle the circumstances they faced.

Not only did the removal generation provide guidance for those of the postbellum period, they also showed them how to conceptualize violence. The Civil War had the potential to destroy the Cherokee Nation in every way; however, once again, the Cherokees were able to take a violent situation and allow it to provide a vehicle for regeneration. They formed a government that resisted an invasive world longer than those around them and served as a model for others coming out of arguably one of the most

¹⁸⁷ Interview of Looney Hicks Griffin, June 17, 1931, *Indian Pioneer Papers*, 36:167.

turbulent times in their history. There were divides, but these disagreements fostered themselves in political discourse that is healthy for any nation. The violence of the Civil War, both against Cherokees alike and outsiders from other tribes, and Americans, created a volatile Cherokee Nation that required almost complete rebuilding. The Cherokees created a powerful nation that fought off the federal government for years and became a unified group that arguably remains one of the strongest today.

The Cherokees argued that allotment would destroy their way of life, which in many ways it did, but it did not destroy who they are as a people. By using collective memory and oral traditions, the Cherokees preserved who they had been for centuries. Part of their identity involved being malleable and adaptable, but they always continued to practice their traditions. Men like John Falling who was considered a civilized Indian “but he observed many customs peculiar to the oldtime Cherokee...”¹⁸⁸ They were, and are, a people of living memory. Their stories are brought to life for each generation and they experience each as if they lived it themselves. These traditions maintain the Cherokee identity and practices in an ever changing and encroaching world. The memories of the removal generation provided the post-Civil War generation with a guide for their circumstances. They looked to their elders, much like the removal generation had, to determine the actions they should take. There is not a strict definition of Cherokee, but following the destruction of the Civil War and the imposing stipulations of the Treaty of 1866, the Cherokees once again looked to their past to determine their future. Their conduct of politics, use of newspapers, and determination of citizenship and race parallel the way in which the removal generation fought the encroachment of the

¹⁸⁸ Interview of John Falling, N.D., *Indian Pioneer Papers*, 29: 20.

United States. Each generation did not take identical actions, but clearly they sought the guidance of those that fought before them.

The Cherokees have long enjoyed the ability to take something detrimentally violent and find a way to make it productive. In this instance, the tribe's leaders analyzed the situation in which they found themselves at the end of the Civil War and the passage of the Treaty with the Cherokee of 1866 to determine the best course of action. Part of the tribe thought it best to create two separate tribes with their own land and government; however, John Ross refused to let that happen, knowing that a divided group would find no success in the coming battles. In the past, they set aside their differences in an attempt to overlook them and move forward. This worked temporarily until the next conflict arose. Allowing the differences to foster themselves in political allegiances and discourse provided the Cherokees with the opportunity to take the best of both approaches.

Each confrontation in their history led the Cherokees to the moment when splitting the tribe into two seemed like the appropriate decision. However, when analyzing their past and confronting the decisions that made them successful, it is clear that their ability to escape violence and revitalize themselves consistently led to their most successful periods, the postbellum period included. During the postbellum period, the Cherokees faced a chaotic environment, but not an unfamiliar situation. Their circumstances forced them to form an amalgamated front against the United States despite their internal discord. Similarly to the leaders during the signing of the Treaty with the Cherokee of 1846, these leaders also looked to former circumstances for guidance.

Not only did these leaders follow the political practices of the removal generation—and arguably of those following the Cherokee Civil War—they also emulated the earlier leaders’ ability to unite an increasingly diverse group of people. These leaders and peoples took a situation consisting of diverse opinions and altered it into a healthy political discourse to develop a nation that possessed established systems, common goals, and served as an example to surrounding nations. Because of their ability to restore peace and productivity following tumultuous periods, the Cherokee Nation not only accomplished rebuilding and reestablishment of their powerful nation and definitions of Cherokee-ness, they also were able to resist the encroachments of the United States longer than those surrounding them. To the United States government, their increasing role and permanence in Indian Territory threatened the intentions of the Dawes Commission, but the Cherokees’ intelligence and reliance upon tradition allowed them to demand the respect they deserved as a powerful nation.

Despite the efforts of the Cherokee Nation, and many other Indian nations, all of Indian Territory succumbed to the demands of allotment. The Cherokees avoided the initial allotment legislation in 1887 as did the others of the Five Civilized Tribes. The 1898 Curtis Act forced the Cherokee Nation to relinquish control of their communal lands and disjointed their government. Although the leaders of the Cherokee Nation worked tirelessly to fight allotment, the federal government obstructed their sovereignty and forced the nation to allot lands to individuals effectively ending the communal environment in the Cherokee Nation. The Curtis Act ended a way of life for many and brought an end to the fight in Indian Territory over territorialization, allotment, authority,

and sovereignty. The efforts of the Cherokee Nation to meet the demands of the Treaty of 1866 and Indian Territory Council were proved valiant and futile by the 1898 Curtis Act.

CHAPTER VI

CONCLUSION

*“Those days have gone forever and only linger in beautiful memories of the past...”*¹⁸⁹
-Looney Hicks Griffin, 1931

Currently, the Cherokees are one of the most successful and well-known American Indian tribes. Their size and strength now gives them a valiant reputation, but their participation throughout American history is perhaps more notable. The tribe consistently used the traditions they maintained throughout centuries, in addition to modernizing, to resist the constant encroachment from Americans and their government. Since introduction to Euro-Americans, Cherokees adapted and fought to maintain sovereignty. Although their success in this arena is more than important, the way in which they achieved this is nothing short of significance. They faced imminent violence and destruction at the hands of each other and outsiders, but never failed to come out of the violence a stronger, more unified group.

Throughout their history, the Cherokees have maintained a strength and pride that competed with surrounding tribes and then with the invasive American government.

¹⁸⁹ Interview of Looney Hicks Griffin, June 17, 1931, *Indian Pioneer Papers*, Western History Collection, University of Oklahoma, Norman. 36:167.

Historians have long considered them a peaceful tribe, a tribe that valued equality and promoted involvement and consensus from each individual. Their clan style relationships enabled them to create a tribe that honored each member and largely found success with those around them. Embedded and understood laws ruled their society and established a sense of responsibility and reciprocity in each member. Their government was run by tribal chiefs, some war and some peace, dedicated to maintaining an internal balance and beneficial relationships with those surrounding them. They held established notions and their own stratification of others and the status of peoples within the tribe. Upon arrival, Euro-Americans deemed Indian nations as lesser, uncivilized, and incapable; however, it is clear that the Cherokees were nothing of the sort. They maintained societies based on equality, balance, and fairness that thrived for centuries without the influence of Euro-Americans.

The question remains of what makes the Cherokees different from other tribes that faced colonial relationships and persisted, because the Cherokees are not the only tribe to survive such tumultuous relationships and experiences. Many other tribes not only survived a colonial relationship, but maintained tribal connections and status just as the Cherokees have. For example, the Navajo experienced their Long Walk in 1868 and today are the largest American Indian nation in the United States. The Iroquois experienced years of war and direct conflict following the arrival of Euro-Americans, but still displayed sovereignty and authority throughout their history such as their independent declaration of war on Germany during World War I. However, the Cherokees attained a level of success and relationship with the government that few others were able to achieve throughout the nineteenth century. They established

governmental systems modeled after those of the United States, transitioned to nuclear families, and implemented American cultural practices. More impressively, the Cherokees were able to maintain their cultural traditions and practices in addition to making these changes. Yet, there is little reason to think that the Cherokees shifted so drastically that they no longer remained true to their tribal roots. In reality, the Cherokees were able to continue their cultural traditions, which persist currently, in addition to adopting parts of American culture that enabled them largely to maintain their sovereignty against the encroaching government until the passage of the 1898 Curtis Act.

The Cherokees are distinct for many reasons. Their strength and prevalence comes from their ability to adapt, their use of memory as a guide, and the ways they elect to address violence. Without these three traits, and others, it is likely that the tribe would have succumbed to the pressures of a colonial relationship or the violence that permeates their history. The ever-changing environment the Cherokees found themselves in during the nineteenth century had the ability to end the tribe and all that it had become; however, using the lessons of those before them and their traditions to their advantage, the Cherokees were able not only to survive, but grow, succeed, and thrive.

Adaptability is not unique to the Cherokees, but they remain one of the strongest examples of a tribe adjusting to its surroundings to remain intact. As their environment changed, the Cherokees molded themselves to remain visible while holding true to the traditions they had practiced for centuries. Their adoption of United States' government models and practices demonstrates their ability to reframe their existing systems to interact better with their surroundings. It also serves as a demonstration of the Cherokees' desire to maintain their strength. By adopting these ways of government, the Cherokees

displayed their ability to relate to the people that tried to overtake them rather than succumbing to the power of the United States. Being malleable served the tribe in the sense that as their surroundings changed they did as well.

It is important to note that they did not lose sight of who they are as a tribe in the process of adapting to new conditions. Often, those yielding to assimilation lose their roots of who they are. The Cherokees, though, held strong to their traditions. They have maintained certain practices within their government models, family structures, and agricultural traditions. Because of this, the Cherokees were able to remain connected to their roots and use them as a guide as their environment continually changed. Throughout the nineteenth century, the Cherokees faced more turbulence and violence than they ever could have expected. The level of violence they faced is unmatched in their history and reached unequivocal levels. Nevertheless, the Cherokees' held strong to their past through the collective memory they possessed, which provided them with a guide for their decisions. Although the Cherokees are malleable and adapt to their surroundings to the best of their ability, they do so out of the necessity of survival and still remain Cherokee. They do not lose their indigeneity in response to their adoption of American practices. It is a method of survival that they perfected during their circumstances.

The nineteenth century marked a turbulent, horrifically violent period full of discontent, disagreement, and perseverance for the Cherokees. Beginning prior to removal, the tribe faced violence from white settlers surrounding the nation despite existing laws. Removal began a period that would test the Cherokees more than ever before, and require them to demonstrate their ability to take these horrific situations and circumstances and maintain sovereignty until the Curtis Act. The Cherokees practice of

internalizing these events and finding ways to renew and strengthen themselves is most obvious throughout the nineteenth century.

The Cherokeees have always practiced *kanohesgi* to educate the younger generations and maintain the history of their tribe. This practice developed over time to preserve a collective memory for the tribe. This provides the benefit of preserving a history from the tribe's perspective. It serves as a teaching tool for each generation. It preserves the stories of those before them, the practices of the tribe, and the beliefs of their leaders. Collective memory allows the Cherokeees to preserve their history and guide them through their future. It also promotes the future. It helps guide the Cherokeees through trials using the choices of those before them. Opposite of this, is the Cherokeees learning from the choices that did not work for the tribe in the past, such as divided leadership when working with the United States government. The collective memory provides a view into the past while encouraging the future and success of the tribe.

A collective memory allows the Cherokeees to maintain cultural traditions and provides access to the ways in which their forebears faced the circumstances of their time. This enabled the Cherokeees, especially the leaders, to better understand how to handle the events of the nineteenth century leading up to allotment. Removal and the years following the United States Civil War serve as the best example. The leaders from the postbellum period modeled their plans after the leaders during the removal crisis. When they realized a divided front would not work, much like it had not during removal, they altered their plans. As their divisions worsened, the collective memory that was once unified would have deviated based on allegiances throughout affairs. Certain memories became contested by members based on their beliefs. For example, the memory of the

assassination of the Treaty Party is not remembered the same by each individual, which leads to the inference that their children and grandchildren also remember the event differently. Even then, the contested memory still serves its purpose of promoting the future of the tribe. No matter how the people remembered the event, it is unlikely that the tribe would work to repeat that instance. Rather, they would work to better the outcome by improving the actions.

Collective memory also provided a way for those in the present to connect to those before them; to give them a link to those before them. Chief from 1985 to 1995, Wilma Mankiller maintained a connection to those in her past to the extent that she was able to compare her own experiences to the history of the Cherokees. She stated:

I experienced my own Trail of Tears when I was a young girl. No one pointed a gun at me or at members of my family. No show of force was used. It was not necessary. Nevertheless, the United States government through the Bureau of Indian Affairs, was again trying to settle the 'Indian problem' by removal. I learned through this ordeal about the fear and anguish that occur when you give up your home, your community, and everything you have ever known to move far away to a strange place. I cried for days, not unlike the children who had stumbled down the Trail of Tears so many years before. I wept tears that came from deep within the Cherokee part of me. They were tears from my history, from my tribe's past. They were Cherokee tears.¹⁹⁰

These connections to the past allow Cherokees of today to understand their lives better, and to find comfort and guidance in their struggles. Mankiller would not have made these connections to her own life without having learned of the events of the past the way she did. Collective memory provides a comfort and strength to the peoples of today based on their connection to those previously.

Violence permeated the Cherokees' history following interactions with Euro-Americans, especially during the nineteenth century. Violence, unfortunately, became an

¹⁹⁰ Wilma Pearl Mankiller, *Mankiller: A Chief and Her People* (New York: St. Martin's Griffin, 1994), 62.

overarching theme throughout the lives of the Cherokees during this period. Removal, the assassination of the Treaty Party, the Cherokee Civil War, and the United States Civil War all serve as evidence that the tribe faced extensive and unforgivable violence. The offenders were not limited to those outside the tribe; the tribesmen committed just as much violence against one another as did outsiders. The violence committed against one another is perhaps the more important facet, though. Divisions in the tribe were clear and often served as the justification for acts of violence. Brutality, thieving, destruction, fires, and murders were common throughout the tribe, and only worsened when tensions rose.

This violence, both internal and external, could have characterized the Cherokees during the nineteenth century, but experts largely consider the tribe peaceful. This raises the question of how they reached this resolve. It is obvious the violence occurred, that it was horrific and destructive, leaving sorrow and pain in its wake. There is no question of whether it occurred or who is to blame. The important aspect of their situation is the way the Cherokees chose to address their circumstances. Between 1846 and 1861, the Cherokees prospered extensively, but this also followed their own civil war. It proved a period filled with so much violence that it required a treaty between separate parties within the nation and a pardoning of all crimes for the past seven years.

Following excessively violent periods, the Cherokees frequently responded with a period of great success or unity—often times both. Following removal and the Cherokee Civil War, the Cherokees flourished during the Golden Age, and the postbellum period in the Cherokee Nation resulted in great unity and political discourse for the tribe. Both of these circumstances prove that the Cherokees interpreted violence in a different manner than most. Rather than allowing the violence to cause complete destruction, the

Cherokees frequently used the violence as a regenerating force from within. They entered periods of great productivity following periods of extensive violence. For the Cherokees, violence was a reason to unify in order to avoid a reoccurrence of violence. Although not entirely effective, as demonstrated by the violence of the Civil War following the Golden Age, the Cherokees viewed and acted in response to violence uniquely in comparison to others. The tribe internalized violence and used it as a motivator despite the level of catastrophe and destruction they faced.

The role of memory and the internalization of violence were both essential to the strength of the Cherokee tribe; however, more important is how they worked together. Violence, especially to this degree, had the potential to be completely destructive. The Cherokees, though, responded to the violence in a manner that promoted productivity and progress, which raises the question of why. How were the Cherokees able to leave an extremely violent period and enter a prosperous one? What is it about them, their practices, and their traditions that make them capable of doing this, especially when the tribesmen are committing the violence against one another? Because of the role of memory within the tribe, the Cherokees have the ability to acknowledge and process the violence without allowing it to be their undoing. Memory of their history, both far removed and recent, teaches those living how tribesmen answered the problems in their lives. The importance Cherokees place on memory allows them to readily see its relevance throughout their own lives. The Cherokees can witness past decisions that worked or inhibited them, but, most importantly, they consistently see unity. It is obvious that a divided tribe has a greater risk of falling to outside forces than does a unified one. The removal experience demonstrated what happens when the tribe does not face these

pressures as a cohesive unit. Because of this, the role of memory allows the tribe to understand how to approach their current situations and what the tribe would have likely done in the past.

An important aspect to consider is the role in which the Cherokees played in their own history. They are not blameless victims as some depict, nor are they savages solely responsible for their circumstances. They played a significant role and, perhaps, a much more intricate role than previously deemed. The earlier discussed anonymous article in *The Independent* declared that the Cherokees were their own worst enemies.¹⁹¹ The piece appeared in 1881, another period of struggle for the Cherokees, something to take into consideration based on the circumstances under which the author was writing.

Interpretations of this statement can, of course, vary, but the important point is the responsibility the Cherokees have in their history. As demonstrated, the Cherokees are active participants in their story; they committed just as many acts of violence against each other as outsiders did. What this author failed to acknowledge is the progress the tribe made, the way they approached their circumstances.

The Cherokees' response to the violence also contributed to an active role in their own story. If they were the helpless tribe that colonization stories have made them out to be, then it would have been impossible for them to achieve any kind of success or the progress they have achieved multiple times over. They are not a group dependent on others for survival or success, because they contributed to their circumstances. Cherokee leadership remained active in decision-making throughout their relationship with the United States—after all, Cherokee leaders signed the Treaty of New Echota and

¹⁹¹ A Cherokee Indian, "The Cherokees and 'A Century of Dishonor,'" *The Independent ...Devoted to the Consideration of Politics, Social and Economic Tendencies, History, Literature, and the Arts* 33 (Feb 24, 1881): 4.

individuals made the decisions to kill or steal from one another. More importantly, collectively they determined multiple times to rebuild themselves. Consistently, the Cherokees took horrific circumstances, whether of their making, someone else's, or a combination thereof, and used it as motivation to move forward for the betterment of the tribe. The tribe understood early on that the federal government would use all circumstances against them, including their internal divisions. In response, the Cherokees consistently proved to those around them, and perhaps themselves, that they would survive and achieve.

The question then becomes, how does all of this information get appropriately interpreted? Is there one right way to interpret and discuss such a sensitive topic? The historiography illustrates that there is no singular way to address it. This does not translate to an absence of wrong ways to interpret the material, because there certainly are. Interpretations shape the way students and members of society learn about not only the history of the Cherokees, but also who they are as a people. Because of this, it is necessary to address the topic appropriately and provide a discussion rather than presenting a strictly enforced idea.

In the past, many museum presentations of Native American history have been directly from a colonial perspective, a method that fails to acknowledge the topic appropriately in many ways. By only addressing the colonial perspective of topics such as this one, the exhibit presents a one sided story that fails to give agency to all participants. Exhibits of this style also tend to lack a discussion of the complex history. Rather, they present facts that visitors struggle to understand. The lack of interaction with the material prohibits visitors from developing their own perspectives and opinions. These museum

experiences leave visitors with little room for discussion and fail to present the entire story, all of which is necessary for a fulfilling visit.

The most important message an exhibit can convey on a topic such as this one is a message of decolonization. Deconstructing the colonial interpretation of Native Americans and their histories is necessary to develop accurate understanding of the past and the relationships that existed. The lack of decolonization is responsible for the lack of visibility of Native Americans in the museum. By maintaining the existing colonial paradigm, museums contribute to the prevailing image of Native Americans as helpless and the idea that their histories are dependent upon their relationship with the United States. The problem, though, is that tribes have histories extending far beyond their colonial relationships and interactions. Exhibits meant to address the histories of topics like this should first and foremost acknowledge the full interpretation of the event rather than one perspective.

Although much more complex, the 1990 Native American Graves and Repatriation Act, or NAGPRA, gave tribes the rights and access to artifacts and remains that various institutions held in their possession. Prior to this, tribes enjoyed few legal rights to claim artifacts and remains from museums and other institutions. NAGPRA changed this and forced non-Native institutions to give tribes access to the artifacts and remains in their holdings related to cultural patrimony. This does not force institutions to relinquish these items, but it does require a listing of all items that may be of interest and provides the tribes with access to them. In theory, NAGPRA should address several of

the issues between tribes and these institutions, but it is more complicated. NAGPRA is only the first step in the decolonization process, there is much left to be done.¹⁹²

One result of NAGPRA is the increasing number of institutions that now work with tribal consultants or governments to appropriately address their histories.¹⁹³ The passage of NAGPRA increased the level of involvement from Native Americans and, in many cases, altered the story exhibits told. Now, committees regularly consisting of institution employees and Native American consultants or experts design the exhibits. This also led to the increase of tribal centers dedicated to telling the story of their peoples as they gained access to various artifacts. NAGPRA contributed to the establishment of better relationships between tribes and museums by establishing a mechanism that can benefit both parties.¹⁹⁴ This allows institutions to provide more accurate interpretations with tribal consent. In addition, tribes are now involved to the extent that their voices can be heard in their own stories.

Exhibits generally have at least one clear voice and in this case it is essential that the primary voice belong to Native Americans. Without the Native voice, it is simply an addition to the colonial image of American Indians. Increasing the communication between tribes and museums enables visitors to hear the Native American voice and provides a more accurate interpretation. With sensitive topics such as this one, it is necessary for the Cherokees to be the ones telling the story. It is essential to provide agency throughout works. Museums and exhibits are much the same way. Museums and programming serve as vehicles to deconstruct these ideas and allow a new conversation

¹⁹² *Mending the Circle: A Native American Repatriation Guide, Understanding and Implementing NAGPRA and the Official Smithsonian and other Repatriation Policies* (New York: American Indian Ritual Object Repatriation Foundation, 1996), 11.

¹⁹³ *Ibid.*, 55.

¹⁹⁴ *Ibid.*, 56.

to develop, with the most prominent voice belonging to the Indians themselves. These institutions represent opportunities for open discussion and interpretation on topics that are often difficult to address otherwise. This does not mean, though, that involving the Cherokees and using an exhibit will automatically make this an easy discussion, as it never will be. Museums and institutions of this sort have the responsibility of civic education, and to properly fulfill this role, there has to be an open discussion and interpretation.

An exhibit discussing this topic requires direct acknowledgement of the issues and violence that permeate the Cherokees' history. The scars and wounds live on for many today, and acknowledging those, and providing a place to discuss them, is necessary for truthful decolonization. For the Cherokees, it is compulsory to deconstruct the existing image and replace it with an image that honors their past. To achieve the full potential of exhibits that display sensitive material as such, it requires institutions to take the initiative and address the issues and violence that permeate this history. By directly addressing the circumstances of the tribe in the nineteenth century, an exhibit would provide a full story where one may have partially existed before. Museums provide a safe environment for discussion about such horrific events and allows visitors to develop individual interpretations. To accomplish this, museums have to be willing to take a new approach in their exhibit planning. Input from the tribe is more than necessary, it is imperative. A period as violent as this requires input from those who lived it rather than someone viewing the event with a different perspective. Although the people from this time are no longer living, Cherokees today have the best knowledge and understanding of what occurred from the right perspective. The date complicates the exhibit development

to an extent, but the tribal history can be acquired from the tribe itself. There is also an element of sensitivity that must be considered. Although the Golden Age and the postbellum period are much easier for a visitor to accept, sensitivity is pertinent when addressing the assassination of the Ridge Party, the Cherokee Civil War, and the United States Civil War. Visitors, and those that lived through these events, deserve to have the truth told through an exhibit that is cautious given the violence that is center to the story. An exhibit like this would provide visitors with a better understanding through discussions and deliver a more accurate interpretation of these periods.

For many Cherokees today, the memories of these events are ones they experienced themselves and continue to influence their thinking on the world. Each generation of Cherokees learn of removal as if it is theirs to experience. The retelling of these events brings them to life for those listening and explaining. This practice allows the Cherokees to remain connected to those before them and learn the events their tribe survived to reach where they are. Author N. Scott Momaday states, “so that in many ways, they are carried in our blood and, although I don’t know what it was like to make that march, my ancestors did come on the trail. I’ve heard the stories.”¹⁹⁵ These stories and memories are alive for the Cherokees. They may have occurred decades ago, but that does not alter their influence in a memory-based tribe. Each member possesses the memories as if they belong to them and feels the pain of loss for those that died throughout the horrific events of the nineteenth century. Removal and allotment serve as tangible examples, but they are certainly not the only one in the Cherokees’ remembrance of their past. Passing these events on as memories rather than history keeps the tribe

¹⁹⁵ N. Scott Momaday in *We Shall Remain: Trail of Tears*, directed by Chris Eyre (WGBH, 2009), DVD (PBS Home Video, 2009).

connected to who they are and allows each member to remain in conversation with their past.

Gayle Ross, a descendant of Chief John Ross, stated: “In listening to the stories of your ancestors, you’re taught who you are and what your ancestors sacrificed so that you could be Cherokee.”¹⁹⁶ Their traditions allow them to maintain a connection to what their ancestors lived through and the ways they reacted to those events. For the Cherokees, the nineteenth century is a period of violence, pain, and terror, but it is also one of success, unification, and growth. For the Cherokees of later generations to see how the leaders and peoples of the nineteenth century responded to such experiences demonstrates how they are supposed to respond to their own struggles. Without their practices of storytelling and use of a collective memory, the people might not value this past for what it is. Passing these stories on as if they are lived again in each telling provides a connection between the past and present Cherokees, and provides them with the strength to persist through internal pressures, outside influences, and violence at the hands of any and every one.

¹⁹⁶ Gayle Ross in in *We Shall Remain: Trail of Tears*, directed by Chris Eyre (WGBH, 2009), DVD (PBS Home Video, 2009).

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