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THE FORGOTTEN WARRIORS:

KEETOOWAH ABOLITIONISTS, REVITALIZATION,

THE SEARCH FOR MODERNITY, AND STRUGGLE FOR AUTONOMY

IN THE CHEROKEE NATION, 1800 -1866

A DISSERTATION

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By

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IN THE CHEROKEE NATION, 1800 -1866

A DISSERTATION APPROVED FOR THE
DEPARTMENT OF HISTORY

BY

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ABSTRACT

My research focuses on the revitalization of the Cherokee Keetoowah Society in 1858 in Indian Territory just twenty years after the tribe's removal from their southeastern homelands. I contend that 'Keetoowah' was much more than just a religious organization with political undertones. Keetoowah represented an entire way of life, a way to order society, to provide a cultural backbone for the community, and to give meaning to their rapidly changing world. Rather than escaping modernization by tying themselves to the past, I believe the Keetoowahs used selective adaptation to reconstruct a unique sociopolitical system that allowed them to engage in progressive interaction both inside and outside their communities. .

Even in earliest known times, the Keetoowahs occupied shifting roles within Cherokee society, sometimes acting as religious leaders and sometimes as war leaders depending on necessity, as well as their individual level of experience and achievement. This is very much in keeping with the overall nature of the historic Cherokee social structure itself, with its focus on both *gadugi* (the collective good) and on personal independence. In the antebellum years, the Keetoowahs were deeply engaged in the mainstream socioeconomic trends and debates of the day; education, capitalism, industry, fraternalism, politics, and labor issues, particularly slavery. In their role as religious men, they accepted the faith and support of the 'emancipating Baptist' missionaries around them, and as warriors, they fought tirelessly to abolish slavery in the Cherokee Nation, a struggle that led directly to the Society's revitalization.

INTRODUCTION

> There was a certain Cherokee Secret Society which obtained some newspaper notice years ago. It had for its principal object the promotion of Cherokee autonomy. Its name was properly Kĭtúhwá but was commonly spelled Keetoowah in English print. The Indian name was derived from the ancient town of the old Cherokee Nation and the society embraced the most conservative men of the tribe and it sometimes stood for the name of the nation itself as it originally was *Ańi-kĭtúhwagĭ* - people of Kĭtúhwá.
>
> *Dr. D.J. MacGowan on Indian Masonry* [1]

One hundred and fifty-five years ago, a number of Cherokee patriots came together in secret and re-formed the conservative Keetoowah Society. Although the founding of this important organization has often been discussed by anthropologists, historians, political scientists, and religious scholars, there has been little agreement about how exactly to define it. That is because Kĭtúhwá is a historic place; a language; a set of ceremonial rituals; a frame of reference which encapsulates both numinous acceptance or resistance of other world views; an umbrella under which national and social order may be defined; a political movement; a sacred history; a sense of collective identity; and a state of individual well-being. In short, my investigation of the origins and evolution of the Kĭtúhwá concept, leads me to believe that it was, and still is, all of these things. It is the exclusive and meaningful mode of thinking and behavior that constitutes and defines the very way of life of its dedicated Cherokee adherents that may best be expressed as the *Kĭtúhwá way.*

[1] D.J. MacGowan, "Indian Secret Societies" *The Historical Magazine*, (1866) 10:5, 139-141.

Kitu'hwa, also known by the contemporary term Keetoowah, is tied to the earliest formation of Cherokee cosmology and society. Therefore it is necessary to begin any examination of its origins and meanings with a close look at the early structure of Cherokee society. The tripartite nature of the complex Cherokee social arrangement created an amazingly flexible social system which was easily adapted to new or otherwise stressful conditions. This strategy of reinvention is a constant theme that appears and reappears throughout the history of the Kĭtúhwá movement, complicating attempts to create a clear and precise definition of the *Ani Kitu'hwagi*, or the Kĭtúhwá people. By 'reinventing' themselves time and again, however, like a leopard that changes its spots, they were able to survive and thrive through four hundred transformative years and beyond, while still retaining their underlying, yet distinctive Kĭtúhwá spirit. Within the Keetoowah narrative, the devil is in the process through which the people negotiated their own goals and objectives, and developed innovative means by which to reach them. It is the story of power and struggle that shaped the process that influenced the outcome of those negotiations. It is not an easy story to tell given the diverse factors and outside influences that worked to minimize Cherokee dominance and influence in their homelands. But it is the strategies they utilized in dealing with these outside forces that gives us a deeper understanding of the power of their worldview.

In early days, Kĭtúhwá was the nucleus of the Cherokee Nation, and the spirit of Kĭtúhwá was carried on in the everyday lives of the Ani Kitu'hwagi. By the turn of the nineteenth century, however, the Cherokees were forced into a new

structural pose which they built through the use of an elaborate political façade; recreating a new political system in the image of a republican-style government. This innovation allowed the tribe to transform itself into a modern political state that was also anchored in the Kĭtúhwá way with little interference from the prying concern of outsiders. Yet, so powerful was the spirit behind the façade that those who were able to get close enough, could not help but see and admire it. For that reason, the Kĭtúhwá concept was ironically supported, protected, and encouraged through missionaries, of the budding Baptist movement within the old Cherokee Nation. Furthermore, during the removal era, these men helped to carry it to Indian Territory where it re-emerged with their help as well. Consequently in the critical antebellum years in Indian Territory, Kĭtúhwá was inextricably linked with the Baptist Church. It was the correspondence between traditional meetings and Baptist camp meetings, as well as the adaptive nature of Cherokee society that created a catalyst for a syncretic form of religious revitalization.

One of the most prominent, defining challenges to the Kĭtúhwá way are the issues of race and identity raised by first, the introduction of African slavery into the Cherokee community in the eighteenth century, and later by the opposition of marginal members of the community to Keetoowah efforts to dispel the practice. The essence of Cherokee identity has always been its relation to its ancient cosmology and dynamic culture, and as such, it has always been diametrically opposed to identification on the basis of race. This is a core principle around which the Keetoowah embrace of abolitionism was formed. In the reformative years between 1800 and 1866, many Keetoowah warriors laid

down their lives in support of these ideals, yet today in the heat of the argument, lacking knowledge of the historical facts of the matter, these warriors have been largely forgotten by their own people, as well as by community outsiders. This is what makes the continuing struggle for education, particularly history, so critical for the Cherokee people today.

Scholars who write about the Cherokee Nation are fond of the romantic notion that during the Civil War the Cherokees were a people 'caught between two fires'. Only the most recent scholarship has delved into the active role the tribe's leaders played in the turn of events of the war, specifically in the West, but also in decisions made by both southern and northern leaders. Yet it was as much through this struggle as through internal squabbling that the Cherokees formed the basis of their movement for national sovereignty.

Finally, ideology is the glue that holds this story together. Through this study, I have endeavored to show that the root of the problems between Euro-Americans and Cherokees was not just a "clash of cultures" but the intellectual process of analyzing new ideas and concepts and then selectively adopting those with which agreement could be found while rejecting others. The Cherokees may have been considered outsiders by mainstream Americans, but their inquisitive nature and penchant for rational deliberation, honed through centuries of rhetorical debate in their council houses, made them astute intellectual sparring partners. Not only were they the subject of many ideological discussions from a variety of mainstream perspectives, they were also engaged in conversations with formative Euro-American thinkers. These kinds of activities, not only helped to

address matters at hand, but also helped to broaden their own cosmic world view through exposure to concepts such as enlightenment, fraternalism, transcendentalism, capitalism, republicanism, and other high ideas.

My study of the 1858 rejuvenation of the Cherokee Keetoowah Society, is organized around three integral influences on events in antebellum Indian Territory; (1) The continuous influence of origins, historic social structures, and ritual practices of ancient predecessors on their heirs; or as they refer to themselves, the *Aniyvwia - the real people*; (2) Western social adaptations, educational endeavors, and mainstream ideological influences including Capitalism, slavery, abolition, and Republicanism; and (3) Post-removal political conflicts, influences, and responses that particularly inspired the antebellum revitalization movement that resulted in the re-formation of the Keetoowah Society. Whenever possible I have utilized firsthand accounts of eyewitnesses to events, as well as the testimonies of the Cherokees themselves. I have used letters, journals, diaries, newspaper accounts, and the records of both the U.S. and Cherokee nations. I have also endeavored, however, to reevaluate secondary sources that have long been interpreted as the key elements of the Cherokee narrative, in order to provide a reinterpretation of events and their meanings. Moreover, I have incorporated a good deal of *Tsalagi*, the language of the Cherokees. Language is an important vehicle for the study of relationships in culturally and meaningful ways. The development of a writing system for communicating their thoughts and ideas provided a parallel to Euro-American ideas about literacy, intellectual capacity, and civilization. For the Cherokees, it

also provided further impetus for maintaining a separate and distinct identity and values from those of the mainstream, inspiring their quest for autonomy.

Four investigations in particular are valuable examinations of the origins and roots of the Cherokees in the southeast. They are R. Barry Lewis and Charles Stout, eds., *Mississippian Towns and Sacred Spaces;* Trawick Ward and R.P. Stephen Davis Jr.'s, *Time Before History: The Archaeology of North Carolina;* Russell Thornton's, *The Cherokees: A Population History;* and Thomas E. Mails, *The Cherokee People.* Lewis and Stout's interesting book places emphasis on the evolution of Mississippian settlements and mound groups in the Southeast and places the Cherokee mound builders within this culture. Ward and Davis explore the ancient history of native North Carolina from the first settlements of the Appalachians and Piedmont region, to its coastal provinces. This study also highlights the many encounters that took place between Native and Euro-American explorers, traders, soldiers, and settlers from 1500 through the 1700s. Thornton's study is a timeless and thorough cross-index of population points drawn from historical records of major events or pivotal periods of change throughout early Cherokee history. There are no other studies of this magnitude that bring together these critical junctions in the Cherokee timeline. Together with Mails' nuanced focus on early Cherokee spiritual traditions and European notions regarding the tribe, these books serve as fine reference points from which all research paths may lead.

Interestingly, many of the scholars who have written about the Cherokee Nation completely overlook the tribe's early, tractable sociopolitical structure,

writing as though Cherokee society and politics have always been organized the way they are today. Those that do include a discussion of this earlier configuration, seldom give it the attention that it deserves; regarding it simply as a social construction of a distant past with no bearing on the historic events of more recent decades. In this paper, however, I argue that an understanding of this early structural foundation is indispensable in making sense of the ways in which the Cherokees reinvented their political system at the turn of the nineteenth century. Rather than a sudden, transformation, as many scholars have characterized it, I contend that the new system evolved slowly over time. Moreover, I argue that the governmental framework adopted by the Cherokees in 1800 was in large part a pragmatic, political, ruse - a façade established primarily to satisfy the demands and expectations of the Americans in their political contest with the tribe. Anthropologist Fredrick O. Gearing's insightful book, *Priests and Warriors* is an absolutely brilliant discussion of this early Cherokee society, and should be the starting point for all students of Cherokee history or anthropology. As Gearing suggests, the flexibility of the ancient structure made it easy for Cherokee citizens to convert aspects of their system to address new situations more adequately, or to serve new purposes without fundamentally changing its core concepts and values.

Four informative resources that lend an invaluable eyewitness perspective of the southern tribes in the eighteenth century, are James Adair's *History of the American Indians;* David Corkran's edition of Alexander Longe's *A Small Postscript on the Ways and Manners of the Indians Called Cherokees; The Memoirs of Lieut. Henry Timberlake* edited by Samuel Cole Williams; William

Bartram's, *Travels Through North and South Carolina, Georgia, East and West Florida, the Cherokee Country, etc*.; and *The Payne-Butrick Papers*; These early historical narratives on Cherokee culture are the recorded observations of onlookers who relied heavily on Eurocentric perspectives in their interpretations, yet they are valuable to us today because of the attention these authors pay to detail as they described early Cherokee culture and religious traditions. For over three decades, Adair lived among their communities, believing the Cherokees to be the Lost Tribe of Judah. In his eagerness to prove this theory, he recorded even the minutest details of their cultural practices. John Howard Payne, a bright and talented New Englander, traveled to the Cherokee Nation as a guest of John Ross in 1835 and thereafter associated with the Cherokee people until1842. While there, he became a fast friend of Presbyterian missionary Daniel Butrick who had ministered to the Cherokees for over three decades. As Adair did, Payne and Butrick both believed American Indians were of Hebrew descent. Together they wrote six volumes, primarily focusing on Cherokee spiritual ideology, ceremony, and ritual. These manuscripts, particularly Volume 2 are invaluable in developing a deeper understanding of the finer points of Cherokee culture, as well as the tribe's growing political quandary prior to and after removal. Published first in 1897 in the Nineteenth Annual Report of the Bureau of American Ethnology, James Mooney's *Myths of the Cherokee,* remains a prime and relative source for any study of Cherokee sociopolitical culture, and is still one of the finest examinations of its sort on the topic.

As a trader among the Cherokees with extensive knowledge of their political objectives, Longe also worked as an interpreter for the tribe in the 1700s. His trading post, near the town of Chestowe in present day northeastern Georgia, was a hub for Cherokee trade and political negotiations with outsiders. Sadly, Longe was also a major instigator of the Yamasee War between the Cherokees and Euchees (Yuchis). Still, his first-hand accounts lend us a unique glimpse into Cherokee attitudes and daily life. Although Bartram merely passed briefly through the Cherokee Nation in his travels, his detailed descriptions of his visit to the place the Cherokees called *Kusa Nunnahi* (The Creek path) or Gunter's Landing on the Tennessee River about one hundred and fifty miles south of present day Nashville, are inestimable. Bartram traveled through the region just weeks before the state militia descended upon the town, dragging Cherokee families from all around the surrounding Cherokee country to stockades established there before moving them west. He went ashore at the Landing where the anticipated removal was the talk of the town. His observations on the character of the region's residents are illuminating, for this was an area heavily populated by conservatives and traditionalists, including included the Chickamaugas. This group of Cherokee resistors, led first by Ata and later by Dragging Canoe who had had relocated with his followers to the territory after their alliance with defiant Shawnees and Creeks failed to stop encroaching white settlement in the tribe's territory. Also among the residents of Gunter's Landing was the conservative Springston family, whose story is a basis for many of this study's insights.

There are several solid studies that help to determine and substantiate the Cherokee's place and prominence within the southeastern region. The best of these are David Corkran's *The Cherokee Frontier: Conflict and Survival, 1740-1762;* Charles Hudson's *The Southeastern Indians;* Theda Perdue's *Cherokee Relations with the Iroquois in the Eighteenth* Century in Daniel Richter's *Beyond the Covenant Chain*; David Wallace's *South Carolina: A Short History;* Tom Hatley's, *The Dividing Path: Cherokees and South Carolinians;* and the *Official Papers and Correspondence of Jeffery, 1st Baron Amherst, Commander-in-Chief of the British Forces in North America 1758-64, Governor-General of British North America 1760*. Together, these bodies of research create a discriminating roadmap that helps to delineate the tangled paths of cause and effect, motivations and objectives, and conflicts and reactions of the Cherokees leading up to their removal from the South.

My goal in discussing the question of Removal is to identify the most prevalent mainstream ideological precepts that moulded the thinking of most Americans and to measure them by their influence on the Cherokees themselves. Looking at these ideas in this way reaffirms the options Cherokees had and the agency they exercised in the removal process. I have attempted to paint a more accurate and nuanced picture of the Cherokee mindset through the inclusion of the language, ideas, and philosophies of Cherokee people themselves, as well as some analysis of the ways in which these cultural aspects have been interpreted first by the Euro-Americans around them, and later by western scholars. This places emphasis on Cherokee intellectualism which includes both traditional, adopted,

and adapted ideas and reasoning. Focusing on sweeping events such as the Trail of Tears tends to eclipse the tribe's rationale in transforming itself, so I have centered my study on the combination of specific actions and mundane practices combined with higher, more sacrosanct ideals and meanings. I believe it is these ideals in particular that made it possible for the Cherokees to utilize historic cultural values in a unique, yet decisively innovative and proactive manner to confront, address, and affect political change through years of strife; eventually culminating in a politicized reconfiguration of their ancient religious traditions. Evaluating routine social practices through the use of multiple disciplines in order to find historical purpose and meaning is also in keeping with the principles of "le longue durée" as described by Fernand Braudel in his seminal work, *The Structures of Everyday Life.* For Braudel, the most dynamic change comes not from dramatic events, but from the small, steady transitions of communities and people themselves . . . . events as the "ephemera of history . . . . ." [2] This certainly holds true in the case of the Cherokees.

Among the scholars who have described the events that transpired after removal in Indian Territory, William McLoughlin, Grant Foreman, Angie Debo, Annie Heloise-Abel, Rennard Strickland, Gary Moulton, Circe Sturm, Patrick Minges, and Thurman Wilkins have laid the most important foundation. Of these noted history, religion, and law scholars, the works of Strickland and Minges stand out as the most comprehensive, nuanced, and plausible explanations

[2] Fernand Braudel, *The Mediterranean* and *the Mediterranean World in the Age of Philip II: Volume II* (Berkeley: University of California Press, 1995; First published in France in 1949), 901.

of the evolution of Cherokee society drawn from truly Cherokee perspectives. Strickland accomplishes this by tracing out the continuous influence of clan and kinship in tribal law and government. Minges builds up this foundation by centering on the persistent pull of deeply ingrained socio-religious cultural values that empowered conservative resistance and authority. Perhaps the most controversial aspect of that authority was the practice of "blood vengeance" and the violence that characterized Cherokee society in the three decades after removal. Only when Minges argues that, "So great was the lawlessness and so weak the ability of government officials to stop the killings that a reign of terror arose and the ancient law of blood vengeance returned to the land," [3] do I disagree with his analysis, for I believe that blood vengeance did not return to the land, but never left it. By consigning the workings of traditional clan governance to the shadows behind a façade of republicanism, including the use of capital punishment and blood vengeance, traditionalists were able to continue their practices unmolested by Euro-Americans. It seems obvious that in these years of conflict after removal the government was not powerless to stop the violence, but unwilling to stop it because the new government only existed by consent of clan authority.

In order to enhance this perspective, I have based many of my assessments on first-hand accounts and the ledgers of my Great-Great Grandfather, Oo-ne qua-te, or John Leak Springston, a "Pin" Indian, and one of the Keetoowah revitalizers of 1858. In 2006, I was fortunate enough to stumble across some of

[3] Patrick H. Minges, *Slavery in the Cherokee Nation: The Keetoowah Society and the Defining of a People,1855-1867* (New York: Routledge Press, 2003), 54.

Springston's ledger books tucked away in the archives of the University of Oklahoma's Western History Collection. Much of the journals' contents are written in syllabary and there is no indication that any of these records have ever been translated. Using my family's oral history as a guide, I was able to make my way through Springston's remarkable, yet tangled writings, and found that they offered some provocative insights into the Cherokee mindset, as well as first-hand opinions and testimony to a number of historic events. Through these books, a picture of Cherokee life emerged that I had previously not fully understood, having based many of my assessments of my family's oral history on academic accounts I had read. While developing a more in-depth understanding of Cherokee socio-political strategies that eventually led to antebellum Keetoowah revitalization, Springston's comments, compared to those widely sanctioned narratives, prompted me to question the feasibility of many of the academic assessments and explanations I had read.

For example, every scholar of Indian history agrees that the Cherokees were engaged in education. The tribe is consistently referred to in study after study as being a "highly educated people" prior to removal. Yet outside of their instruction at the hands of missionaries and Christian benefactors, very few scholars examine the secular philosophies they were exposed to or the ways in which such intellectual ideologies succinctly influenced their world view or political machinations. Much has been written about Galegina (Buck) Owatie, who later changed his name to Elias Boudinot in honor of the revered president of the American Bible Society, his educational benefactor. Very little, however, has

been written about the influence of tutoring by Scottish masters who were riding the ideological first wave of their own Enlightenment in that era. Yet ideas from both of these educational approaches no doubt influenced Cherokee political thought and decisions. Except to make the essentialist assertion that the Indians were too 'unsophisticated' to understand the political ramifications of secular theories, or to extol the hackneyed view that a religious education was needed for its civilizing effect on the tribe at the time, it is hard to imagine why a scholar would dwell on one influence and completely disregard the other. Furthermore, the intimate cultural ties Cherokees had with Highland Scots in their southern homelands have not been given the attention they warrant. The deeply-rooted affinities that created lasting kinship and intellectual bonds between these two cultures are just beginning to be explored by astute scholars such as Margaret Szasz and Colin Calloway.[4]

Large numbers of Scots emigrated to the North American South where they established a colony near Charles Town in present day South Carolina. There they engaged in the deerskin industry, establishing themselves as prominent traders and trusted friends among the Cherokees and neighboring tribes during the heyday of the industry. Both Cherokees and Scots lived in tribal societies that revolved around clanship and kinship supported by robust warrior traditions. Highland clans consisted of extended patrilineal families while Cherokee clans were made up of extended matrilineal families. Clan membership in both of these

[4] Margaret Szasz, *Scottish Highlanders and Native Americans: Indigenous Education in the 18th Century* (Norman: University of Oklahoma, 2007); Collin Calloway, *White People, Indians, and Highlanders: Tribal People and Colonial Encounters in Scotland and America* (New York: Oxford University Press, 2010)

societies provided a unique social and legal structure that provided their members with their own special place within each community, an idea that Calloway espouses. The prominence of their place in Cherokee society is most apparent in the cases of the young, elite men who returned from college in the East to take up leadership positions in their nation in the early nineteenth century during the clamor for Indian Removal. Intermarriage held certain benefits for Highland men and their Indian wives, as well as for their offspring. Through their Cherokee wives, Scottish men created kinship ties in the community that greatly improved and strengthened their trading advantages. Through their Scottish husbands, Cherokee women's lives improved both economically and materially. The children of these relationships enjoyed dual acceptance and privilege in both Cherokee society through their mother's matrilineal clan, and in Highland society through their father's patrilineal clan. The extensive intermarriage of these two groups led to mutual respect, cooperation, and alliance, a fact that helps to explain why so many children of these mixed marriages, men such as John Ross, Elias C. Boudinot, and John Ridge, rose to tribal prominence in the 1800s.[5] It is not surprising then, that when a number of the influential men of the tribe sent their sons for higher education in the first decades of the nineteenth century, they elected to send them to Scottish schoolmasters and tutors. John Ross himself was educated by a Scot tutor prior to entering formal schooling at South West Point Academy, near Kingston in present day Tennessee.

[5] Calloway, *White People, Indians, and Highlanders*, 7-9, 149-50.

Yet the mixed blood children of Scot or other non-Indian mothers and Cherokee fathers, did not fare so well among the Cherokees, a fine point that seems to elude many historians who measure the benefits of life within the pre-removal Cherokee Nation in terms of economics. Scholars of early Cherokee society are quick to point out that the tribe was matrilineal, and they give much attention to the sociopolitical importance of early matrilinealism. These same scholars, however, when dealing with the nineteenth century, seem to forget matrilinealism all together, settling for the improbable suggestion that once the tribe had "modernized" in 1800, all Cherokees accepted patrilinealism. Yet we know that those without the privileges of heritage and clan were viewed as outsiders by the conservative Cherokees, despite the fact that the tribal council passed a law bestowing full citizenship on children of such unions in 1825. Men such as John Rollin Ridge and his brother, Andrew Jackson Ridge, sons of John Ridge and his white wife, Sarah Bird Northrup; and Elias C. Boudinot, son of Elias Boudinot and his white wife Harriet Ruggles were not well-regarded by the conservatives and Keetoowahs who dominated the Cherokee government in the years after removal. Therefore, these so called "mixed blood" men more or less ostracized themselves from the community or maintained an existence outside or on the fringes of the Cherokee Nation where they remained highly critical of the tribe, quite often working against the most dearly-held principles and objectives of the majority, fueling the fires of factionalism.

Between 1800 and 1858, a number of Cherokees, such as William Potter Ross, attended the College of New Jersey; the institution founded by Presbyterian academics renamed Princeton University in 1896. The professors that Cherokee

students encountered there were the disciples of the leading scholars of the Scottish Enlightenment which took place between 1740 and1790. With its emphasis on practical applications of math, science, law, and political philosophy, a Scottish education prepared these young men for the challenges of future tribal leadership. The same ideas that empowered these Cherokee scholars also fired the convictions of American founding fathers such as Thomas Jefferson, John Adams, Benjamin Franklin, James Madison and others. Philosophers of the Scottish Enlightenment argued for the independence of oppressed people, and championed the rather radical idea that all people shared a common humanity and had the potential for development based on their environment. Armed with these ideological weapons, young Cherokee scholars were more prepared to take up the critical positions awaiting them in tribal governance. In their struggle against the removal policies of the Jacksonian era and the growing popularity of anti-intellectual egalitarianism, young Cherokee leaders needed shrewd skills to debate with the Americans in the trials that lay ahead.

It seems that no scholar of Cherokee history can resist the lurid fascination of the stories of factionalism that seemed to cripple the Indian nation during the Era of Removal and beyond. The divisions among these groups have been extolled again and again by author after author, although with very little new insight. McLoughlin's observations of the rise of nationalism during this period, and Minges insights on the denigration of conservative culture that created these divisions are compelling. More importantly, however, is that leaning too heavily on the prominence of political factionalism has served too eclipse the important

cultural issues that lay behind the divisions. It sometimes seems as if these scholars question the tribe's worthiness for self-governance by dwelling on their seeming inabilities to present a united front. Such hasty assessments are problematic on two accounts; (1) They deal solely with the prominent men involved in the disputes, thereby negating the core cultural concept of tribal communalism and focusing instead on individuals; and (2) They ignore the fact that Americans were also experiencing the same sort of disconnection over many of the same kinds of issues at in this particular time in history. Additionally, this was not the first instance of such schisms among the Cherokee people. Between 1740 and 1762, factionalism was encouraged and even instigated by devious outside influences that included the installation of a puppet government set up by the British at Tellico. The common catalyst for conflict between various groups in both cases was European interference. This is apparent by the Cherokee entanglement in the rivalry between the French and British, and later in their victimization over the European lust for land prior to removal, both of which split the Cherokee nation even further apart.

In his excellent book on the Cherokee legal system based on ancient Clan laws, Rennard Strickland challenges the popular assumption that the Cherokees saw the guiding light of Christian civilization and immediately abandoned their "savage lawlessness" for a more "civilized system of tribal laws and courts." Strickland refers to an example of this Eurocentric notion from a speech delivered to the Oklahoma Bar Association in 1910 by William Thompson. Describing the Cherokee legal system, Thompson remarked, "This fair land gave birth to a new

system of jurisprudence in1808 and lived its life and ceased to be in 1898, covering a period of ninety years." Strickland correctly identifies this kind of thinking as "rhetoric of mythical proportions." [6] I contend that kinship, clan, and autonomy were the most important and dynamic elements that regulated and set the trajectory of the Cherokee Nation in those years, and that these elements continue to hold prominence today. Furthermore, the political dealings of the Cherokees were neither exceptional nor conventional, but rather calculated responses to undue outside pressures and internal apprehension.

In many ways, the Cherokee Nation in Antebellum Indian Territory can be looked upon as a microcosm of the American nation in the years preceding the Civil War. For aside from the tribe's struggle to reestablish itself west of the Mississippi and to rebuild its reputation as a powerful sovereign political entity, the Cherokee people were beset by the kinds of anxieties and uncertainties that always accompany momentous change. Their traditional practices of social conformity and control had broken down through rapid acculturation, economic and political transformation, as well as geographic relocation. Their ancient system of communalism had lost its influence over an entire segment of their population who embraced American ideas of individualism and acquisitive living. Early Cherokee participation in the competitive deerskin market had presented the first big challenge to tribal subsistence values. When the market for the skins declined, those who had come to depend on European goods for their daily survival were swept into new systems of commerce based on wealth

[6] Rennard Strickland, *Fire and the Spirits: Cherokee Law from Clan to Court* (Norman: University of Oklahoma Press, 1975), xi.

accumulation. In time, this new capitalistic view brought about fundamental changes in traditional cultural beliefs and practices, making it easy for a small segment of the tribe to accept slaves as viable commodities of economic exchange, and chattel slavery as part and parcel of their new focus on property and ownership. These matters of assimilation and slave owning eventually created both spatial and ideological divisions between conservative Cherokees who struggled to preserve their ties to their historic life ways, and the assimilationists who whole heartily embraced European ideas and cultural renovations. Hence the Cherokee towns that were once divided by kinship became characterized by a sectionalism that was not unlike that of the American nation.

Long before the Jacksonian era, the Cherokees had begun a quest for the kind of formal education that would enhance their political and diplomatic status with first the British, and then the United States, and in the years hence, a prominent group of Cherokee elites had risen in stature among the tribe's leaders. They took up their leadership just in time to clash with the American anti-intellectual fervor that swept Andrew Jackson into office in 1829. In this "age of the common man" with its focus on egalitarianism, formally educated American leaders were viewed as suspicious while formally educated Indian leaders were viewed as preposterous. These issues grew increasingly complicated after removal, when these competing tribal coteries came together in Indian Territory, each grappling for control of the tribe and its future. As the assimilationists pushed hard for American mainstream acceptance and approval, the conservatives

turned to revitalization in the form of a reinvigoration of historic religious values. Ironically, each group pushed for modernization, albeit on their own terms.[7]

Regarding revitalization, William McLoughlin has argued that Baptist minister Evan Jones actually conceived the Keetoowah movement as a perfect vehicle for opposing the slaveholding faction within the Cherokee tribe. He based this conviction on documented, orchestrated attempts of slave owners and federal authorities to suppress Jones' anti-slavery teachings. They wanted to have him removed from Indian Territory as an "agent provocateur" for inducing excitement and resistance among the tribe by spreading the seeds of abolition from the pulpit. McLoughlin's focus on the growing tension that mounted between various missionaries prior to the Civil War inspired and fortified his beliefs about the tremendous influence of the Baptists on the revitalization movement. Yet while Jones definitely did approve, encourage, and support the organization, especially because of its abolitionist and political underpinnings, crediting him with masterminding its establishment is tantamount to denying the intellectual capacity, independence, and self-reliance of Cherokee leaders. Such an inference also negates the importance of other outside ideological influences on the tribe, and calls into question the ability of the Cherokees to be interested in or persuaded by them. The pre-removal Cherokees, entangled in a war between new and old American ideals, lived in a hotly contested, politically charged,

[7] For a thorough discussion of similar American antebellum ideologies and trepidations, see George Fredrickson, *The Inner Civil War: Northern Intellectuals and the Crisis of the Union* (Champaign: University of Illinois Press, 1993), 10-12, 29-35, 72, 75.

geographic region where they struggled to maintain their relevance and authority. Subscribing to the notion that these Indians paid no attention to or had little understanding of the contest of ideas surrounding them or how tenuous their position had become as a result, is to equate their cognizance of the outside world with the paradigm of the illusive 'elephant in the corner'- easy to see, yet largely ignored.

Finally, my investigation of the revitalization of the Keetoowah Society in 1858 is as much an investigation of the critical importance of ethnohistory as it is an examination of new evidence and perspectives. Much of it in fact, is a reconsideration of already existing theories. Thousands of words and dozens of books have been published on topics relating to the Cherokee Nation and its citizens, both prior to and after their removal from the Southeast. Yet very little has been written from an authentic tribal perspective, particularly about the tribe's so-called turn toward modernization at the turn of the nineteenth century, or about Cherokee attempts at religious revitalization and the ideologies and cultural foundations that inspired the first rejuvenation of their historic Keetoowah religion. The story of the Aniyvwia, their social and political machinations, and their struggle to maintain identity, autonomy, and sovereignty in antebellum Indian Territory, has become a popular legend in the chronicles of western history. Yet like all legends, the Keetoowah narrative consists of a collection of historical tales that are popularly regarded as true but which actually contain a selective mix of both fact and fiction. Furthermore, even the best academic versions of Keetoowah revitalization are patently Eurocentric in their

perspectives. This fact that can be easily substantiated by isolating various facts and events that historians commonly link together to complete the picture, and then using the technique of deconstruction to assess them individually. Once this has been accomplished, the long-accepted narrative can be recognized for what it really is; an American allegory of moral, social, religious, and political significance in which the Cherokee people have been cast as the personification of the folly of cultural persistence. The Cherokees were at first, analogous outsiders within a nation founded, honed, and aggrandized by outsiders who had been homogenized through their own cultural losses. The tribe fell out of favor, however, when they refused to surrender their own distinctive culture.

Complicated native cultural motivations, lacking the nuanced influence of native self-definition in those years, often amounted to uninformed or illogical assertions. Nevertheless, those assertions were wholly accepted and even lauded in the academic community, a standard that would have been frowned upon in almost any other historical thematic field. Unfortunately, those early assessments, compounded by their underlying ethnocentric predispositions, colored academic perspectives of Indian motivations for years to come, as historians simply built new research upon the already-flawed foundations that had been laid. Even in contemporary times, while simultaneously stressing the need for a stronger 'Indian voice,' these skewed assumptions are often repeated again and again by new scholars. Furthermore, for many historians, including the "Indian voice" has simply come to mean adding some reference to tribal oral

history, often with little or no authentic cultural context with which to interpret its meanings. As ethnographer Raymond Fogelson asserts;

> The miraculous survival of distinctive Native American cultures to the present day despite intended and unintended policies of genocide, sociocide, and forced acculturation, is usually attributed to racism, marginalization, benign neglect, and periodic waves of benevolent protectionism in the face of national and international disgrace. Less apparent to the general public are the internal strengths of Indian societies as expressed through the idiom of kinship, in the abiding sense of community, in the adaptive significance of what we derogatively view as factionalism, and in the political and legal effectiveness of native advocates. However the factor that may prove most decisive for Indian persistence is a highly developed level of historical consciousness, a continuing sense of identity as separate peoples for whom power resides in maintaining their distinctiveness. History, so viewed, is not something that *happens* to Indians; it might better be conceived as a potent force that they actively utilize, refashion, and manipulate as a survival mechanism.[8]

For all of these reasons, I believe that discussion of any tribal history must first begin with an indictment of the historical practices that created the original academic foundations upon which modern notions about that tribe are based. As Angie Debo stated the matter in a 1949 letter to Euchee Chief S.W. Brown Jr., "We cannot find out the real history of Oklahoma unless the Indians help us."[9] Through trial after trial, the Cherokees have proven themselves to be a most innovative, resilient, and tenacious people with the "highly developed level of historical consciousness" that Professor Fogelson speaks of. One only has to look to their oral stories for proof of this claim; wherein can be found the

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[8] Raymond D. Fogelson, "The Ethnohistory of Events and Nonevents," in *Ethnohistory*, Vol. 36, No 2 (Spring,1989), 139-140.

[9] "Angie Debo to Euchee Chief S.W. Brown, Jr., 1949." Oklahoma Historical Society, S.W. Brown Collection, Box 1, Folder 3.

accounts of their cosmology, rituals, ceremonies, philosophies and worldviews. I have utilized many of these sources in my analysis of the events and actions that led to Keetoowah revitalization. Furthermore, due to the development of their written language, they have left behind an abundant supply of well-documented written records. These include details of their economic, political, and social actions and motivations. Highly-prized by the various institutions that hold them, these documents are carefully organized and stored in collections across the country, from Washington, DC to California. Nevertheless, these archives have yielded but a small fraction of their secrets, largely because many of the documents have been overlooked simply because they are written in Cherokee syllabary. Perhaps in comparison to the volumes of records left by Americans, few first hand native accounts exist, yet this fact alone makes any untranslated documents extremely valuable. Moreover, even while western historians lament the lack of written historical documentation among Indian societies, there has been little academic interest or effort to translate the Cherokee records, and until very recently, the Cherokees themselves have lacked the necessary resources to devote to such a monumental undertaking. Translating these documents will take a cooperative collaboration between the archives in which they are located, tribal communities, native speakers, and language experts; pivotal work that lies ahead for Cherokee scholars.

In order to build upon, improve, and enhance the current body of work of previous scholars, both Indian and non-Indian historians alike must also stop isolating the Indian experience from the American experience as though it were

exceptional. It is imperative to remember that American objectives were one of the catalysts that forged and influenced the evolutionary chain of events in Indian Country; and Indian responses to those objectives influenced and sharpened the American resolve. Indian history and American history, therefore, are inseparable.

CHAPTER ONE

Ani Kitu'hwagi: The Origin of Keetoowah

The Keetoowah religion is comprised of a set of ancient native spiritual practices that are tied to the genesis as well as the perseverance of the Cherokee people. Keetoowah cosmology includes a system of beliefs that combines codes of socio-political ethics and practices, with an abiding sense of collective identity, origin, and sense of place. Although the precise geographic location of origin of the Cherokees is not known, their linguistic ties to the Iroquois have long prompted speculation that they originated in the Great Lakes region, from which they either migrated or were driven south in the pre-contact years. Yet the tribe also has substantial ties to southern Mississippian mound building cultures, people who migrated north from the southern Atlantic seaboard and the Gulf of Mexico. They shared some aspects of their Mississippian culture with tribes across the southeastern United States, a collective cultural experience that anthropologists refer to as the 'Southeastern Ceremonial Complex,' or more commonly, the 'Southern Cult.'[1] According to archeological evidence of Cherokee involvement in pre-Columbian mound building in the Southeast, the tribe has been present in the region for nearly 4,000 years. Based on evidence found in mound construction and ceramics, the development of their culture in the region began around 1000 A.D. and continued through three archeological phases

[1] Fred Gearing, "Priests and Warriors: Social Structures for Cherokee Politics in the 18th Century," *American Anthropological Association,* v64: 5, Part 2, October, 1962, 3-6; H. Trawick Ward and R.P. Stephen Davis Jr., *Time Before History: The Archaeology of North Carolina* (Chapel Hill: University of North Carolina, 1999), 1, 4, 31.

referred to as Early Etowah, Hiwassee Island, and Early Pisgah.[2] Major towns that contain important mound sites constructed in each region inhabited by the Cherokees were regarded as "mother towns;" places where the Cherokees were alleged to have originated. Of these towns, Chota and Kitu'hwa figure most prominently. Cherokee oral history, however, sets their place of origin in the east and describes a great migration to the west that took place over an extended period of time, a migration story recorded for the first time by Carolina trader Alexander Long in 1717. Although a recital of the history of this "great migration" was once an integral part of the tribe's annual Green Corn Festival, that oral history was lost in the years after removal, leaving the exact origins of the tribe shrouded in some mystery. By 1721, however, they occupied nearly 125,000 square miles in their mountainous southeastern homeland. [3]

In 1735, James Adair, an Irishman reportedly born in County Antrim, took up the deerskin trade among the southeastern Catawba, Chickasaw, and Cherokee tribes, and shortly thereafter became the governor of South Carolina. After a short-lived and highly controversial gubernatorial career during which injurious actions on his part resulted in a violent split between members of the Choctaw community, Adair settled in the backcountry where he spent a decade writing a book examining the origins of American Indians. A number of prominent men,

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[2] Russell Thornton, *The Cherokees: A Population History* (Lincoln: University of Nebraska Press, 1990), 9-10: Ward and Davis Jr., *Time Before History,* 8.
[3] James Mooney, *Myths of the Cherokee and Sacred Formulas of the Cherokees* (Nashville: Charles and Randy Elder Booksellers Publishers, 1982), 20; Kin Osbourne, "Widely Held Beliefs About Early Cherokee Settlement Patterns Likely Incorrect," *Science Reports,* June 9, 2007. http://www.innovations-report.com/html/reports/studies/report-90276.html Accessed August, 2010.

including speaker of the Pennsylvania assembly Joseph Galloway, president of the Continental Congress Elias Boudinot, and Benjamin Franklin took an interest in Adair's work. Franklin provided him with a letter of introduction to a prominent London publishing company, and consequently, the book appeared in print in 1775.[4] Earlier common theories, such as those set forth in a popular tract sold in London in 1762, claimed that the Cherokees were the white descendants of Meshek, grandson of Noah, and that they would one day attack and subdue their European masters.[5] Aside from his belief that Native Americans were of Hebrew descent and were in fact, the members of the Lost Tribes of Israel that had been scattered to the four corners of the earth after the confusion at the Tower of Babel, Adair meticulously reported many significant aspects of native culture.[6] He described tribal religions, marriage, birth, and funerary rituals, as well as gender roles, warfare, languages, and rites of passage in great detail. He also documented the rancorous struggle between British and French colonists over the control of Indian allies in the Southeast, and thus, control of the region itself. By doing so, he inadvertently left behind an invaluable record of southern native cultures which chronicled their fight for

[4] Kathryn E. Holland Braund, "James Adair: His Life and History" in James Adair, *The History of the American Indians* (Tuscaloosa: University of Alabama Press, 2005), 1-53; William G. McLoughlin, *The Cherokees and Christianity, 1794-1870: Essays on Acculturation and Cultural Persistence* (Athens: University of Georgia Press, 1994), 136, 142.
[5] Ibid., 135.
[6] Interestingly, as late as the 1840s, similar theories about the Hebrew origins of American Indians were expressed by a number of Christian groups. See: William L. Anderson, Jane L. Brown, and Anne F. Rogers, eds., *The Payne-Butrick Papers*, Vol. I (Lincoln: University of Nebraska Press, 2010).

prominence, autonomy, and survival itself.[7] Adair claimed that the name 'Cherokee' was derived from a term meaning 'sacred fire.' Recent scholars have suggested that the name is derived from a Creek word translated to mean "people who speak another language." Still others believe the name is a colloquial derivation of a European word – some say Portuguese, others say French, but the exact meaning is not clear. The Cherokees, however, called themselves *Aniyunwiya*, by which they mean 'the real people.'[8]

What is certain is that the tribe was one of a handful of native groups in the South that represented terminal Mississippian cultures in the Tennessee Valley after 1600 AD. The Mississippian era was comprised of three primary historic periods. Early Mississippian cultures began to transition from Late Woodland life ways around 1000 AD. These groups abandoned nomadism for an increasingly sedentary life organized around subsistence agriculture and centralized communities. About 1200 AD, the Middle Mississippian period which is considered to be the high point of the Mississippian era, began. Complex chiefdoms were formed at this time, along with the introduction of new modes of art and symbolism. The Late Mississippian period, characterized by increased warfare, political turmoil, and population shifts, began around 1400 AD. During this era, southeastern tribal communities had already begun to erect defensive structures around their town and ceremonial sites, a reflection on their early response to the already-pressing threat of invasion. It was also sometime within

[7] Charles Hudson, "James Adair as Anthropologist," *Ethnohistory,* 24 (Fall 1977), 311-328.
[8] Mooney, *Myths of the Cherokee,* 15.

this period that the practice of mound-building began to decline. By 1500, these communities were wrought by intense social crisis due to the extensive contact, influence, and interference of new European settlements around them. [9]

Cherokee settlements and hunting grounds in the Southeast once stretched across eight present-day states; Virginia and West Virginia, South and North Carolina, Kentucky, Georgia, Tennessee, and Alabama. Their habitation in these regions far outdates their first recorded presence there chronicled by the Spanish in 1540. By 1755, the authorities of South Carolina, in prescribing new regulations for governance of the Indian trade, had divided the Cherokee lands into six hunting districts. These included the "Over Hill Towns" such as Great Tellico, Chatugee, Tennessee, Chote, Toqua, Sittiqo, and Talassee; "Valley Towns" including Euforsee, Comastee, Little Telliquo, Cotocanahuy, Nayowee, Tomatly, and Chewohe; The "Middle Towns," comprised of Joree, Watoge, and Nuckasee; The "Keowee Towns" of Keowee, Tricentee, Echoee, Torsee, Cowee, Torsalla, Coweeshee, and Elejoy; The "Out Towns," Tucharechee, Kittowa, Conontoroy, Steecoy, Oustanale, and Tuckasegee; and the "Lower Towns" of Tomassee, Oustestee, Cheowie, Estatoie, Tosawa, Keowee, and Oustanalla. More than five dozen towns encompassed three primary regions; the Overhills region situated along the Lower Tennessee River; the Middle Settlements near the headwaters of the Little Tennessee River; and the Lower Towns which lay within

[9] R. Barry Lewis and Charles Stout, eds., *Mississippian Towns and Sacred Spaces: Searching for an Architectural Grammar* (Tuscaloosa: University of Alabama Press, 1998), 67-90.

the upper Piedmont area of South Carolina.[10] Within these geographic regions, the Cherokees spoke three primary dialects; Lower Elati, Middle Kituhwa, and Western Otali.

The *Odalv Degaduhv* were towns the British referred to as the Overhills Towns in reference to the Appalachian mountains their traders had to cross in their journey from the Carolinas to the Tennessee Valley, were located at the base of the Great Smokey Mountains along the lower Little Tennessee, lower Tellico, and lower Hiwassee Rivers. Their remote geographic location placed them at the far end of the trading path, making the Overhills towns less accessible for British traders unless they were willing to make the treacherous journey over the mountains. Henry Timberlake, a British officer who made the journey often, came to admire the Cherokee leaders. In 1765, he made reference to a significant mound structure he viewed at Chote (later Echota), describing it as a great townhouse "raised with wood and covered over with earth" which had "all the appearance of a small mountain at a little distance."[11] Yet despite the rapid expansion of the frontier during the era and owing to their remote situation, at the time of the American Revolution non-Indian settlement had still only reached as far as present-day Tennessee. Nevertheless, in the mid-1700s, because Chote was the birthplace and stronghold of many significant Cherokee leaders such as Attakullakulla (Little Carpenter), Ocanostota or Skiagusta (Great Warrior), Kanagatucko (Stalking Turkey, a lame elder who was also referred to as 'Old

[10] David H. Corkran, *The Cherokee Frontier: Conflict and Survival, 1740-62* (Norman: University of Oklahoma Press, 1962), 3-4.
[11] Samuel Cole Williams, ed., *The Memoirs of Lieut. Henry Timberlake, 1765*(Marietta, GA: 1948), 59.

Hop' by the British because of the difficulty he had in walking), Utsi'dsata (Corn Tassel), Uskwa'ligu'ta (Hanging Maw) and Nanyehi (Nancy Ward, the tribe's 'ghigau' or beloved woman), both the British and the French were eager and persistent in their efforts to court the Overhills towns. These two powerful European rivals knew how strategic Cherokee support in the region would be in the struggle for prominence and control of the colonial South. Nevertheless, because of their inaccessibility, the traditional Cherokees of the Overhills Towns were culturally insulated, and thus, in the turbulent years of British and American incursion, they became a refuge for those who actively resisted cultural transformation.

The *Ayeli Degaduhv* or Middle Towns stretched along the Little Tennessee River and its tributaries from its headwaters to its corridor through the Great Smokies. These towns were surrounded by fields and connected by well-worn trails and river ways. In the northeast portion of the Middle Towns lay a number of villages sometimes referred to as *Ayeli Doyaditla* or Out Towns, because of their isolation from the rest of the communities. At the cultural center, the Nikwasi Mound, the spiritual, political, and social hub of the Middle Towns, rose above the Little Tennessee River. The center of the community's life, this mound once supported an important townhouse in which an eternal, sacred fire burned. In the coming years, Nikwasi would be destroyed twice; by the British in 1761, and again by the Americans in 1776. Both times the Cherokees rebuilt it,

but it was doomed to be lost again forever with the land cessions of the Treaty of 1817. [12]

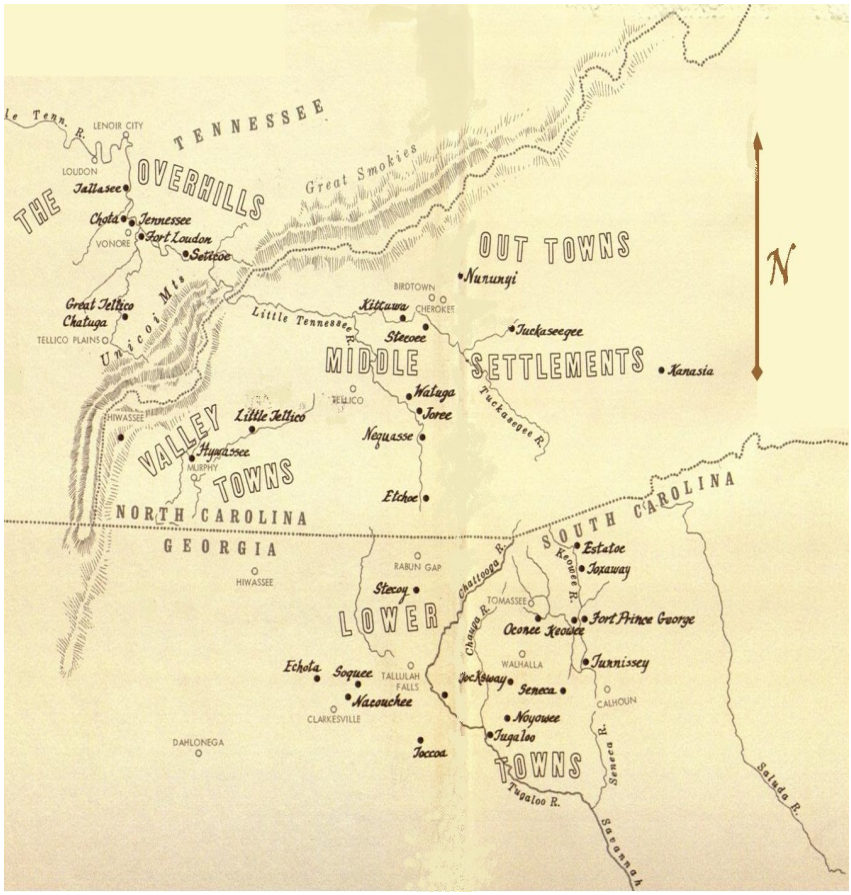

FIGURE 1-1: Cherokee Towns, ca. 1750.

SOURCE: Hohn Phillip Reid, *A Law of Blood: The Primitive Law of the Cherokee Nation* (New York: New York University Press, 1970)

The *Ayeli Uganawuiditlv* or Lower Towns formed the ingress to the Carolina settlements and therefore, the members of these communities were among the first Cherokees to maintain constant, long-term contact with Europeans. These towns

[12] Charles J. Kappler, ed., "Treaty with the Cherokee, 1817," *Indian Affairs: Laws and Treaties, Vol. II: Treaties* (Washington, D.C.: Government Printing Office, 1904), 140-144.

lay within easy access to trade at Charles Town and they served as a defensive line and staging ground for engaging in hereditary war with the Creeks. Keowee was the principal town within the lower towns and stood near the confluence of Crowe Creek and the west bank of the Keowee River almost directly across the river from Fort Prince George. A central hub along the trading path that connected the Cherokee towns and villages throughout eastern Tennessee, western North Carolina, and northwestern South Carolina with the Atlantic Ocean, in the late 1700s, it was a rallying point for large numbers of Scots and Irish who migrated to the area. Because of their proximity to European communities, the Cherokee Lower Towns were home to the largest numbers of interracial families. Additionally, these towns were the earliest site of much cultural adaptation and change.

Between 1756 and 1763, the English and French battled for colonial domination of North America. The conflict that came to be known as the French and Indian War was the American theater of the Seven Year's War, the long European struggle between Austria, England, France, Sweden, and Prussia**.** In the end, the British were victorious. They expelled the French and came to dominate the American colonies, but the staggering debt they incurred in the fight over North America caused the escalating tension between the colonists and the English government that led to the Revolutionary War. The French and Indian War marked the beginning of open hostilities between Britain and France in America. British colonies spanned the Atlantic Coast and French colonies stretched north from the Gulf Coast to Canada. Within this contested region, the

Cherokees were caught squarely in the middle. Ironically, the ruinous competition for the Indian trade between the English, French, and Spanish had provided a balance of power in the Southeast that protected the tribes from being completely overrun. By pushing out the French and Spanish, however, the British victors at the end of the war effectively destabilized the region, gained domination over the Cherokees and all of the southeast Indian Country.[13]

To avenge the deaths of warriors inadvertently killed in the conflict, the Cherokees began isolated attacks along the Carolina frontiers. In retaliation, William Henry Lyttelton, Governor of South Carolina, marched 1,300 men into the backcountry of South Carolina in the fall of 1759. Before the expedition got under way, however, a commission of Cherokees arrived in Charles Town to seek peace and make amends for the raids. The governor ordered the men seized, and decided to take them with him into the backcountry. Lyttelton and his troops reached Keowee and made camp across the river. Unfortunately, while encamped, symptoms of smallpox began to spread throughout the unit. Panicked, Lyttelton sent the soldiers home, but the Cherokees he had brought along were left at Fort Prince George as hostages. In the spring, Cherokee warriors lured an English officer out of the fort on the pretense of negotiation. Once he placed his trust in them, they killed him. In retaliation, all of the Cherokee hostages held at the fort were killed. Sometime within the range of these conflicts, a number of lower towns including Keowee were destroyed by the British. Some of the inhabitants of these towns fled to the Middle Towns, while others continued on to

[13] Daniel K. Richter, *Facing East from Indian Country: A Native History of Early America* (Cambridge: Harvard University Press, 2001), 187-188.

the relative safety of the Overhills Towns. By 1775, however, mapmakers referred to two Lower Town sites as "Old Keowee, site of mounds and terraces near Fort Prince George," and "Little Keowee," indicating that the town may have been rebuilt at a new location.[14]

Keowee was the principal settlement among the Cherokee "Lower Towns," communities once located in this region that now comprises present day western South Carolina and northwestern Georgia. The Lower Towns lay in such close proximity to Charles Town, that by the late seventeenth century, Charles Town merchants already had well-established trading enterprises among the Lower Towns. In the early 1750s, virtually every town already had at least one resident trader, many of whom allied themselves with the tribe through marriage with families of local tribal leaders. The Lower Town Cherokees established a reciprocal foreign policy with South Carolina and other colonies, unlike the residents of the Middle Towns, who, protected by the surrounding isolated mountain terrain, were less engaged in pursuing trade with Europeans. The Lower and Overhills Towns, however, were much more exposed to enemy attack and were therefore compelled to engage in constant, vigorous, and effective diplomacy. This created competition between the two settlement divisions, and sometimes set them at odds against one another.[15]

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[14] Duane H. King, *The Cherokee Nation: A Troubled History* (Knoxville: University of Tennessee Press, 1979), 48-52.
[15] South Carolina Department of Archives and History, "Documenting the Frontier: South Carolina and the Cherokee." http://www.palmettohistory.org/exhibits/cherokee/2a-CHEROKEEPEOPLE.htm, Accessed, June, 2010.

Kitu'hwa, a prominent Out Town in the Blue Ridge Province of the Smoky Mountains, was located within present day western North Carolina. One of the oldest Cherokee Middle Towns of the southern Appalachians, it is reputed to have been the most significant of the tribe's seven prominent 'mother towns' and the primary point of origin of the tribe within the region.[16] The archaeology of Kitu'hwa and towns like it reveals the complicated nature of Cherokee household organization, kinship and gender relations, technology, and the endurance of a practical, intelligent, and technically perspicacious society.[17] A progressive, scientific view of ancient Cherokee life styles is also in keeping with Cherokee oral stories handed down through many generations. At one time some 36,000 Indian people lived in Kitu'hwa and in the smaller communities surrounding this ceremonial center, travelling between the communities and coming together for trade, social, and religious gatherings. Linguists and historians assert that the exact meaning of the word 'kitu'hwa' has long disappeared. They point to the Cherokee's self-identification at the time as 'Ani Kitu'hwagi,' or the 'people of Kitu'hwa.'[18] Many native Cherokee speakers and traditionalists, however, claim that the name *Kitu*'hwa is an English mispronunciation of the original Cherokee word, and they assert that the correct pronunciation of the name of this town was '*Gadu*'hwa' and the people who lived there called themselves 'Ani*gadu'*hwa.' This is a distinction of immense importance because the root word 'gadu'refers to'something that rests over

[16] Vicki Rozema, *Footsteps of the Cherokees: A Guide to the Eastern Homelands of the Cherokee Nation* (Winston-Salem NC: John F. Blair, 2007), 224-225.
[17] Lewis and Stout, *Mississippian Towns,* 64, 227.
[18] Ani: meaning the 'people'

something else, as in layers'- a reference that may tie the town and its people to historic Mississippian mound building activities. Cherokee traditionalists today refer to their religious practices as 'Gadu'hwa' (commonly called Keetoowah), and refer to themselves as the 'Ani gadu'hwa' (the Keetoowahs).[19]

Situated approximately nine miles from the present day Eastern Cherokee reservation in North Carolina, archeologists speculate that the Kitu'hwa site has been inhabited for nearly 10,000 years. Kitu'hwa was typical of all the Cherokee towns, in that each town was governed by two prominent bodies of men; the dominant *didahnvwisgi* – a 'White' or 'peace' leader; a 'priest' with an advisory council of experienced and revered elders, the 'beloved men' who had acquired knowledge and power through experience, and a *danawagaweuwe* – a 'Red' or 'War' leader with an association of skilled warriors. In the Cherokee state, priests held the highest positions of authority. While in some cases these men were trained for the priesthood, knowledge and the acquisition of skills that community members recognized as the possession of powers, were the highest qualifications for priesthood. These priests utilized the services of the tribe's war leaders for enforcement of decisions. That is not to say that the people were compelled to follow predictive laws to regulate behavior. The Cherokees highly valued individuality, independent analysis, and personal choice. Persons of authority, therefore, could not of themselves impel others to act. Priests applied the high

[19] Grace Steele Woodward, *The Cherokees* (Norman: University of Oklahoma Press, 1963), 18-19; Emmet Starr, *History of the Cherokee Indians and Their Legends and Folklore* (Oklahoma City, 1921), 22; Thomas E. Mails, *The Cherokee People: The Story of the Cherokees from Earliest Origins to Contemporary Times* (New York: Marlowe and Company, 1992), 20-21; Blue Hot House, letter to author, September 5, 2010.

ideals of community harmony and accord to every issue they addressed. The clan leaders and older men then took the issues to the public, each rising in turn to argue all aspects of each matter eloquently until a general consensus was reached. By avoiding conflict in this way, anger rarely became an issue.[20]

The prominent White leadership commonly performed tasks such as leading council meetings, performing religious ceremonies, overseeing arbitration, and such spiritual duties as healing, blessing, and purification rituals. The Red leadership generally took care of matters concerning the outside world, such as pursuing trade compacts, negotiating agreements, engaging in diplomacy, and conducting war.[21] These prominent men were assisted by influential *didoniski,* conjurers who were in attendance at every council meeting. There they would don animal and bird masks and perform rituals to intimidate bad spirits and keep them from invading the council house. In almost all matters, they provided critical assistance through the use of mysterious formulations.[22]

Around 950 AD, distant ancestors of the Ani Kitu'hwagi began building mounds to use as foundations for communal, ceremonial longhouses. The mound was always constructed on level bottom land near a river to provide an even ground for important dances and ballgames with easy access to water. On this even ground they began to build their mound, first laying a circle of stones on the surface of the plane. In the center of this circle, they built a fireplace, around which the bodies of prominent political or spiritual leaders, each representing one

[20] Gearing, *Priests and Warriors,* 31-32, 58.
[21] Ibid.,30.
[22] Woodward, *The Cherokees*, 43.

of their seven clans, were laid to rest. They also buried items that held special significance such as *ulûnsûti* (crystal stones) and the feathers from the wings of valued regional birds. Seven was a particularly significant number to the Cherokees, and one local bird in particular was prized for its head of seven colors, red, white, black, blue, purple, yellow, and gray. A conjurer would then place a kind of protective curse on these items, infecting them with disease in order to exact revenge on any enemy who might invade the community and destroy the lodge. Inevitably Cherokees believed, the invader would be struck dead.[23] In each village, like Kitu'hwa, the Cherokees were organized under this complex theocratic government; a social structure described by anthropologist Fred Gearing as a society of "priests and warriors" with an elaborate system of rituals and beliefs.[24]

Most revered among the Cherokees were the honored *didahnvwisgi* or healers. These men possessed the knowledge of ancient rituals and prayers, potions and remedies that could cure sickness, purify the mind and body, and bring about positive results for those in need of spiritual guidance. Yet in the eighteenth and nineteenth centuries, anthropologists, missionaries, and outsiders such as James Adair, Cyrus Kingsbury, and James Mooney, wrote about Cherokee healers and 'conjurers' interchangeably, lumping the two together as though there were no distinction between them. Both healers and conjurers enjoyed influential positions within the society; the revered didahnvwisgi

[23] Mooney, *Myths of the Cherokee*, 395-96.
[24] Gearing, *Priests and Warriors,* 99-105.

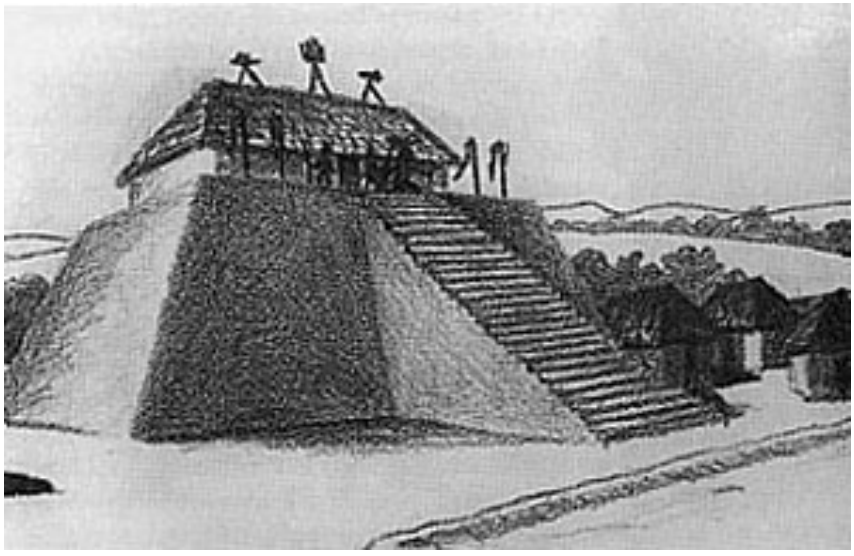

FIGURE 1-2: A Mississippian Mound, like those found in settlements along the Chattahoochee River (A.D. 800-1600). [Artist Cheryl Mann Hardin]

Source: Historic Chattahoochee Commission, *New Georgia Encyclopedia.*

provided the guidance and spiritual leadership that was so critical for the people. Although they did serve particular needs or purposes, the Cherokees saw these conjuring men primarily as negative influences in the community, and referred to them as 'didoniski.' This important linguistic distinction has been lost on non-Cherokee outside observers, and in the years since has served only to further obstruct and confuse the true essence, motivations, and objectives behind Cherokee ritual practices.

After the bodies of revered men and items of significance were buried, the women of the community would bring baskets of earth to begin the building of the mound, piling the soil high above the stones, spreading it over the bodies of the great men and the consecrated items. At the center, they 'walled in' the fire

pit by erecting a hollow cedar trunk around its circumference; standing it on end, packing soil around it to protect the fire within from wind and other elements. The hollow cedar log enclosure was tall enough to reach the surface of the mound when it was completed. On the top of the mound, they built their longhouse. The *atsilv unoti* (fire builder) was then appointed to keep vigil in the lodge day and night in order to feed and tend the fire. Never extinguished, this perpetual flame symbolized the life, vitality, and perseverance of the Cherokee people. During the annual ceremony season, fire keepers from the smaller villages came to Kitu'hwa to light their own ceremonial fires from this eternal flame. In fact, this venerated fire was so important to the Cherokees that their European contemporaries claimed that the word for fire, "atsilv" was sometimes used interchangeably with the word for home, 'owenvsv'. When a dance, ceremony, or council meeting took place, the atsilv unoti stoked the flames by feeding it long stalks of *atsisunti*, a medicinal plant we now call fleabane that was also used for repelling insects. He fed the stalks of the plant down through the top opening of the cedar log, and when their ends protruded from the top, he began a series of prayers. As he prayed, the fire climbed up along the stalks until it roared. To this blaze he added wood, and as the flames leaped from the top of the cedar enclosure, the dancers began to move in a circular motion around the hearth. When the dance and council ended, the atsilv unoti covered the hole again, damping the fire's air supply just enough to ensure that it died down but continued to smolder below. This everlasting fire was most prominent in the large mound at Kitu'hwa and in the mounds of other major towns. Many decades

after their removal from the region, elders claimed that the fires still burned at the bottom of the great mounds. Stories circulated about groups of Cherokee soldiers camped near Kitu'hwa during the Civil War who claimed that they saw smoke still billowing from the center of its imposing mound. [25] Near the end of the nineteenth century just prior to removal from their southern homelands, the Cherokees began to publish a newspaper which they called the *Phoenix.* It was a name well-chosen, for as legal historian Rennard Strickland has pointed out; having miraculously survived increasing adversity season after season, the Cherokees were not unlike the legendary Phoenix; born of fire, and rising time and again from the ashes of the eternal flames.[26]

Ancient Cherokee religious rituals or 'igaw'esdi,' have been described in the sharpest detail by anthropologist James Mooney.[27] One of the most indispensable of these rituals was the use of water in purification, a practice known as *amo'hi asv'sdi*, or 'going to water.' The Kitu'hwa Mound was erected in close proximity to the Tuckasegee River. The river, which bends and forks around the town site, was used for practical as well as ceremonial purposes; one side for bathing and ceremonies, and the other for drinking. Within the Cherokee world view, naturally flowing bodies of water are living spirits and their waters hold extensive ceremonial significance. Before endeavoring to catch fish, Cherokee fishermen would ask the *Yunwi Amai'yinehi*, the spirits of the water, for

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[25] Ibid., 396.
[26] Rennard Strickland, *Fire and the Spirits: Cherokee Law from Clan to Court* (Norman: University of Oklahoma Press, 1975), 3.
[27] James Mooney, "Sacred Formulas of the Cherokees," *Seventh Annual Report,* U.S. Bureau of American Ethnology (Washington, D.C.: Smithsonian Institution, 1881), 301-397.

their help with their catch.[28] Cherokees also purified themselves in clean, flowing water before ceremonies, dances, and games, and used water to perform daily utilitarian rituals to address problems of pollution within the towns. Water was also believed to be a healing agent and was used to preserve as well as prolong life. For this reason, Cherokees took part in ritual bathing, submerging themselves in water four or seven times in a day.

Before beginning the cleansing ritual for healing purposes, participants engaged in a period of fasting prior to water purification. The rite itself began at sunrise on the banks of a free-flowing stream, but the exact procedure varied according to the prescription of the didahnvwisgi (healer). At Kitu'hwa, every newborn child was taken to the river for purification and blessing shortly after birth. This tradition has led contemporary scholars to draw parallels between the Cherokee rite of amo'hi asv'sdi, and the Christian rite of *dunadawoska*, or baptism. It is imperative, however, to note the differences in the translation of these two words, and it is also essential to understand that the finer points of Christian ideology, particularly in this early era, were extremely difficult to translate into terms that were completely comprehensible to the Cherokees. This fact was a source of aggravation to early missionaries who described the perceived "inadequacies" of the Cherokee language as "deficient in abstractions suitable for theology."[29] The idea of cleansing was easy enough to translate, but the notion of the soul and its salvation were conceptions that were far too abstract

[28] Mooney, *Myths of the Cherokees,* 334.
[29] Robert Berkhofer, Jr.,*Salvation* and *the Savage* (New York: Atheneum Press, 1976), 48.

to explain. Most often, missionaries used the word *atseli* (to change one's shape) to convey the concept of the soul transformed by baptism. Furthermore, when missionaries spoke of God, they often used the kinship term *edoda* (father) instead of the Cherokee word which denoted the Supreme Being, *Unelanvhi*. For these reasons, Christian ideology was likely never implicitly understood in the early periods of Cherokee Christian conversion. Nevertheless, the practice of going to water would later help to lend a measure of credibility to and encourage acceptance of the teachings of the Baptist missionaries that came into the Cherokee homelands during the time of the Great Awakening, a fact that would hold great significance for Keetoowah's in later years.[30]

Initially, the Cherokees believed in a higher power, a Supreme Being they called *Unelanvhi*. According to oral history, God created the Sun first, and then the Moon, and finally the Earth. The Sun and Moon then were left alone to rule the Earth. Because the Cherokees held that all creatures were born to live, deaths due to disease or any sort of organic cause were not regarded as natural, but the evil doings of some malevolent spirit. This idea greatly contributed to the suspicion and resentment they felt toward the Europeans during outbreaks of Smallpox and other diseases. The Cherokees believed that when an individual died, they travelled west to the place of the setting sun. This special place was referred to as *Tsusginai*, or the "Nightland," a darkening place where it was always twilight. The explanation of why humans wither and die is one of the

[30] Lewis and Stout, *Mississippian Towns,* 222; Alan Edwin Kilpatrick, '"Going to Water": A Structural Analysis of Cherokee Purification Rituals,' *American Indian Culture and Research Journal,* 15.4 (1991), 2-3; Blue Hot House to author, September 5, 2010.

most important of all Cherokee myths. It tells the story of the Sun, caretaker of the Earth, who bestowed eternal life upon the Cherokees. Later, however, his daughter was bitten by a venomous snake and died. He then instructed the Cherokees to take a box and retrieve her spirit, warning them to take care that they did not let it escape. Curiosity got the best of them, however, and they opened the box, allowing the spirit to escape. Sun was so distraught; he declared that all men would eventually face death themselves.[31] The myth of the Nightland reveals a great deal about the Cherokee world view and overall perspective from which they saw and interpreted the world around them. Through the box containing the spirit of the Sun's daughter, we understand that the Cherokees believed in the power of a Supreme Being. They saw him as a compassionate and loving creator who bestowed upon them the gift of eternal life. Yet while the Cherokees understood his power, they also feared his authority. In order to absolve him from responsibility for the evils in the worlds, the story explains that hardship was born out of the Cherokee's own lack of discipline. The moral then, is that for every act of carelessness, there is retribution, a persistent theme in many native creation myths. From this myth and other stories like it, the people came to understand how to organize their lives, and the Clans derived their system of laws and social regulations. These myths also provided a platform of principals and ideas for negotiating and dealing with people outside of the Cherokee community.

[31] Mooney, *Myths of the Cherokees*, 436; Mails, *The Cherokee People,* 155-157.

In the centuries before the smothering presence of Europeans around them, Cherokee religious life included a large number of elaborate ceremonies and observances. John Howard Payne, an author, playwright, and actor whose interest in American Indians was piqued by a chance meeting with artist George Catlin, traveled to the Cherokee country in 1835. After spending a good deal of time among them recording their myths and oral history and forming impressions of their culture, he made an insightful observation about their performance of the Green Corn Dance. ". . . .This Festival, although ever one of the most important, was originally merely part of a regular series, which gradually became broken, and its various fragments confounded, until nothing remained, excepting the Green Corn Dance of our times, with its maimed rites, and shorn equally of its pristine splendor and solemnity."[32] The precipitous onslaught of encroachment in the eighteenth century contributed to mass changes in Cherokee society; some were incidental, yet others were intentional transformations.

Gearing's innovative study of eighteenth century Cherokee social and political structures is useful today for reevaluating the rapid transformation that the traditional Cherokee community underwent in the early 1700s. He used the term "structural pose" to define the ways in which a society views itself to be "appropriately organized at a particular moment….. (The) rhythmic way each structural pose materializes in its turn, according to the task at hand."[33] Gearing asserted that each structural pose a community assumes reveals an underlying collective decision that evolves into political action. Each Cherokee town was a

[32] Anderson, Brown, and Rogers, *The Payne-Butrick Papers*, 27-28.
[33] Gearing, *Priests and Warriors,* 29.

social and political unit, with a peace chief, war chief, body of elders, and a women's council at the helm. Regular town meetings and tribal councils were held in which matters of importance, including decisions on war, peace, and other tribal matters were reached through consensus. Although political action was ultimately achieved through collective consensus, Cherokee community members also took great pride in their independent thinking. Consequently, leaders of various factions, primarily experienced older men, rose to address assemblies. Using their considerable talent for eloquent rhetoric, they endeavored to persuade the tribe to support their way of thinking on critical matters.[34] These councils were characterized by a continuous interchange of ideas, opinions, and suggestions between members of the town's clan leaders, and sanctioned or rejected by their spiritual advisors. At one time, the "priest class" of spiritual leaders was held in such esteem, that it was able to exercise a good deal of control over individual responses of tribal members in various situations. As European contact became more and more pervasive, however, such individual response and action, especially among younger, less experienced, impetuous men, grew more common and became increasingly dangerous for the nation as a whole. As a result, the authority of the priests and religious leaders began to diminish as new "public policies" were formed in the mid-1700s to address public wrong-doing. In addition, a new class of influential men whose talents were rooted in their political acumen rose to leadership positions, ushering the tribe into a new era,

[34] William S. Coker and Thomas D. Watson, *Indian Traders of the Southeastern Spanish Borderlands: Panton, Leslie and Company and John Forbes and Company, 1783-1847* (Pensacola: University of Florida Press, 1986), 5-7.

and initiating a new structural pose more that seemed suited to the task of negotiating with Europeans; it was the beginning of what would soon constitute a new constitutional Cherokee state. The last of the traditional priest-leaders were Kanagatoga (Stalking Turkey or Old Hop) of Chota, who died in 1761, and two years later, his nephew, Kunagadoga (Standing Turkey, also known as Cunne Shote) a priest from Echota, who succeeded him.[35]

The shift in economics empowered by the deerskin trade also created a shift in tribal social values. Instead of speaking out against the rise of consumerism among the Cherokees, however, the priests wholly embraced it. Targeted by the fur traders as the ultimate authorities of the communities, the priests were shamelessly courted and flattered by the British, and thus became unwitting pawns serving the whims of the colonists. Ultimately, the government in Charles Town gained the upper hand, leaving the desperate priests to plead with their people to cooperate with the British. With little regard for the Cherokee people, or sympathy for the looming sociopolitical upheaval created as it became apparent that the priests were losing their sway over the tribe, the British turned to the War Chiefs for support. Imposing their own conceptual ideas of governance on the tribe by elevating certain war leaders to the positions of "Emperors of the Cherokees," they turned their obsequiousness toward the warriors.[36]

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[35] Gearing, *Priests and Warriors,* 95-98.
[36] Strickland, *Fire and the Spirits,* 44-45.

During Kanagatoga's administration for example, Moytoy of Tellico, an important leader of the Overhills Towns with extensive support of British colonial authorities, held the position of War Chief. In 1730, an Edinburgh Scot, Alexander Cuming, traveled to the New World and into Cherokee territory of his own volition. He claimed to have made the journey because of a prophetic dream his wife had. Afterwards, he became convinced that he was destined to become a great diplomat among the Cherokees, prompting him to set off with no authority from the British government. Once in the Over Hills Towns, he gained the trust of the people and persuaded them to pronounce Moytoy the "Emperor of All Cherokees." It was necessary for Cuming to promote a centralized Cherokee government with a single leader who could speak for the entire body of Cherokees. By doing so, he would be able to return to England with the "Emperor Moytoy" to demonstrate to the King that he had been successful in securing the allegiance of all the Cherokees to Britain. Moytoy, however, refused to go. Cuming made the journey with seven other Cherokee warriors, including the young Ougounaco (who would become the great leader, Attakullakulla or Little Carpenter), Kitagista, Oukah Ulah, Tistowe, Clogoitah, Kilonah, and Onoganowin. Once in England, they were met with great curiosity by the huge crowds gathered wherever they went. At court, however, they were treated with the respect due representatives of a foreign state. On June 18, 1730, the Cherokees, accompanied by their interpreter, Tsidu Agayvligi (Old Rabbit) were presented in the court of King George II. During a private audience with the King, a formal treaty, the first to exist between England and the Cherokees,

was drawn up and the seven warriors signed it as authorized representatives of their nation's people. Basically, the treaty bound the Cherokees to the English, demanding that the tribe must ready itself to fight against anyone who would oppose the English. Moreover, it decreed that the English expected to increase their lands to stretch from Charles Town to the Cherokee country. When the warriors returned home several months later, the lives and social structure of their people were forever changed as a result of the treaty they had signed.[37]

During Kunagadoga (Standing Turkey) administration, the steady encroachment of white settlement on Cherokee lands had already become a critical challenge to the tribe's political status quo. Tribal sentiments among the older, more experienced members remained grounded in the desire for negotiation and peaceful agreement through traditional channels. Young impatient warriors, however, began to exert influence over the younger generation. During this period, Oconostota (Great Warrior) rose to prominence as War Chief, and began slowly superseding the moral guidance of traditional priestly authority. Incidences of violent reprisal against English intruders began to increase alarmingly, becoming so serious that Kunagadoga repeatedly warned that their actions would lead to war, but to no avail. Finally, realizing he had lost control, he told them, "We are now building a strong house, and the very first of our people that does any damage to the English, shall be put in there, until the English

[37] Barbara MacRae, *Franklin's Ancient Mound*. Franklin, NC: Teresite Press, 1993; Western Carolina University, Hunter Library Special Collections, Cherokee Documents in Foreign Archives, Microfilm Reel 172: Add., Mss. 39855 Memoir of Alexander Cuming. Folder 1, 1764, 45.

fetch them." [38] Thus, new methods of punishment like incarceration for wrong-doing in an attempt to address the tribe's complicated, rapidly-changing foreign relations were first instituted in the mid-1700s. Ultimately, however, it was the unwillingness of the priests to condemn the new consumerism, and the inability of the older, more experienced men to convince younger, impetuous warriors to control their behavior toward the Europeans that ushered in the most rapid changes in tribal social and political organization.[39]

Between 1540 when the Spanish recorded their first sightings of the Cherokees along the Tennessee River, and the early 1600s when British traders first made their way into the Appalachians, their isolation in the Southeast's mountainous interior region permitted the tribe to continue their historic, unrestrained, autonomous existence. By 1630, however, their lives were already beginning to change. When the proprietary province of Carolina was founded in 1663 and Charles Town was established in 1670, the Cherokees were thrust into constant contact with Europeans. In 1670, Henry Woodward, interpreter and Indian agent for Charles Town, became the first Englishman to make expeditions into the interior to make contact with various Indian groups. During these expeditions he initiated a lucrative trade between the Mvskogeans and the Carolinians. The French began competing with the English for control of regional

[38] Gearing, *Priests and Warriors,* 100.
[39] Ibid., 99-102.

trade in 1698, but by 1705, the Carolinians had stabilized their control of the region.[40]

For most tribes, trade relations became synonymous with diplomatic relations since both sides attempted to manipulate the other through the terms of the trade. Charles Town became the hub of the *awiganega*, or deerskin trade, as trade alliances with Cherokees and Creeks insured a steady supply of hides for English traders at incredible profits. Deerskin was used in the production of various fashions for men, outfits for riding, gloves, book binding and the booming tanning and leather-dressing industry in London. During the heyday of this trade, some 55,000 skins were exported to Europe each year through Charles Town alone.[41] By 1684, the Cherokees were effectively enmeshed in the deerskin trade, dependent on European trade goods, allied with the British against the French and the Spanish, and the entire region had been destabilized. Their once semi-autonomous, peaceful towns, organized under the moral guidance of priests and governed by consensus, were now heavily fortified refuges characterized by factualism that fractured any hope of a unifying form of nationalism.[42]

As the Cherokees became more and more entangled in the European economic 'factory system,' burgeoning colonies of Scottish newcomers established themselves in North and South Carolina and Georgia. Many of the

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[40] Edward J. Cashin, *Lachlan McGillivray, Indian Trader: The Shaping of the Southern Colonial Frontier* (Athens: University of Georgia Press, 1992), 2.
[41] Colin G. Calloway, *White People, Indians, and Highlanders: Tribal Peoples and Colonial Encounters in Scotland and America* (New York: Oxford University Press, 2008), 47.
[42] Robert Conley, *The Cherokee Nation: A History* (Albuquerque: University of New Mexico Press, 2005), 21-23.

Scots who came to America in the 17th Century came not by choice. In 1684, Scottish Presbyterian dissidents began to settle in the southern region in an effort to escape persecution at the hands of the Royalist Privy Council in Edinburgh. Others were deported as criminals, while still others left their homeland to avoid civil and ecclesiastical disputes. Moreover, in 1707, the Scots became engaged in a struggle to resist the alliance of Scotland and England enforced by the Act of Union. Years of bitter resentment turned to warfare in 1746 and in the conflict that followed, the Scots were routed by the British at Culloden. The resulting subjugation of Scottish culture and life, including the destruction of the clan system, the confiscation of land and estates, and the prohibition of cultural identity through dress and language, compelled thousands of Scots to migrate to the American South, particularly North and South Carolina.[43] Ironically, their experiences with the British, remarkably similar to the experiences of Native Americans, would influence some Scots to take up arms against the tribes, while others formed intimate alliances with them. Royal governor James Oglethorpe set up an Indian trade operation in the Savannah, rivaling the Carolina colonies for control of the trade. About three years later, after being invited by Oglethorpe, a group of 163 Highland Scots arrived in colonial Georgia to establish a new settlement which would serve as the base of operations for this new trade. They settled along the banks of the Altamaha River in Georgia's southern-most region where they named their new town Darien and the district it

[43] Huge Talmage Lefler and Albert Ray Newsome, *The History of a Southern State: North Carolina* (Chapel Hill: University of North Carolina Press, 1973), 80-85.

lay in, New Inverness. In North Carolina, they established settlements throughout the upper Cape Fear region.[44]

These Scots traders developed a new way of conducting the Indian trade. They formed companies with independent traders contracting on behalf of the company, instead of using company traders under company control. As a result, in the ensuing years, the trans-Atlantic trade in deerskins was significantly influenced and largely dominated by Scottish traders and their firms. Their enterprises included highly successful companies such as the "Gentlemen of Augusta" or the "Brown, Rae and Company," which by 1755 had gained over half of the Creek and Chickasaw trade. Scottish traders such as "Macartan and Campbell," "Crooke, MacIntosh, and Jackson," and a number of others, effectively monopolized the Southern Indian trade well into the 1760s.[45]

The Scots were also able to make unprecedented inroads into the Indian trade due to similarities in their culture, social structure, and clan and kinship relations. The Cherokees and other tribes in the region demonstrated a greater trust and willingness to trade and socialize with the Scots than with other Europeans with whom they shared little in common. The Scots too showed a willingness to accept and take advantage of Indian mores typified by their consent to live in Indian towns and take Indian wives. There were profound advantages for an individual involved in the Indian trade who could ensure a connection to

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[44] A.W. Parker, *Scottish Highlanders in Colonial Georgia, The Recruitment, Emigration and Settlement at Darien, 1735-1748* (Athens: University of Georgia Press, 1997), 47-53; Talmage and Newsome, *The History of a Southern State,* 80.
[45] Cashin, *Lachlan McGillivray,*15-16.

his wife's kinfolk in the towns in which he might trade. These advantages were accompanied with guarantees of protection against ill treatment and a steady customer base. Scots traders also generally refrained from Christian proselytizing among the Indians, or interfering with their usual ways of life as the Spanish had through the building of missions throughout Indian Country. This gave the Scots an advantage over the Spanish, and to a lesser extent, the French. Instead, they adopted many aspects of Indian culture rather than condemning it. This prudent policy worked so well, that by the American Revolution a number of prominent Native American leaders also claimed Scottish decent.

John Mohr Mackintosh was a direct descendant of the powerful Mackintosh Clan Chiefs of Scotland and was one of the first Scots pioneers in coastal Georgia. A captain of the Highlanders who migrated with him from Scotland, Mackintosh made notations in a family bible describing his journey; "Took shipping on board the "Prince of Wales," captained by George Dunbar, at Inverness in October 1735, with some one-hundred of sons for the new Colony of Georgia, came in at Tybee Bar the beginning of January, 1736, and landed at Darien, on the Altamaha River, the place of their destination, the 1st of February, same year." Mackintosh and his wife Marjory Frazer brought along their six children. Marjory bore one more child in Georgia in 1737; a daughter named Ann but nicknamed Nancy. In the years to come, Mackintosh's son and nephew would serve under General George Washington during the American Revolution. Two of his great grandchildren would serve as governors of Georgia: George McIntosh Troup 1823–1827, and Thomas Spalding. More importantly, his

grandchildren would marry Creek women and the patrilineal Mackintosh clan would become intertwined with the matrilineal Creek clan, eventually producing two important Creek-Scots leaders, William McIntosh, and W.E. "Dode" McIntosh, principal chiefs of the Creek Indian Nation.[46] Shortly after settling in Darien, Mackintosh organized and led the Highland Independent Company of Foot under the command of Georgia colonial founder General James Edward Oglethorpe. This contingency of Scottish volunteers joined with Creek and Cherokee Indians, as well as regulars of the predominately Scottish 42nd Highland Regiment of Foot. They met and defeated an invading Spanish force at the battles of Gully Hole Creek and Bloody Marsh. These victories effectively ended the long-running Anglo-Spanish struggle for control of the Southeast American colonies, securing control of the region for Great Britain.[47]

By the time of the first federal census in 1790, people of Scottish origin, including Scots-Irish, made up more than six percent of the entire population of America, approximately 260,000, most of whom settled in the southern and mid-Atlantic states. Many of the Scots who migrated early were traders and merchants and most were Presbyterian, although some Highlanders were Roman Catholics and Episcopalians. Education was widespread and highly prized in Scotland and most Scots, even in the 17th century were literate.[48] After the union of Scotland and England in 1603, James VI promoted joint overseas expeditions and Virginia

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[46] Walter H. McIntosh, *MacIntosh: MacIntosh Genealogical Lineages in North America* (Topsfield, MA: W.H. MacIntosh, 1986), 5-6, 15-32.
[47] Cashin, *Lachlan McGillivray,* 52-55.
[48] Alex Murdoch, "USA," in *The Oxford Companion to Scottish History* (New York: Oxford University Press, 2001), 629-633.

became the hub of Scottish commercial activity in the colonial period. By the 1670s, Glasgow was the main outlet for Virginian tobacco in open defiance of English restrictions on colonial trade. The colony became a repository for Scottish manufactured goods, immigrants, and ideology. Later, after the French and Indian War in which Scottish Highland regiments were employed as Indian fighters, overpopulation and commercial agriculture in Scotland led to mass emigration to America. By 1776, nearly 50,000 Scots had settled in the colonial South particularly in North Carolina, where they engaged in trade and extensive intermarriage with Cherokees as well as other Native Americans in the region.[49]

Due to the immense power they wielded, traders had a profound effect on the relations between the cultures of the Southeast. If they were honorable, the entire region could benefit from extended periods of peaceful coexistence, but if they were dishonorable, they could easily incite provocations on either side. The great success of the deer skin trade was due in large part to its exploitive manipulation of the southeastern Indian tribes. For centuries the tribes had lived side by side in their respective territories, maintaining their balance through a complicated system of intertribal negotiation that included marriage and trade, war and alliance. Competition drove the trade, so it is not surprising that a number of tribes who desired to partake of the fruits of the trade established new settlements near Charles Town. The Upper Creeks resettled between the Tallapoosa, Alabama, and Ocmulgee rivers, and the Lower Creeks established themselves along the Ocmulgee. The Yamasees, however, positioned themselves

[49] Ibid.

within the closest proximity to the British - just 100 miles from Charles Town. This tremendous competition for hides strained relations between the two colonies and greatly destabilized the already fragile relationship between the various southern tribes as well. This region, which stretched from the mountains to the sea between the Savannah and Mississippi Rivers, became one of the most intensely contested centers of early European extractive industry in America.[50] Competition between the French and English throughout North America finally reached treacherous levels. The Cherokees had sided with the Carolinians in the Tuscarora War (1711-1715), but had turned against their British allies in the Yamasee War (1715-1717). Half way through the conflict, they changed sides again, defeating the Yamasee. They then remained strong allies of the British until the French and Indian War (1754-1763).

In 1761 during this final conflict, James Grant Laird of Ballindalloch, who would become a leading general in the British Army during the American Revolution led British forces of 2,600 men, the largest army ever to enter the southern Appalachians at that time, into Cherokee country. By using scorched earth tactics, Grant planned to force the Cherokees to surrender. Grant wrote, "The Cherokees must certainly starve or come into terms, and even in that case I think 'tis hardly in the power of the Province to save them."[51] Grant's army first moved through the Lower Towns, intimidating and threatening the communities,

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[50] Ibid., 52.
[51] "[094] To Jeffrey Amherst, Camp near Ft. Prince George, July 10th 1761." Edith Mays, ed., *Amherst Papers, 1756-1763, The Southern Sector: Dispatches from South Carolina, Virginia and His Majesty's Superintendent of Indian Affairs* (Westminster, MD: Heritage Books, 1999), 278.

then proceeded up through the Middle Towns. The attack was carefully planned as a fool-proof strategy to bring the Cherokees to heel**.** William Byrd III, an English planter and colonel of the 2nd Virginia regiment, expressed his optimism about the campaign's viability in a letter to Jeffrey Amherst, Commander-in-Chief of His Majesty's Forces in North America.

> Lt. Col. Grant proposes that the Virginians should be at Chotte, their [the Cherokee's] Mother-town, by the 7th of May, at which time he expects to be at Ft. Prince George with his army in order to hem in the Cherokees in their Middle Settlements….the whole force of the enemy will certainly attempt to defend their upper country while he is laying his plans below, for there is …..their most valuable possessions.[52]

The Cherokees defeated in his wake, Grant left fifteen Cherokee towns smoldering in ruins including the mother town, Kitu'hwa. As a result, many displaced Cherokees, particularly the less affluent traditionals, fled to the hills of the backcountry.[53] Having suffered great losses as a result of their dealings with the British, and realizing they were more or less a permanent presence in their territory now, the Cherokees sought out ways to avoid war and disharmony. Making alliances was both sensible and practical.

A critical element of the Cherokee social structure was its reliance on *tsuniyvwi dunadadudalv,* a foundation built around seven kinship-based clans for a variety of utilitarian purposes, includes the strict regulation of marriage. Today those clans are the Ani'Waya' (Wolf Clan); Ani' Awĭ (Deer Clan); Ani' Tsisqua

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[52] "[256] To Jeffrey Amherst, Philadelphia, March 11th 1761," *Amherst Papers,*207.

[53] Ibid., 200-202; Thomas Hatley, *The Dividing Paths: Cherokees and South Carolinians through the Era of Revolution*(New York: Oxford University Press, 1993), 149, 153-156, 197-198.

(Bird Clan); Ani' Wâdĭ (Paint Clan); Ani' Gilohi (Long Hair Clan); Ani' Sahoni (Blue Clan); and Ani' Gotegewi (Wild Potato Clan). Most prominent throughout the clans were the beloved men, the body of trusted and revered elders who held sway in council meetings. Cherokee society is historically matrilineal, and clanship is passed through the mother. Cherokee women, who had much more power than European women, were the heads of the Cherokee household. The clan system was also a part of Gaelic tribal culture; however, Scottish clanship was patrilineal, with heritage passed through the father. United by kinship defined by perceived descent from a common ancestor, group, or family collective, kinship bonds were the basis of loyalty and support between clan members. These values were expressed through shared traditions, symbols, clan inheritance, and unity. Highland clans originated from powerful families in ancient times and the clan system was the basic system of social power and organization. There were profound advantages for Scots involved in the trade who created *unaligosv*, or alliances with Cherokees through the kinship relations of their wives. Belonging to an extended family, even though marriage, could provide protection, as well as a guarantee of continuous patronage as a tribal 'insider.' Citizenship in the Cherokee state was tied irrevocably to kinship through clan membership, the clan being the sole, fundamental, sustaining foundation of all relationships. Clan membership through birth was the conduit through which all benefits of citizenship, rights, and privileges were assigned.

Outsiders, welcomed or unwelcomed, had no rights within the community.[54] Those who existed outside of the kinship system, without clan affiliations and outside of the constraints of clan law, were completely overlooked by the Cherokees as though they did not exist at all; thus giving new meaning to the tribe's reference to themselves as Ani-Yunwi, the "*real people."*[55]

Slaves, or *digetsinatlai*, and the practice of Indian slave-holding are central issues in the narrative of the tribes of the Southeast, particularly the Cherokees. They are matters which add weight and context to a number of other historic concerns as well. The practice of slavery was a contributing factor in the weakening of tribal hegemony over the tribe's territory, and ultimately the loss of Cherokee homelands. It also served as an introduction to the economy of the capitalistic world market. Finally, it served as a catalyst for long term socio-political changes within the tribe, the effects of which are still felt among the Cherokees today.[56] The inclusive nature of Cherokee society frequently led to exogamous relationships, and in many such cases, outsiders adopted into the tribe enjoyed many of the full rights and privileges of membership. Like many tribal societies, the Cherokees had been engaged in slavery long before Europeans set foot on the continent, and all Cherokee captives shared the common experience of being social outsiders. Even captives, who were adopted or married into the tribe, although gaining acceptance and protection, rarely enjoyed the full rights of

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[54] Michael P. Morris, *The Bringing of Wonder: Trade and the Indians of the Southeast, 1700-1783* (Westport, CT: Greenwood Press, 1999), 19.
[55] John P. Reid, *A Law of Blood: Primitive Law in the Cherokee Nation* (New York: New York University Press, 1970), 37-48.
[56] Alan Gallay, *Indian Slavery in Colonial America* (Lincoln: University of Nebraska, 2009), 2-7.

citizenship since they lacked clanship ties.[57] Quite different than the chattel slavery that characterized European human bondage; early Cherokee ideas about captivity were not race based, but dependent on a large number of conditions and variables. Where in some native societies the pursuit of captives was central to the culture and to the economy, Cherokee captives were most often taken during wartime and later traded for goods or ransom. Others were held by families who had lost loved ones in conflict, their labor replacing the labor of the lost family member. Some outsiders even voluntarily entered servitude in exchange for the tribe's protection or for refuge from other enemies. While it is true that Cherokee captives were sometimes ritually sacrificed or killed for one reason or another, many others were adopted into the tribe and generally treated kindly by the community.[58]

The English settlement established at Carolina in 1670 was destined to have an astounding impact on the American South. Initially the British occupation was little more than a tenuous foothold in a hostile territory. The native people who encountered the early colonists had no reason to believe they would play a role with any real significance on Cherokee lives. The English who settled the Carolina colony, however, brought African slaves from their plantations in the West Indies and encouraged the local tribes to raid one another and deliver Indian captives into English hands.[59] By increasing their hold of slaves, they were able to rapidly clear large regions for timber and commercial

[57] Christina Snyder, *Slavery in Indian Country: The Changing Face of Captivity in Early America* (Cambridge: Harvard University Press, 2010), 4-5, 146-147.
[58] Richter, *Facing East*, 64-66.
[59] Richter, *Facing East*,162.

agriculture. By the 1680s, the Southeast had already become fertile territory for a major cultural collision. The three distinct groups, Europeans, Indians, and Africans that prevailed in the South, had a multitude of sub groups within each of them. Ironically, these groups formed a three-sided cultural tripod that served to stabilize the region by preventing each group from acquiring too much influence over the others. During the early years of contact, the Cherokees generally accepted Africans and shared many cultural affinities and experiences with them. Kinship was also a vitally important element of African tribal societies. Tribal backgrounds, communal life ways, agricultural practices, earth-based religions, and hunting and gathering activities were all cultural practices that tended to unite Africans and Cherokees, rather than drive them apart.[60] In addition, they shared the common experiences of subjugation and enslavement at the hands of Europeans.[61] In 1670, however, Charles Town had also been founded in part as the hub of the commercial slave exchange.[62] Subsequently, over the next one hundred years, as the colonists brought more and more African slaves into the region, the tribes of the Southeast became hopelessly entangled in the sinister industry of human trafficking.

In their efforts to obtain more land, more slaves, and to diminish the possibility of empowerment of any particular group, the Carolinians began pitting

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[60] Patrick N. Minges, *Slavery in the Cherokee Nation: The Keetoowah Society and the Defining of a People, 1855-1867* (New York: Routledge, 2003), 9-12.
[61] J. Leitch Wright, *The Only Land They Knew: The Tragic Story of the American Indian in the Old South* (New York: Free Press, 1981), 258.
[62] David Wallace, *South Carolina: A Short History, 1520-1948* (Columbia: University of South Carolina Press, 1951), 30-32; Kenneth W. Porter, "Negroes on the Southern Frontier, 1670-1763," *Journal of Negro,* 1948, 33:68, 53.

one marginalized group against the next. They threatened to end their friendship and trading relations with the Cherokees if they harbored African runaways, did not return them, or if they allowed Africans to take shelter in their country. Through agreements such as the first Cherokee-British Treaty, signed in London in 1730, the War Chiefs pledged to help capture escaped African slaves for the British stating, "This small Rope which We shew you, is all We have to bind our slaves with, and may be broken; but you have Iron Chains for yours, However if we catch your slaves, We shall bind them as well as We can, and deliver them to Our friends again, and have no pay for it."[63] In addition, the Carolinians began using African slaves to fill out their militias in order to deter Indian hostility or retaliation. The most significant use of black troops in such endeavors occurred in 1715 during the Yamasee War; however, blacks were also employed in many other battles against tribes of the region.[64]

The southern Indians were also targeted for enslavement. Although Europeans viewed the enslavement of Native Americans somewhat differently than the enslavement of Africans, both groups were perceived as savages and therefore subjected to nascent forms of racialization. The romantic British concept of the "redeemable savage" created a sympathetic opposition to Indian slavery in the pulpit, but jurisdiction over the practice in the field was viewed as a local matter. By the dawn of the eighteenth century, nearly half of the slaves in

[63]"Answer of the Indian Chiefs," Western Carolina University, Cherokee Documents in Foreign Archives, Special Collections, Hunter Library, CO54, 06442, Microfilm #197, 215-16.
[64] Porter, "Negroes on the Southern Frontier, 55-58.

the Carolinas were Indians.[65] The English instigated intertribal wars with the goal of pushing smaller, weaker tribes off their lands, and as a common practice, engaged the help of larger, stronger tribes in attacking and enslaving smaller resistant groups. As the largest tribe in the region, the British courted the Cherokees elaborately with gifts, praise, and promises of lasting friendship to enlist their help in these bloody endeavors; yet even though they sided with them, the Cherokees also became prey for English slavers. As the numbers of Cherokee slaves grew, so did Cherokee anger against their former British allies. As a result, the Indian slave trade became one of the underlying causes of hostility between the tribe and the British, and consequently, one of the reasons the Cherokees supported the French against the English in the Seven Years War. North Carolina organized troops against the Cherokees, enticing enemies of the tribe such as the Mvskokes and Iroquois to join the fight by offering them a chance to claim Cherokee captives for themselves.[66] During the siege, the British also employed the Royal Scots Light Brigade in a scorched earth campaign against the Cherokees, during which many of the tribe's towns and crops were burned to the ground. For the Cherokees, peace was not established until the tribe agreed to cede a large portion of its land to the English.[67]

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[65] Verner Crane, *The Southern Frontier, 1670-1732* (Durham: Duke University Press, 1928), 110-114; Charles Hudson, *The Southeastern Indians* (Knoxville: University of Tennessee Press, 1976), 437; Edmund S. Morgan, *American Slavery, American Freedom: The Ordeal of Colonial Virginia* (New York: Norton, 1975), 328-329.
[66] Almon Wheeler Lauber, *Indian Slavery in Colonial Times Within the Present Limits of the United States* (Williamstown: Corner House Publishers, 1970), 136.
[67] Robert Ganyard, "Threat from the West: North Carolina and the Cherokee, 1776-1778, *North Carolina Historical Review,* 454:1 (1968), 47-66.

Even while the British increased contact between Africans and Indians by pitting them against one another, the authorities of both South Carolina and Georgia were also plagued with fears of a potential alliance of black slaves and Indians, and with good reason. Africans and Indians outnumbered whites three to one in the region, prompting Captain John Stuart to remark, "Nothing can be more alarming to the Carolinians then the idea of attack from Indians and Negroes. . . . any intercourse between Indians and Negroes in my opinion ought to be prevented as much as possible."[68] In 1760, for example, a British soldier leading an entourage that included several African slaves through a Cherokee town took special note of his alarm over the fact that the Africans were able to speak directly to the Indians in both English and Cherokee. He believed that the slaves were "telling falcities [sic]" to the Indians, and he worried that the Over Hills Towns could easily become a safe haven for runaway slaves.[69] One of the best examples of the viability of this kind of alliance is the discovery of plans for a violent rebellion in South Carolina in 1759. The proposed insurrection, led by a free mulatto by the name of Philip Johns, gained the support and assistance of the Cherokees and Mvskokes. The revolt was scheduled to begin on June 17 when the tribes would be summoned and warriors would immediately join the enslaved rebels to assist them in slaughtering as many whites in the region as possible.[70]

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[68] William Willis, "Divide and Rule: Red, White, and Black in the Southeast." *Journal of Negro History,* 48 (1963), 161-162.
[69] Porter, "Negroes on the Southern Frontier, 70.
[70] Hatley, *The Dividing Path*, 111-112.

Despite many instances of such cooperation and alliance between Indians and Africans, the introduction of European trade goods to the tribes, placed a wedge between them, greatly influenced the dynamics of Red and Black relations, and skewed the traditional concept of Indian bondage. In the highly competitive Indian trade, captives soon became convenient alternatives to deer skins as an acceptable form of exchange for trade goods, extravagances which by 1780 the Cherokees, particularly younger members, were reluctant to do without. As the need for plantation labor grew in the southern colonies, the whites began to encourage the exchange of captives as a desired substitute for hides. This sparked a metamorphosis in the cultural structure of Cherokee society, transforming it from a loose confederation of communities with subsistence slavery to communities with pockets of commercial slavery. The fact that captives were secured through warfare also increased the incidence of intertribal conflict.[71] Yet tribal slavery was not a static practice, but one that evolved continually over time through new or changing circumstances. In future generations, slavery would become a pivotal issue that eventually contributed to Keetoowah revitalization.

Despite the efforts of the Carolinians to use Indians and Africans against one another as an equalizing force in the years just prior to the American Revolution, Cherokee headman Attakullakulla spoke of *gatlisanv,* the ethnic diversity of the Cherokee settlements, including the many Africans who had been accepted into them. There were many cases of intermarriage between Indian captors and their African slaves, and although marriage did not bestow clan

[71] Morris, *The Bringing of Wonder,* 78.

membership upon them, it did bring special privileges and protection from the clan of their respective spouses.[72] Cherokees were tolerant of such others, particularly in the new towns established along the border of the Creek Nation by the Chickamauga – Cherokees who had moved there in resistance to white encroachment in Cherokee lands. These young rebels were much less concerned with tribal centrism than the leaders of the older, established traditional communities.[73] The multiethnic composition of Cherokee communities created diverse and fluid societies, yet the intrusion of whites who shunned alliance with the Cherokees looking only to overpower their authority in the region and take their lands, remained a constant and growing problem.

Convinced that further debate was fruitless, and unable to find viable methods to deal with intruders in their southeastern homelands, a number of Cherokees broke away from the tribe, accepted a land grant and migrated west into southeastern Missouri in 1794. These immigrants moved into central Arkansas and then into Indian Territory in 1828, called themselves Cherokee Nation West. Eventually they came to be known as the "Old Settlers." They built their communities along the banks of the White and Arkansas Rivers, and set up a new autonomous government at Piney Creek in present-day Johnson County, Arkansas.[74]

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[72] Timberlake, *Memoirs*, 82.
[73] Ibid., 149-235.
[74] Emmet Starr, *Cherokees "West,"*1794 *to* 1839 (Claremore, 1910), 129, 134; Mooney, "Myths of the Cherokee, 135-143; Grant Foreman, *Indians & Pioneers* (New Haven, 1930), 29-120.

> At the creation, an ulûnsûti was given to the white man, and a piece of silver to the Indian. But the white man despised the stone and threw it away, while the Indian did the same with the silver. In going about afterward, the white man found the silver . . . . and he has prized it ever since. The Indian in like manner, found the ulûnsûti . . . . and has kept it ever since as his talisman, as money is the talismanic power of the white man.
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> Cherokee Oral Story: *The First Contact with Whites* [75]

When the tribes of the Southeast accepted Europeans as partners in the deerskin trade, it marked the beginning of the end of their hegemony in their homelands. The trade had a profound effect on the economies of both the Cherokee and the British. At the height of the deerskin trade, an estimated 1,250,000 deer were killed to supply the leather trade. In 1750 Georgia trustees reported that 140,000 pounds of deerskins were sent down the river annually to be shipped through Charles Town to England. Initially, the Cherokees viewed the European trade goods, guns, and technology offered by the British as luxuries, but soon came to regard them as necessities, an attitude that forever changing the tribe's economic objectives. Just two decades after the trade began, the British reported, "The Indians, by reason of our supplying them so cheap with every sort of goods, have forgotten the chief part of their ancient mechanical skill, so as not to be well able now, at least for some years, to live independent of us." Indeed, Chief Skiagonota sadly pointed out, "My people cannot live independent of the English. The clothes we wear we cannot make ourselves. They are made for us. . . . Every necessity of life we have from the white people."[76] Relying on the

[75] Mooney, *Myths of the Cherokee,* 350-51
[76]James Adair, *The History of the American Indians* (1775)(Johnson City, TN: Watauga Press, 1930), 422-425, 456.

English to deliver the coveted manufactured goods, Cherokee involvement in the trade determined when and how they worked, where they lived, and forever changed their attitude toward the natural resources upon which reciprocal trade was based. At the same time, the British viewed the Cherokees as a rampart, and relied upon them to create a defensive barricade for protection of their settlements and operations from other hostile tribes and European rivals in the colonies.[77] In the trade's waning years, economic uncertainty and the loss or spoilage of Cherokee hunting lands created even more urgent emphasis on developing new avenues for economic stability. The Cherokees understood that the underlying motivation of the Europeans and later the Americans in befriending the tribes was land acquisition. It was this understanding that planted the initial seeds of conflict between those natives who viewed accommodation as a necessity for survival and those who viewed it as a catalyst for destruction. By 1755, the Cherokees had already relinquished most of their land holdings in South Carolina through the Treaty of 1721 negotiated with Governor Nicholson of South Carolina, and the Treaty of 1755 with Governor Glenn. The rest of their holdings in the region were ceded away in 1777 in negotiations with South Carolina and Georgia. As their land base shrank they withdrew further west of the Blue Ridge Mountains.[78]

The Europeans left nothing to chance when it came to obtaining the loyalty of the tribes. At Nikwasi, a Scotsman, Sir Alexander Cumming, seeking a

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[77] Duane King, *The Memoirs of Lt. Henry Timberlake: The Story of a Soldier, Adventurer, and Emissary to the Cherokees, 1756-1765* (Chapel Hill: University of North Carolina Press, 2007), xv.
[78] Carl Klinck and James J. Talman, eds., *The Journal of Major John Norton, 1816* Toronto: The Champlain Society, 1970), lxii.

way to bind the Cherokees to the British, oversaw the "coronation" of Moytoy of Tellico, naming him "Emperor of the Cherokees." Flattered by the attention, Moytoy pledged allegiance to King George II, and by doing so, recognized him as the "Lord Protector" of the Cherokees. In 1730, seven prominent Cherokee men, including a teenaged Attakullakulla known to the British as the *Little Carpenter*, traveled with Cumming to London to be presented at the court of King James. Under agreements signed by the emissaries, the Cherokees were bound to trade with England and to reject trade with all other European nations. As Lt. Governor William Bull of Charles Town later wrote to Atagulkalu, "The English can live without the Cherokee skins, but the Cherokees feel what they have often been told, that they cannot depend on the French or any other but the English to supply their wants."[79] Most importantly, they were compelled to agree to hunt down and return fugitive slaves to English masters, and to fight all enemies of the British, whether foreign or domestic, a critical stipulation of the Treaty of 1730 that the British held them to during the Seven Year's War. In exchange for their loyalty in these matters, England promised continued trade and protection from other foreign powers. While in London, the seven warriors were wined, dined, and taken on one sight-seeing excursion after another. Aside from tours arranged for their amusement, they were also treated to impressive views of the royal navy and army, designed primarily to impress upon them the military superiority of the British and the futility of any Cherokee opposition to British control. Consequently two decades later, these warriors were still impressed by the force

[79] Mays, *Amherst Papers*, 226.

and size of the British navy, the grandeur of the King and court, and the necessity of maintaining cordial relationships between them. By that time, however, the writing was already on the wall. In 1720, there were approximately 17,050 white settlers and 4,100 blacks in South Carolina. By 1750, those numbers had more than tripled, with 64,000 whites and nearly 40,000 blacks. While once the British courted the tribes of the southeast out of fear of being ejected from the region, they now outnumbered them. Additionally, when deerskins were no longer in demand, the delicate balance between the rival powers in the region, both European and Indian, was shattered. The Cherokees began to realize they were no longer in an advantageous, equitable, or even favorable bargaining position.

During the early years of the French and Indian War, the Iroquois along the eastern seaboard, relied on neutrality as a strategy to prevent either of the European rivals from gaining prominence or control. Their neutral stance became the source of their great political stability, power, and influence in the region, as both the French and English pandered to them in an effort to win their allegiance. The Cherokees, however, had no such opportunity, due to the pledge of alliance they had given the British in 1730.[80] Six Nations neutrality eventually waned, however, and the Confederacy took the side of the British, signing the Treaty of Lancaster in 1744. Among other provisions, the treaty, recognized the right of the Iroquois to travel through Virginia in order to attack the Cherokees and Catawbas, their long-time enemies, and promised to accommodate and make provision for

[80] Fred Anderson, The Crucible of War: The Seven Years War and the Fate of the Empire ion British North America, 1754-1766 (New York: Alfred A. Knopf, 2000), 14-17.

the war parties that would carry out the attacks.[81] Nevertheless, after all the cajoling, promises, and entreaties made to the Indians by the British, the tribes who sided with them soon realized how little esteem the English actually had for them. Major General Edward Braddock, engaged in the effort to dislodge the French from the Ohio Country, led the British attack on Fort Duquesne. While scrambling for troops before the attack, Braddock rebuffed a very influential delegation of revered Oneida and Delaware leaders who came to offer support. After insulting them, Braddock expressed his dislike of Indians to Benjamin Franklin, stating, "It is impossible that [savages] should make any impression [on disciplined troops]." Then, when Delaware Chief Shingas, one of Braddock's most important allies, asked the Major General what the English intended to do with the land, and if the Delawares would be permitted to live there and trade with the English once the French were driven away, Braddock barked, "The English Shou[l]d Inhabit and Inherit the Land. No Savage Should Inherit the Land." His callous remarks resulted in the loss of critical support of the Delawares and other Ohio tribes who almost immediately joined forces with the French, leading ultimately to Braddock's defeat. [82] In 1761, Sir Jeffrey Amherst, Commander in Chief of British Forces in North America set about modifying British policy toward the tribes in America. Along with other reforms, he sought to restrict trade and end the tradition of gift-giving; two practices that formed the foundation of reciprocal cooperation that had long characterized their relationship and helped maintain stability in the region. Although not as openly insulting to the tribes as

[81] Ibid., 22-23.
[82] Ibid., 94-96.

Braddock had been, Amherst's complete lack of understanding of native cultures, community structures, and social protocol, resulted in the failure of his reform efforts, and greatly increased violence on the frontier.[83]

When the French and Indian War broke out in the colonies, Atagulkalu was the last surviving member of the 1730 London commission. Having been awed by the strength and determination of the British he had witnessed firsthand in London, he argued strongly in the tribal councils in favor of fulfilling the tribe's treaty obligation of support for the war effort. The Cherokees, however, were reluctant to enter the war as the British insisted, but finally did so after extracting their promise for supplies of "arms, ammunition, provisions, & clothing," and a pledge to construct forts in Virginia and South Carolina for the protection of the Cherokee Overhills towns.[84] Consequently, several hundred warriors fought the French on the frontier, many distinguishing themselves in the ongoing conflict. Nevertheless, after warriors crossing the Virginia frontier on their way home from battle were attacked and killed by settlers, outraged clansmen attacked and killed whites in a number of Carolina settlements, as obligated by their ancient clan law of blood vengeance. In turn, outraged South Carolinians demanded their punishment. Oconastota tried to settle the matter by sending a peace commission to Charles Town to profess loyalty to the British, but the commissioners were captured and held prisoner at Fort Prince George in South Carolina. The governor then promised to free the delegates in exchange for those who had engaged in the Carolina killings. The Cherokees, however,

[83] Ibid., 455.
[84] King, *The Memoirs of Lt. Henry Timberlake*, 102n; Mays, *Amherst Papers*, 36.

believed their clansmen had acted appropriately by fulfilling their social responsibilities in the interest of the tribe. Nevertheless, to keep peace, three of the clansmen turned themselves over, and the British released Oconostota and a few of his fellow commissioners. It was a small victory; however, as the other twenty-two Cherokee captives were then summarily executed at the fort. The relationship between the British and Cherokees began a significant downward spiral as a result.

In the spring of 1760, Kunagadoga (Standing Turkey) led an assault on Fort Loudoun. In retaliation, Colonel Archibald Montgomery led a large army against the Lower Towns, leaving five of them in ruins as he marched on to the Middle Towns. He was met and soundly defeated in the effort, and the warriors then returned in force to Loudoun, forcing the surrender of the fort by cutting off incoming supplies and food. Ostensibly allowing the troops to remove to the safety of Fort Prince George, nearly thirty troops were slaughtered at Long Cane Creek by seven hundred warriors lying in wait. Needless to say, the British responded in force the following spring, and in the campaign led by Lt. Colonel James Grant, fifteen Middle Towns were leveled, crops destroyed, hundreds killed, and the Cherokees routed. Hundreds of survivors fled to the Overhills Towns for refuge, where they faced slow starvation.[85] In August, 1761, Amherst sent a letter of congratulations to Grant.

[85] King, *The Memoirs of Lt. Henry Timberlake,* xix.

> I can easily conceive you must have undergone many hardships; and if the enemy you had to deal with had any knowledge of their natural strength or any spirit to oppose your passage they must undoubtedly have done you great mischief; but they are a dastardly set, and dare not face real danger. . . . If the burning of fifteen towns and destroying above 1,400 acres of corn, beans, pease & ca does not compel the Cherokees to sue for peace nothing certainly will, but there can be no doubt of their submitting to terms. Whatever they are, they must be preferable to starving and unless they yield to them, I do not see how, under their present circumstances they can preserve their lives in the Winter. They certainly never were so reduced and chastised, but they have brought it on themselves; and from the precaution you have taken to save the small remains of the Lower Towns (which was very considerate and very right), they may yet have an opportunity of recovering themselves little by little, provided they will submit to His Majesty's lenity and protection.[86]

In the ensuing years, the younger warriors grew more and more impatient with the councilmen's debate, argument, and reliance on negotiation that never seemed to stop the encroaching English. Timberlake recorded a speech made in the council by Ostenaco warning the young warriors against brash behavior and reminding them of the tribe's responsibilities as set out in the Treaty of 1730.

> The bloody tomahawk, so long lifted against our brethren the English, must now be buried deep, deep in the ground, never to be raised again; and whoever shall act contrary to any of these articles, must expect a punishment equal to his offence. Should a strict observance of them be neglected a war must necessarily follow, and a second peace may not be so easily obtained. I therefore once more recommend to you, to take particular care of your behavior towards the English whom we must now look upon as ourselves, they have the French and Spaniards to fight, and we enough of our own color, without meddling with either nation. I desire likewise, the white warrior, who has ventured himself here with us, may be well used and respected by all, wherever he goes amongst us.[87]

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[86] Mays, *Amherst Papers*, 286-289.
[87] King, *The Memoirs of Lt. Henry Timberlake,* 63-64.

The older headmen and clan leaders understood that the aggressive actions of the young independent raiding parties put the entire nation at risk of British reprisal. Because they ignored Ostenaco's admonitions and disregarded the Peace Chief's decision to continue negotiations with the British, tribal leaders realized they needed to adopt a new system of deterrence. Although many scholars have asserted that at the end of the eighteenth century the Cherokees made a quick decision to abandon their traditional system of justice and create a new one based on European ideals, the legal system adopted by the tribe in 1808, actually evolved slowly over time, utilizing many elements of their ancient clan laws combined with selective elements of American legal jurisprudence.[88]

Meanwhile, between 1794 and 1828, those who remained in the South were led by a succession of six warriors, all leaders of the southeastern towns struggling to come to terms with the swelling numbers of whites flooding into the region. They tried peaceful negotiation to reinvigorate and stabilize Cherokee authority in their homelands, but to little avail. After the British destroyed the Cherokee governing center at Chota, Uskwa'li-gu'ta (Hanging Maw), prominent headman of the Overhills towns, claimed his rightful role as Principal Chief. The majority of the people, however, preferred the leadership of Little Turkey, a close descendent of the great warrior chief, Moytoy III, and the leading authority in the town of Ustanali. Little Turkey held the position until his death in 1801 at the age of 43.[89] He was then succeeded by the warrior Inali (Black Fox), a leader known

[88] Strickland, *Fire and the Spirits,* xi.
[89] Gaston L. Litton, "The Principal Chiefs of the Cherokee Nation." *Chronicles of Oklahoma,* 15:3 (September 1937), 253-270.

as a shrewd moderator and experienced negotiator. He had been a leading representative of the tribe in its negotiations with the United States in 1791, during which he had signed the Holston Treaty. Black Fox stirred controversy among his people, however, after he received a large annuity for signing away some 7,000 square miles of tribal land in 1806, land that is part of present day Tennessee and Alabama.[90] Understandably, Black Fox was also responsible for proposing new tribal law that would supersede the Cherokee clan-based tradition of blood revenge. Following his death in 1811, Black Fox was succeed by Pathkiller. Pathkiller favored John Ross, a Cherokee of Scotch-Irish descent as the future leader of the Cherokee people.[91]

Throughout the nine years of his presidency, Thomas Jefferson continued to push for a peaceful and voluntary removal of the tribes to lands in the West. More and more Americans migrated into Georgia demanding removal of the tribes, and Jefferson promised to extinguish all Indian title to the lands within the Georgia border "as early as the same can be peaceably obtained upon reasonable terms. . . ." At the same time, the President gave the Cherokees the impression that if they adopted an agricultural lifestyle and a republican form of government, they could remain unmolested in their homelands. In his 1809 Address to the Cherokees, Jefferson concluded by saying, "I sincerely wish you may succeed in your laudable efforts to save the remains of your nation, by adopting industrious occupations and a government of regular laws." Encouraged, many of the more

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[90] John P. Brown, "Eastern Cherokee Chiefs," *Chronicles of Oklahoma,* 16:1 (March 1938), 3-35.
[91] Rozema, *Footsteps of the Cherokees*, 46, 48, 325, 353-355.

acquiescent Cherokees, most significantly, those of both Cherokee and European descent, began to consider a transition away from historic methods of governance. Additionally, the early form of Capitalism that laid the foundation for the American nation, a system with an underlying emphasis on class hierarchy, created a stratified, multi-layered society in which the fruits of industry were unevenly divided between its citizens. Yet the allure of coin, of material wealth, comfort, and power that accompanied this new competitive system of economics, permeated Cherokee communities as well, tearing families apart and emboldening forward-looking members of the tribe to seek social and legal secularization. These men took decisive steps toward the removal of religious elements of governance through the adoption of a set of written laws, the development of a Court and Jury system, and the creation of a regulating force, the Cherokee Light Horse Brigade, to deal with those who would resist regulation. Perhaps no undertaking illustrates their move toward secularization, or their eagerness to embrace the tenets of Capitalism and their negation of clan law more clearly than their adoption of the practices of chattel slavery and economic compensation for capitol offenses.

The protection of bloodlines for the transference of citizenship and social position from generation to generation through one's mother was the most important responsibility of the clans. This was accomplished through two pivotal laws; the prohibition of marriage within one's own clan, and the obligation to avenge the deaths of fellow clan members, a practice known as blood revenge, or blood feud. Blood revenge was more than a social responsibility. In the case of

capital crimes such as murder or endangering the well-being of the nation, it was looked upon as a religious duty. Without the redeeming price of the blood of the murderer or one of his matrilineal kin, the deceased clan member would not be able to pass over to the Nightland. [92] In the early years of the nineteenth century, however, the clans' pursuit of blood revenge was abrogated. This undermining of clan authority is exemplified in an 1833 petition to the Cherokee Supreme Court regarding the matter of Sam Dent, a British trader who had beaten his pregnant Cherokee wife to death. When his late wife's clan sought revenge in accordance with laws of blood revenge, Dent offered them a black slave named Molly as a means of restitution. The clan agreed to accept Molly in fulfillment of blood law, indicating their acceptance of economic compensation in lieu of traditional blood redemption. It also signaled their acknowledgement of chattel slaves as a viable commodity of economic exchange. Not surprisingly, a first order of business for the new tribal council created to conduct negotiations with the Americans, was the formal dissolution of the ancient clan law of blood revenge, enacted September 11, 1808. [93]

Around 1744, Tali Askola (Doublehead) was born into an influential family in the Cumberland foothills near present day Stearns, Kentucky. His

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[92] Strickland, *Fire and the Spirits,* 27 (FN 1); Michelle Daniel, "From Blood Feud to Jury System: The Metamorphosis of Cherokee Law, 1750-1840," *American Indian Quarterly,* Vol. 11, No. 2, Spring, 1987, 100.

[93] Reid, *A Law of Blood: the Primitive Law of the Cherokee Nation* (DeKalb: Northern Illinois University. Press, 2006), 105-106; Strickland, *Fire and the Spirits,* 28, 54,58-59, 77; Snyder, *Slavery in Indian Country*, 203-204; Michelle Daniel, The Metamorphosis of Cherokee Law, 107; Petition of Old Thigh, October 18, 1833, October Term, record Book, Cherokee Supreme Court, John Ross Collection, Tennessee State Archives, Nashville, TN.

father was the respected chief, Wilenawah (Great Eagle), and his mother was Ani' Wa'di. His younger brother was Pumpkin Boy, a warrior who had sacrificed himself in battle, and his older brother was the leader Tassel. Doublehead's sister, Wurteh, married an English trader named Nathan Gist and bore him a son named George. George was born with a deformed foot that some say resembled a pig's foot, earning him the nickname Sequoyah (Pig Foot). Sequoyah eventually found fame as the inventor of the Cherokee syllabary.[94]

Even as a youth, Doublehead had a reputation among the colonists as a violent troublemaker, an unpredictable dragoon, and an intimidating braggart. As leaders of the Chickamaugas, he and Pumpkin Boy spent six years conducting raids on encroaching white settlements, harassing, attacking, and scalping men, women, and children. Pumpkin Boy was eventually killed in one of these battles, but Doublehead went on to become a member of the National Council. Although some followed Doublehead as a charismatic and aggressive resistance leader, others found him self-aggrandizing, uncouth, cruel, and unnecessarily violent. Indeed, his most unattractive qualities included his penchant for self-important posturing and boastfulness. Among the prominent men who despised him, James Vann was the most resentful. Doublehead had been married to Vann's sister-in-law, and while she was pregnant had beaten her death. Among the Americans, Cherokee Agent Return J. Meigs, and U.S. Commissioner, Daniel Smith, two men who had no scruples about using indebtedness and bribery in their tireless efforts

[94] Roberta Basel, *Sequoyah: Inventor of Written Cherokee* (Minneapolis: Compass Books, 2007), 15-20; R. S. Cotterill, *The Southern Indians: The Story of the Civilized Tribes Before Removal* Norman: University of Oklahoma Press, 1954), 229.

to separate the Cherokees from their land, saw Doublehead as a willing infidel – a vainglorious man who could be counted on to hand over his nation's birthrights for the right price. These men initiated a special "friendship" with Doublehead and other leaders like him, who did not recognize the duplicity behind their handshake.[95]

Between 1800 and 1806, the Americans engaged in constant pandering for more Cherokee land. In order to isolate the tribe's representatives from fellow nay saying Cherokee councilors, Meigs and Smith invited the Cherokee delegates to Washington where they would be unhampered by tribal disapproval of their concessions.[96] Representatives of Georgia, Tennessee, and Kentucky urged the federal government to help them secure land for "a good wagon road between Augusta, Georgia and Danville, Kentucky." In a letter to the President, these representatives requested that the federal government negotiate with the Cherokees to obtain safe access through their lands for the purpose of building such a road. Furthermore, they also wanted the government to buy enough land to create a one mile leeway on either side of the proposed road, emphasizing the possibility of commercial development along the wayside. In 1791, the Treaty of Holston, enacted between the federal government and the Cherokees, contained several telling provisions that made the objectives of the government in the Cherokee Nation quite clear. The treaty called for a boundary line to be drawn between the tribe and the Americans that would run through parts of South and North Carolina, Tennessee, and Kentucky in order to protect the tribe's territory

[95] Cotterill, *The Southern Indians*, 139-144.
[96] Cotterill, *The Southern Indians*, 153.

from white encroachment. The treaty subjected any native lawbreakers who committed crimes against Americans to punishment under the laws of the United States. It also admonished the Cherokees to relinquish hunting and turn to agriculture, and it ceded a large portion of the land to the United States.

> . . . . . the undersigned Chiefs and Warriors, do hereby for Themselves and the whole Cherokee nation, their heirs and descendants, for the considerations above-mentioned, release, quit-claim, relinquish and cede, all the land to the right of the line described, and beginning as aforesaid. [97]

But it was a provision in Article Five that created the most anxiety among the tribe:

> It is stipulated and agreed, that the citizens and inhabitants of the United States, shall have a free and unmolested use of a road from Washington district to Mero district, and of the navigation of the Tennessee River.[98]

Finally, Article Seven of the treaty promised, "The United States solemnly guarantees to the Cherokee nation, all their lands not hereby ceded." The document was signed by forty-three Cherokee leaders, two interpreters, and eleven representatives of the United States. Although in Council he had argued bitterly against granting the whites permission to build a road through their country, Doublehead was one of the most prominent signatories.

In 1794, Doublehead was invited to join the Cherokee delegation summoned to meet with the president in 1794. There he assumed the position of

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[97] Charles J. Kappler, ed., "Treaty with the Cherokees, 1791." July 2, 1791; 7 Stat., 39. Proclamation, Feb. 7, 1792 (Washington, D.C.: Government Printing Office, 1904)

[98] Charles J. Kappler, ed., "Treaty with the Cherokees, 1798." Oct. 2, 1798; 7 Stat., 62. | Ratified April 30, 1802; Proclaimed May 4, 1802.

spokesman of the group and did his best to impress and intimidate the Americans. Before the group returned home, Secretary of War Henry Knox increased the Cherokee annual annuities from $1,500 to $5,000. Doublehead was awarded a year's allowance in advance, and all were given elaborate presents to distribute among their people. In exchange, the delegation ceded their Cumberland territory, despite the fact that many Cherokees made their homes there. In October 1794, Doublehead returned home where he distributed the annuities and presents. A number of community members grew angry, however, when he gave the bulk of the money and goods to his followers, saving the largest and best share for himself. Soon he was compelled to defend himself from settlers he had harassed as well as fellow tribal members who saw him as unworthy of the annuity. For much of his life, Doublehead enjoyed a prosperity that few of his contemporaries had ever known, but in the process, he made him many enemies in his country.

In 1798, the Treaty of Tellico, an addendum to the Treaty of Holston was signed in the Overhills Cherokee settlement of Great Tellico near the Tellico Blockhouse in present day Tennessee. It was the only treaty between the United States and tribes enacted during the administration of President John Adams. The agreement was signed by Thomas Butler and George Walton, commissioners of the United States, along with some thirty-nine Cherokee leaders and warriors, in the presence of federal agent Silas Dinsmoor, and thirteen witnesses. In 1806, under the administration of Thomas Jefferson, the "National Road," the "Georgia Road," or the "Cumberland Road" as it was simultaneously called, created a route

from Cumberland, Maryland through Pennsylvania, present day West Virginia, Ohio, and Indiana, opened Illinois to settlement, and attracted thousands of settlers to the region. [99] A number of families, including Daniel Ross, a Scots trader and his Cherokee-Scots wife Mollie McDonald, tavern owner James Vann, the Ridge, a store and ferry owner, and others rose to wealth and prominence by operating businesses along the great road.

Vann and many other Cherokees were angered by the prominent position Doublehead had taken in the 1798 negotiations that resulted in three important cessions of tribal lands in North Carolina, Tennessee and Georgia. He had entered into a secret compact with the government, and had received a number of incentives for his willingness to sign away the lands, including horses, slaves, thousands of acres of land, and money. A decision to execute Doublehead on charges of treason in accordance with ancient clan law was reached by a consensus of tribal council members, and the task fell to Ridge, Alexander Saunders, and Doublehead's old adversary, James Vann. On August 9, 1807, they ambushed Doublehead and killed him in a most gruesome fashion. After the execution, seeking to stop Doublehead's clan from pursuing retribution under the practice of "blood revenge," a law was written and hastily adopted which prohibited blood vengeance for executions carried out by the *didaniyisgi* (law enforcement "official.") [100]

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[99] Gregory Evans Dowd, *A Spirited Resistance: The North American Indian Struggle for Unity, 1745-1815* (Baltimore: John Hopkins University Press, 1992), 161-166.

[100] Cotterill, *The Southern Indians*, 157-165.

Doublehead had been married three times. His widow was Nanquesee, or Nancy Drumgoole, with whom he had one son, Bird Doublehead, twelve years old at the time of his father's death. Soon after, Nanquesee married James Foreman, a union that produced two sons, Gi yu ga (James C. Foreman) and Johnson Foreman. After James Sr., died suddenly, Nan Que Se married a third time, to Scot trader, William Springston, with whom she had three more sons, Gola Usdi (Anderson), Yona ni ye ga (Isaac), and Edley Springston. The eldest of these five half-brothers would bide their time, waiting for the opportune moment to exact blood revenge against the Ridge, Doublehead's executioner, as well as other traitors who would bargain away the Cherokee homelands. After Indian Removal, they would also prove instrumental in the revitalization of the ancient Keetoowah Society.

CHAPTER TWO

Nigohilv Tsuniyvwi Dalasidv: The Surreptitious Rule of Clan Law

The Cherokee social structure retained its historic, traditional flexibility in the early nineteenth century, permitting the tribe to affect appropriate political responses in the face of new crises. Just as in earlier times, the system was constructed around a pyramidal political hierarchy that was based upon an authoritative foundation of clan and kinship. Each acted as an equalizing counterweight, and each emphasized an interwoven set of ethics that informed all aspects of Cherokee society. While all societies have certain set values, the tripartite nature of the Cherokee system made the transition between passive and aggressive social roles much easier. Within the community, the roles of individuals within the community were mutable as well. Cherokee men and women took on dual responsibilities. Individual men, for example, fulfilled the role of warrior when needed, but also served as council members. Active engagement in war was reserved for times of necessity, and military overzealousness was viewed as unethical in times of peace. Military service was strictly voluntary; joining a war party or leaving one was a decision left entirely up to the individual. For those reasons, war parties that formed to address conflicts, disbanded when engagements ended, and the Cherokees never maintained "standing" military units as Timberlake noted in his journal. "[War party leaders] . . . . lead the warriors that chuse to go, for there is no laws or compulsion on those that refuse to follow, or punishment to those that forsake

their chief." [1] Men then moved from their roles as warriors to their alternative duties as council members. The complex system encouraged the personal individuality that Cherokees held so dear, while at the same time it preserved foundational values; two important social aspects that contributed to the stabilization of the society. A paradox arose however, when their cherished individualism led assimilation-minded members of the tribe to look outside the tribal structure and to adopt the acquisitive lifestyles and economic values of the Euro Americans. Shunning the Keetoowah way by abandoning the traditionally cooperative roles and embracing foreign social, political, and economic concepts and bringing those elements into the very heart of the Cherokee communities, threatened the long-established social infrastructure. [2]

At the start of the nineteenth century, the Cherokees restructured their society once again, this time turning to political modernization as a strategy to satisfy American demands and desires for their assimilation and land. Although outwardly the tribe adopted a republican form of government, clan law and kinship continued to be the most powerful, underlying regulating forces within the nation, well into the twentieth century. Nevertheless, as new and perhaps unforeseen patterns of social stratification and traditions of political ritualization began to emerge, the Cherokee ideal of *ga du gi* or collective thinking faced its most serious challenge. These new traditions included centralization and nationalization with an ostensible focus on personal, rather than consensual

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[1] Henry Timberlake, *Memoirs of Lieut. Henry Timberlake,* ed. Samuel Cole William (New York: Arno Press, 1971), 17, 93.
[2] Rennard Strickland, *Fire and the Spirits: Cherokee Law from Clan to Court* (Norman: University of Oklahoma Press, 1975), 93-95.

leadership. Under the new system, three situations developed: Individual wealth, position and standing became important among status seeking members of the tribe, as well as the advantages created by those positions; Social stratification developed and contributed to an increase in factionalism. Members of various factions then began testing the limits of the old social hierarchy, imposing their own future-oriented standards, while rejecting conservative ideals that kept the society tied to the philosophical past. Consequently, a number of these men began to embrace American capitalistic ideals and economics that they believed would elevate them to a more desirable social stature on par with members of white society. Working for individual achievement instead of the benefit of the collective community also created a new emphasis on social practices that were once viewed as culturally inappropriate among Cherokees. Ironically, rather than simplifying and democratizing Cherokee politics as these men believed that accommodation and acculturation would, they increased inequality and complexity, empowered even further factionalism, and drove conservative Cherokees underground. Serious internal repercussions arose as fractures in the embryonic façade of tribal reorganization and unification. Thus in this early stage of modernization, class and status became prevalent new concerns for a portion of the tribe's influential educated men, thrusting them, and by extension the tribe, into the same kind of competitive mobility that characterized the developing American nation at this time. In the case of these young men, a majority of whom were sons of Cherokee mothers and white, primarily Scots fathers, competitive mobility became the nucleus of their economic and political vision.

Consequently, the disparity between ethics and competition became a subject of constant debate and a bone of contention between an emerging Cherokee elite class who actively sought modernization and assimilation, and a poorer, conservative class that zealously clung to the tribe's historic traditions and identity. Among the conservatives, clan and kinship prevailed as the ultimate authority and they refused to bend to assimilative demands or to accept conventional Christianity as a replacement for ancient religious convictions. They continued to view themselves as the descendants of their once-powerful society of Priests and Warriors, and clung to their identity as Ani Kitu'hwagi.[3]

In the 1800s, a new generation of well-educated Cherokee-Scots men rose to prominence in the nation. Men such as Elias Boudinot, John Ridge, Leonard Hicks, Thomas Bassel, David S. Taucheechy, David Vann, and John Ross who were poised as the most outstanding candidates of their generation to assume leadership of the tribe. First educated by private tutors and missionaries, a number of them had been sent to the East for higher education where they learned many of the principles of the recent European enlightenments. Some, like enthusiastic Christian converts Elias Boudinot and John Ridge, learned more than they bargained for about the disparities that existed between Christian doctrines, the relationship of the English and the Scots, and the English and the Indians. After the Battle of Culloden in 1745, the English had established a Scottish policy characterized by forced assimilation and cultural subjugation. In their endeavor to civilize and repress the "savage" Scots, the English banned the Gaelic language

[3] Strickland, *Fire and the Spirits*, 179-180.

and the wearing of kilts, and condemned most emphatically the Clan system. By the late eighteenth century, Scottish theories had given birth to the Scottish 'natural philosophies,' and Enlightenment leaders began to draw comparisons between Gaelic and Indian cultures. The Scots became convinced that the higher pursuits of commerce and property to which the English subscribed, were destructive forces that slowly dulled the sense of morality and killed the human spirit. They believed that the best remedy was, not a return to the primitive past, but a re-cultivation of the natural skills and instincts left behind by their ancestors through the process of evolution. In this way, they hoped to ascend to the higher middle ground that they believed existed somewhere between savagery and civilization. Informed by these enlightened ideas, the Scots widely accepted the practice of intermarrying with American Indians. The children of these marriages, they believed, would have the best of both worlds; a vigorous, prosperous, and moral life without being "bred in effeminacy" like the English elites. [4] The English, on the other hand, clung to the medieval concept of race and ethnicity called "Gens." The Latin root of the word "generations," gens refers to a people descended from one particular founding patriarch. Those who intermarried with the "inferior" Scots, Irish, Welsh, or Indians, were said to have "gone native." It was whispered that these men had undergone "degeneration," a physical, mental, and cultural deterioration from their once-pure state of

[4] A. Ferguson, *An Essay on the History of Civil* Society (Edinburgh: Edinburgh University Press, 1966), 103–104.

Englishness. The children of these marriages were referred to as "degenerates." [5] This concept is clearly articulated in British military leader, General Henri Bouquet's journal notes concerning his expedition into Indian country during Pontiac's Rebellion. Finding English captives living amongst the tribes, he wrote:

> For the honour of humanity, we would suppose those persons to have been of the lowest rank, either bred up in ignorance or distressing penury, or who had lived with the Indians so long as to forget their former connections. For, easy and unconstrained as the savage life is, certainly it could never be put in competition with the blessings of improved life and the light of religion, by any persons who have had the happiness of enjoying, and the capacity of discerning, them.[6]

This kind of thinking was still inherent in the general attitude of the Anglo-Americans encountered by Cherokee Skahtlelohskee (John Ridge) and Sarah Bird Northrup, the daughter of a prominent eastern educator, when they married in 1824. A year later, Ridge's cousin, Gallegina Oo-watie (Elias Boudinot) and Harriet Ruggles Gold faced the same prejudice when, after Boudinot completed his studies at the top of his class at Cornwall's Foreign Mission School in Connecticut, they announced their intention to marry. Regarding the Ridge-Northrup union, in January 1824, Isaiah Bunce, editor of the *American Eagle,* wrote, "The affliction, mortification, and disgrace of the relatives of the young woman, who is only about sixteen years old, [t]o have her

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[5] Nicholas Canny, "Early Modern Ireland, 1500-1700" in R.F. Foster, ed., *The Oxford Illustrated History of Ireland* (New York: Oxford University Press, 1989), 106.

[6] William Smith, *Historical Account of Bouquet's Expedition Against the Ohio Indians, in 1764: with preface by Francis Parkman and a translation of Dumas' biographical sketch of General Bouquet* (Cincinnati: R. Clarke, 1868),76.

thus marry an Indian and taken into the wilderness among savages, must indeed be a heart rending pan[g] which none can realize except those called to feel it." In June, 1825, the agents of the Foreign Mission School published a formal statement of disapproval of the Boudinot-Gold betrothal, emphasizing their "unequivocal disapprobation of such connextions." They went on to refer to those who condoned the marriage as "criminals." "[It is like] offering an insult to the known feelings of the Christian community: and as sporting with the sacred interests of this charitable institution." [7] The contradictions between the principles of these Christians and the prejudice of their actions were not lost on the Cherokees, and the hateful incidences that followed further tainted the already uneasy relationship the tribe had with the missionaries in their country.

The natural philosophies and political ideals of the Scottish Enlightenment took root in America in the mid-1700s, and for a portion of the Cherokee men, Enlightenment ideas were part of the intellectual culture of their Scots fathers. Others became acquainted with the theories from Scot tutors and through formal education. During this era, the American intellectual elite included men and women such as Amos Bronson Alcott, Sarah Margaret Fuller, Ralph Waldo Emerson, Horace Mann, and Elizabeth Peabody, all of whom had read and incorporated many of the Scottish ideas into their own philosophies. Emerson's views on Scientific Rationalism, for example, were shaped in part by the Scottish Enlightenment. He believed, as did the leading Scots, in four phases of human

[7] Lillian Delly, "Episode at Cornwall," *Chronicles of Oklahoma,* 51:4 (1973), 444-450; *Eighteenth Annual Report of the American Board of Commissioners for Foreign Missions* (Boston, 1827), 150-151.

social development which he saw as the product of an evolving conception of property ownership. He embraced the Scottish theory that all human societies began as less-developed or savage hunter-gatherer groups with no concept of ownership that slowly evolved into pastoral, herding societies with limited views of property. Eventually, these groups continued to evolve, it was asserted, through the adoption of more abstract concepts of stock, home, and land ownership, all which created new divisions of labor and productivity, accumulation and prosperity, and expanding reciprocal trade. They also believed that with this evolution came morality; an underlying emotional response generated by a materialistic progress they referred to as the "moral sense."[8] These ideas are clearly evident in the new philosophies and economic undertakings of acculturated Cherokee elites during this era. Aside from the personal advantages these ideas encouraged, these men contended that modernization was necessary in order to elevate Cherokee political and social status to a level on par with that of the Americans. They embraced individual property ownership through a form of selective adaptation under which they continued to self-identify as Cherokees, demanding their aboriginal, tribal rights. Yet for most intents and purposes, many of these men abandoned their native culture and lived almost wholly as white men did, inciting the ire of the less affluent conservative lower class.

In the first years after the American Revolution, President Washington had ordered Henry Dearborn to promote technology among the Cherokees. Dearborn

[8] Alexander Brodie, *The Scottish Enlightenment Reader* (Edinburgh: Canongate Books Ltd., 1997), 118, 121-129, 631.

began by having a number of the more acculturated women tutored in the use of spinning wheels and carding machines. Then in 1792 just prior to the hunting season, the government sent the Cherokees shipments of cotton seed and spinning wheels. When the hunters returned after months of work in the hunt, they were greatly surprised to find that the cotton cloth their wives had harvested and woven far out-valued the deerskins they brought home. Among those most impressed were the Ridge, Charles Hicks, and James Vann, three men who formed the so-called "Cherokee Triumvirate." These young men influenced the nation through the promotion of acculturation, modernization, and change.[9] They believed that introducing new forms of industry to the tribe would not be enough to affect dynamic change. Modernization had to be supported by total cultural transformation, of which, they reasoned, education was the primary key. For that reason, these modernizers became the most eager supporters of higher educational endeavors.

Where these acculturated Cherokee men saw higher education as a means for mainstream inclusion however, conservative Cherokees perceived it as a powerful weapon against mainstream subjugation. Ironically, however, Jacksonian anti-intellectualism and anti-elitism developed at the same time that Cherokee intellectual elitism emerged. In the prevailing atmosphere of rising anti-intellectualism, elite education was rejected by Jacksonian Americans in favor of a combination of systematic and self-education. Therefore, while the

[9] Thomas Mails, *The Cherokee People: The Story of the Cherokees from their Earliest Origins to Contemporary Times* (New York: Marlowe and Company, 1996), 192, 213, 215, 268, 290.

American focus on democratic inclusivity emboldened the resolve of the 'progressive' Cherokees to elevate the tribe in the eyes of the Americans, it also made the Cherokee people a more likely target for marginalization. For all of the egalitarian promises of Jacksonian idealism, in reality, it only benefited white men, and through the enfranchisement of the South, the region's first and rightful inhabitants became disenfranchised. Rising American sentiments of hostility and mistrust toward intellectualism was expressed in a number of ways, including attacks on the merits of science, education, religion, and literature. American anti-intellectuals perceived themselves as champions of the "ordinary man" against snobbery in both academia and in politics.[10] Paradoxically, idealistic Cherokee leaders utilized the very implement that Jacksonians most despised in order to preserve their sovereign status – elite education.

> Before the Revolution they were in the habit of coming often and in great numbers to the seat of government where I was very much with them. I knew much the great Ontasset'e [Outacity], the Warrior and orator of the Cherokees. . . . .I was in his camp when he made his great farewell oration to the people in the evening before his departure for England. The moon was in full splendor, and to her he seemed to address himself in his prayers for his own safety on the voyage, and that of his people during his absence; his sounding voice, distinct articulation, animated action, and the solemn silence of his people at their several fires, filled me with awe and veneration, altho' I did not understand a word he uttered.
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> *Thomas Jefferson to John Adams,* June 11, 1812 [11]

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[10] Richard Hofstadter, *Anti-Intellectualism in American Life* (New York: Vintage Books, 1962), 155-160, 169-171; Joseph Wheelan, *Mr. Adams's Last Crusade: John Quincy Adams Extraordinary Post-Presidential Life in Congress* (New York: Perseus Books, 2008), 128

[11] Jefferson was 19 years old when he heard Ontasset'e (also known as Outacity) speak. Lester Cappon, ed., *Adams-Jefferson Letters: The Complete*

The power of Cherokee oration was evident to the Europeans from the advent of British incursion in Cherokee Lands. Prior to the invention of their written Syllabary, in order to convey desires and intentions, the Cherokees relied solely upon oral communication in the form of Gawonhisdi, Kanegvi, and Digalvladi – oratory, rhetoric, and storytelling. Their world view, epistemology, religious ideologies, and history were all compiled in allegories, myth, and legends recited regularly by tribal storytellers. The perpetuation of Cherokee culture, history, and identity depended on the dissemination of these stories, making their retelling a weighty and honorable responsibility, as well as a work of high art. Recreating the colorful characters and crucial historical events woven through the stories before an audience around a roaring fire, both men and women honed their skills as superlative speakers. Being able to communicate effectively was one of the most important skills a Cherokee could possess. Each town had a number of imaginative and talented storytellers, each with an extensive repertoire of historical narratives and moral parables. Effective rhetorical practices were also vitally important in politics and government. As Timberlake observed, "They are fond of speaking well, as that paves the way to power in their councils."[12] Within the council houses, both men and women rose to speak to the assemblage. Each item of business was thoroughly explained, discussed, argued, and debated until the group was able to reach a consensus on the matter at hand. One onlooker noted:

Correspondence Between Thomas Jefferson and Abigail and John Adams (Chapel Hill: University of North Carolina Press, 1959), 307.

[12] William Strickland, "Cherokee Rhetoric: A Forceful Weapon," *Journal of Cherokee Studies,* Vol. II, No. 4 (Fall 1977), 375-376.

> Speakers at tribal councils were men of eminence in war or council or both. They were also men of dignity and ability, well trained in the oral tradition. Their speeches, which would do credit to any Athenian orator, should dispel for all time the myth of the Indian as ignorant savage. That these eloquent, moving speeches were often made with telling use of wit and sarcasm destroys the stereotype of the stoic, silent, humorless red man.[13]

Skillful Cherokee oration included the use of a number of rhetorical, persuasive strategies that were so sophisticated, that many Euro-Americans who heard them remarked about their similarity to those of the ancient Greeks. Upon witnessing a council meeting, Massachusetts educator and Senator Edward Everett was moved to compare the eloquent debating skills of the Cherokee orators to "the most gifted minds of Greece or Rome."[14] Masterful Indian orators seemed to instinctively draw upon techniques thought to have been perfected by the ancient Athenians, such as "Logos," an appeal to logic or reason; "Ethos,' an ethical appeal based on the reputation and credibility of the speaker; and "Pathos,' a passionate appeal to the needs, values, and emotions of the audience. In the nineteenth century, the intuitive rhetorical skills of the Cherokees were reinforced by formal education. Oration and elocution, first taught in mission schools, were subjects that Cherokee children excelled in. After attending a mission school recital, one American in attendance noted, "The Indian pupils appeared so genteel and graceful on stage that the white pupils appeared uncouth beside them."[15] As

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[13] William R. Carmack`, Professor of Communications in W.C. Vanderwerth, ed., "Indian Oratory: Famous Speeches by Noted Indian Chieftains," *Civilization of the American Indian Series*, V.110, Viii.
[14] Edward Everett, *Register of Debates in Congress* (First Session, 21st Congress, Vol. VI, 1830), 1079.
[15] Robert Sparks Walter, *Torchlights to the Cherokees* (New York: MacMillan, 1931), 159.

the nineteenth century dawned, Ganundalegi (The Ridge) enjoyed wide acclaim as the most effective speaker in the Cherokee Nation, despite the fact that he never learned to read or write. An old-style speaker, he was well-versed in the oratorical arts and traditions of his fore-fathers. His powerful use of emotive speech, unmatched in the nation, enabled him to rouse passion in his audiences. He punctuated arguments with dramatic, carefully-chosen words which lent credence to his strong opinions and inspired resolution among the people.[16]

The Cherokees also recognized the practical value of education, and as early as 1760, expressed interest in obtaining the kind of knowledge that would place them on equal political footing with the Europeans. While touring London with Andrew Cuming in 1765, tribal leaders Ostenaco, Cuneshote, and their companions visited the London Board of Trade and Plantations. During their conversation with Board authorities, they voiced anger over the encroachment of British settlers in the Cherokee country and asked the Board for help in resolving the situation. They also anxiously inquired if "some learned persons . . . . . might soon be sent among us to teach our young people writing, reading, and other useful things."[17] These Indian diplomats clearly understood the power and equalizing ability of education and wanted to possess it as a political tool. Again, in 1816, the Moravians recorded another request for education in their

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[16] Thurman Wilkins, *Cherokee Tragedy: The Story of the Ridge Family and the Decimation of a People* (New York: MacMillan Company, 1970), 26.
[17] "Journal, February 1765: Volume 72," *Journals of the Board of Trade and Plantations*, V. 12: January 1764 - December 1767 (1936), 143-153. URL: http://www.british-history.ac.uk/report.aspx?compid=77628&strquery=Cherokees Date accessed: May 29, 2009; Abraham E. Kenepler, "Eighteenth Century Cherokee Educational Efforts," *Chronicles of Oklahoma,* v. 20, No. 1, March, 1942, 55-56.

daily journal. This request came from a group of emigrants who were setting out for Indian Territory.

> April 16, 1818: "The Old Glass (a leading chief of the Arkansas party), who has of late been telling his people that schools would do the Cherokees no good, called on us early this morning. . . . He said the white people crowded upon them so much, that they must go over the Mississippi . . . . .He expressed his confidence in the . . . . .good people, as he called them, at the north, who were sending teachers to instruct their red brethren. He said schools were very good for them, and added, "As soon as we get a little settled over the Mississippi we shall want schools there." [18]

By the mid-1800s the tribe was well on its way to becoming a nation of educated people with a high rate of bilingualism and literacy. Cherokees who could afford to do so employed tutors for their young children or sent them for fundamental instruction to local mission schools. Consequently, a large percentage of their children could read and write with proficiency. In addition, the tribe's prominent elites sent their sons to the East for classical higher education in Boston, Philadelphia, Connecticut, and New Jersey colleges. Their benefactors in these educational endeavors were often some of the leading American intellectuals of the day, such as the renowned patriot and statesmen, Elias Boudinot who wished to see the Cherokees assimilate and prosper. After Boudinot sponsored Gallegina Oo-watie as a scholar at Cornwall's Mission School, Oo-watie dropped his own Cherokee name and adopted the name of his benefactor; henceforth Oo-watie was known as Elias Boudinot. [19] Given their

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[18] Joyce B. Phillips and Paul Gary Phillips, eds., *The Brainerd Journal: A Mission to the Cherokees, 1817-1823* (Lincoln: University of Nebraska Press, 1998), 53.
[19] Theda Perdue, ed., *Cherokee Editor: The Writings of Elias Boudinot* (Athens: University of Georgia Press, 1996), 5.

unique circumstances, the tribe's pre-removal educational achievements were both exceptional and deeply significant. For all outward appearances, it seemed that within three short decades the Cherokees had accomplished a monumental transformation of their society, just as the enlightened Scots had predicted. They had moved from a primitive, loose association of clan-based kinship communities governed by consensus, to an educated, acquisitive, republican-style state, regulated under constitutional law. The tribe's economic system was also altered; and from a society with no concept of ownership and antiquated practices of subsistence hunting and gathering, it seemed to have risen to a modern commercial, agricultural state characterized by the accumulation of property and wealth. First the British and then the Americans had pushed the tribe toward "civilization," and during this dynamic period, a small group of willing assimilationists had become well-to-do elites, wielding the most influence with the Euro-Americans leaving the conservatives virtually powerless. These elites, who had taken up mainstream entrepreneurial industrial farming, also engaged in the practice of chattel slavery. They had accepted what McLoughlin refers to as the "individualistic values of the acquisitive society."[20]

These middle and upper-class educated men continuously pressed for the centralization of Cherokee governance, as well as tribal acquiescence to American political objectives and policies. Due to the wealth they had accumulated, the Americans favored them, and negotiated openly with this slave-owning faction, who in turn, tried to exert control over the entire Cherokee Nation. The

[20] William McLoughlin, *Cherokee Renaissance in the New Republic* (Princeton: Princeton University Press, 1986), 327.

conservatives realized that they had little chance of preserving their cherished culture, traditions, or sovereignty without remaking themselves as the assimilated independent property owners the Americans wanted them to be. Still, while they viewed some aspects of European culture as desirable, they had no intention of relinquishing their Cherokee life ways. For that reason, they began to search for alternative strategies for dealing with American pressures that would allow them to maintain their power, influence, and identity as a sovereign Indian nation. Education became the most logical cornerstone upon which they believed they could build a strategic response to the challenges presented by the overwhelming forces around them. Still, the far-reaching implications of their amazing educational transformations were underestimated by their white neighbors, many of whom viewed their educational achievements as mere anomalies. Their antebellum educational experiences, however, would have a deep and abiding ideological impact on the course of Cherokee history over the following decades. For in their nascent state, education was akin to resistance, and it became their consummate weapon for adaptability, reinvention, and political and cultural perseverance. Although it ultimately empowered the unexpected cultural transformation, class stratification, and political centralization that greatly altered their society, it also became their most powerful structural pose; their greatest strategy for survival.

In the nineteenth century, American religious elites linked the nature and objectives of higher learning to the social and intellectual goals of Protestantism; particularly in the South, where educators placed a greater emphasis on self-

education and bible-based moral instruction than on formal or secular education. Missionaries supplied the earliest formal instruction in the Cherokee Nation beginning in 1801. It was instruction requested by the tribe, encouraged by U.S. Indian agent, Return J. Meigs, and provided by Moravian missionaries led first by Abraham Steiner and Christian Frederic de Sweinitz of the Society of United Brethren. Soon after, the Reverend J. Gambold established the Moravian Mission School at Spring Place in present day Chatsworth, Georgia. The mission was built between Tennessee and Georgia along the main route; the so-called National Road that Doublehead had helped to establish. Ironically, the Spring Place Mission provided the first educational instruction the Cherokees had in English taught by missionaries whose primary language was German. Curriculum included basic reading and writing through the pages of the Bible and instruction in mathematics and domestic skills such as spinning and agriculture. [21]

In choosing a location for their second establishment, Brainerd Mission, the Moravians made a decision that clearly reflects their preference to deal with the more acculturated "mixed blood" elites over the unsophisticated "full bloods"; a decision that would significantly affect the future course of Cherokee politics. They were offered two possible locations for the new mission; land adjacent to the large, industrial plantation owned by James Vann in the Upper Cherokee districts, or land adjacent to John McDonald's modest farm, about midway in the Chickamauga district. Principal Chief Little Turkey advised the group to build near McDonald's, thereby making their school and services available to the less

[21] Ibid., 74.

affluent, conservative Lower Town Cherokees as well as the assimilated elites in the Upper Towns. He even suggested they construct two missions; one at each location to better serve the entire community. Vann, however, assured them that building on the land next to his farm would make their enterprise much more successful, since the Upper Towns were dominated by a receptive, intelligent class of acculturated "progressives." In their partiality toward these more "civilized," bicultural members of the tribe, the missionaries ignored the wise and practical advice of the traditional Chief, and accepted the offer of the wealthy plantation owner, further alienating traditional support and turning their backs on the educational needs of the conservative families in the process.[22] Vann, the son of a Cherokee mother and Scots father, was one of the most eager Capitalists in Cherokee country. The headman of the Cherokee Upper Towns, his Diamond Hill Plantation included over 800 acres of cultivated land, an orchard of over 1,000 peach and apple trees, and property that included 110 slaves. A polygamist, Vann and his two wives, Mary Polly Scott and Jennie Doublehead Foster, and their eleven children, lived on the plantation in an elegant mansion home.[23] Together with a number of acculturated men in the Upper Towns region, Vann would later take the initiative in selling away the Cherokee homelands by signing the illegal Treaty of New Echota in 1835. The Moravians apparently saw no disparity in their promotion of "moral instruction," even as

[22] Ibid., 73-74.
[23] Tiya Miles, *The House on Diamond Hill: A Cherokee Plantation Story* (Chapel Hill: University of North Carolina Press, 2010), 18, 79, 219-231.

their cultural biases led to choices that resulted in serious political ramifications for the Cherokee people they claimed they came to serve.

Although many Christian reformers of the day shared the prevailing attitude that Indian education should focus on the civilizing arts of Christian instruction and domestication, many of those who lived and worked among the Cherokees expressed a different opinion. Many of them strongly disagreed with those who argued that Indians were unable to comprehend the concepts of secular education. Sophia Sawyer, a New Englander educated at New Ipswich Academy and Byfield Female Seminary, worked with the Cherokees at the Brainerd Mission in Tennessee for thirteen years beginning in 1810. Throughout this time, she was able to make many firsthand observations about the Cherokees' capacity for education in the antebellum era.[24] In an 1824 letter to the American Board of Commissioners for Foreign Missions, Sawyer refuted the notion that Cherokees could not learn, describing how two of her female students had demonstrated considerable ability in their responses to over twenty-three hundred exam questions. She wrote, "The young ladies, that you saw when here, wish to continue in school till they are acquainted with all the branches usually taught in English schools."[25] In another letter written in 1829 to Board director Jeremiah Evarts, Sawyer described the capacity her Cherokee students had for learning in glowing terms, referring to them as " . . . . . some of the most promising scholars

[24] Castelow, Teri L., 2005. "Behold me and this great Babylon I have built": The life and work of Sophia Sawyer, 19th century missionary and teacher among the Cherokees. Ph.D. diss., Florida State University,
[25] Castelow, *Behold Me and This Great Babylon,* 53.

that I ever taught anywhere."[26] The ABCFM's mission schools utilized the Monitorial or Lancasterian System, a highly effective teaching method that was widely used between 1789 and 1830 in which more advanced students taught the less advanced, enabling a small number of masters to educate large numbers of students inexpensively. Sawyer led her Indian students through instruction in Reading, Oratory, Grammar, Composition, Mathematics, Geography, History, and Science as well as a study of the Scriptures. Yet despite her students' many successes, there was little mission support for advanced continuing education for Indians. By 1833, missionaries had taught eight hundred and eighty-two students in eight ABCFM schools around the Cherokee Nation. The Brainerd Mission educated approximately three hundred and fifty-five others.[27] Situated on Chickamauga Creek near the Chattanooga settlement, Brainerd was the largest institution of its kind among the Cherokees. For over a dozen years after the War of 1812, the government generously supported the mission schools and in 1819, passed the Indian Civilization Act to subsidize their assimilating work. The missionaries then supplemented their federal grants by soliciting private donations. The Board was so successful in raising funds for their schools, that they were able to build an extensive missionary complex after only six years of operation.[28]

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[26] Ibid., 68.
[27] William McLoughlin, *Champions of the Cherokees: Evan and John B. Jones* (New Jersey: Princeton University Press,1990), 19; Grace Steele Woodard, *The Cherokees* (Norman: University of Oklahoma Press, 1963), 140-141; James Mooney, *Myths of the Cherokee* (New York: Dover Publications, 1995), 107-108; William McLoughlin, *Cherokees and Missionaries,1789-1839* (New Haven: Yale University Press, 1984), 129.
[28] Ibid., 28.

William Holland, a teacher from Belchertown, Massachusetts, answered a call from the American Board of Commissioners for Foreign Missions to establish a mission school among the Cherokees in Tennessee. In 1825, he wrote to Jeremiah Evarts, secretary of the American Board; "[We have had] rather gloomy prospects, there being no s[chool] house in readiness & but 5 or 6 children who could be collected……"[29] Within just a few months, however, he had established a post office and named himself postmaster at his mission station at Candy's Creek. The Candy's Creek school was located just twenty-eight miles east of Ross' Landing in the present day town of Chattanooga, Tennessee, thirty-seven miles southwest of the old Cherokee town of Etowah, and 80 miles southwest of Kingston. This region was populated by a large number of conservative traditionalists, many of whom were the descendants of the early Chickamauga rebels. During this time, these conservatives were engaged in the desperate struggle against removal. The mission and school were situated on seventy-five acres of land, on which corn, oats, potatoes, and sweet potatoes were cultivated. The school operated thirteen years, providing instruction for the children of many of the conservative families of the area. Yet despite the success of the operation, Holland was reluctant to make any further improvements on the property due to the tenuous political climate that surrounded the Cherokee Nation as they awaited the outcome of their fight against Jacksonian removal. In this uncertain situation, Holland strived to keep operating expenses at a minimum. Writing to the American Board in 1833, he proposed that the students should take

[29] "William Holland to Jeremiah Evarts, Candy's Creek, October 1825," ABCFM: 18, 3.2, Vol. 1, 246.

on more of the responsibilities around the mission, school and farm in order to save ". . . . .the expense of a female servant for the kitchen, and also the trouble of procuring one, which to persons entertaining our views of slavery, are very considerable." This statement reveals the abolitionist views the school master held and professed in the classroom. The seeds of anti-slavery ideology, planted here among the conservatives, would eventually grow to become prominent concerns in the post-removal era.[30] The statement also clarifies a common misconception; the idea that the conservative Cherokees were induced to accept abolitionism through the efforts of Baptist missionaries, Evan and John Jones. Apart from this father and son missionary team, it has often been written, the Cherokees had little knowledge or concern or anti-slavery issues. Contrary to those notions, the conservatives were fully aware of the American movement to end slavery, and the majority of them agreed with the reform in their own society either for moral or national reasons, or a combination of both.

Seventy-four students attended the Candy's Creek School during its years of operation, many of whom lived with the Holland family. Although some were non-Indians, the majority of these students were Cherokees. Instruction at the school included reading, writing, spelling, composition, geography, arithmetic, and grammar. Holland was content when his students completed what he termed, "an education sufficient for the transaction of the common business of

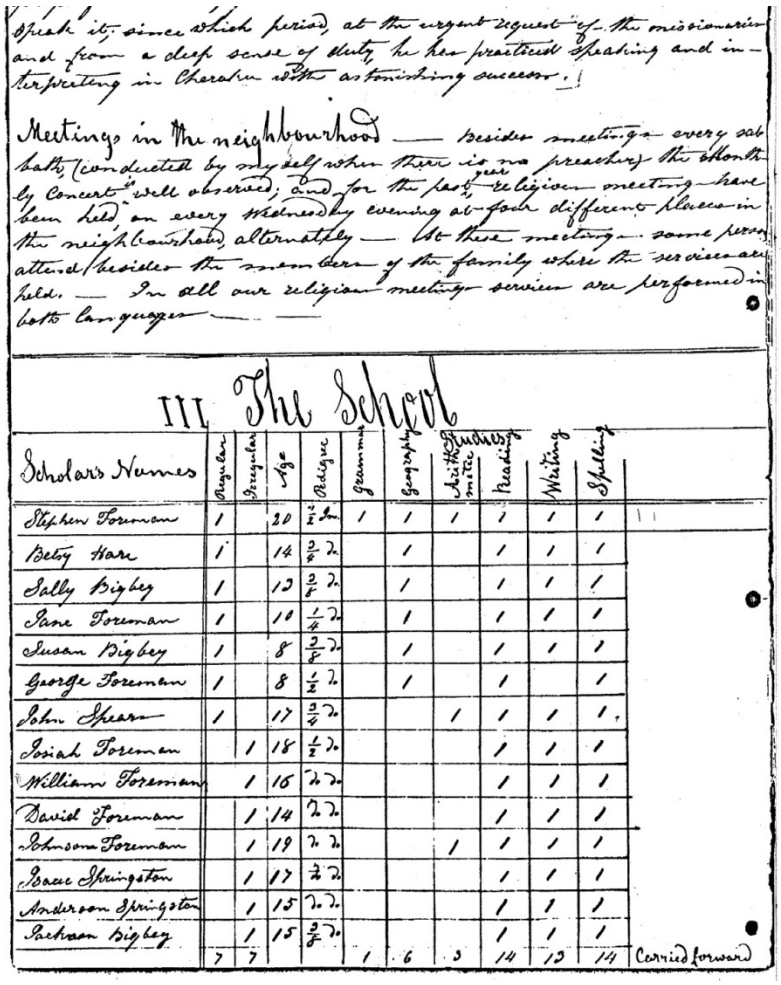
[30] William R. Snell, "Candy's Creek Mission Station, 1824-1837," *Journal of Cherokee Studies,* Summer 1979, Vol. IV, No. 3, 136-184; "William Holland to the American Board of Commissioners for Foreign Missions, Candy's Creek, August 1, 1833," ABCFM: 18, 3.1, Vol. 8, 126.

life."[31] In 1837, due to the removal of the Cherokees from their old country, Holland decided to close the school and leave the missionary service. He sadly reported that many Cherokee parents were hoping to have one last opportunity for their children to study before they removed, so in February 1837, he held one last season of studies. In a surprising display of support for what may reasonably be construed as an indication of the cultural losses the tribe had already experienced, during these final sessions, classes in the Cherokee language, taught by Susan Bushyhead were offered in addition to regular subjects. A roster places the Springston brothers and their half-brother, Foreman, among the names of the scholars at the mission school in 1828. These young men would play a prominent role in anti-removal efforts, Treaty Party executions, and the eventual 1858 first revitalization of the Keetoowah Society in Indian Territory. During these final sessions, classes in the Cherokee language, taught by Susan Bushyhead were offered in addition to regular subjects. A roster places the Springston brothers and their half-brother, Foreman, among the names of the scholars at the mission school in 1828. These young men would play a prominent role in anti-removal efforts, Treaty Party executions, and the eventual 1858 first revitalization of the Keetoowah Society in Indian Territory.

The Great Awakening also had as huge an impact on Cherokees in the South as it did on white and black southerners, yet the experience was not the same for all three groups. For whites, the Awakening was a movement of religious reform and renewal. For blacks, the introduction of Christian

[31] Ibid., 127.

revivalism provided respite and a sense of hope, and would eventually become the backbone of African-American resistance and coalition building. In response to the early requests of the Cherokees for educational opportunities, missionaries traveled into the Cherokee country, established missions, and



speak it; since which period, at the urgent request of the missionaries and from a deep sense of duty he has practiced speaking and interpreting in Cherokee with astonishing success.

Meetings in the neighbourhood — Besides meetings every sabbath, (conducted by myself when there is no preaching) the Monthly Concert well observed; and for the last year religious meeting have been held on every Wednesday evening at four different places in the neighbourhood alternately — At these meetings some persons attend besides the members of the family where the services are held. — In all our religious meetings services are performed in both languages — —

III The School

Scholars Names	Regular	Irregular	Age	Progress	Grammar	Geography	Arithmetic	Reading	Writing	Spelling	
Stephen Foreman	1		20	1st Book	1	1	1	1	1	1	
Betsy Hare	1		14	2/3 2d		1		1	1	1	
Sally Bigbey	1		13	2/3 2d		1		1	1	1	
Jane Foreman	1		10	1/4 2d		1		1	1	1	
Susan Bigbey	1		8	2/3 2d		1		1	1	1	
George Foreman	1		8	1/2 2d		1		1		1	
John Spears	1		17	2/3 2d			1	1	1	1	
Josiah Foreman		1	18	1/2 2d				1	1	1	
William Foreman		1	16	2d 2d				1	1	1	
David Foreman		1	14	2d 2d				1	1	1	
Johnson Foreman		1	19	2d 2d			1	1	1	1	
Isaac Springston		1	17	2/3 2d				1	1	1	
Anderson Springston		1	15	2d 2d				1	1	1	
Jackson Bigbey		1	15	2/3 2d				1	1	1	
	7	7			1	6	3	14	13	14	Carried forward

Figure 2-1: Candy's Creek Mission School Roster, January 1828, naming Isaac and Anderson Springston and their half-brothers, James and Johnson Foreman as scholars in attendance.

Source: William R. Snell, "Candy's Creek Mission Station, 1824-1837," *Journal of Cherokee Studies,* Summer 1979, Vol. IV, No. 3, 174-175.

opened schools. In preliminary negotiations with the tribe at Tellico in 1800, the Moravians had outlined their plan to teach the Christian gospel at their proposed Spring Place Mission School, but the conservatives balked at the idea, insisting that they wanted nothing to do with religious instruction. They acquiesced, however, when Indian Agent Return J. Meigs assured them that the missionaries only wanted to help the tribe. "They are not speculators, nor merchants; they do not want your land, nor your money; they wish to give you that which is worth more than lands or money."[32] Finally realizing that the missionaries would never alter their primary objective, to deliver the message of Christianity, the tribe agreed in hopes that by tolerating the Bible instruction, they could also obtain the secular training they desired. After evaluating the school's first academic session, however, the conservative Chiefs angrily threatened to expel the Moravians, complaining that their lesson plans were little more than religious proselytizing. Consequently, by 1804, the mission school curriculum was expanded to include "reading, writing, and 'other things'" [33]

A series of letters between tribal leaders and the Moravians reveal the depths of resentment that the conservative traditionals felt toward the missions, and document the rise of the revitalistic "White Path Movement." The resistance was duly noted in the Brainerd Journal; "February 11, 1823: False tales of almost every description are circulated among this people against missionary operations."

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[32] Edmond Swarze, *History of the Moravian Missions Among Southern Indian Tribes of the United States* (Bethlehem, PA: Times Publishing Company, 1923), 76-77.
[33] Swarze, *History of the Moravian Missions*, 75.

[34] The essence of the situation lies in the missionaries' overarching determination to force the Cherokees into Christian conversion. A large contingency of the conservatives were equally determined to remain rooted in their traditional native spiritual beliefs. It was a determination the missionaries witnessed and recorded often in their journals. Such was the case with the uncle of Nutsawi.

> Thomas Nutsawi was a full Cherokee, born and brought up among the unenlightened Indians of his country. He had an uncle who was a priest to offer the sacrifices of the town and perform the various duties of the priestly office, as attended to in his day. While Nutsawi was yet young his uncle selected him and set him apart, and instructed him as his right hand man. He of course became learned in the ancient religious customs and principles of their fathers . . . . . .As [Nutsawi] became acquainted with the doctrines and duties of the Bible. . . . . .he became a firm believer in Christ. When he made this known to his aged uncle, [his uncle's] grief and mortificationwas so great, that he left the place where he had long resided and went back to the mountains, to avoid the sight of those objects and places that would remind him of his loss.[35]

By 1810, a full-scale factional conflict was already in progress which pitted the conservatives against the mixed blood assimilationists. These men were actively engaged in attempts at mainstream political, economic, and social transformation, and openly courted the approval of influential whites in their efforts to take control of the Cherokee tribe. Instead of remaining neutral, the

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[34] Phillips and Phillips, *The Brainerd Journal*, 337.
[35] "Letter to John Howard Payne from D.S. Butrick, December, 1813," *Payne-Butrick Papers*, Vol. 4, 12-13.

missionaries favored the elites, further angering the traditionals, and thus became entangled in the conflict. [36]

Then between 1811 and 1812, a series of prophecies caught the attention of the conservatives in the backwoods of Tennessee, Georgia, and North Carolina after several Cherokees claimed that God had revealed his future intentions to them through visions. The first of these visions, the prediction of a comet and a number of earthquakes, was reported by a man named Charlie in the spring of 1811.[37] The second prophecy was reported by a man named Big Bear, who told the Moravians that a strange man had appeared in the woods, clothed entirely in foliage. The strange man claimed the Creator was angry with the Cherokees for allowing the whites to take the lands he had designated for the Real People. He said that God was especially angry that the whites now made their homes in the land where they once maintained their sacred fire. He then advised the Cherokees to use the bark of a certain tree to make *nvwoti*, a medicinal tea for their children. The medicine-making instructions given in this second vision reveal an important and prevalent conservative attitude in this era. It most certainly reflects the state of cultural crisis that confounded and distressed the Cherokees during this era. The Cherokee worldview dictated that in times of sickness, a close family member would dream about the *didanvwisgi* (healer).[38] Dreaming of this strange healer must certainly have been an admission of

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[36] McLoughlin, *Cherokee Renaissance*, 366, 376-380, 388.
[37] Michelene E. Pesantubbee, "When the Earth Shakes: The Cherokee Prophecies of 1811-1812." *American Indian Quarterly,* Vol.17, No. 3 (Summer 1993), 306.
[38] Raymond D. Fogelson, "The Conjurer in Eastern Cherokee Society," *Journal of Cherokee Studies,* No. 2:66 (Fall 1980), 77-78.

weakness, and a sign that God would bring the spiritual help that was needed. The foliage he wore was most likely a representation of the medicine needed to strengthen the nation in the face of the overwhelming pressure from the outside world.[39]

Furthermore, as in early times when conjurers would infect certain feathers and stones with diseases and bury them in the mounds in order to weaken or kill any enemy who would dare to trespass, the conservative Cherokees believed that the white men had sent contagion to the tribe in order to weaken and bend them to their will. It was a concern that is not hard to understand. Between 1738 and 1739, smallpox had decimated nearly half of the Cherokee population, with new outbreaks occurring in 1760, 1780, 1783, and 1806. Other diseases, such as measles, whooping cough, and influenza had also taken a devastating toll. [40]

Finally, the Moravians recorded three separate apocalyptic predictions described to them by Cherokees in 1812. In one of these reports, the residents of a particular valley town fled to the hills to avoid a forecasted storm of enormous hailstones. When the day passed without incident, they returned. In the spring, another bizarre hailstorm was predicted. The moon, said one old woman, would soon darken, and again, immense hailstones would fall, so large that they would kill all the cattle and the white men, eventually bringing the earth to an end. Interestingly during this period, a number of strong earthquakes were recorded by

[39] Pesantubbee, When the Earth Shakes, 307.
[40] Ibid., 308.

the Moravians, along with unusually high winds, heavy rains, and lightning storms. Large sink holes also opened up in the region, most certainly giving the predictions a weighty significance for the conservatives. [41] Moreover, in 1811, a great comet which streaked across the sky remained visible for weeks, portending doom. Finally, on December 16, 1811, the New Madrid earthquake rocked the region in the early morning hours, giving more authority to the apocalyptic vision of the Shawnee prophet, Tenskwatawa and his brother, Tecumseh; men who had made pilgrimages to the tribes in the Mississippi Valley to try to recruit them to join their confederacy. Although the Cherokees seemed to pay the Shawnees no mind, in 1789 Tecumseh took up the southern cause, fighting alongside Dragging Canoe and the Chickamaugas in their struggle against the insidious encroachment of the Americans. When these signs and portents appeared in the first decade of the nineteenth century, the Cherokees remembered the warnings of the Prophet.[42]

While a number of scholars have devised elaborate theories to explain the differences between white and Indian apocalyptic perceptions, the distinction may be much less complicated. For centuries the Cherokees were intimate partners with the feral wilderness. They enjoyed a worldview that placed them within the natural cycles of *elohi* (earth); a view that the conservatives did not abandon even in the face of modernization in the eighteenth and nineteenth centuries. Consequently, during the era of the Great Awakening and subsequent years of Christian reform, Cherokee farms, towns, and communities still reflected their cyclical relationship. For the white Protestant migrants, however, the harsh

[41] Ibid., 310.
[42] Ibid., When the Earth Shakes, 313-314.

frontier appeared to be a brutal barrier to refinement – a step backward from civilized European culture. The more strenuous the daily lives of the white settlers on the frontier became the more critical evangelicalism, with its themes of suffering and repentance became to them. In addition, in the violent atmosphere created by chattel slavery in the South, the need for spiritual consolation grew more appealing. Even so, few of the white Evangelicals stepped forward to seriously challenge the institution of slavery in the South, instead instructing the slaves to look upward toward a heavenly reward, where bonds would eventually be broken for all eternity. When the struggles of daily life overwhelmed them, settlers on the southern frontier took comfort in the emotional solace and redemption that prophetic, evangelical religion provided. [43] But the majority of the Cherokees did not.

The evangelicals of the Great Awakening targeted the southern Indians for conversion and reform as well, and the Cherokees were no exception. They took note of the disparities between the Christian message taught in the mission schools and the daily behavior of the white Christians around them. The many contradictions bewildered them, and a great number of the conservatives wanted nothing to do with the white man's faith. Others began to view the acceptance of Christianity as a viable strategy for fending off white intrusion in their lands, believing that if they professed to accept the teachings of the missionaries, they would be left alone and would once again be free to go about their business. Still others selectively adapted certain parts of Christian teachings, as is evident in

[43] Christine Leigh Heyrman, *Southern Cross: The Beginnings of the Bible Belt* (Chapel Hill: University of North Carolina Press, 1997), 126-128, 135.

their first revitalization movement. Within their own world view, the Cherokees had always interpreted ancient prophetic warnings as admonishments from God for some indiscretion the people had committed. Baffled by the contradictions they saw in the behavior and teachings of the Christians, they believed that the Creator would surely send warnings to the whites as well.

Between 1826 and 1827, a second revitalization movement, referred to as the White Path Rebellion, swept through the Cherokee Nation. Led by conservative chief White Path, at its core was a denunciation of Christianity, and the casting off of elements of white culture that had been freely embraced by the acculturated "mixed bloods." It was also a complete rejection of the tribe's new centralism and constitution. White Path and his followers clung zealously to clan law and opposed any kind of state building. They viewed the work of the missionaries as negative influences among the tribe, and they openly resisted and criticized American assimilation and civilization policies. The White Path Rebellion, the Ghost Dance, and the series of prophetic visions that occurred in the Cherokee Nation in the early nineteenth century, all raise serious questions about the historical assertion that the tribe willingly and eagerly adopted republican style government and constitutional law in these years. There is much evidence that the conservatives used this new government as a façade behind which they could continue to regulate themselves according to their ancient laws of clan and kinship unmolested.

Despite anti-mission sentiment, the Spring Place Mission operated its school for sixteen years. The Brainerd Mission School operated for twenty-two

years, until forced removal of the Cherokees prompted the ABCFM to permanently abandon the site in August 1838. When after thirteen years of operation, Holland closed the Candy's Creek School and retired in 1837, he wrote, "We have never regretted the sacrifices we have made in their behalf – our only regret is that we have done no more for them (Cherokees)." In a cryptic note that reveals the family's disgust with the conflict between morality and economics in the southern region, he expressed his family's eagerness to leave the South, writing, "We should not think of remaining in any of the slaveholding states."[44] When the Cherokees were rounded up for removal in the fall of 1837, the Candy's Creek School was used as a detention center and internment camp for families to be pushed west.

The most important educational objective the Cherokees still held from earlier times was the desire to control their own schools where they had access to a more secular curriculum than that advocated by white American missionaries. This lofty goal became a feasible possibility when Sequoyah (George Guess) created the Cherokee Syllabary. In the 1820s, two oppositional advancements were made in the Cherokee Nation. The first was the spread of Christianity among the tribe. Some Cherokees, primarily the elites, heard the message of Christian salvation, embraced its principles, and allowed them to transform their lives. Others heard the message and put on the outward trappings of the Christian life style, yet at the same time, adhered to many aspects of Cherokee spiritual traditions. Still others heard the message and wholly rejected

[44] "William Holland to David Green, Candy's Creek, June 9, 1836," ABCFM: 18, 3.1, Vol. 8,132.

Christianity, clung to their historic religious practices, and opposed any efforts of missionaries to advance Christian acculturation. The second advancement was Sequoyah's amazing invention of the Cherokee Syllabary, an innovative system for writing the spoken language. The Syllabary was a key element of the nationalist movement; an endeavor to create a new practical means of self-expression as a path to increased political power for the traditional conservatives. While both of these advancements may be seen as stepping stones to greater self-determination, both also threatened to further factionalize the tribe. The Syllabary created wider divisions between the conservatives who spoke little or no English, and the assimilationists who spoke little or no Cherokee.[45] In the same fashion, Christianity and the missionaries who pandered to the acculturated elites contributed to a growing sectional crisis within the Cherokee Nation that was not unlike the sectional crisis emerging in the American nation. Consequently, the chasm between the slave-holding elites and the anti-slavery conservatives also began to broaden. The genius of Sequoyah's Syllabary is its uncomplicated design of eighty-six characters, each which designates a particular symbol to represent a syllable sound of the Cherokee language. When written out, anyone familiar with the system of symbols can easily translate an intended message. Although simple, Sequoyah's invention moved the tribe across the anthropologic dividing line between 'primitive' pre-literate societies, and 'civilized' literate societies. [46]

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[45] Margaret Bender, *Signs of Cherokee Culture: Sequoyah's Syllabary in Eastern Cherokee Life* (Chapel Hill: University of North Carolina Press, 2002), 25.
[46] McLoughlin, *Cherokee Renaissance*, 353.

The new Cherokee writing system was adopted so quickly by a whole of the tribe that everyone was talking about the new invention. The Reverend Isaac Procter, while visiting the Cherokee missions remarked about the phenomena in a letter to ABCFM Board president, Jeremiah Evarts. "[There is nothing in] so great a demand as pens, ink, and paper."[47] The Reverend William Chamberlain of the Wills Town Mission (in present day DeKalb County, Alabama) wrote, "The knowledge of Mr. Guess's alphabet is spreading through the nation like a fire among the leaves. . . . . A great part of the Cherokees can read and write in their own language."[48] The Reverend Daniel Buttrick described why the Cherokee found the writing method so useful. "They can generally learn it in one day and in a week become writing masters and transact their business and communicate their thoughts freely and fully on religious and political subjects by writing. They will doubtless be generally acquainted with this plan of reading and writing in the course of one year."[49] Yet despite Sequoyah's obvious achievement in creating and disseminating his novel system of writing, the majority of the missionaries were irritated by the innovation. Procter, who was astounded by the rapidity with which the Syllabary caught on among the Cherokees, saw very little positive good in its advancement. "This, no doubt, more than anything else, has operated against English schools."[50]

[47] "Isaac Procter to Jeremiah Evarts," ABCFM: 18, 3.1, Vol. 8, 127.
[48] McLoughlin, *Cherokee Renaissance*, 353.
[49] Ibid., 353.
[50] Ibid., 353.

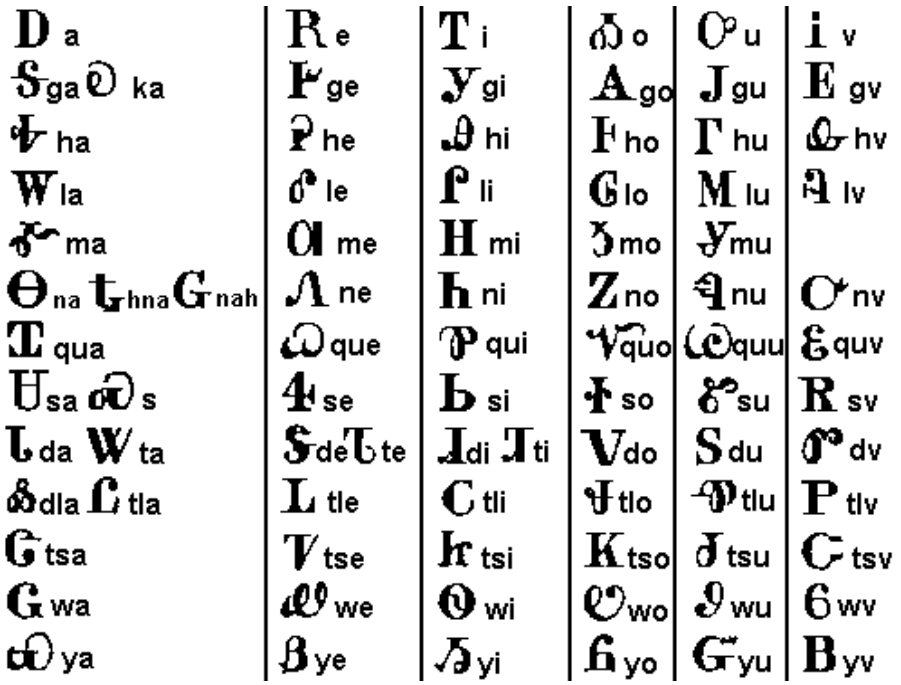

Figure 2-2: Sequoyah's complete Cherokee Syllabary, created in 1825

Source: "Cherokee Nation of Oklahoma," http://www.cherokee.org/ (Accessed June, 2010)

Because neither the majority of the missionaries, the Indian agents, nor any of the prominent whites in the region saw any value in the preservation of the Cherokee language, and moreover because they viewed the banishment of all forms of Cherokee culture a necessity in order to hold sway over the tribe, few of them either encouraged or promoted the use of the Syllabary.[51] The Reverend John Gambold summed the situation up this way; "It is indispensably necessary for their preservation that they should learn our Language, and adopt our laws and Holy Religion. . . . . The study of their language would in a great measure prove

[51] Both Cherokees and missionaries accused Sequoyah of dabbling in witchcraft while he was working to develop his syllabary; Bender, *Signs of Cherokee Culture*, 29.

but time and labor lost . . . . . it seems desirable that their language, customs, manner of thinking, etc., should be forgotten."[52] There were two major missionary supporters of the written language, however. The Reverend Samuel A. Worcester, a Congregationalist, and the Reverend Evan Jones, a Baptist. Both men saw the written language as a Godsend; a viable tool that would ultimately help them in their mission to minister to the Cherokees. Both immediately began translating the Bible into Syllabary.

The more popular the new written language became among tribal members, the more oppositional missionaries maligned the language and ridiculed the "feeble-minded" Cherokees who embraced it. Their constant denigration of the Cherokee literates began to create deep divisions between mission school students who were taught to despise the Syllabary and their own parents and family members who embraced it. Simultaneously, the praise the missionaries heaped on those who spoke only English further empowered the domination of the acculturated elites over the poorer conservatives.[53] After 1827, however, the benefactors of the mission schools began to demand to see real progress among the students. For this reason, the Moravians began to select exceptional students to send to the ABCFM seminary in Cornwall, Connecticut. These candidates they hoped, would join the service as native ministers, return to Indian country, and continue the Christian work among the tribes there. The Baptists and Methodists, on the other hand, did not see higher education as necessary for training ministers for the field. Their students who demonstrated a desire and

[52] McLoughlin, *Cherokee Renaissance*, 353-354.
[53] Ibid., 354.

dedication to the calling were simply ordained in the field and sent out to work. Consequently, a great many Cherokee converts took up the cloth and became ordained Baptist and Methodist ministers. By 1830 in comparison, the Moravians at Spring Place had only 45 converts to show for their years of work. Because the Moravians did not engage in field work, waiting for the Indians to come to them for sermonizing and Bible instruction, and because they generally ignored the poorer conservative classes, regarding them as slow-witted, their converts were primarily members of the wealthy elite class. Thus, Sequoyah's new Syllabary, created at a politically expedient time in Cherokee history, would figure prominently as one of the conservatives' most effective weapons against removal.[54]

Between 1816 and 1866, Guwisguwi (John Ross) became the most dominant political figure in Cherokee history. Ross was born October 3, 1790 near the banks of the Coosa River at Gun'di'gaduhu n'yi (Turkey Town), present-day Center, Alabama. His Cherokee-Scots mother, Mollie McDonald, and his Scots father Daniel Ross, had married in the settlement of Setico at the place the Cherokees called *Danda'ganu'* (Two looking at each other) in the valley of the Lookout Mountains.[55] John McDonald, John Ross's maternal grandfather, had been born at Inverness in the Scottish Highlands around 1747. He arrived in Charles Town, South Carolina in 1766. A year later, he met and married Anne Shorey, the Cherokee-Scots daughter of the interpreter at Fort Loudoun. The

[54] Bender, *Signs of Cherokee Culture*, 37.
[55] It was so called because the Lookout Mountains that towered over the valley towns seemed to face one another across the Tennessee River at Chattanooga.

McDonald's braved the frontier, settling at Chickamauga in the Cherokee Lower Towns, and here their only child, Mollie was born. When the British took possession of the region east of the Mississippi River after the French and Indian War in 1763, Captain John Stuart appointed Alexander Cameron as representative to the Overhills Cherokees and assigned McDonald to the post for the Lower Cherokees. Later McDonald served with the British as an ensign in the Revolutionary War. His wartime experience, which included commanding and supplying Britain's Indian allies, served him well in his chosen postwar entrepreneurial career; ignoring the new U.S. Indian Trade and Intercourse laws and conducting independent trade among the Cherokees. McDonald was so well-liked, trusted, and influential among the Cherokees that the British, the Spanish, and the Americans all vied for his loyalty. "In case of a war with any foreign power," wrote one U.S. official, "he may be very serviceable, or very dangerous." [56] By the end of the 1780s, McDonald was working as an agent of the Spanish government among the Cherokees, collecting an annual fee of $500 for his services. Although he continued to accept this annual Spanish annuity until 1798, he offered his services in the same capacity to Governor William Blount, U.S. Superintendent of Indian Affairs for the Southern Department in 1793. Blount was delighted, having no idea that McDonald was a British Tory working for the Spanish. "He has as much or more influence with the Lower

[56] Philip Hamer, *Tennessee: A History, 1673-1932* (New York American Historical Society, 1933), 52; John Finger, *Tennessee Frontiers: Three Regions in Transition* (Bloomington: Indiana University Press, 2001),163.

Cherokees, than any other man who resides among them," he wrote.[57] Having curried favor among the Cherokees by 1788, McDonald established a lucrative trading company at Setico where he and his family remained until their daughter Mollie married. Then the two families traveled together, first to Wills Town, then to the Lookout Mountain Valley, and finally to the present day site of Chattanooga. There, John Ross and his siblings spent their childhood. Just after he reached adulthood, John's mother died and he moved to his grandfather McDonald's home, about three miles away. This home site became known as Rossville, situated at the current site of Rossville, Georgia.



Figure 2-3: Daniel Ross, son of Bernard Darrow, Earl of Ross Shire, and the Lady Janet of Sutherland Shire. Ross was born in 1760 in Durness, Sutherlandshire, Scotland. His son, Guwisguwi (John Ross) would become the most influential Principal Chief of the Cherokee Nation.

Source: *Tulsa World*, September 9, 1967. Family Genealogy Collection of the Author (PJ King).

[57] Moulton, *John Ross*, 5.

John's paternal grandparents were virtual Scottish elites. His grandfather was Hugh III, Bernard Darrow, Earl of Ross Shire, and his grandmother was the Lady Janet of Sutherland Shire. Daniel Ross was born on July 14, 1760 in Durness, Sutherlandshire Scotland. He died on May 22, 1830 at St. Elmo, Tennessee. Ross came to America, arriving in Maryland around 1770, and by 1785, he had begun what would be a life-long career as a Tennessee trader with his first partner, Francis Mayberry. By chance, Ross met McDonald as he and Mayberry travelled along the Tennessee River on a flatboat through the Cherokee country. Within a year he had settled at Setico and married McDonald's daughter Mollie. Records show that Daniel and Mollie's marriage took place in 1786; the first recorded marriage in Hamilton County (Known later as Ross' Landing) Tennessee.[58]

Throughout his early years, John Ross was called Tsan Usdi (Little John) by his family and friends due to his short stature. As he grew older, he was given the name Guwisguwi. He worked closely alongside his father and grandfather, McDonald and Daniel Ross, both of whom were men of high repute among the Cherokees. Living and operating as a part of the community, they had earned the tribe's trust by establishing and maintaining trading partnerships based on interchange, transparency, and mutual respect. Furthermore, their venerated status among the British and Spanish as well as the Americans most assuredly made a positive impression on the tribe, as they sought to elevate their own standing as equals among all three groups. Both Indians and whites alike saw

[58] Family genealogy from the collection of the author (PJ King).

the McDonald's and the Ross's as valuable friends. As John grew, he developed an interest in the tribe's culture, and although he never learned to speak more than a few words in the Cherokee language, many tribal members saw him as the embodiment of the favorable qualities of his father and grandfather. He was a young man who walked in two worlds; as a loyal friend of the Indians, and as a respected intermediary of the whites. Most importantly, they saw him as the perfect archetype of what they imagined the whites envisioned for the Cherokees. His features lightened and savage blood tamed through intermarriage; his assimilative dress, customs, and polished European manners passed to him through his British inheritance; and his English education and manner of speaking, so akin to white society, made him a practical and strategic choice for leadership of the newly reformed Cherokee government. In addition, the political value of his unique position was not lost on Ross himself. He was an ambitious man who took every opportunity that came his way to cement his standing as a go-between among the Americans and the tribe, fashioning himself as the heir to his Grandfather's legacy as a most valuable conciliator. To ensure his place with the tribe, he fought against the Creeks in the Red Stick War (1813-1814) and at the war's end he entered into a marriage of convenience with Quatie (Elizabeth) Brown Henley, a conservative Cherokee woman. During his many years of public service, and in his personal correspondence, he never spoke of Quatie, and referred to her in writing only once – in his Last Will and Testament as the mother of his children; four sons and one daughter. Quatie grew ill and died February 1, 1839 while traveling to Indian Territory along the Trail of Tears.

She was buried beside the road at the present-day Mt. Holly Cemetery, Little Rock, Arkansas.[59] Five years later Ross remarried. He was thirty-six years older than his new bride, Mary Brian Stapler, a white Quaker from an influential Wilmington, Delaware family. This second marriage produced two more children, a son and a daughter.[60] To this wife, however, he professed unending love most effusively in the dozens of letters that passed between them. The Stapler-Ross's divided their time between a beautiful mansion home Ross had built at Park Hill, Indian Territory, and her family's fashionable, well-appointed town house in Delaware.[61]

In almost all of Ross' correspondence with American authorities, he remembered McDonald to them, a subtle reminder of the good stock from which he hailed. In no uncertain terms he laid claim to his venerated Grandfather's legacy. To Cherokee agent, Return J. Meigs he wrote, "Grand Father [John McDonald] & Father [Daniel Ross] presents their respects to you & will be very thankful if you will send a few late newspapers by the bearer."[62] To Calvin Jones, physician, military officer, newspaper editor, and plantation owner in North Carolina, and later in Tennessee, he wrote, "My Father [Daniel Ross] and Sister Eliza [Ross] begs leave to tender their particular respects to you . . . . . ."[63]

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[59] Ibid.
[60] Moulton, *John Ross,* 4.
[61] "To Return J. Meigs." *The Papers of Chief John Ross,* V.1, 1807-1839 (Norman: University of Oklahoma Press, 1978), 139-140, 181.
[62] "To Return J. Meigs. "*The Papers of Chief John Ross*, 19.
[63] "To Calvin Jones." *The Papers of Chief John Ross,* V.1, 37.

Kahnugdatlageh, or the Ridge (an abbreviated version of his formal name, *The Man Who Walks Along the Mountaintop)* was the great grandson of the great war chief Ocanastota, the grandson of Attakullakulla , and the son of Dutsi Tarchee (Dutch), and his Cherokee-Scots wife. He was born in 1771 in the Cherokee town of Great Hiwassee along the banks of the Hiwassee River in present day Tennessee. He had three elder brothers, all of whom died in their youth, a younger sister, and two younger brothers. One of the younger brothers also died, but his brother Oo-watie (Ancient One) or David later fathered a son named Gallegina (Buck) Oo-watie. He would come to be known as Elias Boudinot. As a young man among the Chickamaugas, the Ridge was called Nunnehidihi (Kills the Enemy on the Path).[64] By 1788, the Treaty of Hopewell had been repeatedly broken and the Chickamauga's were in revolt. Having been initiated into the arts of warfare during these turbulent times, he excelled as a warrior, both with the Chickamaugas, and later as a Major under command of Andrew Jackson against the Creeks during the Red Stick War. As a young man, the Ridge had also honed a reputation as the finest speaker in the nation, one of the last of the great Indian old-style orators. His life-long ambition was to be a great leader of his nation, yet he was one of the first to work for modernization and assimilation.

By the early nineteenth century, the Ridge had become an influential, wealthy man through his adoption of industrial cotton farming. His recorded holdings included a fine, two-story house with four brick fireplaces, two verandas

[64] Wilkins, *Cherokee Tragedy*, 4-5.

and a front porch and balcony supported by two huge turned columns. The home was surrounded by some 280 cultivated acres and nearly 1200 peach and 500 apple trees with 30 black slaves and numerous other slaves including Creek war captives to tend his properties. He also engaged in commercial business partnerships, and shared ownership of a store and a ferrying business with George Lavendar, a local white acquaintance.[65] Around 1792, the Ridge married a Cherokee woman, Sehoya, (Susanna Wickett or Wicked), with whom he fathered five children.[66] The couple shared a view of mainstream education as a critical tool for the younger generation, and in 1813 he sent his son Skahtlelohskee (Yellow Bird), later known as John, to the Moravian School at Spring Place. John and his sister Nancy also attended the Brainerd School. The Ridge later sent John for advanced training to the ABCFM's Cornwall Academy. He wanted his son to stay at Cornwall "until he gets a great education. . . .so that when he comes home, he may be very useful to his nation."[67] Other prominent young Cherokee men at Cornwall included Leonard Hicks, whose father, Charles R. Hicks, was elected the first Principle Chief of the constitutional Cherokee government and the most influential man of the tribe; Tatsigtsi, renamed David Steiner after missionary Abraham Steiner; Tatohua or Thomas Bassel, and John Vann.[68]

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[65] Ibid., 181-184.
[66] Ibid., 31-32.
[67] Joel Spring, *The Cultural Transformation of a Native American Family and Its Tribe 1763-1995 A Basket of Apples* (Mahwah, New Jersey: Lawrence Erlbaum Associates, Publishers, 1996), 48-49.
[68] James Mooney, *Myths of the Cherokee and Sacred Formulas of the Cherokees* (Nashville: Charles and Randy Elder Booksellers Publishers, 1982), 84, 112; "The

The Ridge's nephew, Gallegina (Buck Oo-watie) the son of his brother David, also traveled to Cornwall for advanced study. Along the way, the young men and their companions traveled through Virginia, Washington D.C., and New Jersey, stopping to visit with Thomas Jefferson at Monticello and James Madison at Montpelier. While in New Jersey, friends introduced Watie to renowned American patriot, Elias Boudinot who offered to pay for Watie's education. As a sign of respect, Watie accepted the offer and took the statesman's name as his own. Henceforward he was known as Elias Boudinot. Both of these young men received superior educations at Cornwall, and both married white women of high social standing that they met in Connecticut. Unfortunately, both also had to contend with violent racial opposition to their respective marriages, leading John Ridge to comment bitterly, "'If an Indian is educated in the sciences, has a good knowledge of the classics, astronomy, mathematics, moral and natural philosophy, and his conduct equally modest and polite, yet he is an Indian, the most stupid and illiterate white man will disdain and triumph over this worthy individual."[69] When these young Cherokee men returned to their southern homelands, they were more highly educated than most whites in surrounding areas. They strongly believed that with their superior education and understanding of the outside world, they were best suited to take up tribal leadership. When in the 1820s John Ross was elected Principle Chief, the

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Foreign Mission School at Cornwall, Connecticut," in *Chronicles of Oklahoma,* vol.7, no. 3, September, 1929, 242-25.

[69] Mooney, *Myths,* 84, 112; "The Foreign Mission School," 54-55.

Ridge acted as his chief counselor for seven years, despite the fact that Ross had been placed in the position that Ridge had coveted and believed was rightfully his.

As the Ridges' lifestyle slowly evolved away from conservative Cherokee values and became a model of southern plantation culture, Major Ridge's thinking became more closely aligned with his friends, James Vann and Charles Hicks, than with the traditional people of his nation. Both Vann and Hicks were mixed blood assimilationists of great means. Charles Hicks was born December 23, 1767 in the town of Tomotley near the confluence of the Hiawassee and Tennessee Rivers. His mother, Nanyehi, was the daughter of a Cherokee woman and Jacob Conrad, a Swiss immigrant. His father was a white trader named Nathan Hicks. The family was completely assimilated, and their children grew up and lived much as white children did, although in his trading affairs in the nation, Charles learned to speak Cherokee. Hicks first married Nancy Broom, the daughter of Chief Broom of Broomstown, located near the northeast border of present-day Alabama. He also married at least two other plural wives, Lydia Halfbreed, and Nancy Vann. One of the most influential leaders in the Cherokee Nation in the years following the Chickamauga Wars, Hicks was baptized by Moravian missionaries and given the Christian name, *Renatus* (Born Again) on April 8, 1813. As an elite landowner and plantationist, he kept company with James Vann and the Ridge, becoming the third member of the Cherokee Triumvirate; three influential men who determined to lead the Cherokees into modernity and assimilated society. Hicks served as interpreter to U.S. Agent Return Jonathan Meigs; as treasurer for the Cherokee Nation; and fought the

Creeks in the Red Stick War with Andrew Jackson at the 1814 Battle of Horseshoe Bend. He was elected Second Principal Chief under Pathkiller in 1817, but two years later due to a dispute over land deals, he became the de facto head of the government with Pathkiller serving as a figurehead. After Pathkiller died in 1827, Hicks became the Cherokee's Principal Chief, but two weeks later, died suddenly himself on January 20, 1827. While his son William Abraham Hicks served as interim Principal Chief, Hicks, John Ross, acting President of the National Committee, and Major Ridge, Speaker of the National Council, vied for the most powerful positions in the Nation. In 1828 John Ross became the first Principal Chief elected by ballot of the General Council, and would be elected again every four years, serving in this capacity until his death in 1867.[70]

During Ross' first decade as Principal Chief, the most pressing concern for the tribe was Georgia's determination to remove the Cherokees from their homelands. This contemptuous issue, which was complicated by the signing of the illegal 1835 Treaty of New Echota by the supporters of the Cherokee Triumvirate, was exacerbated by the rise of chattel slavery among the assimilationists. Both the assimilationists and the conservatives agreed that preservation of the tribe's land holdings was a matter of utmost concern. Yet a discrepancy began to grow between the two factions regarding the purpose and the most appropriate use of the land. Furthermore, the Cherokee Constitution, adopted in 1827, while setting a ground-breaking precedent for an Indian tribe at

[70] Robert J. Conley, *A Cherokee Encyclopedia* (Albuquerque: University of New Mexico Press, 2007), 274;Wilkins, *Cherokee Tragedy*, 33, 45, 49, 55-67, 137; McLoughlin, *Cherokee Renaissance*, 316-318; Moulton, *John Ross*, 36-37.

the time, was hardly a well-developed, fully functional instrument of authority. Just as the ambiguous U.S. Constitution needed time to be interpreted and defined, the Cherokee Constitution was at best a document hastily built upon previously existing ancient social institutions, and was both flexible and amenable to interpretation. Slavery was the institution that would test its constitutional parameters.[71]

Some of the most vociferous members of the Cherokee Constitutional Convention were leaders and followers of the Cherokee Triumvirate, and they brought with them their modern views of acculturation and acquisitive living. The statutes concerning slavery passed by the legislative branch of the new government are a clear indication of the lack of emphasis these laws placed on historic, core Cherokee values. Precisely because the tribe had no history or experience with institutionalized slavery, the laws they created were quite ambiguous. Early tribal relationships with slaves more closely resembled those of landowners to tenant farmers than those of masters to slaves. Early on, while certain divisions were drawn between red and black, Cherokee slaves maintained a good deal of independence and enjoyed few restrictions over their private lives. Bolstered by their white slave-owning neighbors who saw such lenient treatment of Africans as exceedingly dangerous, as the assimilationists' desire for wealth increased, the relationships of Indian owners to their slaves took on the distinct

[71] Strickland, *Fire and the Spirits*, 72, 78-79.

characteristics of surrounding southern plantation slavery in the industrial cotton kingdom.[72]

The men behind this new social interpretation also skewed traditional views on land holding and use. For just as in the South, profitable cotton cultivation required the continuous acquisition of new land. It is not hard to understand then why these assimilated men, who seemed to care very little for much of Cherokee culture, clung so fiercely to the concept of aboriginal land entitlement. Prior to European contact, the tribes' occupied lands were available for use of the entire community, for hunting or subsistence farming, and land tenure and use favored Cherokee women. Although the tribe had no conception of land ownership, control of the land was passed matrilineally from one generation to the next. Mothers passed the story of how God had created the lands upon which the Cherokee lived to their children, placing the weighty responsibility of stewardship upon each generation.

> Long ago, all living things existed in the sky. But as the sky rock became too crowded, first the water beetle and then Grandfather Buzzard were sent to earth to find a place where people and animals could live. As the great buzzard became weary, his body turned and his wings dipped into the muddy surface of the earth, carving out valleys and ridges. Thus were born the Great Smoky Mountains. [73]

The assimilationists abandoned matrilinealism as well as the cultural use of the land, however, viewing it merely as a utensil for personal financial gain. Continued agricultural stability and profit depended upon expansion, and for these

[72] Strickland, *Fire and the Spirits*, 80.
[73] Mooney, *Myths of the Cherokee*, 239.

Cherokee men the land was the key. As long as the pressure to take the tribe's lands emanated from surrounding white men, the modernizers knew that the fate of their industry rested in the concept of tribal sovereignty. Therefore, the need to retain tribal lands became the impetus for implementation of new laws and regulations concerning land usage, industry, and particularly slavery.

Ironically, excluding African-Americans through chattel slavery served the Cherokees as a bridge to their own inclusion in mainstream society. The institution served both assimilationists and conservatives in particular ways. Through slavery, assimilationists believed they had elevated themselves socially in the eyes of the surrounding whites as members of the ruling class. Abandoning collective native culture, they opted for individual property ownership and prosperity. Slavery also served the conservatives – some of whom were small farmers with no more than one or two slaves with whom they worked side by side. These men often relied on their slaves as English interpreters and translators, helping them to negotiate between the two worlds.[74] The utility of this situation was not lost on the Southerners either, who often used Cherokee slaveholding as an example of the beneficial nature of the institution.

> I am clearly of the opinion that the rapid advancement of the Cherokees is owing in part to the fact of their being slaveholders, which has operated as an incentive to all industrial pursuits, and I believe, if every family of the wild, roving tribes were to own a negro man and woman who would teach them to cultivate the soil . . . . . it would tend more to civilize them than any other plan .[75]

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[74] Strickland, *Fire and the Spirits*, 82-83.
[75] Commissioner of Indian Affairs, *Annual Report for the Year 1859* (Washington, D.C.: Government Printing Office, 1860), 172, 540.

Many of the Cherokee slave regulations were copied directly from the regulations of Georgia and Alabama, and as such, they were not really reflect the mode of everyday behavior and the pattern of life in the Cherokee Nation.

1. Any person [who] shall willfully or maliciously . . . . kill or mistreat any negro or mulatto slave shall be deemed guilty of murder . . . . and shall suffer death by hanging.

2. No contract or bargain entered into with any slave or slaves, without approbation of their masters, shall be binding.

3. No slave may "sell or purchase spirituous liquors.

4. Intermarriage between Negro slaves and Indians or whites are prohibited.

5. No person may purchase goods from a slave without permission of the slave's owner.

6. Negro slaves may not "possess property in horses, cattle, or hogs.

7. No person of Negro or Mulatto parentage . . . . shall be eligible to hold any office.

8. No Negro may own or carry weapons.

9. Negroes aiding, abetting, or decoying any slave to leave his or their owner or employer . . . . shall receive 100 lashes.

10. It is unlawful to "teach any Negroes . . . .to read or write. [76]

Throughout the years of Cherokee slaveholding, these laws were usually only loosely enforced, and when they were, it was only the larger plantations owned by the slaveholding elites who utilized them. They were largely ignored by most

[76] *Laws of the Cherokee Nation: Passed by the National Committee and Council* (Knoxville, TN: Knoxville Register Office, Heiskell and Brown, 1821).

Cherokees, even small farmers who owned one or two slaves ignored the rules. As the Reverend Samuel Worcester wrote to the American Board of Commissioners of Foreign Missions, "Public sentiment nearly nullifies [the] law."[77] Still others saw slavery as a threat to the tribe's autonomy and independence, and many others who embraced the moral tenets of abolitionism. The concept of abolitionism was not unknown to the Cherokees, its message having been carried to them in the late eighteenth century by Christian missionaries. Much of the abolitionist viewpoint can be directly attributed to the work of Evan Jones. Jones was born in Wales on May 14, 1788 and arrived in the American South in 1821, spending the next fifty years working as a Baptist missionary to the conservative Cherokees. He settled in the Valley Towns near the Hiwassee River in present day North Carolina, where the less affluent traditionals kept very few slaves and adhered closely to their historic life ways and social values. At first he set himself squarely against what he believed to be malevolent practices of the *adonisgi*; the conjurers who took every opportunity to interfere with his work. Finally, however, he came to terms with these influential men, and even engaged in long discussions with them during which they drew comparisons between the two systems of belief. Many of the conservatives simply wanted nothing to do with slavery, seeing it as a product of the white society that they abhorred. Among the whites of the Cherokee Valley towns, slaveholding was regarded as detestable. A number of these men had come to America as indentured servants and saw slavery as the next rung on the ladder of

[77] "Cherokee Mission Papers*," Papers of the American Board of Commissioners of Foreign Missions* (Cambridge: Andover Library, Harvard University), 147.

oppression. Highlanders despised the aristocratic system that the institution of slavery supported, and found that the concept of human bondage clashed with their own enlightenment ideals.[78]

Furthermore, a community of Quakers had settled near the Cherokees and had formed the North Carolina Manumission Society, which denounced slave trading and professed the opinion that all slaves should be freed when they reached a certain age. The Quakers worked to purchase slaves for manumission, but when North Carolina outlawed the practice, they turned to the policy of colonization.[79] Paradoxically, Henry Rowe Schoolcraft, an ethnologist most noted for his early studies of American Indian culture, published a well-received essay entitled, *Plan of Colonization West of the Mississippi.* The notion of colonization was not unknown to the Cherokees, having been introduced to them by Thomas Jefferson in 1803, and removal, as it was later called, would become inextricably tied to abolition for decades.[80] Evidence clearly shows that the Cherokees were well-acquainted with the concept of abolitionism, and many embraced it wholeheartedly. In 1825, a Cherokee minister, the Reverend David Brown, stated "There are some Africans among us . . . . . generally well treated and they much prefer living in the nation as a residence in the United States . . . . . The presumption is that the Cherokees will, at no distant date, cooperate with the humane efforts of those who are liberating and sending this prescribed race to the

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[78] Carter G. Woodson, "Freedom and Slavery in Appalachian America," *The Journal of Negro History,* Vol. 1, No. 1 (January, 1916), 142.
[79] Peter Kent Opper, "North Carolina Quakers: Reluctant Slaveholders" *North Carolina Historical Review,* Vol. 52, No. 1 (1975), 7-58.
[80] Patrick Minges, *Slavery in the Cherokee Nation: The Keetoowah Society and the Defining of a People, 1855-1867* (New York: Routledge, 2003), 46.

land of their fathers." [81] By 1828, the Cherokee American Colonization Society had been formed as a branch of the African Colonization Society. As the issue of removal, pressed hard by the State of Georgia heated up, the assimilationists found themselves increasingly at odds with the conservatives over the issue of slavery. The conservatives refused to lease land to slaveholders, and in many ways, the message of abolitionism reflected the values and ethos of their ancient traditions, as well as those of their newly adopted Baptist faith. The similarities between African slavery and Indian removal were obvious to the conservatives, and as they were pushed ever harder to cede their lands and go west, they surely must have wondered how they had fallen from the Creator's favor. After one of Evan's church sermons, a discussion took place among the Cherokee congregation. One man pointed out, "God cannot be pleased with slavery," to which there was "some discussion respecting the expediency of setting slaves at liberty." In 1835, the conservatives set in motion a movement to free the African slaves within the Cherokee Nation. They idea was to emancipate them and receive them as citizens.[82] As missionary Elizur Butler explained, however, the tribe's plans for emancipation were thwarted by the signing of the illegal Treaty of New Echota, which prohibited abolition within the Cherokee Nation.[83] Nevertheless, behind the veneer of their newly-formed, republican-style government, clan law continued on as the highest authority in the nation. Aside from the immorality of chattel slavery, clan leaders saw the practice as a violation

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[81] David Brown, *American State Papers,* VII, pg 651.
[82] Walker, *Torchlights*, 298-299.
[83] "Elizur Butler to David Green, March 5, 1845," *Papers of the ABCFM,* 119.

of ga du gi. Although they could not do so openly, the conservatives would eventually exact punishment on those responsible for the treaty, and they would also take up arms against slavery within their Nation. These efforts would convey the Cherokees through exemplary feats of diplomacy as well as disheartening forays into violence.

CHAPTER THREE

Atleisdi, Ahvsidasdi, Gawohiliyvsdi:
Revenge, Removal, Response

On January 2, 1788**,** Georgia became the fourth state admitted to the union. Over the course of the first three decades of the nineteenth century, the new state of Georgia pushed the federal government continuously to fulfill the terms of Thomas Jefferson's 1802 Compact. The Compact promised that in exchange for Georgia's claims to its western lands (lands which would eventually become Alabama and Mississippi), Georgia was given $1,250,000 and a guarantee that the government would remove the Cherokees as soon as it could be done peacefully and on reasonable terms, an assurance that wholly contradicted the tribe's long-standing treaties with the federal government. In support of their position, Georgians pointed to the fact that the tribe was a political body that existed within the state's territorial boundaries, yet was exempt from the state's constitution, laws, and regulations. Even though the government had been actively advocating for the tribe's removal to the Indian Territory west of the Mississippi, and as early as 1794 a contingency of Cherokees that came to be known as the "Old Settlers" had already gone west, the process was much too slow for impatient Georgia.[1] The government's agents, however, had in fact been tenacious in their efforts to encourage the Cherokees to move, enticing the influential, assimilation-minded elites with large bribes of cash, and attempting to

[1] J.P. Brown, *Old Frontiers* (Kingsport, TN: Southern Publishers, Inc., 1938), 403-404.

persuade the less affluent conservatives by showing up at council meetings with barbecued meats and plenty of whiskey.[2] These latter attempts were not very successful, especially after the Ridge executed Doublehead in 1807 for accepting gifts and bribes in exchange for signing away land. After all, under the tribe's ancient Law of Blood, selling away Cherokee land was a capital offense punishable by death.

The Blood Law was an ancient public law that defined a victim's right of *atleisdi* or revenge; a form of justice that called for like punishments for crimes. Enforced privately by the clans, it imposed upon them a grave responsibility. Much like *Lex Talionis*, the legal principle developed in early Babylon that appears in both biblical and early Roman law, the Blood Law essentially called for 'an eye for an eye.' The Cherokees regarded it as a 'natural law' that encompassed virtually all living creatures; one that demanded reprisal without fear or favoritism.[3] They perceived the concept from the natural world around them where they held all living things as worthy of respect, an attitude they demonstrated regularly within the course of their daily lives. For example, immediately after killing an animal while on the hunt, the hunter would praise the animal's strength and endurance and make offerings of corn pollen and tobacco. After first asking the animal's forgiveness for taking its life, the hunter would

[2] James Mooney, *Myths of the Cherokee and Sacred Formulas of the Cherokees* (Nashville: Charles and Randy Elder Booksellers Publishers, 1982), 85-86.
[3] John Phillip Reid, *A Law of Blood: the Primitive Law of the Cherokee Nation* (DeKalb: Northern Illinois University Press, 2006), 74.

offer a prayer of gratitude for the blood sacrifice it had made for the nourishment of the people.[4] The Blood Law was carefully enforced by the clans.

Even after so-called political modernization, the clans remained the most important elements of Cherokee constitutional law. Legal scholar John Phillip Reid refers to the clan as a "corporate entity based on kinship . . . . . an arm of government to which all police power was entrusted." Reid argues that clan membership based on kinship was much more important than tribal political citizenship, and he surmises that, "Constitutionally speaking, there were no citizens – only clan members."[5] Outsiders had no rights, privileges, or responsibilities of any kind unless adopted by a clan. Once adopted, he or she was treated as an equal of any native-born tribal member. Whites among the Cherokees had little interest in the clans, and so largely ignored their existence and greatly underestimated their power and influence. This fact led to numerous misunderstandings between the two cultures, and has contributed to a serious lack of cultural nuance within most modern accounts of Cherokee history. Scholars have long portrayed the killings that took place in the Cherokee Nation between 1800 and 1866 as factional reprisals or murders, regarding them as savagism at its worst. A closer examination of these killings through the prism of Tsalagi culture, however, reveals that rather than *adahisdi* or murders, these killings were actually acts of *osdvdisti* or punishment; enforcement of the Cherokee Blood Law.

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[4] Mooney, *Myths of the Cherokees*, 295.

[5] The fact that the clan system continued on relatively unchanged through the years, and is still the most vital element of the conservative Cherokee community today, informs many modern Cherokee political issues, such as debates over blood quantum and the status of the Freedmen; Reid, *A Law of Blood*, 37.

From a moral perspective, the Blood Law was set in place, not as an avenue for vengeance, but as a means to avoid it. Through the years, the misinterpretations of this cultural practice have perpetuated the public perception of these killings as political assassinations. They were in actuality however, publicly sanctioned executions, the responsibility for which rested with the clans.

The Blood Law focused on *adudalvdi,* legal accountability or liability, holding the perpetrator of a crime or one of his fellow clan members, legally accountable to the victim's family and clan. One of the best examples of this is the case of Ogosata, known to the whites as Sour Mush, and James Vann, both members of the Blind Savannah Clan. Sour Mush was attacked by a member of the Paint clan at a gathering one evening. Even though he was a respected elder, the younger men of his Blind Savannah Clan, including Vann, failed to show proper respect for him by not rising to defend him as social protocol dictated. A few days later, after Sour Mush chided the younger men for shirking their responsibility to avenge him, several of them sought out the man who had attacked him. When they found the guilty party, they unintentionally beat him so severely that he died. Upon doing so, their clan became liable for the death of the man, and they understood that they owed blood restitution to his clan. The offended clan then had a responsibility to avenge their member's death by killing Sour Mush or a member of his clan. For one reason or another, they decided to exact their revenge on James Vann. When, at a public gathering, Vann realized that his own execution was about to take place, he walked over to his own uncle and shot him in the head. This effectively solved Vann's problem, for now his

blood penalty had been paid and the offended clan was appeased.[6] These killings were acts of stat-sanctioned execution, and once the blood price was paid, there would be no further retaliation, as in the case of Sour Mush and James Vann. Later, however, acculturated Cherokee men who contested the authority of the Clans, refused to recognize the legality of the ancient Blood Law. Therefore, when the conservatives carried out death sentences, such as in the cases of the Ridge and John Walker Jr., the progressives regarded the acts as cold blooded murder, and set about planning their own revenge, which the conservatives saw as capital crime. As a result, between 1835 and 1866, the Cherokee Nation was plagued by the seemingly unending violence that many historians chalk up to extreme fanaticism; the conservatives trying to maintain their system of law and order while the assimilationists rebelled against their authority.

The principle of clan responsibilities were inculcated in children from an early age through the frequent retelling of oral stories such as "Rattlesnake's Vengeance." In this story children learned about the seriousness of taking a life and the need to pay restitution in kind when one has done so. As a result, all clan members knew and clearly understood their responsibilities and duties as they grew into adulthood. [7] Among the clans, the relationship between brothers was recognized as the most fundamentally important affiliation. It was so important, in fact, that the relationship was given certain distinctions within the Cherokee language through kinship terms that distinguished the chronological birth order of

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[6] William McLoughlin, *Cherokee Ghost Dance*, 44-45; Reid, *A Law of Blood*, 76-78.
[7] Ibid., 274.

brothers within a family. While a man might introduce his brother by saying, *Hia josdanvtli* (This is my brother), he would use the kinship term, *udanilegesti,* in reference to the oldest brother in the family. *Talilewehv* would be used to designate the second born son, and *ayetliehi*, would be a reference to the middle son. Clan responsibility within Cherokee society created an emphasis on the *duties* of elder brothers, as opposed to the emphasis whites placed on the *rights* of elder brothers within the system of English primogeniture. Within the Cherokee system, the eldest brother had a responsibility to protect and avenge younger brothers and sisters, and to set an example for them to follow. He was also bound to assume the role of father when necessary. This is most evident in the case of the so-called 'assassins', Bird Tail Doublehead, James Foreman, and Isaac and Anderson Springston. Bird Tail Doublehead, the son of Chief Doublehead and Nan Que se or Nancy Drumgoole, was born in 1795. After his father's execution at the hands of the Ridge in 1807, his mother married a man named Foreman. Their son, James Foreman was born in 1809. Nan Que se married a third time to William Springston, an English trader, with whom she produced three more sons, Yon a At lo yi hv (Crying Bear) known as Isaac, born in 1811, Gola Usdi (Little Bones) or Anderson, born in 1814, and Edley, born in 1816.[8] Thus, Bird's responsibility was to protect and set an example for his four younger brothers. In 1839, Bird, James, and Isaac ambushed and executed the Ridge for the role he played in selling away Cherokee lands and in accepting bribes and

[8] University of Oklahoma, Western History Collection, Division of Manuscripts, Papers 1682-1969, John L. Springston, Box 8, Folder 11, p. 133 [Hereafter, Springston Papers]; Patti Jo King Family Documents, Genealogy of the Ross and Springston Families.

gifts from the Americans. Ridge knew he had been marked for death, as in 1829 he had pushed for the passage of the very law which condemned him by calling for the death penalty for anyone who illegally sold tribal land. After he signed the Treaty of New Echota in 1835, he remarked, "I have signed my death warrant."[9] Ironically, Bird Doublehead and his two brothers were among the men who drew the assignment to carry out his execution, and Doublehead may have secretly relished the assignment, since it was the Ridge who had executed his father.

The historical and political implications in the death of John Walker Jr. also lie within the preeminence and power of enduring clan legal traditions among the Cherokee conservatives of Tennessee. John Walker, Jr. was the son of the prominent and prosperous Major John Walker, a Cherokee who fought in the War of 1812 and under Andrew Jackson at Horseshoe Bend and Rattlesnake Spring. He had distinguished himself in the Creek Red Stick War along with John Ross and the Ridge, who became a close friend of Jackson's after he was brevetted to the rank of Major. During his military service, Walker Sr., also became a fast friend of Andrew Jackson's. He wore rings in his ears and nose, and had plural wives, Nancy (or Nannie) Bushyhead and a woman named Sarah, as was the custom of many of the older, more traditional men. Nevertheless, in his desire for modern acquisitive living, he began to place more and more faith in assimilation and aggressive private enterprise. The current county of McMinn Tennessee originally formed part of the Hiwassee District, ceded by the Cherokees to the

[9] William McLoughlin, *After the Trail of Tears: The Cherokees' Struggles for Sovereignty, 1839-1880* (Chapel Hill: University of North Carolina Press, 1993) 15.

United States by treaty on February 27, 1819. The treaty promised 640 acres in fee to any Cherokees deemed capable of managing their own affairs who chose to become U.S. citizens. Few accepted the offer, however, and the land grants soon passed into the hands of white speculators.

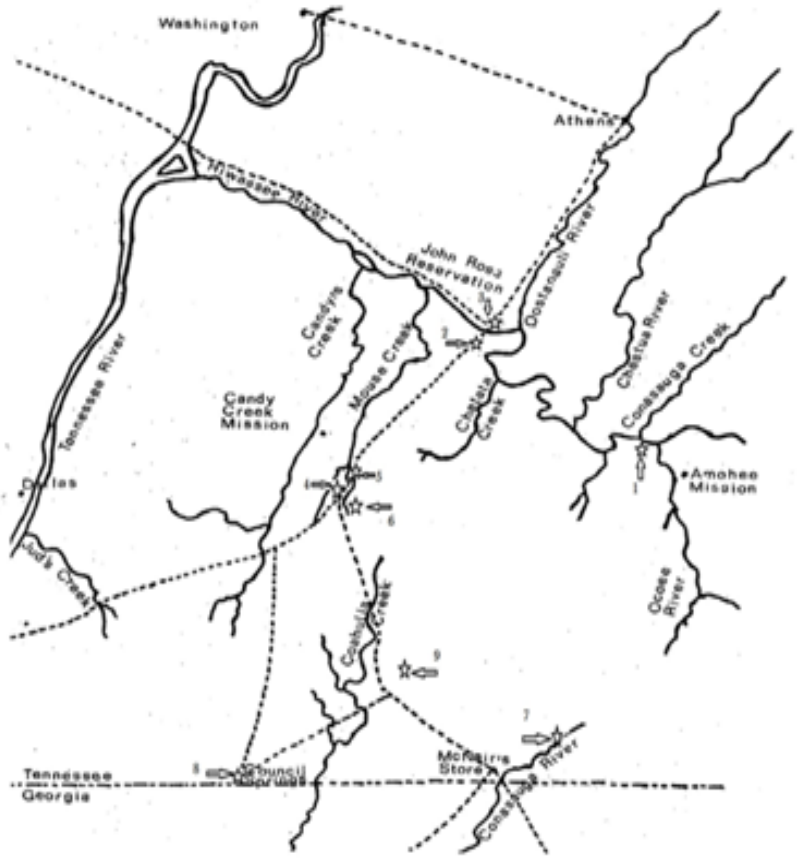

Figure 3-1: Northwest Corner of the Cherokee Nation, 1834:**(1)** Wachowee, birthplace of John Walker, Jr.; **(2)** Cherokee Agency established by Walker Jr.'s grandfather; **(3)** The town of Calhoun founded by Major John Walker, Sr.; **(4)** Bushyhead home; **(5)** Home site of John Walker Jr.; **(6)** Amohee Courthouse; **(7)** Site of Foreman bootlegging incident; **(8)** Red Clay Council Grounds; **(9)** Muskrat Springs (Now Cedar Springs), site of assassination.

Source: Duane H. King and E. Raymond Evans, "The Death of John Walker, Jr.: Political Assassination, or Private Vengeance?" *Journal of Cherokee Studies,* Summer 1976, Vol.1, 11.

Those who did accept were primarily the highly-acculturated men of mixed Cherokee and white lineage. Major Walker invited the Legislature of Murfreesboro to meet at his home in November of that same year to organize the county. Walker himself platted the county's first town, Calhoun, named in honor of John C. Calhoun, an American he greatly admired. In exchange for his help, the committee reserved a large section of land for him along the north bank of the Hiwassee.[10] Therefore, Walker had the most significant influence on the fate and future of this region as he virtually delivered it into the hands of the white settlers.

Walker's son, John Walker Jr., was born around 1800 in the Cherokee town of Wachowee on the south bank of the Hiawassee River. Due to his father's success and prosperity, Walker Jr. was accustomed to wealth and luxury. Unlike his flamboyant father who dressed in a traditional Cherokee fashion, John wanted nothing at all to do with old-fashioned Cherokee values or culture. He preferred elegant American-style clothing and the "fine broad cloth worn by the gentlemen of his time."[11] Raised in a life of privilege, Walker Jr. was educated in New Jersey, and when he returned home he built his own plantation with land and slaves bequeathed to him in his father's will. Most significantly, he counted many prominent followers of the Cherokee Triumvirate as his closest friends,

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[10] "McMinn County History: Goodspeed's History of Thirty East Tennessee Counties, 1887." TNGenWeb.org, http://www.tngenweb.org/mcminn/Goodspd1.html, Accessed, January, 2010.
[11] Duane H. King and E. Raymond Evans, "The Death of John Walker, Jr.: Political Assassination, or Private Vengeance?" *Journal of Cherokee Studies,* Summer 1976, Vol.1, 4.

including David Vann, James Starr, and Dick Jackson. In the mid 1820s, Walker served as a law enforcement officer in the Cherokee Nation.

One of the most pressing concerns plaguing the tribe at the time was the lucrative whiskey traffic taking place in the Nation.[12] Illegal liquor operations were primarily the work of unscrupulous, unlicensed traders who continuously smuggled the liquor into the Cherokee lands. In December, 1825, Walker and his friend John Sheppard happened upon James and Samuel Reid. Walker and Sheppard claimed they caught the two white smugglers delivering a boatload of whiskey via the Conasauga River to a Cherokee, James Foreman. When Walker ordered them to halt, the Reids laughed and questioned his authority. He reportedly pulled out his pistol and told them, "By God Sir, this is my authority!" Foreman then turned in an attempt to push the boat into the water, but Walker smacked him in the head with the butt of his pistol, knocking him into the river. Walker and Sheppard then confiscated the liquor. An appeal for restitution was later filed by the Reid Brothers, claiming the seizure had been illegal since Walker had no warrant and they had never been afforded a hearing of any kind.[13] Walker was never well liked by the conservatives, as he distanced himself from the community and preferred the company of whites and other assimilated Indians.

By 1834, the conservatives were deeply engrossed with the threat of removal and on August 18th of that year, John Ross addressed a large and anxious

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[12] Henry Thompson Malone, *Cherokees of the Old South* (Athens: University of Georgia Press, 1956), 132-133.
[13] King and Evans, "The Death of John Walker, Jr.", 5.

crowd at a council meeting at Red Clay, outlining his legal strategies to avoid being pushed west. He also made an impassioned appeal to those gathered for support of his plan. Walker, who was never one to shy away from proclaiming his strong opinions, became embroiled in an ongoing, heated argument over the wisdom of removal, taking the side of those who had signed the Treaty of 1828, and deriding those who wanted to stay in the homeland and fight. The treaty they had signed was fair, he argued, because it exchanged the Cherokee lands in the Arkansas Territory for seven million acres of good agricultural soil in "Indian Territory" west of the Mississippi. At some point, the conservative Tom Foreman angrily sprang to his feet and accused the assimilationists of being traitors and hated enemies of the Cherokee Nation, blaming them for hamstringing Ross in his attempts to negotiate a settlement with the government that would allow them to stay in Tennessee and Georgia. His most rancorous accusations were reserved for the Ridge. He derided him for publicly opposing the move west and then making a secret deals with the government. He ridiculed him for even proposing the sale of Cherokee lands after having executed Doublehead for the same crime. One after one, conservatives rose to speak, condemning the Ridge and his supporters, until finally, the conservative Elijah Hicks rose. Presenting a lengthy petition bearing many signatures demanding the removal of the Ridge, his son John, and David Vann from the council's advisory body, the young warriors took action and expunged the traitors from the council

house. The conservatives had heard enough.[14]

On the second day of the meeting, August 19, Walker and Dick Jackson were ambushed, and Walker was shot in the back while Jackson escaped unharmed. Managing to somehow get back up on his horse and ride home, Walker languished in agony for three weeks, but mortally wounded, he finally died. Walker's death created an intense controversy, a political maelstrom that intensified, created even deeper divisions between the two groups, and deeply complicated the issue of removal. The assimilationists and the conservatives were now locked in a deadly battle for control of the Cherokee Nation. A claim for $62.75, filed by W.T. Mayfield for boarding witnesses summoned from the Cherokee Nation in the case of Tennessee vs. Foreman and Springston for the murder of John Walker Jr., lists payments to seventeen individuals, many of them well-known conservatives. These include Jesse Bushyhead, Stephen Hildebrand, Samuel Candy, Deer-in -the- Water, Bridge Maker, David Harlen, Thigh Walker, Skid-took, Lowery, and Grasshopper; all of whom were set to testify.[15] Jackson identified Walker's assailants as James Foreman and his younger brother, Isaac Springston.[16] In December, the *Arkansas Gazette* carried news of a hearing.

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[14] "The Trial of Stand Watie," *Chronicles of Oklahoma,* (September 1934), The treaty they had signed, he argued, exchanged the Cherokee lands in the Arkansas Territory for seven million acres of "Indian Territory" in present day Oklahoma. Vol. 12, No. 3.

[15] "A Claim Dated 1834 for Boarding Witnesses." *Records of the Cherokee Agency in Tennessee, 1801-1835* (Talbot Library and Museum, 2011), 53.

[16] King and Evans, "The Death of John Walker, Jr.", 4-16.

> We learn from the Tennessee (Athens) Journal, that. . . .Judge Kieth presiding, James Foreman and Isaac Springston (Cherokees) were tried for the murder of John Walker Jr. The defendants plead in bar of incitements, that they as well as the deceased Walker, "were native born citizens of the Cherokee Nation - - - that the offence if committed at all, was committed within the limits of the Cherokee Territory, and beyond the rightful jurisdiction of the state of Tennessee.[17]

While Foreman and Springston were awaiting the results of the trial, the conservatives held a meeting at Red Clay and raised a large sum of money for their defense; yet another indication that the killing was clan-authorized. Because witnesses testified that Isaac had been an onlooker and took no part in the ambush, the charges against him were dropped, and Foreman was released from jail on his own recognizance. The assimilationists and their non-Indian supporters claimed that Foreman had moved against Walker because the two men had a long-standing grievance, stemming back to Walker's interference with Foreman's whiskey enterprise. They also claimed he boasted of paying his way out of jail, referring to his remark to someone who asked how he had gotten out; "By God, sir, I was let out with a silver key." The killing of Walker has all the characteristics of the enforcement of clan law. Although in the end, the court denied the defendant's assertion that the Cherokee Nation was a sovereign entity, the case flagged a long time under review, for as Judge Kieth pointed out, the state had no jurisdiction in Indian country.

> The court, after the full argument heard, overruled the demurrer, decided that the "Cherokees though not a sovereign independent nation, were nevertheless a nation, so recognized by treaties made with them – that the individuals composing this nation were not citizens or members of the states, but members of a separate

[17] *The Arkansas Gazette*, December 16, 1834.

> community-- that of the Cherokees, if they ever were sovereign, had lost their sovereignty by acknowledging the protection of the U.S., ---that they had passed under the dominion of the United States, but not of the states in their separate capacity --- that they were not subject to the legislation of the states, but to the Legislation of Congress. His honor, furthermore, decided the act of the legislature extending the jurisdiction of the States over the Indian Territory, to be unconstitutional and void, because of it being partial in its terms, and not a general and uniform Law of the Land.[18]

The state and federal governments both lavished support on the men who favored removal, encouraging them to keep up the pressure on the Ross Party. They also took every available opportunity to portray the conservatives in a negative light. Hardly a day went by that the newspapers, both local and national, didn't weigh in on the situation in the South. Most of these articles are slanted heavily against the conservatives.

> . . . . a Cherokee of the name John Walker has been shot by some other Cherokees, for his opinion in favor of emigration. . . . . another Cherokee, disposed to treat finally with the Government for emigration, had been killed. . . . the lives of the Ridges' had been threatened, and were in danger, as they were known to be in favor of the emigration of the Cherokee Tribe.

> The Nullifiers, with their unfaltering hostility to the Federal Union, have planned and produced, and are now employing this interference with our jurisdiction, in order to infuse into the hearts of the people a violent hatred for the General Government. The whole is a plot of the nullifiers, designed to produce a collision between the Federal and State authorities. In one of the Superior Courts of the Cherokee Circuit, an Indian, after a fair trial, was convicted of murder; and the nullifying judge who presided at his trial, after a verdict of "Guilty," postponed the execution for fifty-five days. Why this extraordinary delay? In order to allow time for an application to the Supreme Court, and the interposition of that tribunal. Nullifying counsels apply to the Supreme Court to arrest and reverse the decisions of the State Court.

[18] *The Arkansas Gazette*, December 16, 1834.

> It is sincerely hoped that the Cherokee people will be induced to give their assent to this very liberal [removal] arrangement. They will certainly do so if they are not misled by the same persons who have heretofore opposed the settlement of this controversy for the sake of their own self-interest.[19]

As the chasm between the pro and anti-removal factions grew wider, Ahvsidasdi Ayvwiya (Indian Removal) became the most hotly debated issue in the nation. Between 1835 and 1838 both the federal government and the state of Georgia treated the issue of removal less like a debate, during which affirmative and negative sides of a proposition are deliberated, and more like a foregone conclusion. Ironically, in an era of America's history when the conflicting interests of federal and state governments were most at odds with one another, these two powerful agencies presented an uncanny united front in their efforts to remove the Indians from their southern homelands. Throughout these turbulent years, Andrew Jackson was relentless in his support of the Removal proposition, and although he offered trifling excuses as rationale for sending the Indians west, the reasons for his stubborn commitment to the policy were at best, only thinly veiled. In his *Farewell Address* delivered on March 4, 1837, the outgoing president stated;

> The States which had so long been retarded in their improvement by the Indian tribes residing in the midst of them are at length relieved from the evil, and this unhappy race--the original dwellers in our land--are now placed in a situation where we may well hope that they will share in the blessings of civilization and be saved from that degradation and destruction to which they were rapidly hastening while they remained in the States; and while the safety and comfort of our own citizens have been greatly promoted by their removal, the philanthropist will rejoice that the remnant of

[19] *The Charleston Courier,* August 13, 1834; November 17, 1834; April 3, 1835

> that ill-fated race has been at length placed beyond the reach of injury or oppression, and that the paternal care of the General Government will hereafter watch over them and protect them.[20]

Jackson's last executive words clearly express the prevailing opinion of the federal government as well as many Americans in this era; Indians were a threat to the progress of white citizenry in the region, and the nation was obliged to send them west. Those who opposed removal on the grounds that the Cherokees had advanced and had already made astonishing progress toward civilization, however, saw a paradox in the President's message. They viewed the removal effort as a contradiction of the fruits of the Protestant work ethic and the lofty ideal of individual property ownership. As for the South, Georgia had complained that the presence of the tribes in "their territory" had placed an unsettling and disproportionate burden upon them – that of having to deal with a separate, disinterested nation within their borders. Removal, they asserted, had been the only solution.

The plan to wrench these native people from their homelands had not been a spur of the moment decision and was certainly not a new idea. It was a long-standing plan that stretched back to 1807 when President Thomas Jefferson engaged Cherokee agent Return J. Meigs to try to persuade the Indians of the Lower Towns to migrate west voluntarily. At that same time, certain headmen of those towns, claiming to represent the entire Cherokee Nation, sold away the last of the tribe's hunting grounds. This exploit, for which Chief Doublehead paid

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[20]Andrew Jackson: "Farewell Address," March 4, 1837. Online by Gerhard Peters and John T. Woolley, *The American Presidency Project*. http://www.presidency.ucsb.edu/ws/?pid=67087

with his life, set the precedent by which Jackson believed he could accomplish the tribe's complete removal once he became president.[21] During his inaugural address in 1829, President Jackson proclaimed that he possessed a "sincere and constant desire to observe toward the Indian tribes within our limits a just and liberal policy." Furthermore, he said he planned to give "humane and considerate attention to their rights and their wants which is consistent with the habits of our Government and the feelings of our people."[22] Yet before he reached the White House, Jackson's intense pro-removal views were already a subject of common knowledge. Moreover, his callous and unfeeling disregard toward the southern tribes during the actual removal process contradicts the paternal concern he professed in his first inaugural speech. Historian Robert Remini attributes Jackson's harsh anti-Indian opinions to his fearful boyhood impressions of life in the feral wilderness of South Carolina where Indian raids were frequent. Yet his so-called childhood fears did not stop Jackson from courting the favor and loyalty of these tribes during the War of 1812 and the Creek War. During these alliances with the Cherokees, he professed to have made many lasting friendships among the Indians who fought with him and he vowed to support their autonomous rights when he himself became the "Great Father." Attesting to the trust the Cherokees placed in him, they gifted him with an elaborately beaded bandolier bag, such as worn by the men of the tribe. This 19th century treasure now resides among the holdings of the George Gustav Heye collection in the National Museum of the

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[21] Michael Morris, "Georgia and the Conversation Over Indian Removal," *The Georgia Historical Quarterly,* Vol. 91, No. 4 (Winter 2007), 405.
[22] Andrew Jackson "Farewell Address."

American Indian. The bag, beaded with a beautiful Woodlands-style floral design, includes a simple embroidered inscription under its pouch flap: "To General Jackson."[23]

In 1818, Jackson denounced a raid by the Georgia militia upon the village of his Chehaw allies. Calling the raid "base" and "cowardly" he raged over the inhumanity of the attack on Indian allies "fighting the battles of our country."

> [How can there] exist within the United States a cowardly monster in human shape that could violate the sanctity of a flag when borne by any person, but more particularly when in the hands of a superannuated Indian chief worn down with age. Such base cowardice and murderous conduct as this transaction affords has not its parallel in history and should meet its merited punishment. [24]

Yet just a few months earlier, Jackson told Secretary of State James Monroe of his long-term goal of relieving the southern tribes of their land holdings. "The sooner these lands are brought to market, a permanent security will be given to what I deem the most important as well as the most vulnerable part of the Union." In 1826 he wrote in more detail of his plans for complete removal of the Creeks and Cherokees. "The policy of concentrating our southern tribes to a point west of the Mississippi, and thereby strengthening our southern border with the white population that will occupy their lands, is one of much importance."[25] Jackson's seemingly inconsistent views toward American Indians place him squarely within the ambivalent ideological socio-political culture of his times, albeit, often

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[23] Patti Jo King, "Everyone is Important: The Cherokee Beadwork Revival Project, 2007." *Native American Times,* August 17, 2007, p. 1.
[24] John Meacham, *American Lion: Andrew Jackson in the White House* (New York: Random House, 2008), 97.
[25] Ibid., 98.

possessed of more extreme opinions than some of his contemporaries. Within the intellectual framework of the day, many Americans favored what they professed to be a practical plan of action; removing the southern tribes in order to strengthen the border region against possible attack. This common objective, however, was built upon a foundation of latent racism; one which proffered the idea that Indians were mere pawns to be manipulated and used in whatever fashion best suited the needs and desires of white Americans. This supposition was the underlying thinking that permeated the body of federal and state arguments presented in favor of the removal of the Cherokees in the Jacksonian era.

Jackson's prime strategy for achieving his goals in the South was to try to convince the public that removal of the southeastern tribes was in everyone's best interest, particularly the artless Indians. This was a complicated scheme, however, since Thomas Jefferson himself had marveled over the Cherokee's turn toward "husbandry and the household arts" as well as their embrace of "subsistence over the precarious resources of hunting and fishing."[26] Jackson too once openly praised the Cherokees for their progress in civilization and embraced them as allies and friends in wartime. He therefore found it necessary to prove the efficacy of his pro-removal program by basing his removal rhetoric on two benevolent-sounding premises; that removal was the only insurance of long-term protection and survival for the tribe; and that federal civilization efforts among them had been a complete and dismal failure. Although both notions

[26] Anthony F. Wallace, *Jefferson and the Indians: The Tragic Fate of the First Americans* (Cambridge: Cambridge University Press, 1999), 206.

were in fact patently untrue, throughout the years of debate over Removal, both the president and the state of Georgia would conspire; turning again and again to these two basic 'facts' in the effort to win the argument. To begin, Jackson appointed Thomas McKenney as director of the altruistic-sounding Indian Board for Emigration, Preservation, and Improvement of the Aborigines of America.[27] This organization became Jackson's strongest voice against the American Board of Commissioners for Foreign Missions. The American Board was the most knowledgeable source on the subject of Cherokee 'progress' since they had been working in partnership with the government on the Civilization Project since 1816, and their opposing arguments were based on the testimony of the missionaries they employed in the field; men and women who had lived and worked side by side with the southern tribes for decades. Yet McKenney was also considered an Indian "expert" by the government in his own right, having already served as an influential director of the Bureau of Indian Affairs. In his new role with the Indian Board for Emigration, he had the backing of a number of church organizations as well. As the debate heated up, the American Board's field missionaries directly challenged the president's new 'specialists'. "No Indian," they insisted, "should be compelled to leave the lands which they derived from their ancestors, of where they are in peaceable possession, and which have been repeatedly guaranteed to them by ancient treaties."[28] The American Board

[27] William McLoughlin, *Cherokees and Missionaries, 1789-1839* (Norman: University of Oklahoma Press, 1995), 255.
[28] Ibid., 105-106, 254.

brought with them perhaps the most powerful weapon whites could wield in the war against Removal – righteous indignation.

By Jackson's first State of the Union address in 1829, his assault on the failures of the civilization effort among the southern tribes had begun in earnest. In an attempt to check the incontrovertible moral fortitude of the American Board, he bolstered his theory by adding a new twist to the argument and backing it up with Constitutional law. The Civilization Plan had been undermined by the government itself, he argued, which had pushed the southern tribes into an isolated, "nomadic state" through repeated demands for land cessions. Turning to the subject of the Cherokees, he conceded that they had made some progress, but instead of using their new skills and knowledge for industry, he complained, they had used it to try to create a political state within the boundaries of Georgia, a wholly unconstitutional act.

> It has long been the policy of Government to introduce among them the arts of civilization, in the hope of gradually reclaiming them from a wandering life. This policy has, however, been coupled with another wholly incompatible with its success. . . . . we have at the same time lost no opportunity to purchase their lands and thrust them farther into the wilderness. By this means they have not only been kept in a wandering state, but been led to look upon us as unjust and indifferent to their fate. Thus, though lavish in its expenditures upon the subject, Government has constantly defeated its own policy, and the Indians in general, receding farther and farther to the west, have retained their savage habits. A portion, however, of the Southern tribes, having mingled much with the whites and made some progress in the arts of civilized life, have lately attempted to erect an independent government within the limits of Georgia and Alabama. These States, claiming to be the only sovereigns within their territories, extended their laws over the Indians, which induced the latter to call upon the United States for protection. . . . . .The Constitution declares that "no new State shall be formed or erected within the jurisdiction of any other State

> without the consent of its legislature. If the General Government is not permitted to tolerate the erection of a confederate State within the territory of one of the members of this Union against her consent, much less could it allow a foreign and independent government to establish itself there.[29]

Jackson's theory presumes two contradictory notions. First he posits the dubious idea that the tribes would be unmolested when centered in the West where whites would, for some unexplained reason, be compelled to stay away. Jackson himself, however, knew firsthand the folly of this supposition. Since the inception of the colonies it had been virtually impossible to keep whites out of Indian territories. Second, if, as he suggested, the tribe was to be left alone in its isolated western paradise, it seems only natural that the Indians would once again revert to the same kind of detrimental "primitive wandering" the president claims they were pushed into in the South. Furthermore, Jackson viewed each U.S. state as a sovereign entity, and he opposed the long-standing policy of treating with them as sovereign nations. He cited the Constitution, saying, 'No new State shall be formed or erected within the jurisdiction of any other State." He therefore pointed to the Cherokee's assertion of sovereignty as unconstitutional.[30] It is more likely, however, that his real fear may have been that an independent sovereign nation of Indians might fall prey to manipulative foreign powers. In addition, Jackson's address contains a small yet highly critical passage that is often overlooked by scholars. In three little sentences he sums up what would

[29] Andrew Jackson, "Farewell Address."
[30] Sean Wilentz and Arthur M. Schlesinger, *Andrew Jackson,* (New York: Henry Holt and Company, 2005), 69-70.

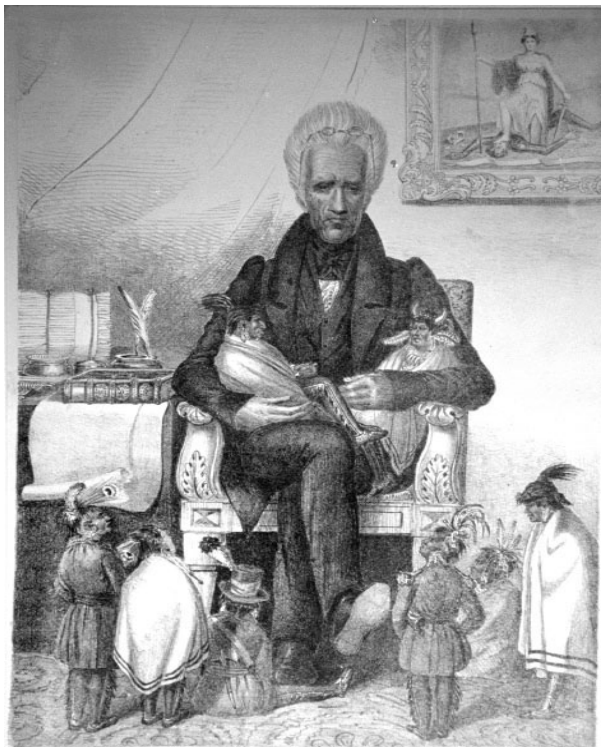

Figure 3-2: Andrew Jackson, the Great Father, engraving, 1830. Jackson was sometimes portrayed in the popular press as the "protector" of vulnerable, subservient Indians, who appear like dolls or pawns that can be easily manipulated.

SOURCE: Graphics Division, William L. Clements Library, University of Michigan

become the central focus of all future federal Indian policy – the destruction of tribalism.

> This emigration should be voluntary, for it would be as cruel as unjust to compel the aborigines to abandon the graves of their fathers and seek a home in a distant land. But they should be distinctly informed that if they remain within the limits of the States they must be subject to their laws. *In return for their obedience as individuals* they will without doubt be protected in the enjoyment of those possessions which they have improved by their industry. [31]

[31] Andrew Jackson, "Farewell Address."

Jackson's ulterior motives were crystal clear to some Americans who opposed removal, if not out of humane consideration for the tribe, out of disdain for Jackson's obvious political chicanery. Congressman William Ellsworth of Connecticut, for example, issued a rebuttal to the President's assertion on the intent of removal in his Inaugural Address.

> It has been said that the Indians in the Southern States will soon become extinct—that humanity dictates their removal . . . . How comes it to pass that some of the tribes, the Cherokees especially, are increasing in population and wealth? Does this look like their extinction? When did Georgia, permit me to ask, first feel this impulse of humanity for the Cherokees? Not until they began to be a growing tribe. If she wishes to save the Indian, why does she deny him the benefit and protection of her laws? Why does she leave him to the merciless rapacity of his white neighbors? . . . . But it is said the Cherokees and other tribes are willing to remove? What, then, mean these memorials of touching entreaty on our tables, signed by some thousands of them, begging that they may not be forced to leave their country? Why has Government sent in among them secret agents to advise them to go? [32]

Removal was only a part of Jackson's larger ambitions for the South; goals he reckoned to achieve through constitutional reinterpretation. Although known as the "Champion of the Common Man," Jackson already had a plan for removal of the southern tribes and had a serious agenda for constitutional revision in mind when he came into office. He claimed to be a staunch Union supporter who saw secession as treason, and he opposed a broad interpretation of implied federal power. Throughout most of his time in office, his chief opposition came from Henry Clay, Daniel Webster, and John C. Calhoun, who dominated the

[32] "Speech of Mr. Ellsworth on the Bill to Provide for the Removal of the Indians," *Middlesex Gazette* (Middletown, CT), May 26, 1830.

Senate.[33] Thomas Jefferson had long since renounced Federalism as tyrannical, and consequently, the President had much less power than Congress. His efforts to overturn the broad interpretation of federal power that Clay, Webster, and Calhoun used to create support for federally funded internal improvements and a national bank were complicated by the fact that Congress had always been considered the primary agency of government and the voice of the populace. Arguing that the President was the only official elected by all of the people, and that he therefore should be considered their true voice, he began to use his power of veto to stifle his opposition. He also pursued his own constitutional interpretation characterized by an expanded executive authority and attempted to exert his influence over the Cabinet and the Senate. It seems likely that Georgia's efforts to remove the Cherokees appealed to Jackson as a perfect opportunity to flex his new executive muscle. Thus, the state and federal governments made a concerted effort to accomplish removal. This idea is further corroborated by the fact that the long-suffering state of Georgia waited until after Jackson's election to pass its Cherokee Codes, knowing full well that it would have a strong ally in the new president. [34] Ultimately, Jackson warned the tribe that he would not tolerate any attempt to establish a "confederate" government, and that their only recourse was to either migrate west or submit themselves to Georgia's control.

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[33] Harry L. Watson, *Andrew Jackson vs. Henry Clay: Democracy and Development in Antebellum America* (Boston: Bedford/St. Martin's, 1998), 42, 49, 50-54, 81-83, 100, 106.

[34] Grant Foreman, *Indian Removal* (Norman: University of Oklahoma, 1932), 20; Anthony F.C. Wallace, *The Long Bitter Trail: Andrew Jackson and the Indians, A Critical Issue* (New York: Hill and Wang, 1993), 64.

The Nullification Crisis was another obvious influence in the matter of Cherokee Removal, and at times the debates over Removal segued into sectional arguments. Some believed that acknowledging the sovereignty of the Cherokee Nation might tend to further de-stabilize the Union. It was not an unfounded fear. Indians clearly understood the concept behind nullification and some even saw it as a viable strategy for removing the yoke of state domination. For example, in 1835, Pequot Methodist minister William Apess published a pamphlet challenging Massachusetts state hegemony over the Mashpee Tribe. The pamphlet was entitled *Indian Nullification of the Unconstitutional Laws of Massachusetts Relative to the Mashpee Tribe.*[35] The tribes of the South were also a distraction from Jackson's focus on strengthening the Union, and it is likely that the President refused to enforce the Supreme Court's ruling in the Cherokee matter in part out of fear of empowering the southern Nullification Crisis. Many just wanted to settle the growing tension between North and South, and although they were sympathetic to the Cherokee cause, they refused to take the Indian's side and risk inflaming the situation. Still others such as pro-removal advocate Senator John Forsyth of Georgia pointed out the hypocrisy of northerners presuming to preach to the South about their conduct toward 'their Indians'. He pointed a finger at New York and New England, reminding them that they too had taken control of the Indian lands and tribes within their own states."[These tribes] must remove, or remain and be subjected to State laws, whenever the States

[35] Donald M. Nielsen."The Mashpee Indian Revolt of 1833," *New England Quarterly*, Vol. 58, No.3 (Sept. 1985), 400-420 (407).

choose to exercise their power. . . . [Georgia, like New York and New England will not] submit to the intrusive sovereignty of a petty tribe of Indians."[36]

Interestingly, rejection or support for Removal seemed to come from some surprising sources as well. Pennsylvania Representative Joseph Hemphill, for example, was a staunch, anti-removal Quaker, yet as a friend of Andrew Jackson's, the debate filled him with so much anxiety that he threw his support behind the President. David (Davy) Crockett, on the other hand, a rugged Indian fighter, frontiersman, and Tennessee legislator, ironically made an impassioned statement in support of the Cherokees and then voted against Removal. As a result, he was promptly voted out of office in the next election. Crockett's support of the Cherokees was noteworthy because on one hand, he praised the American spirit of enterprise and industry, and on the other, he railed against Indian removal. This is an indication that he was in agreement with those who believed that whatever rights the Cherokees had; they were attributable to the arts and habits of industry that they acquired through the Civilization program. In the end, however, his constituents dropped Crockett in the next election, most likely because he had tried to foil their chances of profiting from the confiscated Cherokee lands.[37]

Like the repulsive nature of southern slavery, had Georgia been able to keep the vulgar side of its Indian business to itself, the removal of the tribes might

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[36] Ronald N. Satz, *American Indian Policy in the Jacksonian Era* (Norman: University of Oklahoma, 1975), 24.
[37] Richard Slotkin, *The Fatal Environment: The Myth of the Frontier in the Age of Industrialization, 1800-1890* (Norman: University of Oklahoma Press, 1985), 162-173.

have been accomplished quietly and easily. After all, much like the disreputable practices of slavery, when the devious dealings of Indian Removal were kept out of the national spotlight, no one complained. These matters were simply out of sight, out of mind. But the question of removal and the rights of Cherokees was obscured by the rhetoric of race and competence. National debates, initiated in the South focused on whether or not the Indians could adapt, assimilate, civilize, and convert, rather than focus on their inherent rights as a people. In this way, the Cherokee advocates of removal attempted to keep the real and important issue of their tribe's political sovereignty at a low boil. The Cherokee conservatives however, skilled at oratory and debate, understood the value of public persuasion and waged a well-organized, high-profile campaign against Removal. Under the direction of the Councils, John Ross steeled himself for a long and arduous legal battle, turning what may once have been seen as just another sectional crisis, into a fiery national debate. Consequently, the more belligerent Georgia and the federal government became in their insistence that the Cherokees must go, the more distaste and disapproval their numerous opponents harbored toward them.

The frustrated state of Georgia focused its anger on the missionaries and other anti-Removal whites living within the Cherokee Nation who Georgians believed were encouraging the Indians to cling to the "folly of sovereignty." Congressman Wilson Lumpkin was vehement in his contempt for these supporters, referring to them as ". . . . . fanatics from these philanthropic ranks, flocking in upon the poor Cherokees, like the caterpillars and locusts of Egypt."[38]

[38] McLoughlin, *Cherokees and Missionaries*, 239.

The situation finally came to a head in 1827, when the Cherokees declared their independence and proclaimed the sovereignty of their nation through their newly adopted constitution. This was the final straw that inspired the state to spring into offensive action. In the fall of that same year, the state of Georgia passed several resolutions claiming that the Cherokee Constitution was inconsistent with the rights of Georgia and that the Georgian General Assembly had the authority to claim title to Cherokee lands by any terms and means it saw fit. Furthermore, they claimed the Cherokees, under the jurisdiction of the state, were subject to removal at any time**.** They based this authority on the notion that prior to the Revolution, the Cherokees had become part of the British Empire. They argued that the tribe's pre-colonial title to the land was dissolved when they became "mere tenants at will" of the British government. When the Americans defeated the British, they asserted, the Cherokees became tenants of the state of Georgia. In Washington, President Adams began encouraging them to sign a removal treaty.[39]

Then in 1828, the Georgia legislature passed an act which annexed all Cherokee lands and extended state legal jurisdiction over the tribal lands within their boundaries. A policing force was organized to patrol the Cherokee lands to "protect" encroaching white settlers from the Indians, and to prepare to take possession of the homes they expected the Cherokees to leave behind, prompting the editor of the Milledgeville, Georgia *Connecticut Journal* to write, "They are not citizens of the state . . . . . or owners of the land they occupy. They cannot be

[39] David Williams, *The Georgia Gold Rush: Twenty-Niners, Cherokees, and Gold Fever* (Columbia: University of South Carolina, 1993), 46-47.

subjected to the tax law, to the militia law, or to all the civil laws in force in Georgia. The summing up of the whole chapter on the Cherokees is this: They must be driven from the soil for which they have an inherent attachment, and driven at the point of sword and bayonet; for they have no right no title to their present homes. . . . . The plan is one that might easily be carried into execution by a few divisions of Georgia militia."[40] The hated *Soquili Agatiya* or "Pony Guard" as the Cherokees called them, were a brutal band of thugs who terrorized the Cherokees in their homes, routinely stole livestock, burned houses and fields, killed Cherokee men, and raped Cherokee women.[41] The Georgia act also voided all Cherokee laws and barred the tribe from engaging in any kind of assembly, either political or social. No Cherokee was permitted to give testimony in any court case in which a white person was involved. These "Cherokee codes" laid the groundwork for the legal case, *Worcester v. Georgia,* and when compared side by side, are similar to the southern Black Codes that eventually triggered the proposal of the Fourteenth Amendment

William Wirt, who served as the ninth U.S. Attorney General (1817-1829), was born in Bladensburg, Maryland in 1772. Educated in private schools, he studied law and was admitted to the bar in 1792. After practicing law privately for a few years, he became clerk of the Virginia House of Delegates in 1800, and in 1802 was elected chancellor of the Eastern District of Virginia. Under President Jefferson in 1807, he had prosecuted Aaron Burr, and under

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[40] Milledgeville, Georgia Connecticut Journal, Editor, quoted in *The Cherokee Phoenix,* February 11, 1829, Vol. 1, No. 48, p.4.
[41] Angie Debo, *History of the Indians of the united States* (Norman: University of Oklahoma Press, 1970), 108.

President Monroe in 1817, had served as Attorney General. He also served in the cabinet of President John Quincy Adams until 1829. As an attorney, Wirt excelled in the art of argument. He often included points of literary, historical, and scientific evidence to bolster his line of reasoning, as well as masterful cogent legal evidence. Drawn to the debates over the treatment of the Cherokees by the State of Georgia, he decided to make an appeal to the Supreme Court in the case of George Corn Tassel. Corn Tassel, the son of the old Chota leader Utsi'dsata, had been accused and convicted by the state of killing a fellow Cherokee within the Cherokee Nation. [42] Wirt asserted that the state had no jurisdiction over Indians in their tribal lands. On December 12, 1830, the Supreme Court ordered Georgia to produce Corn Tassel's trial records. In defiance, however, Georgia refused to produce the records, and in March, 1831, Wirt argued the case unopposed in front of the Supreme Court. The Court sided with the Cherokees, finding the state's ruling unconstitutional. When President Jackson made it clear that he would tolerate no independent nation within the borders of the United States, and publicly backed Georgia, the state executed Corn Tassel. According to witnesses, on Christmas Eve morning 1830, "Tassel rode up to the gallows sitting on his coffin, ascended the low scaffold without a tremor, and talked with great calmness to the crowd." [43] Corn Tassel's case established the context for laws dealing with Indians for decades to come, and is still viewed as a pivotal case for study today. It represented the wholesale abandonment of federal treaty obligations toward Indians and tribes that came to characterize federal-tribal

[42] *Charleston Courier,* December 10, 1830.
[43] *The Atlanta Constitution*, 1889; *The Georgia Messenger,* November 13, 1830.

relations in the late nineteenth and early twentieth centuries. Moreover, it highlights the dark alliance that existed between the federal government and the state of Georgia in the Removal effort.

> By making [my] examination I was struck with the manifest determination both of the President and the State that the State laws should be extended over them at every hazard. This led me to reflect more seriously on the predicament in which I was about to place myself. . . . I am aiding these oppressed people against the President of the United States and the State of Georgia, but in conformity with the constitutional laws and treaties of the United States . . . . .If these people shall be sued civilly or criminally prosecuted before the State court of Georgia under the Georgia law they may defend themselves on the ground of their treaties which regard them as a sovereign nation within their own territory under the exclusive government of their own laws, usages, and customs. . . . .[44]

John Ross then asked Wirt if he would take on the Worcester case. After he examined the facts and issues surrounding the case, he decided to represent the tribe. Realizing how controversial the issues were, he described his reasons for getting involved in some detail. After his statement was published, Wirt's decision drew much sharp criticism as well as accusations of treason. Many of his detractors claimed he was working against the President out of a grudge; an understandable assertion due to the fact that Wirt was a great friend and former cabinet advisor to John Quincy Adams, one of Jackson's most hated adversaries. As such, Jackson had little regard for Wirt. In addition, Wirt was able to solicit opinions on the case from some of the most brilliant legal minds of the age. In the early years of the removal; effort, Governor G.M. Troup had complained that

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[44] John Pendleton Kennedy, *Memoirs of the Life of William Wirt: Attorney General of the United States,* Vol. 2 (Philadelphia: Lea and Blanchard, 1849), 258.

the federal government was not fulfilling the pledges made to Georgia by President Jefferson in the Compact of 1802. He claimed:

> . . . .the extent of her actual resources cannot be counted; the great work of internal improvement is suspended; and all because Georgia is not in the possession of her vacant territory - a territory waste and profitless to the Indians, profitless to the United States, but, in possession of the rightful owner, a resource of strength, of revenue, and of union.[45]

Former president James Madison, upon hearing this replied: "I have no hesitation …… to declare it as my opinion that the Indian title was not affected in the slightest circumstance by the compact with Georgia, and there is no obligation on the United States to remove the Indians by force."[46] The former president offered his official advice on the situation in the fall 1830.

> The views you have presented between Georgia and the Cherokees are a sufficient pledge . . . . . to those sons of the forest now the pupils of civilization that justice will be done to their cause whether the forum for its final hearing be a Federal Court the American public or the civilized world. I cannot but regret some of the argumentative appeals which have been made to the minds of the Indians. What, they may say, have we to do with the Federal Constitution or the relations formed by it between the Union and its members? We were no parties to the compact and cannot be affected by it. And as to the charter of the King of England, is it not as much a mockery to them as the bull of a Pope dividing a world of discovery between the Spaniards and Portuguese . . . . .The plea with the best aspect for dispossessing Indians of their lands . . . . . is that not by incorporating their labour and associating fixed improvements with the soil they have not appropriated to themselves nor made the destined use of its capacity for increasing the number and the enjoyment of the human race. But this plea . . . . . is here repelled by the fact that the Indians are making the very use of that capacity which the plea requires . . . . . [47]

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[45] "G.M. Troupe to John C. Calhoun, February 28, 1824." *American State Papers: Indian Affairs*, V.2, p. 475

[46] *Niles Register,* 26, (April 17, 1824)

[47] "Mr. Madison to Mr. Wirt, October 1, 1830." John Pendleton Kennedy, *Memoirs of the Life of William Wirt: Attorney General of the United States,* Vol. 2 (Philadelphia: Lea and Blanchard, 1849), 260.

After Georgia passed its law requiring whites to apply for permission from the state to live in the Cherokee Nation, seven missionaries, believing they were being targeted for their anti-removal support of the tribe, refused to comply. Consequently, the Pony Guard was dispatched to arrest the missionaries and all but Samuel Worcester were imprisoned. Worcester was at first exempted from arrest because he was also the federally-appointed postmaster of New Echota, the Cherokee capitol. Georgia's governor, George Rockingham Gilmer, then conspired with federal authorities to have him stripped of his federal post. Once that was done, he too was arrested. The missionary appealed the charges, however, arguing that forced removal from the Nation was a violation of his constitutional rights, and that the state had no jurisdiction in Indian Country. When the appeal reached the Supreme Court, Chief Justice Marshall ruled in favor of Worcester, finding that the state had violated his 14th Amendment rights; a citizen's right to pursue "life, liberty and happiness." Marshall ordered Georgia to set the missionaries free, and after a time, they were released. Despite Marshall's ruling which upheld the sovereignty of the Cherokees, President Jackson made no attempt to curtail the state's removal efforts. He implied that since the Court had no power to enforce the ruling, it could be considered null and void. In his now famous letter to John Coffee, planter and head of the Tennessee

State Militia, Jackson wrote, "*...the decision of the Supreme Court has fell still born, and they find that they cannot coerce Georgia to yield to its mandate.*"[48]

Before Georgia played its final trump card in the effort to be rid of the local Indians, it sought to undermine the support the Cherokees were receiving for their decision to stay and fight by driving sympathetic white boosters out of the region. At this time, there were some fifty-six whites living in the Cherokee Nation, of which eighteen were ministers. The rest were farmers, teachers, and tradesmen who were supplying secular instruction and support for the tribe.[49] The Cherokee codes dictated that any non-Indian who wanted to live within the tribe's boundaries had to swear an oath of loyalty to the state and recognize the state's absolute sovereignty in the region. Next they had to apply for a license to reside with the tribe. State officials assumed that the whites would not agree to the new conditions for residence, and therefore they would be able to expel them easily.

Finally when the time came, state planners drew up maps dividing the rich tribal farming lands into 160 acre parcels and the Cherokee gold fields into 40 acre parcels which were then raffled off in a giant lottery to the white citizenry. Lottery winners were entitled to seize possession of their land at once along with all the property upon it. The lottery winners literally pushed the Indians out of their homes, forcing them to leave with nothing but the clothes on their backs. In December 1831, the Cherokees summed up their frustrations in the pages of the

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[48] John Coffee Papers Relating to Negotiations with the Cherokee, Creek, Choctaw and Chickasaw Nations. Yale Collection of Western Americana, Beinecke Rare Book and Manuscript Library; WA MSS S-2660

[49] McLoughlin, *Cherokees and Missionaries,* 248-249.

Phoenix, claiming that the Georgians did not even understand their own laws. "This class is numerous, and all ignorant – they do not know anything about writs of error, the Constitution of the United States, etc. . . . ."[50] The possibility of obtaining enormous wealth in the Cherokee Gold fields, however, seemed to be all white prospectors needed to know. The dream of riches certainly did serve to

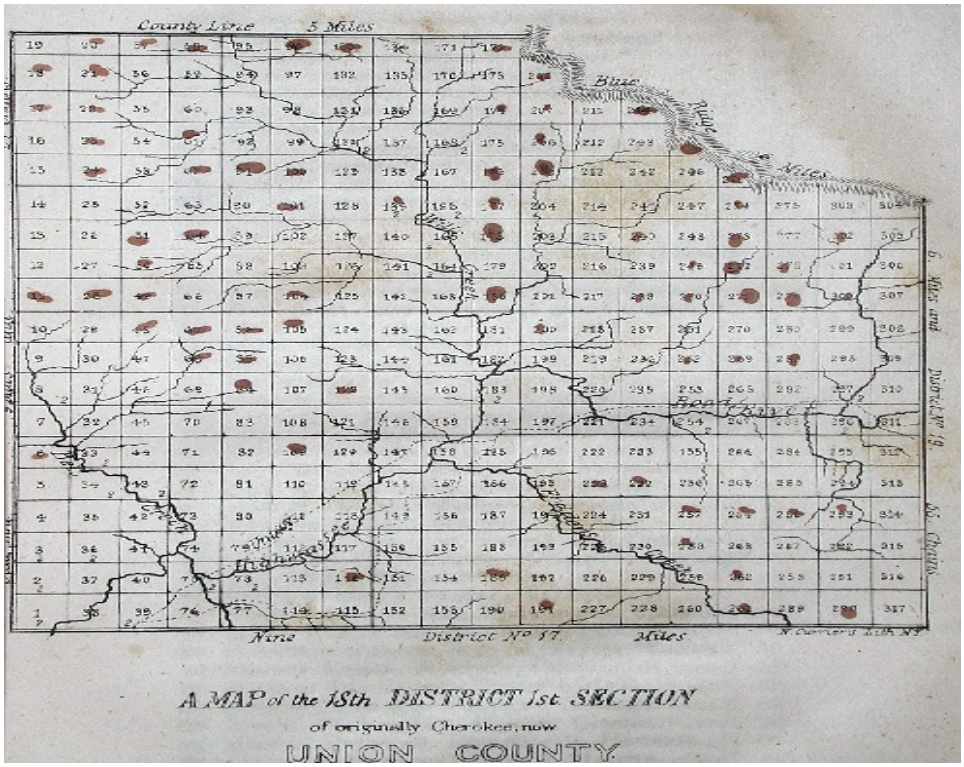

Figure 3-3: Cherokee Land Lottery Map, 1838,
created by James F. Smith.

Source: American Antiquarian Society LG Smit C838

soothe away any unpleasant fits of conscience they may have experienced. As lottery winner George Paschal wrote, "The immorality, if any were admitted, was

[50] *The Cherokee Phoenix*, December 1831.

so infinitesimally divided among seven hundred thousand people, that no one felt the crushing weight of responsibility." [51]

During the long months of debate over Removal, inspired by the violence and chaos surrounding the Cherokees in Georgia and the Constitutional crisis the issue created, Martin Van Buren, Jackson's chief political advisor was moved to record his thoughts on the matter.

> Unlike histories of many great questions which agitate the public mind in their day [this issue] will in all probability endure . . . . . as long as the government itself, and will in time occupy the minds and feelings of our people.[52]

While Van Buren contemplated the sentiments of future Americans however, a wildly popular song of the era summed up the feelings of many Americans:

> All I want in this creation,
>
> Is a pretty little wife and a big plantation,
>
> Away up yonder in the Cherokee Nation.[53]

Many years prior to the end of the sixteenth century, the existence of gold in Cherokee country was common knowledge among the Spanish. Early Cherokees simply called the element *nvya dalonige,* or 'yellow rock'. Since it was soft and easy to form, they sometimes fashioned jewelry out of it. There is much archeological evidence of Spanish expeditions undertaken after the

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[51] David H. Williams, "Gambling Away the Inheritance: The Cherokee Nation and Georgia's Gold and Land Lotteries of 1832-1833." *The Georgia Historical Quarterly*, Vol. 73, No.3, (Fall 1989), 527-528.
[52] Martin Van Buren, John C. Fitzpatrick, ed., *The Autobiography of Martin Van Buren* (New York: A.M. Kelly, 1920), 275-276.
[53] Joel Chandler Harris, *Stories of Georgia* (New York: 1896; Reprint, Atlanta: Cherokee Publishing Company, 1971), 216.

conquistadors had seen gold ornaments worn by the Cherokees, during which they excavated mining shafts and carried gold out of the region. Although the soft yellow metal meant very little to the Cherokees, they soon came to realize that it was very important to the Europeans. Once they understood that the rocks were being used as a primary medium of exchange, they began to refer to them as *adela dalonige* or 'yellow money'.[54] The geographic areas of the southern Alleghenies also contain a rich supply of valuable minerals and crystals, many of which the Cherokees referred to as *ulunsuti* and utilized in their religious rituals and ceremonies; gold, however, was not one of these.[55] By late 1829 there were several discoveries of gold in and around north Georgia, and the Cherokee Nation was suddenly inundated with thousands of prospectors. *Niles' Register* reported that in the spring of 1830, four thousand miners were working along the shores of Yahoola Creek alone, prompting the Cherokees to complain bitterly, "Our neighbors, who regard no law and pay no respects to laws of humanity, are now reaping a plentiful harvest. . . . We are an abused people."[56] But despite their protests, little could be done. The state of Georgia immediately try to assert control over the gold fields, barring the Cherokees from any sort of prospecting, even in their own backyards. In June 1830, George R. Gilmer, Governor of Georgia, issued an order to both the intruders and the Cherokees to stop any kind of mining in the region. The gold, he claimed, belonged to the state of Georgia since the state had extended its jurisdiction over all of the Cherokee territory. He

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[54] The Cherokees still refer to money by the term *adela dalonige.*
[55] Mooney, *Myths of the Cherokees*, 29, 220-221.
[56] *Cherokee Phoenix,* 1829.

went on to explain that the "Kings of Great Britain" had granted occupation of the lands to the Cherokees through treaties, but when Britain lost the Revolutionary War, the Crown passed its title to the land to Georgia. Curiously, Gilmer never pondered the obvious question of who owned the land before the British arrived.[57] Neither did the thousands of frenzied treasure-seekers who rushed into the area to stake a claim and try their luck. These unfortunates, however, were viewed as a threat by the Georgians – not only to the well-being of the Indians who lived there, but also to the state's claim to the mineral rights in the Cherokee lands.

> The news got abroad, and such excitement you never saw. It seemed within a few days as if the whole world must have heard of it, for men came from every state I had ever heard of. They came afoot, on horseback and in wagons, acting more like crazy men than anything else. All the way from where Dahlonega now stands to Nuckollsville, there were men panning out of the branches and making holes in the hillsides.[58]

In September, over three hundred federal troops under the command of Major Phillip Wagner were deployed to the region with the expressed purpose to "displace the gold diggers and aid the authorities of Georgia in executing the laws of that state over the Cherokee territory."[59] Hundreds of white prospectors were arrested and their mining camps burned during these raids. After the eviction of the prospectors, the Cherokees often attempted to take over the abandoned claims in their country, infuriating the evicted miners who then pushed back in to reclaim them. Threats and bloodshed followed as the white miners attacked the Indians,

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[57] David Williams, *The Georgia Gold Rush: Twenty-Niners, Cherokees, and Gold Fever* (Columbia: University of South Carolina Press, 1993), 31-33.
[58] Benjamin Parks, *Atlanta Constitution,* July 15, 1894.
[59] *Niles Register,* October 9, 1830.

and it soon became apparent that the troops were not only there to expel the intruders from the Cherokee lands, but also to force the Cherokees away from the gold fields as well. This so angered the natives, that they wrote of their frustrations in their newspaper. "It now appears plainly that our great father considers us in the light of intruders."[60] The matter of Cherokee access to the gold fields was taken to court, but still the raids and arrests continued. Governor Gilmer issued an explanation of the court's decision the following year. For the state of Georgia, gold was just one more excuse to move the Cherokees out.

> We deeply regret the collision that has occurred between the executive and the judicial departments of the government. The superior court of the western circuit, in the discharge of what is believed to be its duty, has made a decision in relation to the Indian right to dig for gold, affirming that right, as we understand. . . . As effect of this decision will be to create the opinion among the Indians that they are now licensed to plunder the state of this valuable property, I have thought it proper to give you express instructions to defend it . . . . . Now the governor, differing from the court, we understand, believes the act prohibiting the Indians and all other from digging for gold, to be constitutional, and will therefore, in the discharge of what he believes to be his duty, carry it strictly into execution.[61]

For the most part, affluent members of the tribe continued to follow the lead of the forward-thinking Triumvirate who claimed that trying to stay in the homeland would be "impossible." These 'progressives' supported their leaders in their efforts to make a deal with the government, move voluntarily to the West, and get on with the business of modernizing and making money. Many of them left for Indian Territory, having taken incentive money from the government. The Ridge, his son John, and his nephew Elias Boudinot, had initially belonged to

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[60] *Cherokee Phoenix*, September 6, 1832
[61] *Niles Weekly Register,* October 8, 1831.

the official Cherokee delegation that traveled to Washington to garner support against removal, but after the federal government failed to enforce the Supreme Court decision in Worcester v. Georgia, they began to openly advocate removal.[62] As a result, John Ross replaced them with conservative delegates. The Ridge, John Ridge, and Boudinot then formed the nucleus of the so-called "Treaty Party" and set about creating their own delegations and making arrangements to cede the tribe's lands and move to Indian Territory. To make matters worse, the Old Settlers in the western Cherokee Nation sent delegations to Washington at the same time; ironically to do exactly what the state of Georgia was trying to do; to extricate the Osage Indians from the new lands of the western Cherokees. The Wazhazhe, or Osage Nation, historically occupied the region between the Missouri and Arkansas Rivers including most of the territory of the modern states of Missouri, Kansas, Oklahoma, and Arkansas. Beginning in 1808 they relinquished control of land in Missouri and the northern half of Arkansas, and in 1818, they ceded even more land in northwest Arkansas and in present-day eastern Oklahoma. They ceded the last of their Missouri and Kansas homelands in 1825 and moved to southern Kansas. Between 1808 and 1872, their homelands that once encompassed a large four-state region, were reduced to a small reservation in Indian Territory.[63] Strangely enough, the Cherokees who were being forced from their southeastern homelands through federal policy and

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[62] Rennard Strickland, *Fire and the Spirits: Cherokee Law from Clan to Court* (Norman: University of Oklahoma Press, 1975), 78, FN 38.
[63] Willard H. Rollings, *The Osage: An Ethnohistorical Study of Hegemony on the Prairie-Plains* (Columbia: University of Missouri Press, 1992), 12, 225-226, 241-244, 262-280.

white settlement seemed to have no compunction about treating the Osage in a similar manner. In this matter, they were advised by Sam Houston, longtime associate of the Cherokees, who had purchased Osage land and had a vested interest in the matter of their removal.[64]

The new Georgia laws that divided the Cherokee lands between five counties became effective on June 1, 1830. Three months earlier, a delegation of Cherokee representatives made the journey to Washington to present evidence to legislators in rebuttal of Jackson's claims that civilization among them had failed. The American Board had worked with many tribes in the South, but its defining model had been the Cherokee mission project led by the Reverend Samuel Worcester. Worcester's arduous fieldwork had paid off. By the late 1820s, the Cherokees were internationally known as the "most civilized tribe in America."[65] Since he had lived and worked among the Cherokees for several years, Worcester accompanied the delegates to Washington, and once there, he testified extensively on their behalf, reporting that Cherokee women were engaged in spinning and weaving, and Cherokee men were pursuing agricultural interests. He also told the assembly of the tribe's written language and their very successful forays into higher education. By 1830, the Cherokees were more highly educated than the whites surrounding them, and from all appearances, they had abandoned much of their political and economic culture and had even ratified a constitution modeled after the U.S. Constitution. As news spread of the state and federal conspiracy to

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[64] Foreman, *Indian Removal*, 239-240; Jack Gregory and Rennard Strickland, *Sam Houston with the Cherokees, 1829-1833* (Norman: University of Oklahoma Press, 1967), 98-101.
[65] McLoughlin, *Cherokees and Missionaries,* 33-34.

remove the Cherokees, the American public responded. Some Americans sided with the state, but a large number of Americans spoke out against the plan. In many cases, anti-removal sentiments had as much or more to do with the shame removal placed on the character of the American nation than it did with justice for the Cherokees.

Perhaps the tangled issues of morality and national honor in regards to the idea of ethnic cleansing, is best reflected in the views held by the leading Transcendentalists at the time. As some of the most vocal social critics of their day, the transcendentalists were strangely quiet on the issue of Native American rights – that is until it came to Cherokee Removal. Even when they did speak out, they didn't speak volumes, but what they did say tells us a great deal about the way Indians were both vilified and romanticized in this era, and this was the kind of uneven thinking that formed the basis of all future Indian policy. These radical thinkers shared some ideological commonalities with the Cherokees. Like the Cherokee conservatives, they were not opposed to all forms of modernization, but they did fear that modernization would lead to spiritual and cultural alienation. For transcendentalists and for Cherokees, nature and soul were inextricably linked, and they believed that only through the cyclical rhythms of the natural world, could mankind find comfort. The increasingly industrialized world around them made the natural world seem all that much more important. Elizabeth Palmer Peabody explained her understanding of the importance of nature in a letter to William Torrey Harris.

> [I conceive] of nature – not as an entity but as an expression of the Infinite Spirit building up the human understanding by positing its ideas in "the beauteous forms of things" whose totality point by point corresponds with the Infinite Consciousness with which it is the destiny of man to commune progressively forever.[66]

The transcendentalists were pragmatic philosophers who believed that the individual is the spiritual center of all creation within whom nature, history, and even the universe itself is reflected. This rather idealistic, circular view of life includes the supposition that individual virtue and happiness depends on two main premises: that one must embrace and become one with the world, while at the same time remaining separate. For the most part, the Transcendentalists held that true reform must come from within, so they were reticent to throw themselves into reform movements. Yet they also believed that the dominate society around them was seriously flawed, and for this reason, they were interested in alternative life styles. Amos Branson Alcott, for example experimented with Utopianism at his Fruitland's commune; Henry David Thoreau took up life at his cabin on Walden Pond; and Ralph Waldo Emerson, Nathaniel Hawthorne, Margaret Fuller, and Thoreau, all visited their friend George Ripley at his Brook Farm Utopian community. In the mid-nineteenth century, the transcendentalists assuaged their dissatisfaction with society by focusing on what they deemed to be the destructive policies of the United States, including Native American subjugation, the U.S.-Mexican war, and the expansion of slavery. Thoreau drew a distinction between morality and law in his essay "Resistance to Civil Government." In this work, he

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[66] "Elizabeth P. Peabody to William Torrey Harris," August 25, 1870. Bruce A. Ronda, ed., *Letters of Elizabeth Palmer Peabody: American Renaissance Woman* (Middletown, CT: Wesleyan University Press, 1984), 360.

also argued that the citizen has a duty to oppose immoral legislation. It was through such ideas that some of the Transcendentalists spoke to the issue of Indian Removal.

Regarding the national impetus to civilize Indians, Emerson's attitude may be ascertained through his attitude on reform. "Social reformation that comes as a result of the forceful imposition of change upon individuals or institutions from without is not true reformation because it deals with symptoms and not causes, sins but not sinners." He went on to say, "Let every man say to himself – the cause of the Indian, it is mine; the cause of the slave, it is mine; the cause of the union, it is mine; the cause of public honesty, of education, of religion, they are mine."[67] In 1838, Emerson wrote a passionate letter to President Martin Van Buren, expressing his discontent, not only over the treatment and fate of the Cherokees, but also over how their removal would affect the reputation and character of the United States:

> We only state the fact that a crime is projected that confounds our understandings by its magnitude, - a crime that really deprives us as well as the Cherokees of a country, for how could we call the conspiracy that should crush these poor Indians our government, or the land that was cursed by their parting and dying imprecations our country, anymore? You sir, will bring down that renowned chair in which you sit into infamy if your seal is set to this instrument of perfidy; and the name of this nation, hitherto the sweet omen of religion and liberty, will stink to the world. . . . it is the chirping of grasshoppers beside the immortal question whether justice shall be done by the race of civilized to the race of savage man, - whether all the attributes of reason, of civility, of justice, and even of mercy, shall be put off by the American people, and so vast an outrage

[67] Alan M. Levine and Daniel S. Malachuk, eds., *A Political Companion to Ralph Waldo Emerson* (Lexington: University of Kentucky Press, 2011), 5.

> upon the Cherokee Nation and upon human nature shall be consummated.[68]

In his writings, Thoreau described the civilizing of American Indians in terms of a loss of innocence. Perhaps in keeping with his views on the intimate relationship between man, God, and nature, he admired their 'primitivism.' He also marveled at native cultural persistence, observing that, "[The Indian] draws his tattered blanket about him and follows his fathers, rather than barter his birthright."[69] He seemed to believe, as did Elizabeth Peabody, that assimilation would be the virtual downfall of native people.

> In civilizing the Indians, we do not want to have them exchange their characteristic virtues for the characteristic vices of civilization – which tend to reduce humanity to atoms repulsive to each other instead of assimilating organically. . . . the natural religion of the Indians ensures within the circle of natural relationship.[70]

Thoreau's views were rather fatalistic. His advice to the Cherokees was to "forsake the hunter's life and enter into the agricultural, the second, state of man." Regarding their removal, he wrote:

> A race of hunters can never withstand a race of husbandmen. The latter burrow in the night into their country and undermine them. And [even] if the hunter is brave enough to resist, his game is timid and has already fled. The rifle alone would never exterminate it, but the plow is a more fatale weapon; it wins the country inch by inch and holds all that it gets. What detained the Cherokees so long is the plows which that people possessed; and if they had grasped

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[68] "Ralph Waldo Emerson to Martin Van Buren, April 23, 1838." Len Gougeon and Joel Myerson, eds., *Ralph Waldo Emerson's Antislavery Writings* (New Haven: Yale University Press, 1995), 1-4.
[69] Henry David Thoreau, *The Journal of Henry David Thoreau,* Vols., 1-7, 1837-October, 1855 (New York: Houghton-Mifflin, 1962), 445.
[70] "Elizabeth P. Peabody to Rose Elizabeth Cleveland," December 22, 1885. Bruce A. Ronda, ed., *Letters of Elizabeth Palmer Peabody: American Renaissance Woman* (Middletown, CT: Wesleyan University Press, 1984), 397-398.

> their handles more firmly, they would never have been driven beyond the Mississippi. No sense of justice will ever restrain the farmer from plowing up the land which is only hunted over by his neighbors. No hunting field was ever well-fenced and surveyed and its bounds accurately marked, unless it were and English park. It is a property not held by the hunter so much as by the game which roams it and was never well-secured by warranty deeds. The farmer in his treaties says only, or means only, "So far will I plow this summer," for he has not seed corn enough to plant more; but every summer the seed is grown which plants a new strip of forest. The African will survive, for he is docile, and is patiently learning his trade and dancing at his labour; but the Indian does not often dance unless it be the war dance.[71]

Margaret Fuller viewed the Cherokees as tragic figures. Much like Emerson and Thoreau, she equated their most positive qualities with their close spiritual alliance with nature. She at first saw hope in their mixing with whites, but then recanted the idea, stating that, "Those of mixed blood fade early, and are not generally a fine race." She argued that the tribes should be left alone to govern themselves, reasoning that, "The designs of such [plans] will not always be frustrated by barbarous selfishness, as they were in Georgia." Still, she frankly cautioned the Cherokees that the dominate system holds out little for them to hope for. "The Historian of the Indians should be one of their own race, as able to sympathize with them, and possessing a mind as enlarged and cultivated as John Ross, and with his eye turned to the greatness of the past, rather than the scanty promise of the future. . . . an Indian who could glean traditions familiarly from the old men, might collect much we could interpret."[72]

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[71] Thoreau, *The Journal of Henry David Thoreau*, 445-446.
[72] Sarah Margaret Fuller, *Summer on the Lakes in 1843* (Rockville, MD: Arc Manor, 2007), 96, 101, 132.

As a whole, the Transcendentalists who added their voice to the anti-removal effort, although well-meaning, saw conservative resistance much as certain members of the Treaty Party saw it; as an act of futility. Moreover, Thoreau's advice was for the Cherokees to assimilate, take up the hoe or be trampled by the farmer. Only Emerson stands alone in his staunch condemnation of the audacity of the state of Georgia, and the failure of the federal government to protect the tribe. Even still, his shame and disgust over the matter were as much for the preservation of the integrity of white America, as they were for justice for the Cherokees. The stereotypical ways in which the transcendentalists regarded Indians reflects the attitudes of many Americans in that day, - and they are ideas that would affect the future for Indians for decades to come.

One of the most direct, effective, and eloquent campaigns waged against Indian Removal was undertaken by Jeremiah Evarts, a lawyer and editor of the *Panoplist,* a monthly religious magazine that supported the work of Christian missionaries. Evarts was a graduate of Yale University and converted to the Congregational faith during a camp meeting held in the early dawn of the Second Great Awakening. He also served as an officer and committee member on the American Board of Commissioners for Foreign Missions. His greatest hope for America was that it would become an example of Christian morality, integrity, and justice for the entire world to follow. As a lawyer, he had taken a keen and significant interest in aboriginal rights and land claims and had a nuanced understanding of these issues. Furthermore, his concern for the success of missionaries among the tribes had impelled him to travel extensively through

southern Indian Country. There he counted many of the Indian leaders, especially among the Cherokees, as his good friends, and he firmly believed the tribe's best strategy against removal was a strong moral response, *gawohiliyvsdi* or *ulisdelvdi.* When the issue of Indian removal arose, he immediately condemned the idea as immoral and set about the work of arousing national ire by appealing to the Christian conscience of the nation. His goal was to stir the righteous indignation of the citizenry and direct it toward the nation's leaders in an effort to shame them into respecting the rights of the Cherokees. From the headquarters of the ABCFM in Boston, he began his campaign with a statement about the iniquity of removal, reminding his readers:

> No real good, national or individual, can ever be procured through the instrumentality of motives or exertions which are selfish, fraudulent and cruel. . . . . Turn to the pages of history and you will find a thousand records of this truth, in the dreadful tyranny, the short splendor, and the long and frightful desolations of misery, which have followed each other in the career of guilty nations and individuals. . . . .How long shall it be that a Christian people – freer than any other people, and more favored of God than any other nation on earth shall stand balancing the considerations of profit and loss on a great national questions of justice and benevolence?[73]

Evarts published twenty four essays on the removal issue under the pseudonym, *William Penn.* Aside from his moralizing, his William Penn Essays were a masterfully written, skillfully argued, in-depth examination of the legal rights of Indian tribes. Using his essays to publicize the cause, he orchestrated an organized protest against removal, beginning in New York City in August

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[73] "The Removal of the Indians: An Article from the American Monthly Magazine: An Examination of an Article in the North American Review," (Boston, 1830), 4-5. *Sabin Americana.* Gale, Cengage Learning. University of Oklahoma Libraries.

1829 with the assistance of New York businessman, Eleazar Lord. Lord was the founder and president of the Manhattan Fire Insurance Company, and later the president of the New York and Erie Railroad Company, as well as the president of the New York Sunday School Union. Evarts and Lord were both revered and influential members of their respective communities, a fact that contributed to their success in bringing the anti-removal message to the attention of the public. Part of the men's strategy was to print and distribute hundreds of pamphlets around the nation in order to force Congress, the House and Senate to carefully consider the issue. At meetings held in a number of major cities, petition drives were begun and generated more support for the cause. Although in the long run, Evarts was not able to stop the removal of the Cherokees, his efforts did have a remedial effect on the outcome for the tribe. As historian Francis Paul Prucha has pointed out, Evart's arguments "were a potent force in preventing a total denial of those rights and in holding back the heavy hand of oppression that threatened the Indians."[74] More than any other commentary on Removal, his essays exposed the party politicking that defined the debate, as both sides of the issue claimed moral grounds, making one wonder if they were thinking of Indians at all, or how best to blacken their opponent's eye.

In his essay, *A Brief View of the Present Relations Between the Government and the People of the United States and the Indians Within Our National Limits,* Evarts highlighted eleven main points that summarize the right of Indians to possess and hold title to their homelands. Focusing his entire line of

[74] See: Jeremiah Evarts, *Cherokee Removal: The William Penn Essays and Other Writings* (Knoxville: University of Tennessee Press, 1981), 11, 40.

reasoning on the question of this title, he argued that while the Cherokees were no doubt the natural, original owners of the land, the complaint that had to be addressed was that they had forfeited that right by relying on subsistence hunting and not cultivation. The Euro-American view held that land must be improved – not simply enjoyed as a hunting preserve. Although Evart acted out of moral Christian sensibility by taking such an impassioned and controversial stance in support of the Cherokees, his argument basically stems from his view of the Cherokees as a primitive group of savages who had made admirable progress through Christian civilization - the basis of all of their rights. His analysis of the situation then, is simply an extension of the hegemonic views of white society. He wrote:

> They are at present neither savages nor hunters. It does not appear that they ever were mere wanderers, without a stationary residence. At the earliest period of our becoming acquainted with their condition, they had fixed habitations. . . . [they were] in the habit of cultivating some land near their houses, where they planted Indian corn, and other vegetables. From about the commencement of the present century, they have addicted themselves more and more to agriculture, till they now derive their support from the soil, as truly and entirely as do the inhabitants of Pennsylvania and Virginia. For many years they have had their herds, and their large, cultivated fields. They now have in addition, their schools, a regular civil government, and places of Christian worship. They earn their bread by the labor of their own hands, applied to the tillage of their own farms; and they clothe themselves with fabrics made at their own looms, from cotton grown in their own fields. [75]

Evart goes on to assert that in order for the tribe to continue to make progress, they had to be separated from white society. This focus on the removal of the primeval man, and his subsequent replacement by white settlers on the land,

[75] Ibid., 8, 9.

served to reinforce the Euro-American belief in the progressive nature of human evolution, from savagism to civility and property ownership.[76]

> The assertion of the Cherokees, that their present country is not too large for a fair experiment of the work of civilization, is undoubtedly correct. The wisest men, who have thought and written on this subject, agree. . . . .no Indians can rise to real civilization and to the full enjoyment of Christian society, unless they have a community of their own; and can be so much separated from the whites, as to form and cherish something of a natural character. [77]

Most importantly from the Cherokee perspective, Evart's essay challenged the state of Georgia's usurpation of treaty abrogation, contending that, "The State of Georgia has, by

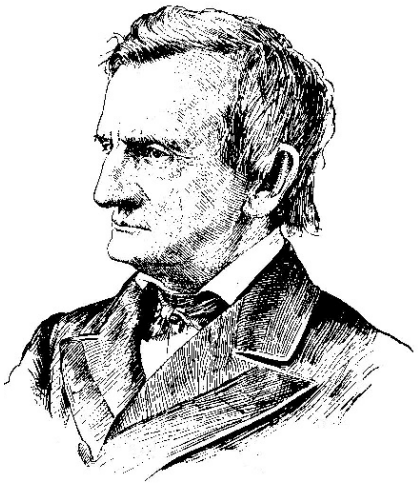

Figure 3-4: Jeremiah Evarts, Christian missionary, reformer, and Indian rights advocate, was one of the leading opponents of U.S. Indian Removal policy. Image from the *Christian Cynosure*, September 25, 1873. *Cynosure* was a publication of the Chicago-based NCA and Lodge Lamp (1894-1897) which provided coverage of religious and anti-secret activity.

Source: National Christian Association Records (SC-29), Wheaton College Special Collections, Wheaton, Illinois, Box 30, Item 1.

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[76] Richard Slotkin, *Regeneration Through Violence: The Mythology of the American Frontier, 1600-1860* (Norman: University of Oklahoma Press, 1973), 357.

[77] Evarts, *Cherokee Removal*, 9.

numerous public acts, implicitly acquiesced in this exercise of the treaty-making power of the United States. . . . . .The laws of the United States, as well as treaties with the Indians, prohibit all persons, whether acting as individuals, or as agents of the State, from encroaching upon territory secured to the Indians."[78]

On January 21, 1830, Evarts met with a group of preeminent citizens in Boston and they issued a statement entitled, *Memorial of Citizens of Massachusetts to the Senate and House of Representatives of the United States in Congress Assembled.* In this memorial, the validity of Georgia's denial of former treaties with the Cherokees was again called into question. How, the document asks, could the State denounce those treaties as invalid on the grounds that negotiating with barbaric Indian nations was "absurd," when the United States and the state of Georgia more recently, had done so willingly and successfully since the Revolutionary War?

> It has been said that barbarians are not capable of making a treaty. But an illustrious orator, from our own State, thirty-five years ago, expressed himself, on the floor of congress, in the following manner: I see no exception to the respect that is paid among nations to the law of good faith. If there are cases, in this enlightened period, when it is violated, there are none when it is decried. It is a philosophy of politics, the religion of governments. It is observed by barbarians. A whiff of tobacco-smoke, or a string of beads, gives not merely binding force, but a sanctity to treaties. . . . .Thus we see, neither the ignorance of savages, nor the principles of an association for piracy and rapine, permit a nation to despise its engagements.[79]

[78] Ibid., 202.
[79] Ibid., 228-229.

Evarts worked closely with the Cherokee delegates in Washington while the Removal Bill was under debate. In July 1830, he penned an *Address of the Cherokees to the People of the United States* with the intention of having the Cherokees present it as a statement before the Congress. It was issued by the Cherokee Nation General Council, and then published in the July 24 issue of the *Cherokee Phoenix and Indians' Advocate*. It is hard to deny the influence that Evart's writing, especially his *Address of the Cherokees,* had on the tribe's leaders. In fact, the tribal opposition leaders and Evarts were so closely aligned in their thinking on the matter that members of the tribal council added the last two paragraphs of the address themselves. A close examination of the William Penn Essays and removal opposition articles published in the *Phoenix* reveals that the tribe most likely adopted much of Evart's rhetoric and utilized his outstanding anti-removal arguments. The final paragraph of the *Cherokee Address* plays upon the nation's conscience, just as Evart did, asking Americans to remember how they were welcomed when first they came as immigrants to the country.

> We pray them to remember, that for the sake of principle, their fore fathers were compelled to leave, therefore driven from the old world, and the winds of persecution wafted them over the great waters, and landed them on the shores of the new world, when the Indian was the sole lord and proprietor of these extensive domains. Let them remember in what way they were received by the savage of America, when power was in his hand, and his ferocity could not be restrained by any human arm. We urge them to bear in mind that those who would now ask of them a cup of cold water, and a spot of earth, a portion of their own patrimonial possessions, on which to live and die in peace, are [their] descendants. Let them bring to remembrance all these facts, and they cannot . . . . . fail to remember, and sympathize with us in these sufferings. [80]

[80] Ibid., 262.

Up until 1829, men had taken the most prominent lead in anti-removal efforts. In the summer of that year, however, Catharine Beecher heard Jeremiah Evarts speak about Indian Removal in Boston. During the reception that followed, Evarts asked Beecher to help organize a women's campaign against removal. She recalled the meeting in her 1874 memoir:

> Mr. Jeremiah Evarts gave to me a most interesting narrative of the success of the Board of Mission. . . . . among these Indians, and of the distressing and disastrous consequences that would result from the cruel measures undertaken. He said that American women might save these poor, oppressed natives, and asked me to devise some method of securing such intervention. I was greatly excited, and on my return wrote a circular "To Benevolent Women of the United States. [81]

Catharine Esther Beecher was the first born of thirteen children of the Reverend Lyman Beecher and his first wife, Roxanna Foote-Beecher. She was sixteen when her mother died and was thereafter obliged to help to care for the large family. Educated, first at home and then in a private school, she continued to self-educate to supplement the limited curricula prescribed for women of her era. She became convinced of one all-important mission in her life: "to find happiness in living to do good." Beecher teamed up with popular authoress Lydia Sigourney and other women at the Hartford Female Seminary where Beecher was the director, to organize the first national women's petition drive against Indian Removal. Operating anonymously in order to escape personal condemnation, the Hartford group distributed copies of Beecher's circular through an extended network of friends and acquaintances. Each recipient was directed to "pray for

[81] Catharine Esther Beecher, *Educational Reminiscences and Suggestions* (New York: J.B. Ford, 1874) 62-65.

the intervention of the National Government to protect the Indians."[82] Within the circular, the theme of Cherokee assimilation again appears as the prime rationale for land ownership.

> Our government. . . . .with parental care, has persuaded the Indians to forsake their savage life, and to adopt the habits and pursuits of civilized nations, while the charities of Christians and the labors of missionaries have sent to them the blessings of the gospel to purify and enlighten. The laws and regular forms of civilized government are instituted; their simple and beautiful language, by the remarkable ingenuity of one of their race, has become a written language with its own peculiar alphabet, and, by the printing press, is sending forth among these people the principles of knowledge, and liberty, and religion. Their fields are beginning to smile with the labours of the husbandman; their villages are busy with the toils of the mechanic and the artisan; schools are rising in their hamlets, and the temple of the living God is seen among their forests.[83]

Petitions containing hundreds of signatures began flooding into Congress, with the largest single petition arriving at the Senate from Pittsburgh. That petition alone contained 670 signatures. These reformers saw the petition drive as an extension of the Christian charity work they had already long been doing, collecting money and supplies for Indian mission schools. The men they targeted saw the matter a different way. The clergy, Congressional Democrats, and antiremovalists alike all harshly criticized the women for usurping the political authority of their men. Just as in the anti-slavery movement, women reformers played a huge role in the anti-Indian Removal effort. But Beecher, who was born

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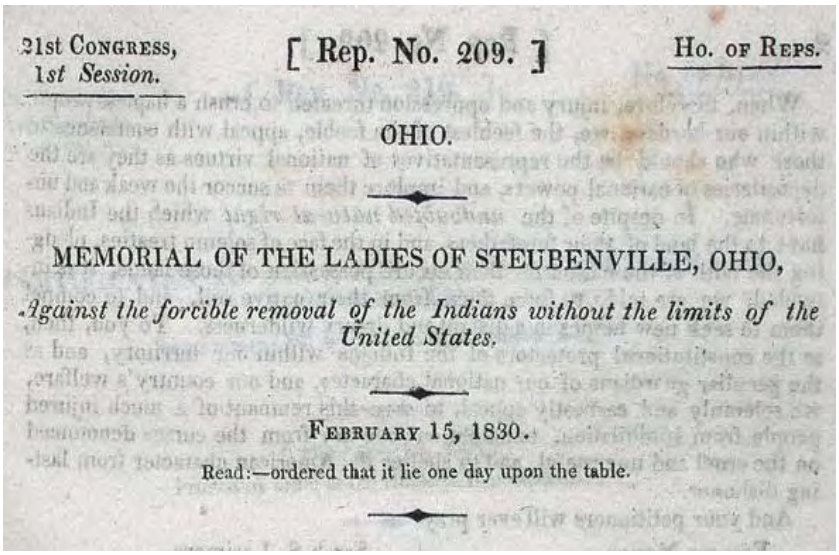
[82] Mary Hershberger, "Mobilizing Women, Anticipating Abolition: The Struggle Against Indian Removal in the 1830s," *The Journal of American History*, Vol. 86, No.1 (June 1999), 25.

[83] "Circular Addressed to the Benevolent Ladies of the United States," *Christian Advocate and Journal,* (December 25, 1829), 65-66.



21st Congress, 1st Session. [Rep. No. 209.] Ho. of Reps.

OHIO.

MEMORIAL OF THE LADIES OF STEUBENVILLE, OHIO,

Against the forcible removal of the Indians without the limits of the United States.

February 15, 1830.

Read:—ordered that it lie one day upon the table.

Figure 3-5: Ladies' Petition to Congress: As a result of Catharine Beecher's organization of the first women's national petition drive against Indian Removal, Congress and the Senate received many thousands of signatures requesting the government end the plan to remove the Cherokees from their southern homelands.

Source: Natalie Joy, *Women in the Antiremoval Movement, 1829-1838*, *UCLA Center for the Study of Women*, UCLA website, http://www.escholarship.org/uc/item/76f601jz (Accessed Jan., 2010)

in 1800 under the influence of the "cult of domesticity," was critical of the polemic rhetoric of suffragists, and even denigrated abolitionist women for usurping men's authority outside of the domestic sphere. She believed in "Christian democracy," under which, women should only attempt to influence the governance of their men to avert a crisis. Pending Indian Removal, she deemed, qualified as such an emergency, but not so the issue of slavery, which she believed could only be concluded through long-term, "peaceful, Christian

methods."[84] This kind of thinking is in keeping with the political rhetoric of the early 1800s. Supporting this overarching attitude toward blacks and Indians was the anthropologic ideas that blacks were descendants of apes, and thus suited to slavery, whereas Indians could be uplifted through Christian instruction and assimilation.[85] By middle of the century, however, racialized thinking became much more systematic and intricately tied to social and political issues. Partly due to the widespread success of American hegemony over native lands and resources, and partly due to the failures of the assimilation policy, pessimism had grown concerning their improvability. During the removal era, Henry Clay remarked to John Quincy Adams that "[Indians are] essentially inferior to the Anglo-Saxon race. . . . . [and are not] an improvable breed." Indeed, one of the most prevalent notions born in these years is that intermarriage with whites was the only way for Indians to progress. As one visitor to Indian country succinctly put it, "In respect to christianizing the savages, the leading men of the southern country say in a tone between jest and earnest, that we can never expect to do it without crossing the breed."[86] It seems that the level of human achievement a people could reach was directly connected to the amount of land and resources they had that were coveted by the whites. Thus, as long as the Indians held title to good lands, there was a chance for their improvement.

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[84] Alisse Portnoy, *Their Right to Speak: Women's Activism in the Indian and Slave Debates* (Cambridge: Harvard University Press, 2005), 27, 188, 222.
[85] Barbara Jeanne Fields, "Slavery, Race and Ideology in the United States of America", *NLR*, 181 (1990), 85-118.
[86] Reginald Horseman, "Scientific Racism and the American Indian in the Nineteenth Century," *American Quarterly,* Vol. 27, No. 2 (May 1975), 153-154.

Such widespread opposition to removal made it much more difficult for Jackson to get his bill passed, but on April 24, 1830 when it came down to the Senate, the bill passed by a margin of 28 to 19. The House vote was even closer at 102 to 97. The Cherokees filed an immediate appeal with the Supreme Court, and asked for an injunction against Georgia, who they argued, had no jurisdiction in Indian Country. In the spring of 1831, Chief Justice John Marshall delivered his famous opinion in *Cherokee Nation v. Georgia.* The basic premise of his decision was that the state of Georgia had no authority over the Cherokees, a ruling that delighted the reformers who had worked so hard to see the removal bill defeated. Jackson, defiantly holding the line however, pulled the federal troops out of Georgia, leaving the Cherokees at the mercy of the state, which immediately set upon them with the object of pushing them out. Their first strategy was the expulsion of the missionaries, which the President completely ignored, resulting in the arrest of Worcester and Butler, and Marshall's opinion in the *Worcester vs. Georgia* case. Through it all, the antiremovalists continued, and even stepped up their campaign, prompting Martin Van Buren to write:

> It is scarcely possible now to. . . . to realize the extent to which many of our religious societies were agitated and disturbed by the imprisonment of those missionaries, and there was no doubt that not less than eight or ten thousand voters, in the state of New York alone, were controlled at the succeeding Presidential election in the bestowal of their suffrage by that single consideration.[87]

Although the female Antiremoval activists were unable to stop the Cherokees from being exorcized from their country, their participation in the campaign gave

[87] Martin Van Buren, John C. Fitzpatrick, ed., *The Autobiography of Martin Van Buren* (New York: A.M. Kelly, 1920), 290-296.

them a new, albeit small modicum of political power and dash. Some now openly published their political opinions without fear of the reprisals that were still prevalent.[88] For American women, full political enfranchisement was still over half a century away.

Historically however, Cherokee women had always enjoyed power, autonomy, and equality and filled a variety of important roles within Cherokee society. Women were much more than wives and mothers; they owned the home and every item they produced in it with their labor of their own hands. Cherokees believed women possessed great power as life-givers and healers, and were often the keepers of special wisdom. For this reason, they constituted a special class within the Cherokee systems of law and governance. Women also had the right to enforce many laws and regulations, particularly those pertaining to the sphere of women.[89] They could earn the title "War Woman" and sit in councils as equals. This fact led James Adair who spent time with the Cherokee between 1736 and 1743, to derisively refer to the Cherokee's as having a "petticoat government." A dozen years before Catharine Beecher and the women reformers of Hartford began their petition campaign on behalf of the tribe, the Beloved Women of the Cherokee Nation gathered in Hiwassee to discuss an earlier removal crisis. Cherokee warriors had participated in the Red Stick War, the military assault led by Andrew Jackson against the Creek Nation. The war had ended, yet despite promises of friendship to his Cherokee allies, Jackson tried

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[88] Hershberger, "Mobilizing Women," 34-35.
[89] Henry Timberlake, *Memoirs of Lieut. Henry Timberlake,* ed. Samuel Cole William (New York: Arno Press, 1971), 93.

to compel the Cherokees as well as the Creeks to make land cessions. As cotton prices soared, and the Creek Nation began to give way to U.S. manipulation, the pressure for Cherokee removal to the west also mounted.[90]

Tennessee Governor, Joseph McMinn began to complain that the Cherokees were not civilizing fast enough, and their removal to the west was the only way to assure their safety as whites poured into the Southeast. Andrew Jackson then joined forces with McMinn, pushing unauthorized Cherokee leaders to cede 2.2 million acres of land in present day Alabama. A National Council meeting was planned in the Nation, but prior to their meeting, the body of Cherokee women elders met to discuss the matter. The Spring Place missionaries recorded the gatherings in their journals, noting especially that the women met to take action.

> The councils will consider whether the Nation will exchange its land with white people for other land across the Mississippi because Cherokees are bothered constantly by the adjoining states about their land. Several old, respected women, who were still the successors of the former beloved women had gathered at Hiwassee, and they had similar considerations because they wanted to remain here.[91]

By the time the Cherokees were facing their final removal crisis in the late 1820s, the political voice of the Nation's women had been nearly silenced until the election of James Monroe to the presidency in 1817 brought new vigor into the pro-removal campaign. In his Second Inaugural Address on March 5, 1821, he told a cheering crowd:

> We have treated [the tribes] as independent nations, without their

[90] Tiya Miles, "'Circular Reasoning': Recentering Cherokee Women in the Antiremoval Campaigns," *American Quarterly,* Vol. 61, No.2 (June 2009), 222.
[91] Miles, Circular Reasoning, 223.

> having any substantial pretensions to that rank. The distinction has flattered their pride, retarded their improvement, and in many instances paved the way to their destruction. The progress of our settlements westward, supported as they are by a dense population, has constantly driven them back, with almost the total sacrifice of the lands which they have been compelled to abandon. They have claims on the magnanimity and, I may add, on the justice of this nation which we must all feel. We should become their real benefactors; we should perform the office of their Great Father, the endearing title which they emphatically give to the Chief Magistrate of our Union. Their sovereignty over vast territories should cease. . . [92]

This speech so aroused the ire of the Cherokee women, the women's councils sent representatives from their groups to speak at various town council meetings. They also attended the main council meetings. Consequently, when the women wished to speak on the pressing matter, Cherokee men listened. The women then drew up a petition of their own, authored by Nanye'hi (Nancy Ward) the most revered and powerful of the *Ghigau* or Beloved Women, which contained thirteen signatures of respected elder women. This they presented to the National Council. In the document's opening lines, the women claimed to speak out of "their duty as mothers." As scholar Tiya Miles points out, "the women's major persuasive strategy of grounding their case in the power of motherhood rested on the cultural underpinnings of matrilineal family descent, matrilocal living arrangements, and a magically empowered ordinary mother figure. . . . For in their role as mothers, they had a prexisiting political authority."[93] Those thirteen

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[92] *Inaugural Addresses of the Presidents of the United States.* Washington, D.C.: U.S. G.P.O.: for sale by the Supt. of Docs., U.S. G.P.O., 1989; Bartleby.com, 2001. www.bartleby.com/124/. (Accessed April 23, 2012).
[93] Miles, Circular Reasoning, 226-227.

signatures held a lot of sway, for they were backed by the power of kinship, carrying with them the approval of hundreds of conservative families.

Abolitionists, like Evan and John Jones, who taught the principle of *didayohsidi nulisdv* or immediate emancipation as a moral duty to their conservative Cherokee flock, were moved primarily by concern for those less-affluent, traditional Cherokee families. The father and son Baptist missionaries waited out the government's final answer to the removal question, alongside

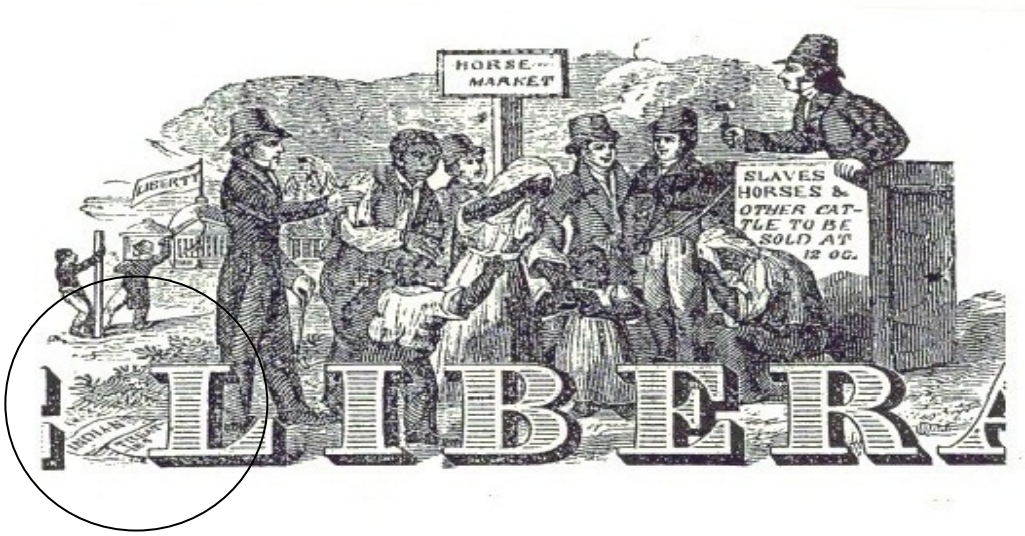

Figure 3-6: Linking the Causes of Abolition and Anti-Removal. On April 17, 1831, William Lloyd Garrison replaced *The Liberator* masthead with a new one that included commentary on Jackson's Indian Removal Act (bottom left corner in circle). This effectively tied the cause of abolition to Cherokee removal. Abolitionist support was driven by the prediction that relocation of the tribe would empower the expansion of southern slavery, but also out of ethical concern for the Indians.

Source: *The Liberator Files*, "Liberator Photo Gallery, "http://www.theliberatorfiles.com/
(Accessed, September 15, 2011)

the conservatives that they ministered to. According to Evan Jones, "When told that their rights could not be obtained, that no alternative remained to them as a nation but death or removal, they seemed not to hesitate saying, 'It is death anyhow; we may as well die here.' "[94] Widespread opposition to Indian Removal also had a profound effect on the popular view of African colonization; the idea that rather than immediate emancipation, the slaves should undergo gradual emancipation, and then be sent "back to Africa" to live in newly constructed colonies. The more abolitionists thought about removal, the more they began to draw close comparisons between the policy of removal, and the policy of colonization. Many, as a result, began to rethink their commitment to the colonization plan and by 1831, William Lloyd Garrison and other top leaders of the abolitionist movement, denounced colonization and began to demand immediate emancipation for the slaves. This is a change evidenced in the artwork of Garrison's *Liberator* masthead. Here, trampled under the feet of customers at a slave market are the circulars announcing the abrogation of Indian treaties. Initially, abolitionists had joined forces with anti-removalists, as a means of undermining the influence of slaveholders in the South. Since southern slave-owners were the most eager to obtain fertile Indian land, abolitionists feared that removal would hasten the westward expansion of slavery and thereby contribute to the exponential spread of the institution.

Elias Boudinot, editor of the *Cherokee Phoenix* who used the newspaper to publicize the tribe's struggle against removal and garner sympathy and support

[94] Oklahoma Historical Society, Grant Foreman Collection, 83.229, Box 23, 5092, Religion; Carolyn Thomas Foreman, *John B. Jones*.

for their efforts, capitalized on Garrison's willingness to support their anti-removal mission. But in taking Garrison up on his offers to link the issues of abolition and removal together, Boudinot had not exactly acted in good faith. In the spring of 1826, Boudinot had embarked upon a national lecture tour `in order to garner funds and political support for continuing efforts to elevate the Cherokees through the "arts of civilization." At every appearance, he distributed copies of an appeal he had authored and published based on a speech he made in Philadelphia entitled, *An Address to the Whites.* While on his fundraising tour, he told his audiences, "[The] period is fast approaching when . . . . we will be admitted into all privileges of the American family. . . . . For the sake of civilization and the preservation of existence, we would willingly see the habits and the customs of the aboriginal man extinguished, the sooner this takes place, the great stumbling block, prejudice, will be removed."[95]

Boudinot's preoccupation with social advancement began at a young age. He had been born into a "progressive-minded" Cherokee family in 1804 at Oothcaloga near the present-day town of Calhoun, Georgia. Oothcaloga was a relatively modern town characterized by single-family dwellings as opposed to the nearby traditional towns still dominated by the rule of clan and kinship, hunting and subsistence farming, and organized around the traditional council house. Boudinot's father, Oo-watie and his well-known uncle, the Ridge, were part of a group of Cherokee men who were making a concerted effort to move

[95] Elias Boudinot, *An Address to the Whites Delivered in the First Presbyterian Church on the 26th of May, 1826 by Elias Boudinot, a Cherokee Indian* (Philadelphia: William F. Geddes, 1826).

away from tradition and had taken up agriculture powered by slave labor. These men shunned matrilinealism, and embraced assimilation and acquisitive living. Boudinot and his cousin John Ridge, who himself became an elite planter and slave owner, had been raised much in the manner of white children. They never knew the hardships of the elemental lives their fathers had once lived, and although they were aware of the traditional culture in the surrounding towns, they had never been immersed or even involved in it. Consequently, they felt themselves separate, and in many ways superior to the conservatives. Boudinot had also enjoyed a cosmopolitan lifestyle that was unusual for Cherokee boys, having attended the Foreign Mission School at Cornwall, Connecticut with students from mysterious and faraway places such as Hawaii, Tahiti, and China. As historian Theda Perdue describes it, ". . . . . the atmosphere at the school was a mixture of fascination with and rejection of 'savagery'."[96] At the age of sixteen, Boudinot converted to Christianity, and thereafter spent the remainder of his existence working for the conversion of the Cherokee people and the eradication of conservative Cherokee culture. He was intensely fixated on leading the tribe into modernity, an objective that as a Christian, he insisted he had a moral duty to uphold. Like many of the missionaries who lived and worked with the Cherokees, he overlooked the practice of slaveholding carried on by his elite relatives and friends. His mission, he believed, was to work for the transformation of primitive tribes into modern societies. He seemed to view

[96] Theda Perdue, *Cherokee Editor: The Writings of Elias Boudinot* (Athens: University of Georgia Press, 1996), 3-7.

himself as a foot soldier, chosen by God to struggle in the Christian battle for pagan souls. To his personal benefactor he wrote,

> God has distinguished me from thousands of my fellow creatures: I am enjoying great privileges, while my countrymen are perishing. They know not God who made the world, nor the Saviour, who came and died for them. They are ignorant of these things. They are under gross darkness and delusion. May the Lord make me useful to them.[97]

Boudinot again expressed his belief in his special calling, setting himself apart from his fellow tribesmen in a letter to Baron de Campagne, a Swiss supporter of the Cornwall school, in which he stressed having an "ardent desire to return to my countrymen and to teach them the way of salvation."[98] The letter was reprinted in the schools newspaper, *The Missionary Herald.*

In his *Address to the Whites* Boudinot explained that he had been elevated from the savagery of his people. "You here behold an Indian, my kindred are Indians, and my fathers sleeping in the wilderness grave –they too were Indians. . . . . I am not as my fathers were—broader means and nobler influences have fallen upon me." According to Boudinot, as a result of the influences of a newly formed government, the invention of the Syllabary, and the translation of the gospel into Cherokee, the tribe's future was bright.

> The shrill sound of the savage yell shall die away as the roaring of the far distant thunder; and Heaven wrought music will gladden the affrighted wilderness. . . . .Already do we see the morning star forerunner of approaching dawn, rising over the tops of deep forestsin which for ages have echoed the warrior's whoop.[99]

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[97] "Elias Boudinot, Cherokee, to Elias Boudinot, February 20, 1819, American Board of Commissioners Collection, Harvard University, Cambridge, Massachusetts.
[98] *The Missionary Herald,* 17 (August 1821): 257.
[99] Elias Boudinot, *An Address to the Whites*, 10.

In conclusion, he told the audience their help was needed to raise funds for the project of establishing a Cherokee newspaper. The project was necessary because the tribe had only two choices; civilization or extinction. With the help of good white Christians, he surmised, the Cherokee Nation would soon progress.

> Rising from the ashes of her degradation, wearing her purified and beautiful garments, and taking her seat with the nations of the earth . . . . her sons bursting the fetters of ignorance and unshackling her from the voice of heathenism. . . . .[The Cherokees] must rise like the Phoenix.[100]

Perhaps Elias Boudinot's perplexing behavior in regard to his fellow Cherokees can be best understood from the psychological perspective of "internalized racism." Internal racism emerges among subjugated individuals and groups that accept and adopt ruling stereotypes and values that have been created to dominate them. By identifying with the keepers of their power, they unwittingly endorse, internalize, and propagate their own oppression. They cling to the idea that they can escape their state of "otherness" by relinquishing the qualities that make them different and becoming like the dominant group they admire. Unfortunately, the acceptance they crave is never forthcoming.[101] This is the bitter pill that Boudinot and his cousin John Ridge were forced to swallow after their marriages to white women were met with anger and violence. Having been continuously told they were special while in school, they believed they had been fully accepted by white society. Boudinot especially was devastated by

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[100] Ibid., 13 -14.
[101] Ethan Baptiste, "Dissecting Internal Community Barriers and Subsequent Devaluation of Indigenous Graduates," *Indigenous Policy Journal,* Vol. XXI, No. 4 (Winter, 2010)

what he saw as the hypocrisy of the community he had come to love, and was deeply perplexed by his sudden fall from grace and praise by those he had so admired. [102]

In 1826, a rather skeptical review of Boudinot's *Address* appeared in the *North American Review.* The cynical appraisal the author offered of the glorious future Boudinot had envisioned for the assimilated Cherokee people wounded him deeply.

> . . . . .These particulars savor a little of the marvelous, especially when considered as uttered by the voice of an Indian; yet we have no doubt of their truth. . . . The Cherokees exhibit a novel spectacle; but the result is not difficult to conjecture. A community of 'civilized Indians' is an anomaly that never has existed, nor do we believe it ever will exist. Bring the Indians up to this mark, and you put them on a level with whites; they will then intermarry, and the smaller mass will be swallowed up by the larger; the red skin will become white, and the Indian will be remembered only as the tenant of the forests, which have likewise disappeared before the march of civilization.[103]

Nevertheless, like the disrespect and disillusionment that he and John Ridge had suffered over white reactions to their relationships with white women, the review made him all the more determined to prove them wrong.

Putting his disillusionment aside, Boudinot pushed ahead with his plans for the *Cherokee Phoenix.* What gave the publication of the paper a real chance for success was Sequoyah's fortuitous invention of the Cherokee Syllabary. Cherokee leaders had been discussing the feasibility of a newspaper ever since the written language caught on. Then, between 1801 and 1833 a number of

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102 Theda Perdue, ed., *The Writings of Elias Boudinot,* (Athens: University of Georgia Press, 1996), 10-15.

[103] *North American Review* 28 (October 1826), 470-474.

"specialized" presses had emerged in America, such as religious and literary periodicals, anti-slavery papers, and labor news.[104] The *Phoenix* was the very first Native American periodical, and although it was at first looked upon as an anomaly, its novel innovation and quality contributed to its wide readership across the nation and in major European cities. At first, Boudinot had composed and published editorials opposing removal, but after his change of heart, he began to advocate voluntary removal. He soon found his opinions at


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ISAAC H. HARRIS,

CHEROKEE LAWS.

Figure 3-7: The Cherokee Phoenix: The first Native American publication, founded in 1928. In 1829, editor Boudinot renamed the *Cherokee Phoenix* as the *Cherokee Phoenix and Indian Advocate*, reflecting the intention to influence audiences beyond the Cherokee Nation due to the Removal crisis.

Source: Cherokee Nation of Oklahoma, http://www.cherokee.org/ (Accessed June, 2012)

[104] Frank Luther Mott, *American Journalism: A History of Newspapers in the United States through 250 Years, 1690-1940* (New York: MacMillan Company, 1962), 205-206.

odds with Ross and the conservatives, however, and his writing censored by the General Council. He resigned his editorship in August 1832, but continued actively advocating removal. He even went so far as to author and distribute pamphlets attacking Ross. Ultimately, he became one of the signers of the unauthorized 1835 Treaty of New Echota, relinquishing all Cherokee land east of the Mississippi River. Yet until he and his family voluntarily moved west, he continued to insist that the tribe as a whole had relinquished its historic life ways. He refused to entertain any notion that there were Cherokees still clinging to their culture in a meaningful way, stating, "Traditions are becoming unpopular and there are now but a few aged persons amongst us that regard them as our forefathers did." Finally, in 1838 he published an editorial complaining of the federal government's use of the term 'warriors' in reference to the Cherokee commissioners with whom they were negotiating a removal treaty.

> We are rather at a loss to know why the Gentlemen in the circulars, thought proper to address themselves to "warriors," when they might have known that we have no more such characters amongst us, and if there are a few such men who may consider such an appellation applicable to them, they have no voice in our councils, and are therefore not the proper persons to treat with. We hope the Savage appellation that we have determined to cast behind us, will no more be thrown upon us. [105]

In 1839, he found out how mistaken he was when young conservative warriors, acting in accordance with clan Blood Law took atleisdi (revenge) by executing him along with his uncle Ridge and his cousin, John Ridge. So great was the suffering of the dispossessed along the Trail of Tears, that even a compassionate American soldier by the name of Burnett, assigned to carry out the task of

[105] Elias Boudinot, *Cherokee Phoenix,* July 30,1828

removal, was witness to what he called "the execution of the most brutal order in the history of American Warfare." Remembering the sorrowful event he wrote,

> . . . . . in the chill of a drizzling rain on an October morning I saw them loaded like cattle or sheep into six hundred and forty-five wagons and started toward the west. One can never forget the sadness and solemnity of that morning. Chief John Ross led in prayer and when the bugle sounded and the wagons started rolling many of the children rose to their feet and waved their little hands good-by to their mountain homes, knowing they were leaving them forever.[106]
>
> *Private John G. Burnett, Captain Abraham McClellan's Company, 2nd Regiment, 2nd Brigade, Mounted Infantry, Cherokee Indian Removal, 1838–39.*

The suffering the exiles endured on the arduous journey, and the loss of their ancestral homelands, filled the conservatives with anguish; a painful legacy handed down to their children and grandchildren which instilled seeds of bitterness and resentment and reawakened the warrior spirit in the hearts of the nation's young men. In 1880, after railroad intrusion displaced Anderson Springston's son, Oo ne quah te, or John Leak Springston as he was known, from his home in Indian Territory, he wrote in his daily ledger book:

> [I am] called back to. . . . the treatment of my old grandma, Nancy Springston, my father's mother, at and in her home in Georgia in 1835 when drove from [her] home and the contents of her home was thrown out of doors. . . . .[This is] Civilization, as handed down to Mr. Injun.[107]

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[106] "John Burnett's Story of the Trail of Tears," *Cherokee Nation* website, http://www.cherokee.org/AboutTheNation/History/TrailofTears/24502/Information.aspx (Accessed June, 2011)

[107] Springston Papers, Box 7, Folder 11, p. 85.

Arguing for the retention of the Clan Blood Law, Woman Killer, a revered elder over eighty years of age at the time of removal, delivered a haunting eulogy for their cherished homelands.

> My companions, men of renown in council, who now sleep in the dust, spoke the same language [anti-removal] and I now stand on the verge of the grave to bear witness to their love of country. My sun of existence is fast approaching to its sitting and my aged bones will soon be laid in the bosom of this earth we have received from our fathers who had it from the Great Being above. When I sleep in forgetfulness, I hope my bones will not be deserted by you.[108]

[108] *Statesman and Patriot,* (Milledgeville, GA) January 16, 1830.

CHAPTER FOUR

Ayatasdi Galitsode Tsalagi: The Cherokee House Divided

> The tenure of the soil upon which we now stand and the relations which shall hereafter exist between our Nation and the United States are questions of the first magnitude, and necessary to be understood and clearly defined by a General Compact, for the permanent welfare and happiness of our Nation. Let us never forget this self-evident truth – that a House divided against itself cannot stand – or "united we stand and divided we fall.
>
> *John Ross,* Takatoka, Cherokee Nation, June 10, 1839 [1]

Almost 19 years to the day before Abraham Lincoln delivered his famous 'House Divided' speech in Springfield on June 16, 1859, John Ross delivered his 'Cherokee House Divided' speech at Takatoka, Western Cherokee Nation. He made the address to call for unification of the southern Cherokees and the Old Settlers, just weeks after the last of the Cherokee immigrants arrived in Indian Territory. Some 4,000 members of the tribe had perished throughout the course of persecution, capture, imprisonment, and the westward move itself. Army headquarters and the Fort Cass Southern Emigrating Depot had been set up near the southern Cherokee Agency at Charleston on the Hiwassee River. On July 23, 1838 the Army had conducted a stockade census, documenting 14,870 persons in twelve Stockades.

[1] "Address to a General Council of the Cherokees, June 10, 1839", Gary E. Moulton, *The Papers of Chief John Ross,* Vol. I, (Norman: University of Oklahoma Press, 1980), 713.

One fourth of those who had been driven from their homes in the months of May and June died during detainment in the holding camps; while being transported on steamboats; along the trail during the westward journey; and during the initial adjustment period in the receiving garrison at Indian Territory. Established in 1824, Fort Gibson served as the receiving and dispersal site for the Cherokees, as well as for the Creeks and Seminoles. Since its inception, the

Upper Cha-ta-te Creek near Fort Cass ……...600
Ridge East of the Agency ……..…. 700
Camp Ross #1 13 miles from Fort Cass ……..…..2,000
Camp Ross #2 ……...…….....2,000
Mouse Creek #1 near Fort Cass…….….. 870
East Mouse Creek……..…….....1,600
Ross Landing #1 45 miles from Fort Cass ……... 2,000
Ross Landing #2 ……. ……,…..... 2,000
Agency Post at the Agency. ……..……700
Rattlesnake Springs near Fort Cass …..…… 600
Bedwell Springs near Fort Cass …….……. 900
Fort Payne Alabama 95 miles from Fort Cass ….... 900 [2]

fort had been a starting point for military expeditions in the West, and had often served as the sole peace keeping institution between the warring tribes of the region. Occupied throughout the initial years of removal and resettlement, it was abandoned in 1857 then reactivated as the furthest west Civil War post. The army remained active at Fort Gibson through the Reconstruction era and the Indian

[2] Russell Thornton, *The Cherokee Nation: A Population History* (Lincoln: University of Nebraska Press, 1990), 74; For a detailed description of consequential deaths, see Mary Young, "Indian Removal and the Attack on Tribal Autonomy: The Cherokee Case," in John K. Mahon, *Indians of the Lower South: Past and Present* (Pensacola, Florida: Gulf Coast History and Humanities Conference), 125-142; For a discussion of diseases and contagion after arrival in Indian Territory, see Palmer R. Howard, "Cherokee History to 1840: A Medical View." *Oklahoma State Medical Association Journal* 63:71-82.

Wars, primarily dealing with the constant problems created by outlaws and squatters that plagued Indian Territory. Throughout the antebellum years and the painful decades of Reconstruction, the fort played a significant role in the evolution of the Cherokee Nation until it was finally abandoned for good in 1890.[3]

For an entire decade beginning in 1828, the Cherokee conservatives fought valiantly for their sovereignty, autonomy, and future self-determination. The next four decades, however, were entirely devoted to internal struggles, as disagreements between various factions threatened to destroy the stability of the tribe. After the many traumas of the removal experience itself, the immigrants faced new ordeals - outbreaks of Cholera, Smallpox, and other diseases at the journey's end at Fort Gibson and in surrounding areas. The death rate was so high in fact, that in 1890, a man who had served as a soldier during the forced relocation wrote, "[They left behind them] four thousand silent graves reaching from the foothills of the Smoky Mountains to what is known as Indian Territory in the West." Still another remembered, "I fought through the Civil War and have seen men shot to pieces and slaughtered by thousands, but the Cherokee removal was the cruelest work I ever knew." [4] The removal and the political wrangling that led to it made an impression on Oo ne quah te (John Leak

[3] Richard C. Rohrs, "Fort Gibson: Forgotten Glory," *Early Military Forts and Posts in Oklahoma,* ed. Odie B. Faulk, Kenny A. Franks, and Paul F. Lambert (Oklahoma City: Oklahoma Historical Society, 1978).
[4] John G. Burnett, "The Cherokee Removal Through the Eyes of a Private Soldier." *Journal of Cherokee Studies* (1978), 3:180-185.

Springston), whose parents and grandparents walked the trail from Tennessee, and he remembered with disdain eighty nine years later.

> Cherokee Indians strewn from Georgia, Tennessee, Alabama, and North Carolina to the confines of a wilderness west of the Mississippi River, their present abode, in the interest of civilization, enlightenment, and Christianity – or to be more precise – for their lands, homes, and firesides by the U.S. govt. at the insistence of the states named. May the Creator of all be merciful of such acts and save the evil minded. History repeats itself. Look through the Bible and see what befell the meek in olden times, where whole nations were wiped out by strangers according to gospel.[5]

Although many Americans who had opposed relocation believed that the tribe as a unit would collapse once it reached Indian Territory, the Cherokees did not buckle under the strains of removal. Unlike smaller, weaker tribes who were also forced into the Territory, the Cherokees were the most significant political entity in the new lands.

Between January 4 and March 25, 1839, fourteen detachments from the southern Cherokee Nation arrived at Fort Gibson. Upon his party's arrival, John Ross and his family set up makeshift shelters at an area they called Camp Illinois, about six miles from another new settlement they named Tahlequah; most likely taking the name from a town in their former Tennessee homelands; Tellico or *Taliqua*.[6] In the ensuing years, Camp Illinois was renamed 'Park Hill'. On April 23, 1839, Ross issued the first written communication from that location:

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[5] University of Oklahoma, Western History Collection, Division of Manuscripts, Papers 1682-1969, John L. Springston, Box 8, Folder 2, p. 159 [Hereafter, Springston Papers].

[6] John Currahee, *Cherokee Place Names in the Southeastern United States* (Monroe, GA: Chenocetah Press, 2011), [Kindle] Loc 913; Odie B. Faulk and

> Friends: Through the mysterious dispensations of Providence, we have been permitted to meet in general council on the border of the great plains of the West. Although many of us have, for a series of years past, been separated, yet we have not and cannot lose sight of the fact that we are all of the household of the Cherokee family, and one blood. We have already met, shook hands, and conversed together. In recognizing and embracing each other as countrymen, friends and relations, let us kindle our social fire, and take measures for cementing our reunion as a nation by establishing the basis for a government suited to the conditions and wants of the whole people, whereby wholesome laws may be enacted and administered for the security and protection of property, life, and other sacred rights of the community.[7]

Despite its seemingly magnanimous intention, Ross' admonition did not carry much weight in the Nation and he was unable to bridge the disunity that had developed between three distinct political factions; the Old Settlers, the Treaty Party, and the Anti-Treaty Party or 'Ross Party' as they were often called. The Old Settlers had voluntarily migrated to Indian Territory between 1817 and 1835 and had applied for federal recognition as a separate and distinct Cherokee Nation. These Old Settlers or 'Western Cherokees' as they were known, also counted among them the once fierce Chickamaugas. Together, they settled primarily in Arkansas, disrupting the peace of the region by usurping the authority of the Osage upon whose lands they encroached. In the Treaty of 1817 the U.S. had pledged compensation for their abandoned southeastern lands and provided for a separate census for annuity payments to the Old Settlers. The government, however, had left the lands in Arkansas undefined and refused to make the annuity payments. Those who signed the 1817 Treaty included many honorable

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Billy M. Jones, *Tahlequah, NSU, and the Cherokees* (Tahlequah, OK: Northeastern State University Educational Foundation, Sunflower Heritage Enterprises, 1984).

[7] Emmett Starr, ed., *The Encyclopedia of Oklahoma* (Lawton: Histree, 1980), 130.

and well-respected men including, Tuskekeetchee, Sleeping Rabbit, Sequoyah, Spring Frog, George Lowry, John Jolly, Going Snake, Dreadful Water, and Walter Adair.[8]

In 1828 and 1829, under the administration of John Jolly, these Arkansas Cherokees had moved into Indian Territory, reestablishing their government in their new capital at Tahlontiskee. Jolly held the position of Principal Chief until he died in 1838 after which John Looney stepped into the top leadership position just in time to issue a whole-hearted welcome to the main body of Cherokees who arrived with Ross on the Trail of Tears. The Old Settlers, who were greatly outnumbered by the new arrivals, became alarmed however, when Ross almost immediately suggested that he should take over as Principal Chief of both groups, asserting that he was the only rightfully elected Cherokee Chief. As a result, in April 1839, the Old Settlers and Arkansas Cherokees sought to fortify their autonomy by replacing the accommodating Looney as Principal Chief with more aggressive John Brown, retaining Looney and adding John Rogers as second and third chiefs.[9]

Nevertheless, the matter was scheduled to be debated and decided during a series of council meetings. On June 20th, a council was held at Double Springs, just northwest of Tahlequah, and there, Ross introduced articles of union and proposed a new, unified government. The Old Settler leaders and prominent

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[8] Charles J. Kappler, ed., "Treaty with the Cherokee, 1817" in *Indian Affairs Laws and Treaties, Vol. 2, Treaties* (Washington D.C.: Government Printing Office, 1904), 140-143.

[9] Gaston L. Little, "The Principal Chiefs of the Cherokee Nation," *Chronicles of Oklahoma,* Vol. 15, No. 3, September 1937 (Oklahoma City: Oklahoma Historical Society, 1937), 253-254, 261.

members of the Treaty Party had joined forces and opposed unification. A large number of the conservatives who supported Ross, however, viewed the Treaty Party members with suspicion, and complained of the undue influence they were trying to wield over the Old Settlers. Many of them also believed that the blood revenge penalty for signing the Treaty of 1835 and its consequences had not yet been sufficiently extracted. Some 300 conservatives attended the Double Springs conference, and while there they planned the executions of the Treaty Party leaders. Young warriors stepped forward and drew lots to ascertain who among them would carry out the death sentences. Two days later the new tribal lands of the Western Cherokee Nation were christened with the blood of the perceived traitors, and within days the world was shaken by the staggering news of the execution of three principal leaders of the Treaty Party.

On June 22, 1839 the Ridge had been ambushed on the road near his plantation at Honey Creek. His son John Ridge had been dragged from his bed and stabbed to death in front of his wife and children, and Elias Boudinot had been lured away from his home, seized and killed near Park Hill Creek. In the months after the executions, lurid descriptions of the killings were reported in dramatic stories in newspapers across the United States and Europe. One popular publication claimed that between ten and twelve gunmen had stocked the Ridge, shooting him through the head at least five times. The same article claimed that two dozen men had descended on John Ridge, stabbing him repeatedly as his family watched in horror.[10] While the details in these reports varied from

[10] Niles Register, October 5, 1839.

publication to publication, the impressions they left upon their readers were usually the same; Americans now believed the more progressive, civilized Cherokees were being victimized and hunted down like dogs by a savage band of primitive, murderous henchmen directed by John Ross. The half-brothers, James Foreman, Anderson and Isaac Springston, and their cousins James and Jefferson Hair were again implicated as accomplices in the dark affair.[11]

To his discredit, John Ross himself was targeted as the mastermind behind the violent reprisals. The surviving Treaty Party leaders asserted that he commanded a vicious gang of thugs who were ready and willing to do his bidding, including seeking out and killing innocent men such as the Ridge's and Boudinot. On December 25, 1890, however, Ross' son Alan Ross gave a death bed testimony of the sordid events that more accurately described the impetus, planning, and carrying out of the executions. His statement indicated that adherence to the old clan law, not the elimination of political rivalry was the reason for the killings. Furthermore, he exonerated his father from blame or any knowledge of the plan to kill the men, lending even more credence to the theory that Ross's power as Principal Chief was secondary to the authority of the clans.

> There was some dissention caused by men who had signed the Treaty of 1835 and were opposed to John Ross as Chief. . . . a secret meeting without the knowledge or consent of my father John Ross at what is now known as Double Springs about four miles north west of Tahlequah for the purpose of making plans to effect an act of union; after much discussion the meeting was called upon to read and to adhere to a law that had been passed by the Cherokee

[11] Rickey Butch Walker, *Doublehead: Last Chickamauga Cherokee Chief* (Killen, AL: Bluewater Publications, 2012), 228-229; Grant Foreman, "The Trial of Stand Watie," *Chronicles of Oklahoma* Vol. 12, no. 3, September 1934 (Oklahoma City: Oklahoma Historical Society, 1934), 318-319, 320-324.

> National Council when the first attempt was made to negotiate their lands in the East; when it was provided that "who-so-ever should agree or sign an agreement to sell their lands should forfeit their lives." Believing that the same men who had made the Treaty of 1835 were responsible for the failure of the Cherokee People to get together this meeting decided that these three men should be executed as provided by the law as read. The meeting further decided that this must be kept from their Chief because he would prevent it as he had once before at Red Clay before their removal. A committee was appointed . . . . numbers were placed in a hat for each person present; twelve of these numbers had an X mark after the number which indicated the Executioners. All present were asked to draw. When I came to draw the Chairman stopped me and told me . . . . the Committee had another job for me on that day. . . . he told me that I was to go to my father's home on the evening before this execution and for me to stay with my father that night and the next day and if possible to keep him from finding out what was being done. The Committee adjourned and each went his way and at the appointed time the work was done as instructed. I went to my fathers as instructed and stayed until I heard . . . .that the orders of the Committee had been executed. About five o'clock that evening my father and I went to visit with Mr. Arch Campbell and while there some men passed near and as they passed by they threw something into the yard . . . .[I] found that it was a knife which is still in my possession. These men were some of the full-bloods who had participated in the killing of Mr. Boudinot a few minutes before about half a mile west of Arch Campbell's home. I know that my father did not know anything about this matter. The last two men who took part in this were Judge Riley W. Keys and Jackson Rattling Gourd[12]

Although fear and distaste for the killings kept a large number of the Old Settlers away, the Ross conservatives held another conference just two weeks later wherein a vote for unification was taken and the Act of Union was drafted at the Illinois Campground on July 12, 1839. Shortly after, the newly unified Cherokee Nation also adopted a new constitution.[13] The Old Settlers expressed

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[12] "The Murder of Elias Boudinot," *Chronicles of Oklahoma,* Vol.12, No. 1 (March 1934), 24-25.

[13] *Constitution and Laws of the Cherokee Nation* (St. Louis: Cherokee Nation National Council, 1875), 5-7, 9-22.

their outrage and dissatisfaction over these actions, however, describing Ross' assumption of leadership as atrocious and unjust. As Amos Kendall, the Old Settler's legal counsel, reported at a U.S. Senate hearing in 1846; "Probably, not twenty bonafide "Old Settlers" participated in the monstrous act....It seems to be a weak assumption which lays claim to validity in the *Act of Union*. There was but one party really present."[14]

Even before the dispelled Cherokees arrived in Indian Territory, the Treaty Party members realized that the conservatives had marked them for death and that upon arrival Ross would push for unification and leadership of the western and southern Cherokees. Even still, they were committed to opposing them, believing that because of their assistance in removing the tribe from the South that the federal government would honor its promise to protect them. The newly arrived immigrants far outnumbered both the Treaty Party and the Old Settlers, and both groups understood that they lacked the power to counter Ross and his followers successfully. For this reason, the two groups joined forces. Treaty Party members argued vehemently against Ross' leadership and the Old Settlers organized a conference at Tahlontuskey to discuss the matter. Although the Old Settlers invited him, Ross did not attend, but sent a delegation to present his plan for unification. When the delegation rose to speak, however, they found members of the Treaty Party so threatening and pugnacious that they fled in fear for their lives.

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[14] *Senate Executive Document*, 20th Congress, 2nd session, no. 28, 87-88, 99.

Angered by the conservatives' description of them as outlaws, and dumbstruck over the Old Settler's willingness to entertain any of Ross' suggestions, the Treaty Party leaders held their own meeting at Price's Prairie. Describing Ross' leadership as a "mobocracy," they elected to send Stand Watie and John Bell to Washington to plead for protection from the Ross faction promised by the government when they signed the 1835 Treaty. Along the way, Watie and Bell visited their friend, Andrew Jackson at his Tennessee home. Jackson gave them a letter for President Van Buren and Secretary of War Joel Poinsett, wherein he asked the president to grant protection and assistance to these, "loyal friends of the United States."

> You will find enclosed the papers left with me & a letter to the president of the United States in as strong language in your behalf & that of your friends as the facts and the outrageous & tyrannical conduct of John Ross & his self created council would authorize, & I trust the president will not hesitate to employ all his rightful power to protect you and your party from the tyranny & murderous schemes of John Ross. . . .if the murderers of the two Ridges and Boudenot are not surrender[ed] & punished and security for the future gurranteed, then & not until then will the great and good Spirit smile upon your exertions by force to obtain justice by freeing yourselves & people from oppression.[15]

Once in Washington, the men begged for the government's help, claiming that their lives were all in danger, and demanding funds for the widows and children of the 'martyrs' slain at the hands of the Ross men. Finally, they reminded the assembly that the government had promised them protection when they agreed to

[15] "Andrew Jackson to John A. Bell and Stand Watie, Hermitage, Oct. 5, 1839." Edward Everett Dale and Gaston Litton, *Cherokee Cavaliers: Forty Years of Cherokee History as Told in the Correspondence of the Ridge-Watie-Boudinot Family* (Norman: University of Oklahoma Press, 1939), 17.

sign the Treaty of New Echota, and they now expected to the government to fulfill that pledge. In their petition they recalled the language of the promise made to them on February 28, 1835 by then Secretary of War General Lewis Cass as they signed the Treaty of New Echota:

> The President would not consent for one moment, to put to hazard the pecuniary interest or personal safety of those who had been endeavoring to promote the views of the government, and at the same time, to secure the welfare of their own people.[16]

Referring to the conservative clans, Watie and Bell added:

> . . . . before the cruel assassination of the Treaty Party, they had emigrated to their new home west of the Mississippi, had been mingled with a new community where no such law existed, and the argument that the transferred population carried along their absolute laws of blood is too preposterous even for murderous f elons.[17]

The petitioners also demanded that the army at Fort Gibson hunt down and capture the assassins that had cut down the Ridges and Boudinot. The government readily agreed to do so.[18] The Treaty Party was greatly empowered by declarations of support from Washington, a fact which added fuel to factional flames. One example of this encouragement is evident in U.S. agent for Indian Territory, Pierce Mason Butler's description of the assimilated slave owning men of the Treaty Party as ". . . . [those] classed among the first [rank] . . . . halfbreeds . . . .the middle class, who are ardent and enterprising . . . .hospitable and well-

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[16] Samuel C. Stambaugh, *A Faithful History of the Cherokee Tribe of Indians, From the Period of our First Inter course with Them Down to the Present Time.* Washington [D.C.]; (Washington, D.C., 1846), 34.
[17] Stambaugh, *A Faithful History*, 34.
[18] William McLoughlin, *After the Trail of Tears: The Cherokees Struggle for Sovereignty, 1839-1880* (Chapel Hill: University of North Carolina Press, 1993), 20.

disposed." At the same time he derided the conservatives as "mountain Indians . . . ignorant and but slightly progressed in moral and intellectual improvement."[19] Despite an outpouring of federal sympathy for Watie and Bell, the newly reorganized Cherokee National Council selected a delegation of nine men made up of Ross Party conservatives as well as supportive Old Settlers. These men were commissioned to travel to Washington for the stated purposes of refuting the Treaty men's scandalous charges and negotiating a new treaty to replace the illegal agreement made at New Echota. Ross described the welcome they received as warm and friendly, yet Watie and Bell had raised enough suspicion about his ability to control the troubles in his nation that their mission was not successful and they returned home empty handed. Over the next two years, it became increasingly obvious that Ross had fallen out of favor with many of his former admirers in Washington.

1842 was a grave year that marked a radical turning point for the new Cherokee Nation. On May 9th of that year, Anderson Springston was shot by a white man named Mitchell who he been employing. Mitchell, however, was a friend and supporter of Watie's and there was immediate speculation that Mitchell had been hired by Treaty Party members to kill Springston. John Ross was in the East when the violence erupted and his son-in-law and advisor, John Golden Ross, wrote to him of the trouble;

> Springston is recovering from the wound – the shot not being effectual – this occurred on last Monday Week [May 9]. James Foreman was killed by Stand Watie on Saturday last [May 14]

[19] Ibid., 39.

> at Maysville, Benton Cty., Arkansas. . . .The excitement of Foreman's friends was great. A warrant is in the hands of Sherriff Brown, for the arrest of Watie.[20]

Watie killed Foreman in retaliation for Foreman's role in the deaths of his kinsmen. John Ross described the incidents briefly, writing ". . . .altho, the wound was a very dangerous one, yet, there were hopes of Springston's recovery . . . . As to the circumstances attending the case of Foreman's, it has been reported that he, Foreman, went to England's grocery on some special errand for his brother, Springston, who was confined from his wound in that neighborhood." [21] As Anderson rested nearby at the home of another brother, Johnson Foreman, his brother James rode to his death at the grocery store. Of the incident and resulting trial, John Springston wrote; "My father's brother, Giyuga (Ground Squirrel), or James Foreman was killed by Stand Watie at a saloon called 'Hog Eye' just across the line in Arkansas between Maysville and Siloam Springs. [His] brother, Johnson Foreman refused to go and assist in Watie's prosecution – a traitor to his own blood kin."[22] Foreman was armed only with a large bullwhip, and accompanied by their younger brother Isaac. There they encountered Watie.

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[20] There are several descriptions of the Mitchell-Springston affair in the correspondence of John Ross which indicate that Anderson recovered from this attack on his life. In his book, *After the Trail of Tears,* William McLoughlin, however, erroneously reports that he died as a result, a misunderstanding repeated by a number of writers. Anderson did recover, and lived another twenty four years, dying (according to his son) from "liver disease" in the Delaware District, Cherokee Nation, March 15, 1866; Springston Papers, Box 8, Folder 2, p. 150; "John Ross to John Golden Ross, May 23, 1842", Moulton, *Papers of Chief John Ross, VII*, 124,126.

[21] "John Ross to Lucy A. Butler, July 20, 1842", Moulton, *Papers of Chief John Ross*, V.II, 142-144.

[22]. Springston Papers, Box 8, Folder 11, p. 131-132.

After Foreman's death, Watie was charged with murder and in his defense during the ensuing trial, George Paschal rose to give his impressions of the accused as well as the victim. He first praised Watie's character then denigrated Foreman's.

> Stand Watie is the son of David Watie, an excellent Cherokee . . . . His father was a full brother of Major Ridge. . . . Stand Watie was a full brother of Elias Boudinot. The latter was called in honor of Professor Boudinot . . . . .Stand Watie was not so well educated as Boudinot, but he is a man of powerful intellect, and great common sense. He is brave to a fault, but not less generous than brave. Few men have more gentle or pacific manners; or bear a more amiable deportment. Under the severest injuries he never makes a threat, hence he is deemed the more dangerous man. James Foreman was generally reputed a violent man. He was usually believed to have been the murderer of Jack Walker, and the selected leader of the party who slew Major Ridge, both of whom were killed in a most cowardly manner. Indeed while he was thought to be dangerous he was generally conceded to be cowardly.[23]

A number of eyewitnesses took the stand, but perhaps the most damning testimony was given by James Miller, Watie's companion that night, who stated that several days before the incident, the Foreman's and the Springston's had come armed to England's Grocery looking for Watie. On the night of the killing, they stopped at England's again where they met up with Watie who was returning to Honey Creek.

> When we got to the grocery, James Foreman, Isaac Springston his half-brother, and Alexander Drumgoole his uncle, were there. Foreman took me out and said, 'I am glad to see you. One of my brothers has been shot, and I want you to go after the man. I am afraid I am now going to get into a difficulty with the Watie's.' I told him there was no danger, that I had been with the boys and he was in no danger.[24]

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[23] Ibid., p. 132; "The Trial of Stand Watie," *The Chronicles of Oklahoma,* V. 12, No. 3 (September 1939), 312-314.

[24] Foreman was referring to Mitchell who had attacked Anderson when he asked Miller to "go after that man"; "The Trial of Stand Watie," 319-324.

> I then proposed to Watie that we should go. Stand Watie said we would drink first; called for a glass of liquor. James Foreman picked up the glass, and drank, saying: 'Watie here is wishing that you may live forever.' Foreman then handed Watie the glass. Watie took the glass, smiled and said: "Jim, I suppose that I can drink with you, but I understood a few days since that you were going to kill me.' Foreman said: 'say yourself!' and immediately the fight commenced. Watie threw the glass; if any difference first. When Foreman said "say yourself" he straightened himself from the counter against which he had been leaning, with a large whip in his hand. Foreman fought with the whip while in the house. Drumgoole was working about Watie's back. Somehow or other Drumgoole fell out the door. Foreman jumped out and picked up a board, and raised it up. As he raised Watie sprang forward from the door, and struck with a knife, I suppose. . . . After Watie struck, Foreman jumped off fifteen or twenty paces and said, 'you haven't done it yet.' Watie then presented a pistol and fired. Foreman ran about 150 yards, fell in the gap of the fence and died.[25]

Upon cross-examination, Miller elaborated:

> [Foreman took me aside and said] 'you still ride your old gray? I want to borrow him for Isaac Springston to go for my tools.' By *tools* I understood his guns. I asked him what he wanted with his tools; he nodded his head to Watie . . . . Isaac Springston went off and very soon after the fight, returned with James Foreman's rifle and another gun. I saw Drumgoole approach Watie and ask him to feel his arms, saying, "I am the old dog. There will be a fuss, but I shall not raise it. I am not afraid of any man!"[26]

Mrs. England was also sworn in, and confirmed that on that particular Saturday evening, Isaac Springston hurried into Johnson Foreman's house to retrieve his brother's guns. When he told the others that Foreman was with the Waties at the store, Anderson excitedly advised him to take both of James' firearms. Before Isaac made it back to the store, however, Foreman had already been mortally wounded.[27]

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[25] "The Trial of Stand Watie,", 319-324.
[26] Ibid.
[27] Ibid.

The official public position of the Cherokee Nation at this time was that the former Blood Law no longer existed. Yet even while both parties protested to representatives in Washington that they were innocent of any involvement in the practice, there was much proof that the Clans were still fully engaged in carrying out their ancient duties of retribution, and that their opponents were out for revenge as well. Shortly after the Springston and Foreman incidents, the conservative Moses Daniel wrote to John Ross and members of his delegation in Washington. ". . . . there was an outrageous murder committed on a white woman citizen of Benton County [Arkansas] by one of our citizens by the name of Walking Woolf who was immediately taken up by the Cherokees and delivered to the Husband and friends of said murdered woman. Said murder was immediately hung by a mob without any Trial whatever."[28]

The violent encounters between the two groups continued on and many more Cherokees, both assimilationist and conservative died in the ensuing years. Newspapers across the nation carried lurid stories describing the brutality and mainstream perceptions about the once peaceful and 'progressive' Cherokees slowly turned to new assessments of the tribe as unsophisticated, untamed, and brutal. It was widely rumored that the Cherokee Nation was now a guerilla war zone, and that the Cherokees themselves were on the verge of a very bloody civil war. The rumors became so wild, in fact, that at one point, stories ran in a number of popular eastern newspapers claiming that John Ross himself had been killed in a factional battle.

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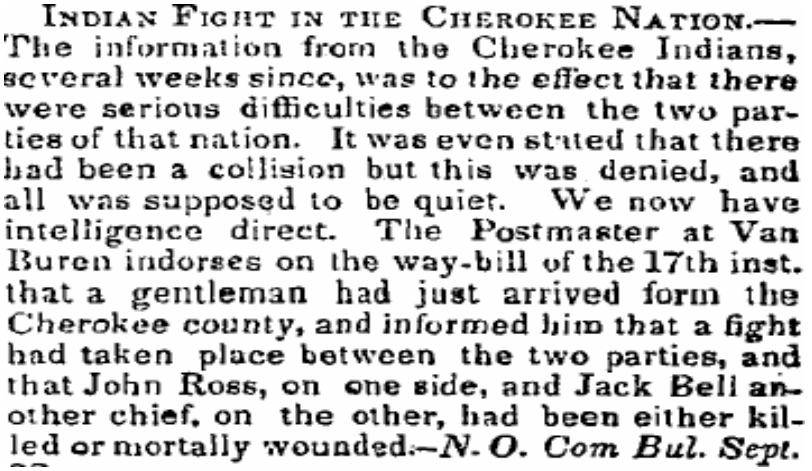
[28] "Moses Daniel to John Ross, July 3, 1842", Moulton, *Papers of Chief John Ross, VII*, 138-139.



INDIAN FIGHT IN THE CHEROKEE NATION.—The information from the Cherokee Indians, several weeks since, was to the effect that there were serious difficulties between the two parties of that nation. It was even stated that there had been a collision but this was denied, and all was supposed to be quiet. We now have intelligence direct. The Postmaster at Van Buren indorses on the way-bill of the 17th inst. that a gentleman had just arrived form the Cherokee county, and informed him that a fight had taken place between the two parties, and that John Ross, on one side, and Jack Bell another chief, on the other, had been either killed or mortally wounded.—*N. O. Com Bul. Sept.*

Figure 4-1: Indian Fight in the Cherokee Nation
Source: *Brooklyn Eagle,* October 7, 1843, p. 2

Ross' once sterling reputation was also tarnished by the bad publicity. He had once been praised as the highest example of the beneficial effects of the Indian Civilization Policy. By the fall of 1842, however, even his famous charm and good manners were not enough to remove the cloud of suspicion that hung over him wherever he went. With the smear campaign initiated by the Treaty Party members working against him every step of the way, Ross was no longer greeted in Washington with admiration and enthusiasm. Watie, Bell, and their fellow supporters counted many friends at the capitol, particularly powerful men from the southern states who stood fast for the institution of slavery, and shared the hope of the assimilationists that it could be expanded in Indian Territory. They also agreed that Ross and the conservatives were obstacles to future development in the Cherokee Nation, and worked tirelessly to turn non-Indian sentiments against them as well. John Rollin Ridge made no attempt to hide his hatred of Ross, nor did he conceal his efforts to incite the white community to confront him. After eliciting sympathy from a group of Missourians by

dramatizing the Treaty Party's version of events and the 1839 martyring of their family members, he wrote to his cousin Stand Watie, volunteering to kill Ross himself.

> I have talked to a great many persons out here on Cherokee matters . . . . the feeling here is that of indignation against the Ross party. They would be glad to have every one of them massacred . . . .I *had* thought there was a feeling of apathy existing toward the Cherokees, but I find it is the very reverse. The whites out here, and I have seen a great many, say, if [the] Government would only hint to them to go in, they'd slaughter "that damned Ross set" like beeves. This man Weaver, who is quite a rich old fellow . . . . is very anxious to induce me to raise a company of some twenty-five or thirty white men to go and kill John Ross. He says it can be easily done and he will furnish the horses to escape on . . . . If you think it best to undertake such a thing, I will try it, and I have no doubt I can succeed. Other persons have urged me to undertake the same thing, that is, white persons out here. . . . I'd like it well, if we could finish matters pretty shortly. But patience may be necessary. One thing you may rest assured of, the whites are with us.[29]

Ross argued with Congress for nearly five years for per capita payments for unpaid claims stemming from removal. Now the Treaty Party as well as the Old Settlers also rallied around the cause, even though they had not been among those emigrants upon whose account Ross had made original financial arrangements with the government. They now both wanted their own piece of the pie and also wanted Ross removed from office. They began to openly accuse Ross of having embezzled large sums of money that had been paid to him by the government on behalf of the removed Cherokees. The anxiety this rumor raised in Washington prompted a federal investigation into Ross' financial affairs which in the end turned up nothing incriminating; every penny accounted for. Finally a new federal commission was established to look into the claims that Ross had compiled, and in August 1844, the commission arrived at Tahlequah to examine them. They were dumbstruck, however, when they found that the claims totaled over $4 million. Furthermore, they flatly refused to consider any claims for losses that occurred after May 1838, the date which had been set by the terms of the

[29] "John Rollin Ridge to Stand Watie, Springfield, Mo., July 2, 1849." Dale and Litton, *Cherokee Cavaliers*, 64-65.

illegal Treaty of New Echota as the termination date of Cherokee residence in the South. To counter this affront, Ross wrote:

> Since the forcible removal of our people under [the treaty's] covering we have not, in our intercourse with the Government agitated the question of the validity of the "Treaty of 1835." Yet at the same time we have submitted to a necessity which we could neither control nor resist, we should have been unjust to ourselves to the high interests committed to our charge and false to the truth of the history of the transaction, if we had acknowledged that as a treaty which had the sanction of less than one-fiftieth of our people, and even that small proportion invested with no earthly authority. But we have no alternative left us but to submit to the necessities of our position and to appeal to the sense of honorable justice of this great country. Of the success of that appeal we have not and shall not despair.[30]

The assimilationists never stopped in their efforts to discredit the Ross government. They wanted Ross out by any means possible, and so they stepped up their violence against his supporters in an effort to disrupt the workings and reputation of his government. For years, anyone who expressed loyalty to the tribal government was fair game for the Watie faction, and the indiscriminant attacks began to increase in both intensity and gruesomeness. In addition in this this unreal atmosphere, a horde of outlaw opportunists began to congregate in the Cherokee Nation. In order to enrich themselves by taking advantage of Cherokee citizens, they couched their violent activities as political rebellion, when in reality they were nothing more that scoundrels. For yet another group of men, such as James Starr, their hatred for the "Ross faction" led them into a lifelong pattern of criminality. Starr, one of the signers of the Treaty of New Echota, had barely escaped execution at the hands of the conservatives on several occasions. His

[30] "John Ross to William Wilkins, July 17, 1844", Moulton, *Papers of Chief John Ross, VII*, 221-227.

disdain for Ross and the conservatives prompted the birth of one of Oklahoma's most notorious outlaw dynasties. The father of six sons, who came to be known as the 'Starr Gang,' James and his boys took every opportunity to exact revenge upon their political rivals. [31]

James' son Tom became one of the most notable outlaws of the day; a folk hero whose celebrity reached mythic proportions. John Rollin Ridge laughed about Tom's exploits in a letter to his cousin Stand Watie, but in truth, Tom was a particularly ruthless fellow.

> I saw a man this morning from Boonsboro who had seen Tom Starr and Sam'l McDaniels they were in fine health and spirits. Those fellows, especially Tom Starr, are talked of frequently and with wonderment about here. He is considered a second Rinaldo Rinaldina.* Robberies, Housetrimmimgs, and all sorts of romantic deeds are attributed to this fellow, and the white people in town and around say they had rather meet the Devil himself than Tom Starr![32]

After a thirty-two man Cherokee posse searching for Tom killed his father and a younger, disabled brother, he took up his father's crusade against the Ross faction. He swore he would get even and later claimed to have killed almost every single man that rode with that posse. In 1843 along the military road near Fort Gibson, Tom Starr and two of his brothers accompanied by Arch Sanders conducted a raid on the home of Isaiah Vore, a licensed local trader and Ross supporter. The raid was especially brutal, as Starr targeted not only the man of the house, but also the man's family. After killing the trader, his wife, and a

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[31] McLoughlin, *After the Trail of Tears*, 41-43.

[32] * Rinaldo Rinaldina was the hero of a popular romance novel published in 1797 by German novelist, Christian August Vulpius. "John Rollin Ridge to Stand Watie, Fayettville, Ark., April 17, 1846." Dale and Litton, *Cherokee Cavaliers*, 38-39.

hapless traveler who had the misfortune of stopping at Vores post to rest for the evening, the men looted and then set fire to the house and store. When the cabin was nearly completely engulfed in flames, the couple's five year old son who had apparently been hiding inside suddenly sprang out of the inferno crying, begging Starr to spare his life. Without a word, Tom bent down and scooped the little fellow up in his arms, turned sharply, and tossed him alive into the fire.[33] Starr was also fond of horse and cattle thievery, often raiding the farms of conservatives, stealing their horse and cattle herds, kidnapping slaves, or anything else of value he could get his hands on, then selling them across the borders. Some weeks after the Vore killings, Starr was pursued by the Indian police as he and his friend Charles Smith were driving a herd of rustled mules and horses toward Mexico. Smith's father, Archilla Smith had also been executed for signing the 1835 Treaty. In the firefight and aftermath that followed, Charles Smith was killed along with Tom's younger brother Bean. One of Starr's horses, recovered after the incident had a significant crack in one of its hooves; an identical match to tracks left at the Vore murder scene. Tom had eight sons, and at his Younger's Bend ranch, a well-known hide out for Anti-Ross men and outlaws, Tom's son Sam met and married Myra Belle Shirley. Sam and Belle Starr lived violent lives themselves, and became two of Oklahoma's most infamous outlaws in their own right. And so the violence continued.

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[33] Grant Foreman, "Reminiscences of Mr. R.P. Vann, East of Webber's Falls, Oklahoma, September 28, 1932," *Chronicles of Oklahoma,* Vol. XI, No. 11 (June 1933), 843.

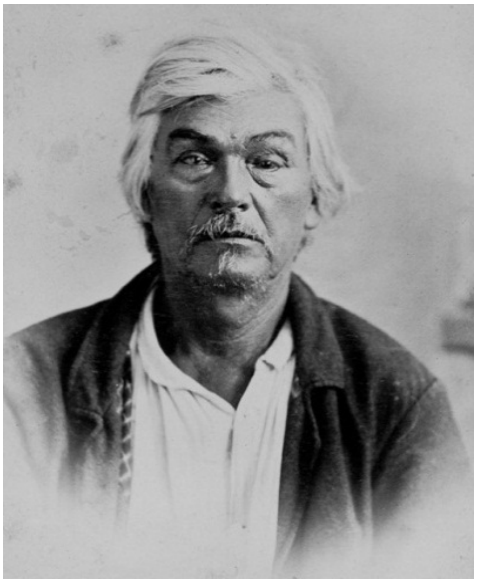

Figure 4-2: Tom Starr, son of Treaty Party member, James Starr. After his father and his disabled brother Buck were shot and killed by a posse of conservatives searching for Tom, he claimed to have hunted down and killed nearly every man in that posse. He later served under Stand Watie in the Confederate Army during the Civil War, and became fast friends with William Quantrill and a number of his Guerrilla's, including Cole Younger. Tom raised eight sons at his 'Younger's Bend' ranch in the Canadian District of the Cherokee Nation.

Source: Gary Moulton, ed., *The Papers of Chief John Ross, VII, 1840-1866* (Norman: University of Oklahoma Press, 1978), 736; Lionel Larre`, ed., *John Milton Oskison: Tales of the Old Indian Territory and Essays on the Indian Condition* (Lincoln: University of Nebraska Press, 2012), 546.

Photo Source: "Gallery of Historical Cherokee People and Cherokee Chiefs" website. Accessed June 2012. http://www.pbase.com/ginamckelvey/my_cherokee_people&page=7

In 1847, Ross ran for reelection against his nephew and friend, William Shorey Coodey. Coodey, an Old Settler, was recognized as a fine statesman and a loyal and able leader. With almost identical platforms, however, Coodey carried the Old Settlers vote in three districts, but Ross received 1,898 overall votes to

Coodey's 877, and Coodey very graciously stepped aside.[34] The conservatives demonstrated their faith and trust in Ross by returning him to office in every election after this as well, until his death in 1866. Nevertheless, just as the Missouri Compromise, the Congressional plan to keep peace between pro and anti-slavery factions in the American nation was a primary threat to the tenuous balance between the states, the Ross government's complacent attitude toward slave holding in the Cherokee Nation only added to the volatile nature of the relationship between the tribal factions in these critical antebellum years. To keep the peace in the United States, Congress orchestrated a two-part compromise, which added Missouri to the Union as a slave state while admitting Maine as a free state to create balance. Although the majority of the conservatives wanted to abolish slavery in the Cherokee Nation, Ross merely took a neutral stance on the issues of slave holding as well as the treatment of slaves. This was a sticky situation for Ross, who really couldn't disparage the practice. As one of the wealthiest men in the Cherokee Nation, he counted a large part of his wealth in slaves as well as in improvements on the land he occupied. Prior to removal he had owned twenty slaves and by the dawn of the Civil War, he owned more than fifty and maintained eleven slave quarters on his premises.[35] Because at an early age Ross had tied his ambitions and fortune to his role as leader of the conservative Cherokees, a majority of whom opposed chattel slavery for one reason or another, he remained eerily silent throughout his life about his personal

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[34] Morris L. Wardell, *A Political History of the Cherokee Nation* (Norman: University of Oklahoma Press, 1938), 119.
[35] Gary Moulton, *John Ross: Cherokee Chief* (Athens: University of Georgia Press, 1978), 155, 243-244n. 14.

opinions of the institution. He even withdrew his membership as a Congregationalist and joined a more tolerant Southern Methodist Church in Indian Territory. In 1842, however, the question of slavery began to loom large among the Cherokees, particularly after a slave insurrection in the Canadian District created widespread panic.

It began on the evening of November 15 in the southeastern town of Webbers Falls, when some two dozen slaves stole guns, horses, and supplies. Then as their master, Joseph Vann and his family slept, they locked them in their house and headed for the Mexican border. Then next morning, this group of men, Women, and children met up with a number of slaves in the Creek Nation. As they continued on, they were pursued by bounty hunters, and in the Choctaw Nation, they stopped and engaged their pursuers in a firefight, killing at least two of them. Two days after it had begun, the Cherokee National Council authorized the Cherokee Militia to go after the runaways, and a company of eighty-seven men led by Captain John Drew, went south, catching up to the tired, hungry fugitives eleven days later. Upon their return to the Nation, five of the slaves were executed. Vann separated the rest from their families and sent them to work on his steamboats on the Arkansas, Mississippi, and Ohio Rivers. Vann and his fellow Cherokee slave owners were just as frightened of slave rebellion as their southern counterparts were; an indication that they did not always see themselves as the "benevolent" masters that modern writers often assert they were. Yet they pointed the finger of blame for the revolt at a community of free black Seminoles who lived at Fort Gibson. Prior to removal, free blacks were allowed to live in

the Cherokee Nation, provided they obtained a permit. After the revolt, however, the slave owners saw to it that all such permits were revoked, and "any free negro or mulatto not of Cherokee blood" was ordered to leave the Nation. In addition, according to the new law, Cherokees who chose to free their slaves would be responsible for their behavior as long as they remained in the Nation. Should that Cherokee master pass away, the former slave would be required to post a good conduct bond or vacate the Nation immediately. Furthermore, free blacks caught assisting slaves of the Cherokees in their efforts to run away would be subjected to 100 whip lashes and duly thrown out of the Nation.[36] The tighter these restrictions on slaves became, the more active abolitionists became in the Cherokee Nation. Adopting slavery as an institution was not an easy undertaking for a people who themselves prized freedom and had experienced marginalization and loss of independence. The practice came with a great deal of guilt and anxiety for conservatives who found it impossible to reconcile their traditional cultural values with the abhorrent system of slave economics. Even as they were being pressed to remove from their southeastern homelands, they were paying close attention to anti-slavery debates around them and debating about how to bring an end to the practice within their own nation. Slavery had long been a complicating factor in the lives and politics of the Cherokees.

Between 1820 and 1838, the United States government had been burdened by the political crises of the southern 'nullification' problem, and the

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[36] Art T. Burton, "Slave Revolt of 1842" in *Encyclopedia of Oklahoma History and Culture* Online. http://digital.library.okstate.edu/encyclopedia (accessed March 28, 2007); *Theda* Perdue, *Slavery and the Evolution of Cherokee Society, 1540-1866* (Knoxville, University of Tennessee Press, 1979), 82-83, 85, 87.

quandary over Indian Removal. Even though American women reformers and abolitionists like William Lloyd Garrison had successfully raised national awareness of the entangled issues of removal and abolition, some ten years passed before the full impact of the role slavery played in both of these matters was realized. In the Southern Cherokee Nation, increased anxiety over the blossoming abolitionist movement had been a more important factor behind the state's rights movement during the Nullification Crisis than was the tariff of 1828. The leading nullifiers among the Americans had primarily been low country rice planters who were generally unaffected by the tariff, but who feared and hated the abolitionists. Therefore the responses of these South Carolinian planter elites to those early incidences of abolitionist agitation in the region were knee-jerk reactions to the real threat that it posed. Yet the combination of the dense slave population in the South Carolina low country, where slaves outnumbered whites 5 to 1; the familiarity of many of the area's slaves with the local Indians, some who could converse directly with the Cherokees in their own language; and the presence of influential abolitionist missionaries in the Cherokee towns, created growing tension among the South Carolina gentry.[37]

The state of Georgia pushed the Indians out, in part to expand industrial cotton farming, a transformation which also required an expansion of slavery. At the same time, missionaries had been urging the southern tribes away from their

[37] William Freehling *Prelude to Civil War: The Nullification Controversy in South Carolina, 1816-1836* (New York: Oxford University Press), 79, 125, 139, 232-233, 251, 256-257.

traditional hunting activities toward agriculture, encouraging them to emulate the slave owning activities of cotton farmers. After the commodification of captured black runaways, some Cherokees began to regularly engage in bounty hunting to procure the firearms, blankets, cloth, and other necessities that they had come to depend upon. Slave holding further complicated matters when the descendants of white and Indian mixed marriages began taking up plantation farming. Men like John Walker Jr., John Ross, and Joseph Vann had occupied strategic positions between the two cultures. Looked upon as more Indian than white by the Americans, and as more white than Indian by the conservative Cherokees, they were versed enough in the dominant social, linguistic, and cultural practices of the whites to be of use to both groups in negotiations between them. The advantages of this position had not been lost on these men, whose services were often enlisted by both the Euro Americans and the Cherokee conservatives, first as go-betweens in trade, and later as political intermediaries. John Ross' rise to prominence is emblematic of the potential for increased power and prestige that men with the ability to mediate with outsiders held, as is the rise, wealth, and prominence of the slave owning faction after removal.

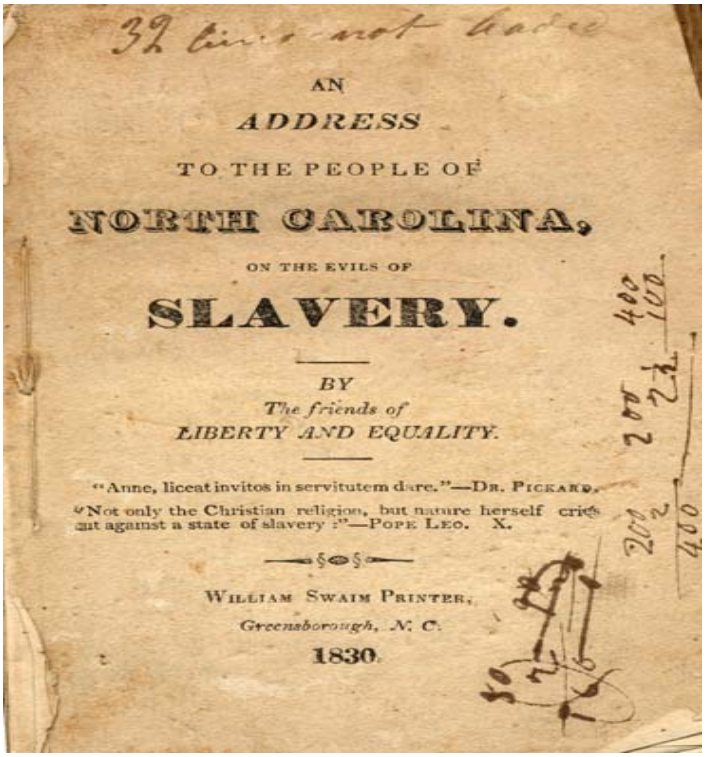
Prior to the early years of the nineteenth century, few Cherokees had shown interest in material accumulation and wealth, but after that time, a portion of them had begun acquiring cattle and other livestock, cultivating cotton, and procuring black slaves to work their farms. By the 1820s when the dual questions of Nullification and Indian Removal arose in the South, black chattel slavery was a common, complex denominator, hopelessly enmeshed in both

disputes, and a large percentage of the assimilation-minded Cherokees had taken up the lucrative business of slave holding. Most prominent among these men were those who had pushed for voluntary removal to the West, and after their leaders signed the illegal Treaty of New Echota, they took their slaves with them to Indian Territory. Those who fought removal and stayed until forced out were primarily conservative, less affluent Cherokees. A large number of them were downright poverty stricken, and most among this class opposed chattel slavery. Many others among them embraced an antislavery stance after accepting the principles of immediate abolition taught by missionaries among them.

Among the early abolitionist missionaries in the southeastern Cherokee homelands, the "Emancipating Baptists" lived and worked alongside the conservatives in Kentucky and in the mountain region between 1817 and 1830. David Barrow, who in 1808 had published the first anti-slavery tract among Baptists, led this movement pitting anti and pro-slavery factions against one another by barring church fellowship to slaveholders.[38] Fervent Scot-Irish Calvinists took up Barrow's philosophy on the connection between the anti-slavery debate and Enlightenment notions about human rights and oppression, and tried to keep Kentuckians from including slavery in their new state constitution. The common Highlanders who settled in the mountains of Carolina and Tennessee hated the wealthy Tidewater Scot plantationists who, with slavery they believed, were transplanting the oppressive political system they had left behind in this new land. As a result, slaveholders, and not their slaves, were the most

[38] William H. Brackney, *Historical Dictionary of the Baptists* (Plymouth, UK: Rowman and Littlefield, 2009), xxvii.

highly disdained people in the region at that time. As the popularity of the movement grew, under pressure from the powerful slave owners of the state, the North District Baptist Association of Kentucky dismissed Barrow, and those pushing for a free state were silenced under threat of imprisonment for violating the Alien and Sedition Act.[39]



AN

ADDRESS

TO THE PEOPLE OF

NORTH CAROLINA,

ON THE EVILS OF

SLAVERY.

BY

The friends of

LIBERTY AND EQUALITY.

"Anne, liceat invitos in servitutem dare."—Dr. Pickard.

"Not only the Christian religion, but nature herself cries out against a state of slavery!"—Pope Leo. X.

William Swaim Printer,

Greensborough, N. C.

1830.

Figure 4-3: 1830 Society of Friends Pamphlet authored by the Quakers to assert that slavery is a contradiction of the Christine doctrine.

Source: "Documenting the American South" website. http://docsouth.unc.edu/nc/manumiss/manumiss.html Accessed November, 2012.

In 1830, a popular and powerful pamphlet was published by the Friends entitled, *An Address to the People of North Carolina on the Evils of Slavery.* The

[39] Patrick N. Minges, *Slavery in the Cherokee Nation* (New York: Routledge, 2003), 45.

pamphlet claimed that the practice of slavery was a direct contradiction of the Christine doctrine. Simultaneously, the Quakers were involved in the founding of some 40 branches of the North Carolina Manumission Society, a group that bought slaves for manumission and opposed the institution of slavery on all levels As time wore on, however, North Carolina gradually restricted manumission. All of these influences encouraged the conservative Cherokees in their opposition to slavery. Added to these anti-slavery influences on the conservatives, a new emphasis on the reassertion of sovereignty through a return to traditional culture and values had begun, making their stand against the institution even stronger.[40]

In 1835, the abolitionist leanings of the conservatives resulted in an effort to free Cherokee-held African slaves in the Cherokee Nation. The intent was to see to their emancipation and then embrace them as Cherokee citizens. The signing of the illegal Treaty of New Echota in the midst of this movement, however, effectively put a stop to any such action.[41] As a result, when the Cherokees were finally forced out, nearly fifteen percent of the emigrants among them were African-Americans, some slaves and some free men.[42] While for the Cherokees, the 'path where they cried' was a sorrowful road to exile, many African Americans, although still in bondage, viewed Cherokee ownership as preferable to white ownership and saw the journey as a road that led them away

[40] Ibid., 46-47.
[41] "Elizur Butler to David Green," March 5, 1835, *Papers of the American Board of Commissioners for Foreign Missions.*
[42] Russell Thornton, *The Cherokees: A Population History* (Lincoln: University of Nebraska Press, 1990), 52.

from the increasing horrors of the southern slavocracy.[43] As Patrick Minges points out, "In spite of the fact that [the slaves] were given the responsibility to guard with "axes and guns" the caravans at night, few of the slaves made their escape."[44]

Along with the Cherokees and African emigrants, missionaries suffered the degradation, hardships, and torturous journey as well. Side by side, they endured the holding pens and sickness, and wept with them over the loss of loved ones, holding services and mourning with them. Overwhelmed by the experience and the willingness of the Christian missionaries to suffer along with them, large numbers of the Cherokees embraced the evangelical spirit. One hundred and seventy of them were baptized in the holding camps, and one hundred and thirty were baptized upon their arrival in Indian Territory. [45] Baptist missionary Evan Jones made the journey and then described the religious fervor.

> They never relaxed from their evangelical labors, but preached constantly in the fort . . . .and one Sabbath . . . .by permission of the officer in command, went down to the river and baptized them (five males and females). They were guarded to the river and back. Some whites present affirm it to have been the most solemn and impressive religious service they ever witnessed.[46]

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[43] Minges, *Slavery in the Cherokee Nation*, 181; J.M. Gaskins, *The History of Black Baptists in Oklahoma* (Oklahoma City: Messenger Press, 1992), 82; Kenneth Porter, "Negroes on the Southern Frontier," *Journal of Negro History,* 33 (1948), 53-78; Jimmie Lewis Franklin, *The Blacks of Oklahoma* (Norman: University of Oklahoma Press, 1982), 2.
[44] Minges, *Slavery in the Cherokee Nation,* 192-194.
[45] "Report of Evan Jones," American Baptist Foreign Mission Society *Annual report of the American Baptist Missionary Union* (Boston, 1841), 51.
[46] "Letter from Rev. Evan Jones in American Baptist Mission Union, *The Baptist Missionary Magazine*, as quoted by Patrick Minges, *Slavery in the Cherokee Nation* (New York: Routledge, 2003), 176.

Among these worshippers of course, were African Americans traveling with them. Ironically, it was the dividing issues of slavery that helped to connect the concepts of traditionalism and Christian principle that created part of the incentive for the founding of the Keetoowah Society. The syncretic blending of ideologies behind the organization helped the conservatives to clarify and redefine their own Cherokee cultural identity, and to determine how best to structure their nation's



Figure 4-4: The Reverends John Jones and his son Evan were so influential among the Cherokees they are often erroneously credited with masterminding the establishment of the Keetoowah Society. So popular was their message of abolition among the Conservatives, the U.S. War Department, at the urging of the slave owning faction, tried o expel them from the Cherokee Nation in 1840.

Source: Oklahoma Historical Society, Grant Foreman Collection,1983.229, 5092,Religion-Missionaries, Box 1, *Evan and John Jones.*

policies. With these new ideas, and the support of the Baptists among them, they were able to maintain their authority and hold sway over the assimilationists.

According to Minges, "Only then was it clear how powerful the revitalization of Cherokee religious life had become."[47]

The Reverend Evan Jones and his son John, Baptist missionaries who had removed with the Cherokees, were perhaps most influential in bringing Cherokees to the cause of abolition. On July 24, 1821 Evan Jones had accepted an appointment as a missionary to the Cherokees. Four years later he was ordained as pastor of the Tinsawattie Church, and was received into the Hiwassee Association in Tennessee. After the first issue of the *Cherokee Phoenix* was published on March 1, 1828, Jones wrote, "On my way to New Echota I saw some Indians sitting under a tree reading the *Phoenix* while their horses were feeding; a very pleasing change from the listless lounging in which they used to indulge." Living among and ministering to the conservative families of the North Carolina Valley Towns, Jones became fluent in the Cherokee language, as did his son Evan. He immediately recognized the power and utility of the written Cherokee language. Always looking for better ways to deliver the word of God to the Indians, Jones took a deep interest in the publication, the *Cherokee Messenger*. The *Messenger* was the first paper published in Indian Territory and was largely written in syllabary. Impressed, Jones wrote, "Six numbers of the Messenger, each 1,000 edition, 20 pages, have been printed and are sought with great avidity. The last contains the conclusion of Genesis in Cherokee; also a portion of Luke's Gospel." Issues of the *Messenger* also contained snippets from

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[47] William Gerald McLoughlin and Gerald Conser, *The Cherokees and Christianity: Essays on Cultural Persistence,* (Athens: University of Georgia Press, 1994), 218–219.

Parley's *Universal History,* lessons in Cherokee grammar, excerpts from *Pilgrim's Progress*, and advice on maternal duties. Encouraged by the popularity of reading material written in the new syllabary, Jones was determined to translate the bible into Cherokee.

Both Evan and John were also adamant in their belief that slavery was an abomination in the eyes of God, and that any nation that allowed the practice was doomed to damnation. Accordingly, they took every available opportunity to malign the institution. In his sermons, Evan Jones spoke very clearly on the issue. After one particularly fiery sermon, a discussion began during which the Cherokees assembled began to ponder their state of affairs and to question why God seemed to have turned his back on their nation. Jones reported that one of the Cherokees surmised that God was angry over the presence of slavery in the nation. "[There was then] some discussion respecting the expediency of setting slaves at liberty."[48]

His high-profile anti-slavery stance made Jones highly unpopular among the mixed bloods and assimilationists, and throughout the decades leading up to the Civil War they tried repeatedly to have him removed from the Nation. Supported in their efforts to stifle abolitionism among the Cherokees by southern pro slavery representatives in the U.S. government, the slave owning faction complained that Jones wielded a dangerous influence among the conservatives

[48] Robert Sparks Walker, *Torchlights to the Cherokees* (New York: MacMillan Company, 1931), 298–299.

through his staunch anti-slavery sermonizing.[49] At their urging in 1840, the War Department issued an order forbidding Jones and his son to remain in the Cherokee Nation. Upon investigation, however, the Secretary of War could not find the grounds necessary for pursuing his expulsion, and so revoked the order. In spring 1844, N. Sayre Harris, Secretary and Agent of the Episcopal Church, toured Indian Territory and listed the Baptist missionaries in the Cherokee Nation as Rev. E. Jones, Mrs. J. T. Frye, W. P. Upham, Miss S. H. Hibbard, H. Upham, Miss E. S. Moore, and J. Bushyhead. In the summer of 1847, Mr. Upham reported in the *Indian Advocate*: "Mr. Jones has some ten or twelve preaching places in the Nation and some 500 or 600 members." In 1854, the Commissioner of Indian Affairs wrote;

> The Baptists maintained at their mission near the Arkansas line a press on which in 1854 were printed a large number of extracts from the *Scriptures*, translated from the English into Cherokee by John Butrick Jones. The Baptists had six churches and four branches with 1,200 members, mostly full-bloods; there were five hewn log meeting-houses erected by the Indians, varying from thirty feet square to seventy by thirty feet, and five smaller ones for neighborhood meetings. Some missionaries, however, are exasperating the slave-holding Indians by their discussions of the subject of emancipation. [50]

Despite the controversy, the Baptists stayed and continuously fanned the fires of abolitionism through the Cherokee Nation.

Another movement that swept through America in these years that was destined to play a pivotal role in Cherokee politics was the popular rise of

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[49] William G. McLoughlin, *The Cherokee Ghost Dance: Essays on the Southeastern Indians, 1789-1861* (Macon, GA: Mercer, 1984), 469.
[50] Grant Foreman, *The Five Civilized Tribes* (Norman: University of Oklahoma, 1932), 412.

Freemasonry. As the language and symbols used in the fraternity's rituals indicate, Freemasonry was born in the guilds of stonemasons during the Middle Ages. The oldest written record to reference Masons is the *Regius Poem* within the Halliwell Manuscript which dates back to 1390 and is preserved in the British Museum. In 1717, four lodges were established in London, including the first Grand Lodge of England, after which there are numerous written records concerning the fraternity. During the first decades of the nineteenth century in America, a time when the federal government provided no protections or social services of any kind for its citizens, Freemasonry grew exponentially. Establishing social service institutions became a Masonic tradition, and Masons were involved in founding orphanages, homes for widows, disabled veterans, and the aged; securities that few people had ever known before.

Oddly enough, during the eighteenth century, many American Indians were inducted into Freemasonry. The ritualistic ceremonies, symbols and fraternal bonds of Masonry may have appealed to Native men, who in their own communities enjoyed membership in a number of influential fraternal organizations and societies. These social organizations were noted to exist among the tribesmen of many different Indian nations by early ethnographers, anthropologists, and missionaries in America. These societies drew symbolism from the natural world around them, and their ceremonies were carried out in sacred language. Due to the seriousness of the rites and the secretive nature of the proceedings, the meanings of some words, which were never spoken outside of

the lodge for any other purpose, were lost forever when these societies waned.[51] Among certain Indian societies, secret words and symbols were commonly used as signals, or to convey messages to other members without allowing outsiders to become privy to information being passed. These societies were not just exclusive clubs; their overall purpose was to extract a pledge from their members to uphold a self-imposed moral standard for the good of the tribe.[52] The first to join the Freemasons was Thayendanega (Joseph Brant), War Chief of the Mohawk Nation. Thayendanega was introduced to Freemasonry by Sir William Johnson, British superintendent of the northern tribes in America. Johnson, a Mason and a former Provincial Grand Master of the New York colony, married Thayendanega's sister known as Molly in 1759. The kinship alliance that resulted, bound Johnson to protect Thayendanega and take him under his tutelage, and as a young man he was sent with other Mohawk boys to Connecticut to Moors Charity School for Indians; now Dartmouth College. He advanced rapidly, becoming fluent in English, Western history, and literature. He then served with the British between 1755-1759 in the French and Indian War, after which, he married, worked for Johnson in the Indian Department, and became an Anglican Christian. Loyal to the British, Thayendanega became the principal war chief of the Six Nations Confederacy around 1776,

[51] Arthur Parker, *American Indian Freemasonry* (Buffalo Consistory, 1919), Loc 175.
[52] Ibid., 166, 175, 181.

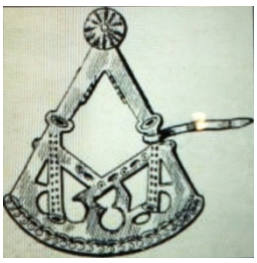
(1)  (2)  (3) 

Figure 4-5: Ceremonial Gorgets decorated with secret symbols worn by Seneca men. On right, 1828 portrait of Thayendanega (Joseph Brant), painted by Gilbert Stuart, artist who painted other famous Masons such as John Adams and James Madison. Note the silver gorget worn by Thayendanega.

Source: Arthur C. Parker, *American Indian Freemasonry* (Buffalo Consistory, 1919), Loc 362.

probably because of his ability to negotiate fluently with the English as well as the Iroquois. At the same time, he was commissioned as Captain of the Loyal Indian Forces in the British army. As such, he made his first voyage to England where he associated with the wealthy and elite. During his stay in the spring of 1776, he received his Masonic degrees in the Hirams Cliftonian Lodge in London. He was actually handed his Masonic apron by King George III himself.[53]

In 1791, William Augustus Bowles, an Englishman who married into a position of power within the Creek Nation, travelled to London accompanied by Going Snake and two other Cherokees; Tuskeniah, an associate of Tecumseh, and another Creek leader. There he was received by King George III as the "Chief of the Embassy for Creek and Cherokee Nations" and his companions were welcomed. While there, Bowles was appointed by the Grand Lodge of England as the "provincial grand master of the Creek, Cherokee, Chickasaw, and Choctaw

[53] Sidney Morse, "Freemasonry in the American Revolution," in *Little Masonic Library,* Vol. 3 (Kingsport, TN: Southern Publishers, Inc., 1946), 294-296.

Indians," and the Indian leaders were inducted into the Prince of Wales Lodge 259. Just prior to and after removal, a number of Cherokee leaders from Indian Territory received Masonic degrees in Washington, D.C. while on official business. At the time of removal, John Ross was a Master Mason in good standing with the Olive Branch Lodge of the Free and Accepted Masons in Jasper, Tennessee.[54] Due to the early Cherokee associations with fraternal organizations, events in Indian Territory as well as the course of Freemasonry in the present state of Oklahoma are closely interwoven with the actions of the Cherokees in these antebellum years. After removal, Indian Masons began a loose reorganization throughout Indian Territory, beginning with informal social gatherings. Within symbolic Freemasonry, the first three degrees are commonly known as 'Craft' or 'Blue Lodges', a term that refers to the use of the color blue in the ceremonial décor of the lodge and ritual garments.[55] In 1848, Cherokee Freemasons applied to Master R.H. Pulliam of the Grand Lodge of Arkansas for permission to form a 'Blue Lodge' in Tahlequah, and on November 7, 1848 a charter was granted to Cherokee Lodge 21. It was the first Masonic lodge in present day Oklahoma, as well as the first lodge of Indian Freemasons organized in the United States. In 1852, the Cherokee National Council donated land for the construction of the building which would house the Sons of Temperance on its ground floor and Cherokee Lodge #21 on its second. The lodge was used for a variety of purposes, including lodge and temperance meetings, educational instruction, and church

[54] J. Fred Latham, *The Story of Oklahoma Masonry* (Oklahoma City: Grand Lodge of Oklahoma, 1957), 8.
[55] Albert G. Mackey, M.D., *An Encyclopedia of Freemasonry and its Kindred* Sciences (New York: 1914),

services.[56] For a time it seemed as though the fraternal organization had a unifying effect on the factionalized tribe; both Treaty Party members and conservatives belonged to Cherokee Lodge 21, but as debates over slavery, sectionalism, and talk of secession grew, the lodge too became embroiled in the conflict. When the 'Mother Lodge'- the Grand Lodge of Arkansas began to actively support the southern cause, it wasn't long until repercussions were felt in Tahlequah. The Lodge's conservative members far out-numbered the number of assimilationist members, and soon the southern sympathizers were uncomfortable in their midst.



Figure 4-6: Cherokee Lodge 21 in Tahlequah, Cherokee Nation, first Masonic lodge in the state of Oklahoma, and the first American Indian Masonic lodge in the United States. In the decade before the Civil War, the building served many purposes, as well as being the meeting place of the Cherokee Masons and the Temperance Society.

Source: Oklahoma Historical Society, W.M. Brown Collection, 6589, Towns-Tahlequah, *First Masonic Hall Built in Indian Territory*

[56] Thomas Lee Ballenger, *Around Tahlequah Campfires* (Cherokee Publishing Company, 1945), 5-6.

The "secretive" nature of Freemasonry greatly contributed to the public's impression that the Masons were a "secret society" and while this may or may not have been true, in the nineteenth century, they certainly were a society with secrets that inspired the formation of other rather clandestine fraternal organizations that served a variety of political causes and purposes. Surrounded by the dire mainstream political drama unfolding around them, sectionalism, and particularly the question of slavery being played out in neighboring 'Bleeding Kansas,' secretive politically-motivated societies" began to emerge among the Cherokees as well, adding to the Indian nation's turmoil and violence. John Springston remembered them this way;

"Grand, gallant, and imposing do they appear to me . . . .in my dreams – and in such a way, [I] can never forget the hands that greeted me on so many occasions."[57]

[57] Springston Papers, Box 8, Folder 2, p. 31.

CHAPTER FIVE

Dagalutsi Utsoasedi: Trouble Ahead

"States are not great except as men may make them."[1]

The 1850s have been widely touted as the era of 'Manifest Destiny.' The term, coined by journalist John L. O'Sullivan, meant that Americans were destined to swarm across the continent and occupy the land from sea to shining sea. Expansionism was seen as a national objective, yet ironically, the most ardent of the American expansionists in these years were southerners who on one hand worked diligently to fulfill that destiny by adding new territories for potential statehood, as in the Compromise of 1850; while on the other hand debating whether or not to withdraw their own states from the Union.[2] One overwhelming consequence of this paradox was the increasing sectionalism that came to characterize the American nation in the antebellum and Civil War eras;

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[1] John Leak Springston recorded this quote by John James Ingalls in his daybook. A skilled orator, author, lawyer, and politician who was born in Massachusetts in 1833, Ingalls moved to Kansas in 1858 and served as a U.S. senator for 18 years. Some of the most colorful descriptions of antebellum Kansas and its politics can be found among Ingalls' writings. Springston was a great admirer, espousing many of Ingalls' political views; writing in his journal, "The grandest, sweetest, wisest sum of my days is when I'm reading Ingalls." University of Oklahoma, Western History Collection, Division of Manuscripts, Papers 1682-1969, John L. Springston, Box 8, Folder 11, p. 85; John J. Ingalls. *A Collection of the Writings of John J. Ingalls: Essays, Addresses, and Orations* (Kansas City: Hudson Kimberly Publishing Company, 1902), 27.

[2] Thomas Corwin representative of Ohio pointed out this irony in an 1861 speech to the House in which he addressed southerners: "You say you . . . are looking toward Mexico, Nicaragua, and Brazil to determine what you will do with all their territory . . . . while you are not sure you will have a government to which these could be ceded." *Congressional Globe*, 36 Congress, 2nd Session, Appendix, p. 74.

yet the United States was not alone in this division. The Cherokee Nation was a microcosm of that model, undergoing a somewhat similar sectional crisis in which its most prominent citizens were divided both philosophically and geographically by questions of nationalism, economics, territorial objectives, leadership, and of course, slavery. As in the American nation, slavery was predominant but not exclusive to the Deep South; in the Cherokee Nation, the most prevalent slave owners established themselves in the southern region around Webbers Falls. Webbers Falls was only separated from the major conservative center of Gore and Vian by short distance; about 2 miles from Gore and about ten miles west of Vian near the Arkansas border. It had once been populated primarily by Old Settlers, but by 1850, it had become the well-established center of Cherokee pro-slavery and southern camaraderie, presided over by Stand Watie and his Treaty Party followers.[3]

Slavery gave a distinctive air to the pattern of life and objectives of the American Southern sector, and it affected the slaveholding Cherokees in much the same way. In both cases, large planters were few, but they were also the wealthiest men in the nation; and with that wealth, came increased social stratification, prestige, and powerful friends. Although in the Cherokee Nation, these men, some of whom held leadership positions in the tribe's National Council, were politically outnumbered, regarded as quislings, and often suppressed by the conservative majority, they were looked upon as progressives

[3] William McLoughlin, *After the Trail of Tears: The Cherokees' Struggles for Sovereignty, 1839-1880* (Chapel Hill: University of North Carolina Press, 1993), 180.

by the Americans. They were befriended by northern politicians who believed they were the key to future American economic development in the Territory through industries such as railroads. They were also taken under the protective wing of politically powerful leaders from the South, who saw them as a means of expanding plantation economics in the West.[4] Incongruously, the slave owning faction, having turned fully away from ancient life ways, social institutions, and religious values of the tribe, still claimed identity as Cherokees. They wanted it all; assimilation, acquisitive, luxurious, living, and the same time, sovereign privilege. Some may have hoped that with hard work and good fortune, they might someday join the ranks of the wealthy southern planter elite, but most understood the reality of their situation- no matter how much wealth they accumulated; they would never be fully accepted as equals among white society.[5] Yet they continued to press for power as an elite, upper class of Cherokees, asserting that because of their advancement in the arts of civilization, they were best suited to rule their nation. They also understood, however, that doing so would entail usurping the stronghold the conservatives wielded over tribal governance; and that meant removing Ross and his supporters from power. To this end, they fostered close relationships with non-Indian southerners in Missouri, Arkansas, Kansas, and Texas who saw them as occupying a strategic

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[4] Francis Paul Prucha, *The Great Father: The United States Government and the American* Indian (Lincoln: University of Nebraska Press, 1984), 138-139; McLoughlin, *After the Trail of Tears*, 144-145.
[55] David A. Chang, *The Color of the Land: Race, Nation, and the Politics of Landownership in Oklahoma, 1832-1929* (Chapel Hill: University of North Carolina Press, 2010), 176-177.

and advantageous position in the Cherokee territory, from which the whites might eventually benefit.[6]

New life was breathed into the furious struggles between the factions as well, when younger men, as well as the next generation of grown children of slain or aging Treaty Party and conservative leaders stepped in to take up the struggle the of their fathers and forefathers. A few of the most visible members of this group included John Rollin Ridge, his cousin, Elias C. Boudinot, William Potter Ross, and John Leak Springston. If the conservative leadership could be overthrown, the young southern-minded Cherokees believed they could take the reins of government, use their special Indian status to open the territory to white integration, and pursue profitable, capitalistic endeavors. [7] Young conservatives, on the other hand, embraced the nationalistic and traditional ideas of their ancestors, and swore an oath to protect them at all costs. These men were not passive observers of the circumstances and events that had shaped their lives and all of these young men had most assuredly been unduly influenced by the actions, reactions, and attitudes of their fathers and other family members. Violent acts and killings had often been carried out in front of them, and aside from the grief and personal loss they experienced, these acts had a profound effect on their political outlook. The deaths of family members at the hands of their political

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[6] Dianna Everett, *The Texas Cherokees: A People Between Two Fires, 1819-1840* (Norman: University of Oklahoma Press, 1990), 55, 89; McLoughlin, *After the Trail of Tears*, 76-77, 155, 157.

[7] Chang, *Color of the Land*, 77; James W. Parins, *Elias Cornelius Boudinot: A Life on the Cherokee Border* (Lincoln: University of Nebraska Press, 2006), 24-27.

opponents seemed to create a deep desire for vengeance in the hearts of some of these young men, the only means they knew of to regain the sense of power and self-confidence they lost in witnessing them. Nowhere is this more obvious than in the case of John Rollin Ridge, son of slain Treaty Party leader John Ridge.

Cheesquatalawny (Yellow Bird), or Rollin Ridge, as he was called, grew to manhood haunted by memories of his father's gruesome death. He was twelve years old when his father was executed in front of his family, and the memories he carried with him as a result aroused within him a fantastic and lifelong obsession with violent revenge. In an 1849 letter to Stand Watie, he admitted, "There is a deep-seated principle of revenge in me which will never be satisfied until it reaches its object. It is my firm determination to do all that I can to bring it about. Whenever you say the word, I am there." Then in 1853 he wrote, "You recollect there is one gap in Cherokee history which needs filling up. Boudinot is dead, John Ridge and Major Ridge are dead, and they are but partially avenged. I don't know how you feel now Stand, but there was a time when that brave heart of yours grew dark over the memory of our wrongs."[8] In many of his letters to Watie, Ridge begged for his uncle's approval of various vengeful plots he had devised against "the Ross men." In these plots, he saw himself as sort of an 'avenging angel' who would at last set everything right for his family. Wisely, Watie never gave his approval to any of these schemes, most likely understanding

[8] "John Rollin Ridge to Stand Watie, Springfield, MO., July 2, 1849" in Edward Everett Dale and Gaston Litton, eds., *Cherokee Cavaliers: Forty Years of Cherokee History as Told in the Correspondence of the Ridge-Watie-Boudinot Family* (Norman: University of Oklahoma Press, 1939), 64; "John Rollin Ridge to Stand Watie, Marysville, CA., Sept. 23, 1853," Ibid., 77.

that Ridge had been psychologically traumatized by witnessing the death of his father. Ridge also expressed a peculiar admiration and fascination with Cherokee outlaws who, like the Starr gang, attributed their criminal activities to their wrongful treatment at the hands of the Ross Party. Whether or not their claims against Ross were real or imagined, Ridge lionized their violent deeds, attaching political significance to all of their transgressions as a sanction of their behavior.[9]

As a young boy, he had been kept out of the fray by his mother who, fearing for his safety after the death of his father moved the family to Fayetteville, Arkansas, then sent him away to Great Barrington boarding school in New England for his education. But Ridge's dark obsession was certain to lead him into trouble. His brash behavior and hot temper, particularly where the Ross men were concerned, resulted in a confrontation with one of the leading nationalists, David Kell, a judge in the Delaware District whom Ridge suspected of being associated with his father's demise, and it ended with Kell's subsequent murder. According to the *Intelligencer,* Kell was an unprovoked aggressor in the incident, but a letter from Ridge's mother to Stand Watie dated sometime before the incident, reveals that she was involved in a business transaction with Kell in which he was late in delivering a herd of horses and mules that she had purchased from him. Ridge became involved when he went to Kell's to see about the late delivery. This suggests that the real reason for the altercation may have begun as a consequence of Ridge's unrestrained temper. The informant mentioned in the newspaper's account may also very well have been covering for Ridge in this

[9] "John Rollin Ridge to Stand Watie, Fayetteville, AR., April, 17, 1846," Ibid., 38.

matter, by providing his testimony to the *Intelligencer,* one of the Treaty Party's most ardent supporters in the region.[10]

Fatal Recontre in the Cherokee Nation

> We have been favored by a gentleman with the following account of a rencontre that came off, a short time since, between David Kell and Rollin Ridge, which proved fatal to the former: Ridge missing his stallion, went to Kell's and enquired if he had been seen. "There is a *gelding*," said Kell, pointing to the animal, standing near a pool of blood. "Who made him so," said Ridge. "'I did," replied K., "and am willing to stand by my deeds with my life." Ridge sprang from his horse to the ground. — Kell motioned to approach, when Ridge remarked that the disparity of their strength forbad that they should fight in close contact, "and," said he, drawing a pistol, "if you approach me, you will lose your life." Kell advanced. "Stand back Kell," said Ridge, "advance any farther, and you die." Kell advanced, and soon lay dead. This account is from a respectable source; yet it is too imperfect and partial to be considered as entirely reliable until further particulars are heard. Our informant does not say how the difference originated between these men, who heretofore occupied a respectable standing in the community.[11]

At any rate, although Ridge's explanation of self-defensive seemed plausible, he insisted he would never get a fair trial in the Cherokee Nation, and that he had to flee. His mother too was terrified that there would be reprisals or that if he were arrested, he might be harmed, so he left his young white wife and daughter behind and fled to Springfield, Missouri where he waited very impatiently for his family to send him money for a fresh start. In time, he joined a party headed for the California gold fields to try his luck at placer mining in Shasta County. In this adventure, Ridge was not alone. During this time, many

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[10] "S.B.N. Ridge to Stand Watie, Osage Prairie, Oct. 22, 1844" Dale and Litton, *Cherokee Cavaliers*, 20-21.
[11] *Arkansas Intelligencer,* Wednesday, June 6, 1849.

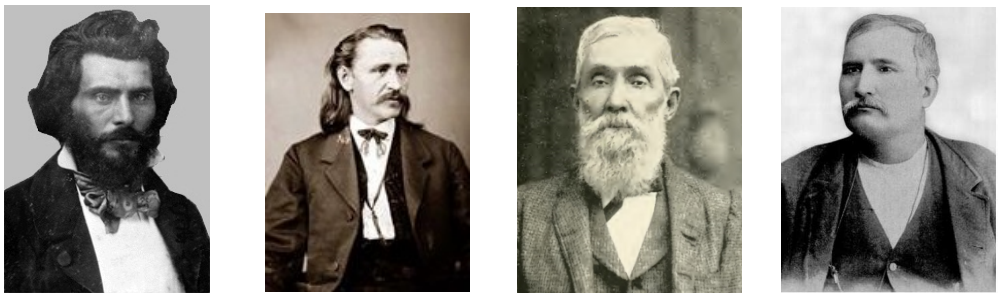
Cherokees went to the California gold fields in search of riches. Many of them, like Ridge, took slaves along with them to work alongside them in the field, to rent out to others for income, or to sell when their luck ran out. In 1850, a Cherokee by the name of John Lowery Brown journeyed to California to prospect. Along the way he kept a journal of his trip, recording many details of the people, places, routes, terrain, events, and trials he encountered along the way. On May 9 he wrote; "[We have] 105 men, 15 negroes and 12 females all under the command of Clem McNair."[12]

Before leaving Missouri, Ridge took out 'mortgages' on two of his three slaves in order to finance his trip. When the wagon train pulled out, he departed with his brother and his one remaining slave, a man named Waguli. Soon after arriving he headed for the gold fields, but after only one or two days of back breaking work with little to show for it, he moved to Grass Valley and began work as a journalist. His writing talents served him well, and while he struck out in the gold field, he made a very comfortable living as a writer and editor of note. Although separated from his mother, his wife and daughter eventually joined him in the West. Even though he remained in California, he kept abreast of the political climate in the Cherokee Nation, and waged a well-publicized war against abolition, the Ross Party conservatives, and for southern rights and slavery from his newspaper office in the Sierra foothills. Although Ridge never returned to the

[12] According to Muriel Wright, McNair had "a beautiful white house, and about six or seven hundred acres of the best land you ever saw, and Negroes enough to tend it and clear as much more as he pleased;" Muriel Wright, "The Journal of John Lowery Brown, of the Cherokee Nation En Route to California in, 1850," *Chronicles of Oklahoma*, Vol. 12, No. 2 (June 1934), 183.

Cherokee Nation, he traveled to Washington in 1866 as a member of a delegation representing the postwar interests of the Southern Cherokees. While there, he and his cousin Boudinot got into a vitriolic argument which nearly came to blows and he returned home in a huff. The delegation was not successful and he died the following year in his California home. [13]

Interestingly, Rollin Ridge and Elias Cornelius Boudinot, as privileged children of wealthy families often do, shared a great sense of entitlement. In 1840, Sarah Bird Northup-Ridge bought the family's comfortable Fayetteville house and all the property with it for the hefty sum of $1,375. Sarah took her children, Clarinda, John Rollin, Susan, Herman, Aeneas, Andrew Jackson, and Flora, to Fayetteville seeking refuge after the execution of her husband, John, his



Second Generation Assimilationists **Second Generation Conservatives**

John Rollin Ridge **Elias C. Boudinot** **William Potter Ross** **John L. Springston**

Figure 5-1: Second Generation Assimilationists and Conservatives

Source: Oklahoma Historical Society. 1046B, Vinnie Ream Hoxie Collection, Box 1, Cherokee Indians, John Rollin Ridge; 1049, Vinnie Ream Hoxie Collection, Box 1, Cherokee Indians, Elias C. Boudinot, Sr.; 5252, W.H. Lininger Collection, Box 1, Cherokee Government-6 Principal Chiefs, William P. Ross; 7588, Muriel Wright Collection, Photographs, Box 1, Cherokee Indian, John Leaf Springston, 1906-1973.

[13] Thurman Wilkins, *Cherokee Tragedy: The Ridge Family and the Decimation of a People* (Norman: University of Oklahoma Press, 1983), 344.

father, the Ridge; and his cousin, Elias Boudinot. She left Fayetteville in the fall of 1844 for Osage Prairie to settle the accounts of her husband's estate, which consisted of over $50,000 worth of land and slaves. Yet she was determined to protect the rights of her children as citizens of the Cherokee Nation. She avoided staying within the boundaries of the Nation out of fear of reprisals, and died of pneumonia in Fayetteville in 1854.[14]

As Ridge waited in Missouri for his family to raise funds for his escape to the West, he grew terribly impatient, complaining to Stand Watie about his grandmother's careful consideration of money matters and the time she was taking in deciding how much to send and how best to send it. He asked Watie to help persuade the women at home to hurry up the process, and suggested sending "negroes" right away so he could secure the funds himself. In exasperation over having to wait on the women of the family back home to supply what he needed, he wrote, "Lord deliver me from the advice of women."

> My only dependence is my Grandmother. [Susie Wickett-Ridge, widow of the Ridge] . . . .Grandma says she must have a letter expressing what I intend to do. . . .It is not worthwhile to be so particular . . . .waiting for everything to go in due process of law. . . . just let Grandma say how many negroes she will give me, and send them on to me. . . .I need money, or what can be converted into money right away. I might sell the negroes or I might hire them out as it suited. . . . I have Simon hired here in town for only three dollars a week. [15]

In letter after letter to Watie, Ridge spoke of various money-making schemes asking Watie for investment. In 1854, Ridge penned *The Life and Adventures of*

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[14] Forrest Poorman,"230 West Center, Fayetteville, Arkansas." *Flashback* 42 (February 1992), 12–17.

[15] "John Rollin Ridge to Stand Watie, Springfield, MO., July 2, 1849," Dale and Litton, *Cherokee Cavaliers*, 66.

Joaquín Murieta: The Celebrated California Bandit, considered the first novel written in California, and the first written by an Indian. The book is based on the character of a real California bandit, but its plot is a rather thinly disguised story of the battle between the Cherokee factions. Through the character and exploits of Murrieta, Ridge recreated the stories of his Cherokee outlaw- heroes, whose grave deeds he had excused as repercussions of the moral injustice of the Ross mob. Furthermore, with his glorification of Joaquín Murrieta, he single-handedly created an enduring legend. Convinced that the book would become a bestseller that would make him a very wealthy man, he was deeply depressed after his popular dime novel was plagiarized and reprinted so many times that he made very few royalties. Ironically, in 1919, New York dime novelist Johnston McCulley introduced a new fictional character named *Zorro,* to the reading public. Zorro, whose character suspiciously resembled Ridge's Murrieta, became an instant hit, and McCulley went on to write sixty more sequels in quick succession, making himself a fortune in the process.[16] Once again, Ridge missed the boat. Similarly, his cousin Elias Cornelius Boudinot was also a notorious pipe dreamer who lived in perpetual pursuit of unlikely, often impractical get-rich quick schemes and half-baked economic ventures. To these ends, he too, often tried to enlist the help of his uncle, usually as a financial backer.

Born in New Echota, Georgia in 1835, Boudinot was the fifth of six children of Elias Boudinot and Harriet Gold. One year old when his mother died, he was raised by Delight Sargent, a New England missionary his father had

[16] "Johnston McCulley," in Lee Server, *The Encyclopedia of Pulp Fiction Writers* (New York: Facts on File Press, 2002), 184-185.

married a year after his first wife's death. After signing the illegal Treaty of New Echota, Boudinot's father voluntarily moved his family to Indian Territory, building a home at Park Hill, where in 1839 he was executed by the conservatives. After the deaths of their men, the Ridge and Boudinot women fled the Cherokee Nation, for the relative safety in and around Fayetteville, Arkansas. Delight Sargent, however, almost immediately took her six step-children and headed east. There the children were reared by the Brinsmade family, Harriet Gold's sister and her husband. [17] In the meantime, the Watie family pestered the government for funds for the stricken families, first under the terms of the Removal treaty, and then in the form of education and orphan's benefits they claimed as consequential losses due to removal. In both instances, the government turned down their requests. In 1846, Mr. Brinsmade was able to collect $5,000 for the family under the terms of a new treaty, but later, despite having been regularly outfitted with fine clothing, living in a stately home, and attending fine schools, Boudinot complained that he had never received a penny of the money, nor any accounting of it either. His educational advantages included his enrollment at the elite Brown Academy in Manchester and later Gunnery preparatory school in Washington, Connecticut. Claiming he wanted to be near his extended Indian kin and his Cherokee people in 1853, Boudinot returned west, settling in Fayetteville near his relatives.[18] Boudinot, however, was an opportunist and a rogue. At one time or another, he argued and lobbied against every cherished principal held by the Cherokee people, including

[17] Parins, *Elias Cornelius Boudinot*, 13-18.
[18] Parins, *Elias Cornelius Boudinot*, 19-20.

abolition, treaty law, communal land ownership, and sovereignty itself. Instead, he advocated opening the territory to white settlement, for territorial government, and finally, in favor of railroad grants and land allotment. Although raised and educated in liberal New England, in Arkansas he became one of the most outspoken proponents of slavery in the antebellum West, founding and editing the overtly pro-slavery newspaper, the *Arkansan*.[19]

Boudinot also fancied himself a great businessman, but his ventures frequently failed due to ill or short-sighted planning. In one of his most infamous business fiascos, he established a tobacco factory using Watie's name, fame, and financial backing and spent large sums equipping the factory with the latest state of the art machinery. With no internal revenue taxes to pay as a Cherokee citizen, he figured he would be able to undersell other manufacturers in the region, but did not fully investigate the feasibility of his scheme before plunging in. He made a tidy profit in this business until the state of Missouri raised a strong protest on behalf of the tax-paying tobacconists of the state, and federal agents seized his factory and confiscated his equipment, leaving him high and dry. Watie's entire investment and all of the new machinery was lost. Certain he could win a lucrative legal judgment in this case; he hired top notch legal counsel at a premium price and pursued the matter vigorously. The case went to the Supreme Court, which subsequently ruled that a product produced

[19] Richard White sees Boudinot as a product of the Gilded Age, stating "If the competition were not so stiff, Boudinot might be ranked among the great scoundrels of the Gilded Age." Richard White, *Railroaded: The Transcontinentals and the Making of Modern America* (New York: W.W. Norton, 2011), 134-137.

inside Indian Territory, but sold outside, was subject to the same taxes any other manufacturer would have to pay.

> Every Cherokee Indian and freed person residing in the Cherokee nation shall have the right to sell any products of his farm, including his or her livestock, or any merchandise or manufactured products, and to ship and drive the same to market without restraint, paying any tax thereon which is now or may be levied by the United States on the quantity sold outside of the Indian territory.[20]

The court's decision opened the door to yet another challenge to sovereignty, by asking how a sovereign nation within the boundaries of the U.S. could be required to pay taxes to the U.S. yet still be considered sovereign. Throughout their lives, a driving force behind both Boudinot and Ridge was the desire to restore their families to their once prominent and powerful position. Therefore, their involvement in the political causes of their fathers' was less about a dedication to principle, than it was a quest for personal wealth and importance. When he lost the case, Boudinot found himself liable for all the heavy legal fees and court costs, and was left with nothing. Watie, as his backer and partner, however, was saddled with debts that passed on to his widow after his death. [21]

The next generation of conservatives to join the fray was every bit as devoted to the causes of their fathers as were their assimilationist counterparts. William Potter Ross was the nephew of Chief John Ross. He was born at Lookout Mountain in Tennessee on August 20, 1820. His parents were John Golden Ross, a Highland Scot with no relation to the Chief, and Eliza Ross, the Chief's sister. The couple had two sons that Chief Ross took under his wing, as

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[20] The Cherokee Tobacco, 78 U.S. 616 (1870)
[21] Parins, *Elias Cornelius Boudinot*, 85-94, 97-108.

was the custom of all Cherokee uncles. He wrote to them on a regular basis, gave them advice, and encouraged their studies. At the Chief's expense, the two brothers attended Lawrenceville Classical and Commercial High School in New Jersey, and when William showed both potential and interest, the Chief sent him to Princeton University. [22] William boarded at Princeton for five years, and while away at school, the Cherokees were removed to Indian Territory. Although a staunch Presbyterian, when he graduated in 1842, he went to live at his parent's home at Park Hill, Cherokee Nation and worked as a teacher at a Methodist school held in a small church at Fourteen-mile Creek, in present day Hulbert, Oklahoma. Perhaps in gratitude for his uncle's benevolence, he became involved in Cherokee politics. Elected clerk of the senate of the National Council on October 3, 1843, he worked at drafting legislation and state papers for his uncle and was a close confidante and advisor to the Chief until the death. When the *Cherokee Advocate* was established in Tahlequah on September 26, 1844, William Ross became its first editor, and worked in that capacity for four years. Although a talented writer and eloquent speaker, when he left journalism, he first worked at merchandising before going into law. Through all his years, he continued his work with the Cherokee Nation, as a senator, as secretary to the Treasurer, and finally as Principal Chief when his uncle died.[23]

William Ross was also a man of high principals who served as an officer of the Cherokee Temperance Society and was committed to promoting its ideals.

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[22] Gary E. Moulton, *John Ross: Cherokee Chief* (Athens: University of Georgia Press, 1978), 107.
[23] John Bartlett Meserve, "William Potter Ross," *Chronicles of Oklahoma*, V.15, No.1 (March 1937), 24-25.

He was also a philanthropist who devoted his time and money to many beneficial social institutions.[24] He hated violence, and refused to take part in the factional fighting. After a treaty of alliance was signed with Albert Pike in 1861, he joined the Confederacy serving as a Lt. Colonel in the 1st Cherokee Regiment of Mounted Rifles, Field and Staff. He fought in the battle of Pea Ridge in March 1862, but along with a large majority of his regiment, laid down his weapon and fled to the Union Army shortly after. He was later associated with the Union's 3rd Regiment of Indian Home Guards as a sutler. On October 19, 1866, Ross was elected to the office of Principal Chief. Although often maligned by the southern faction, he worked tirelessly throughout his life to bring the two factions together and heal the rift that divided them. [25]

Even though the region in which the Five Tribes resided was referred to as Indian 'Territory', it had never been officially organized as such. Political maps of the day simply refer to it as the 'unassigned territory', a unique status that in this case meant that legislation seeking to modify, control, or abolish the institution of slavery in the United States held no sway there. Another irony is that although the U.S. bestowed territorial status upon regions which were then expected to work toward statehood, there was never any intention or indication on the part of Congress that Indian Territory would ever be admitted as a state.[26]

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[24] Springston Papers, Box 8, Folder 11, p. 144.
[25] Meserve, "William Potter Ross," 26.
[26] "The Avalon Project: Documents in Law, History, and Diplomacy." *The Northwest Ordinance, July 13, 1787*, Documents Illustrative of the Formation of the Union of the American States. Government Printing Office, 1927, House Document No. 398. http://avalon.law.yale.edu/18th_century/nworder.asp (Accessed November, 2012)

In fact, the idea of fashioning an Indian state out of Indian Territory never arose until proposed by the tribes themselves in 1905 in an effort to block national joint statehood efforts.[27] For the purposes of the government, this created a loophole for future federal manipulation of the region, a rather thinly-disguised plan that eventually came to fruition for the United States in the immediate postbellum years through the Reconstruction Treaty of 1866. The southern tribes at that time were recognized as the only tribes in America to have formally recognized the institution of slavery through laws and legislation. Consequently, by the beginning of the Civil War, about 14% of the population of Indian Territory consisted of African slaves. For the purposes of the Cherokee conservatives, this meant a hard and determined struggle to abolish slavery in their lands; but for the purposes of the pro-slavery Cherokees, it meant economic opportunity and unrestricted access to lands and free labor through their special Indian status without overriding restrictive regulation. To these ends, the upcoming generation of pro-slavery leaders joined the fight with the aim of protecting slavery, while the young conservatives pitched in to help try to abolish it. As talk of American sectionalism continued to grow, the Cherokee slaveholders tied themselves and their fortunes to the southern cause.[28]

The Missouri Compromise, enacted in 1821, seemed to keep a lid on the slavery-extension issue until it was rescinded by the Kansas-Nebraska Act in

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[27] Jeffrey Burton, *Indian Territory and the United States, 1866-1906: Courts, Government and the Movement for Oklahoma Statehood* (Norman: University of Oklahoma Press, 1995), 249.
[28] McLoughlin, *After the Trail of Tears*, 172-173; Chang, *Color of the Land*, 35-36.

1854, and was later declared unconstitutional in 1857 with the Dred Scott Decision. Although slavery had been a divisive issue in the United States for decades, sectional antagonism eventually turned to crisis, beginning with the Compromise of 1850. The South at that time faced a dilemma; their sectional equality was threatened, thanks in large part to rising abolitionism and the terms of the Wilmot Proviso. The Proviso, an 1847 amendment to an appropriations bill, was concerned with the settlement of the U. S.-Mexican War. President Zachary Taylor supported the Proviso, carefully framing it as a means of resolving the slavery and statehood issues of California and the Southwest. Debates over the Proviso helped to formulate and define the concept of popular sovereignty, by which the citizens of new states were permitted to decide for themselves whether to include or exclude slavery within their territories; and it spawned the birth of the Free Soil Party. As their anxiety over these issues grew, southerners began a scramble to protect their prominence in the national government, while at the same time, preserve the slavocracy. Senator Robert Toombs of Georgia spoke forcefully against the Proviso on the floor of the House, echoing the sentiments of the majority of southern representatives.

> I do not hesitate to avow before this House and the country, and in the presence of the living God, that if, by your legislation, you seek to drive us from the territories of California and New Mexico . . . . and to abolish slavery in this district, thereby attempting to fix a national degradation upon half the states of this Confederacy, I am for disunion. [29]

[29] "Toombs in House, Dec. 13, 1849." *Congressional Globe*, 31st Congress, 1st Session, p. 27-28.

In the Cherokee Nation, the slave owning faction faced a similar quandary. Between 1846 and 1853, the nationalistic predilections of the Ross Party appealed to a majority of the Cherokees regardless of where they stood on the issue of slavery. By 1854, however, southern rights had become a huge issue among all the slave owners of Indian Territory; and for them, the Ross platform had begun to lose its charm.[30] Just as Henry Clay had attempted to sustain the Union by creating a middle ground with his 1850 compromise, Ross tried to maintain his moderate policy on the slavery issue in an effort to hold the Cherokee Nation together, but found it nearly impossible as he was pushed by the powerful anti-slavery conservatives who kept him in office, and pulled by the impudent slave-owning assimilationists who threatened to overthrow him.[31] Greatly outnumbered in population, and largely outvoted in the National Council, the pro-slavery faction feared that if the conservative abolitionists had their way, slavery would soon be prohibited in the Cherokee Nation altogether. They also realized that if they could not overcome the objectives of the controlling conservative nationalists, they would not be able to sustain a meaningful position in tribal governance. Therefore, the pro-slavery faction began to step up their efforts to oppose the Ross administration, and in response, the conservatives began to look for more effective ways to counter them. Taking their cue from mainstream American politics at this time, the Cherokees embraced partisan politics as a means of holding and maintaining their power in their own nation. This resulted in the establishment of the Cherokee Southern Rights Party.

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[30] Springston Papers, Box 8, Folder 7, p. 112.
[31] McLoughlin, *After the Trail of Tears*, 124-125.

In 1851, the powerful Temperance Movement was realizing some successes in the prohibition of the sale of alcohol in some states. The Movement was well-organized and highly visible in the Cherokee Nation as well; so influential, that in the fall of 1841, the Cherokee National council had enacted stringent laws against the introduction and sale of liquor in Cherokee country.[32] Most Cherokees were not opposed to moderate consumption of liquor, and in fact some believed it could be used for medicinal purposes or even mystical experiences. Nevertheless, the message of Temperance loomed large among those who had watched their women debauched and their fellow tribesmen defrauded and bufooned at the hands of unscrupulous government agents and white traders who took advantage of them by plying them with liquor. Most also felt shame when they witnessed the wretched condition of those addicted to the substance, who with little regard for themselves or others in public stumbled around in their drunkenness.[33] By the 1840s, regular Temperance meetings were being held at the Cherokee Masonic Lodge, and at various other locations around the Nation, and the Temperance Society had an impressive number of Cherokee members who had taken the pledge.[34]

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[32] Grant Foreman, "A Century of Prohibition," *Chronicles of Oklahoma,* V.12, No. 2 (June 1934), 137.
[33] Springston Papers, Box 8, Folder 7, p. 112.
[34] *Cherokee Phoenix and Indians' Advocate*. November 4, 1829, p 2; The Sons of Temperance modeled its constitution on those of the Freemasons and Odd Fellows, basing their organization, first around simple, then more complicated rituals in line with Freemasonry. At the Cherokee Lodge, both Indian and black Temperance Societies gathered for regular meetings, one reason the pro-slavery faction eventually left the lodge to join another, as well as the Knights of the Golden Circle; Patrick Minges, *The Keetoowah Society and the Avocation of Religious Nationalism* (New York: Union Theological Seminary, 1994), 80.

In the mainstream, dozens of political parties sprang up, helping to define and then redefine the most popular issues, causes, and reforms of the day. There were the Rum Democrats, the Hard Shell Democrats, the Soft Shells, the Half Shells, and the Hindoos, to name just a few. Some were rather frivolous; others however, were deadly serious.[35] The Southern Rights Club, an organization with roots stretching back to the 1830s, took inspiration from the ideas of John C. Calhoun. By the mid to late 1850s, it had evolved into the Southern Rights Party with branches all around the United States. One of its more radical ideas was its emphasis on reinstating the African slave trade. A more well-known group was the Know-Nothings, a highly secretive nativist organization originally formed under the Order of the Star Spangled Banner. Know-Nothing meetings included clandestine rituals, odd symbolism, and a hierarchy of subordinate regional councils. Members also swore an oath of secrecy, pledging to remain silent when questioned about the group, or to reply, "I know nothing." The Know-Nothings reached their pinnacle by 1855, and after having enjoyed a prominent position in American politics for several years, rapidly declined.

The legacy of these two organizations continued on, however, when a Know-Nothing by the name of George Bickley who was also a Southern Rights member, used his knowledge of secretive fraternal rituals and symbolism in 1854 to establish a new organization; the Knights of the Golden Circle (KGC). In the era of expansionism, Bickley saw his furtive organization as the 'agent provocateur' through which Mexico could be 'Americanized' and annexed, and

[35] David M. Potter, *The Impending Crisis, 1848-1861* (New York: Harper and Row, 1976), 246-249.

the slavery question settled in favor of the South. Bickley aggrandized the KGC as a powerful militaristic organization that would deliver the South from the oppression of the North.[36] One newspaper quoted him as saying that in Mexico the Spanish had "mixed and intermarried with Negro and Indian, until pure blood is no longer found."[37] Ironically, a substantial number of the mixed bloods Bickley so despised, led by the old Treaty Party faction, would organize a KGC chapter devoted to the causes of the perpetuation of slavery in Indian Territory, as well as the overthrow of the Ross Party in the Cherokee Nation. That same year, the old Treaty Party members and pro-slavery nationalists banded together to press their issues. The result was the emergence of a Cherokee branch of the Southern Rights Party, led primarily by members of the Watie faction, including James Bell, William Penn Adair, Joseph Scales, Elias C. Boudinot, Josiah Washbourne, and John Rollin Ridge. Their two primary objectives were ridding the Nation of its abolitionists, and bolstering the ranks of the slave owning faction by enticing pro-slavery and slave-owning whites to migrate into the nation, a plan with federal approval. By a very small majority they were able to get a bill passed by the National Council which would

[36] Ollinger Crenshaw, "The Knights of the Golden Circle: The Career of George Bickley." *The American Historical Review,* Vol.47, No. 1 (Oct. 1941), 23-50.
[37] *Daily Louisville Democrat*, Sept.2, 1860, p. 2



Figure 5-2: Leaders of the Southern Rights Party, 1866. Taken during Reconstruction Treaty Negotiations in Washington, D.C. (Left to Right) John Rollin Ridge, Saladin Watie, Richard Fields, Elias C. Boudinot, and William Penn Adair.

Source: Oklahoma Historical Society, Vinnie Ream Hoxie Collection, Photographs, Box 1, 1046.B, Indians – Cherokee

obligate Ross to write to missionaries in the Territory and order them to either accept slave owning as a "church principal" or leave the Nation, and to forbid them to speak of abolition to slaves. It also would have made it illegal for them to employ any teacher who held abolitionist views. Because Ross represented the largely anti-slavery conservative majority, he vetoed the bill, and although his veto was overturned, again with a very slight majority, it died on the floor of the lower house. Despite the southern faction's near triumph in the passage of this bill, abolitionist missionaries such as the Jones' were not deterred from their objectives. They continued to deliver their anti-slavery message, receiving much support from the American Board of Commissioners for Foreign Missions in the

process. The *Anti-Slavery Bugle,* an American Board newsletter, published a report in 1853 concerning slave owning in Indian Territory. They seemed to regard the state of affairs in the Cherokee Nation as deplorable, considering the "high standard" they assigned to them.

The American Board and the Indians

> We are continually inquired of respecting the action of the A.B. C. F. M. on the subject of American Slavery. . . . No Christian can give a good reason for giving his means to propagate the gospel connected with slavery, when he can send a gospel to the heathen. Let us labor then to disseminate truth. . . . .Christ and the Christian's conscience are on our side and although we shall not live in this world to see the issue, yet we shall see it. All who labor in faithful free missions will unite in the hallelujahs which will ring through the arches of the spirit's home, when the last vestiges of slavery shall be expelled from the Church of Christ. I know not how many cases of triumphs in the hour of death might be produced to show that Cherokees and negroes have had the same happy exit from the world as the more highly favored whiles. . . . Those whom we received into our churches. Mr. Kannady thinks, on the whole they have given much evidence of being born again as did church members in Vermont, when I lived there. The Cherokees, like other Indians, are hospitable to a proverb, and it would seem that they only need to be taught in the excellent way to open their heart to all the world. ... The Cherokee are struggling manfully against the evil of intemperance . . . . [They have] made great improvements in agriculture. [They] are advancing in knowledge . . . . [and] have an excellent government. . . . notwithstanding the high standard assigned to the Indians. . . . It is very clear. . . . that the influence of the mission is neutralized, to some extent, by the existence of slavery. [38]

As the debate continued to heat up, both sides of the slavery issue dug in their heels for the fight ahead. Consequently in his Annual Message to the Nation in 1856, Ross spoke quite directly to the Southern Rights Party, and expressed concern about Cherokees getting involved with the goings-on in Kansas.

[38] *The Anti-Slavery Bugle,* January 22, 1853

> Complaints have been made to me by certain Citizens against persons connected with the Missions of the American Board [of Commissioners of Foreign Missions] in regard to alleged improper conduct towards their slaves. . . . I take the occasion to remark that Slavery being recognized by the laws of the Nation is entitled to protection from agitation and disturbance by citizens of the United States, who have no right to interfere with the local affairs of the Nation. The existence of Slavery among us is sanctioned by our own laws and by the intercourse of the government of the U. S. by which protection is guaranteed to the Cherokee Nation for the enjoyment of all her political rights and privileges. The agitation of that question here can produce no good and subserve no other purpose but excitement. While the disturbed condition of affairs in Kansas in which we have lands and on which some of our Citizens are residing, attracts attention here as well as elsewhere, it may not be improper for us to remind ourselves that our true policy is to mind our own business and not to travel beyond our own limits to seek difficulties. The Cherokee people have no political rights as citizens of the Territory of Kansas and can have none in the absence of Treaty or a law of Congress….I have seen with surprise the efforts made by citizens of the United States temporarily here under license or appointment from their Government to involve the Cherokees in those disturbances and to get up armed parties under the guise of Emigrants to march into the Territory and take sides in the conflict pending. . . .Our true course . . . . is to confine ourselves within our own limits and scrupulously regard the obligations imposed upon us by Law & treaty.[39]

Because Ross and his family were 'mixed blood' slave owners themselves, just as the members of the Treaty Party were, it was also in his best interest to remain neutral on the slavery issue. Ross was undeniably wealthy, but not the wealthiest slave owner among his family by far. Lewis Ross, John's brother, was said to be the third wealthiest slave owner in the Cherokee Nation. He owned extensive properties and a palatial home, whispered to have been paid for with $50,000 in gold. His large farm and extensive holdings were looked after by some 300 slaves, and his son Henry was educated in exclusive

[39] "Annual Message, October 6, 1856", Gary E. Moulton, ed., *The Papers of Chief John Ross, Vol. 2, 1840-1866* (Norman: University of Oklahoma Press, 1985), 398.

Philadelphia schools.[40] Other members of the Chief's family also fared extremely well. Although the Ross family was supported by the 'full bloods' and traditionalists, they themselves did not share the conservative lifestyle nor all of their deepest convictions. Like the Waties and Ridges, the Ross' were aggressive assimilationists who enjoyed luxury and privilege, but whose overall goal was to maintain the status quo. But Ross was first and foremost, a shrewd politician. As a representative of the large numbers of poor conservatives, he was cognizant of the social decorum necessary to sustain the semblance of civilized, beneficent government he had created. Consequently, his fine home was always open to the less fortunate, and he frequently donated large sums for food and supplies for the poor. As John Springston pointed out, "No man or woman or child ever lingered at the door either hungry or in need or suffering – they received help and shelter without question. . . .there was extended to all the very pinnacle of hospitality."[41]

Ross did not speak or write Cherokee, nor did he engage in traditional religious practices or adopt the religion of the Baptists. Perhaps in an effort to remove himself from the line of fire in the ongoing debates over abolition and slavery, he was joined a Southern Methodist church. While he did not support abolitionism, neither did he speak against it. To do so would certainly have cost him his office. At best, he turned a blind eye to it. [42] Some of his conservative followers, on the other hand, comprised of poorer families who often spoke nothing but Cherokee followed the old ways; others practiced Christianity.

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[40] Springston Papers, Box 8, Folder 5, p. 41.
[41] Springston Papers, Box 8, Folder 5, p. 41; Moulton, *John Ross*, 156.
[42] McLoughlin, *After the Trail of Tears*, 159.

Yet there was another group who embraced a syncretic version of both. Among these, were the radical conservatives; men who, although enjoying the fruits of civilized institutions, education, and industry, were deeply committed to high ideals that included the preservation of the tribe's unique culture and values. Anderson Springston was such a man, and his son, Oo ne quah te (John Leak Springston) followed closely in his father's footsteps.

John was born in the fall of 1844 in the Delaware District near Lynch's Mill, five miles east of the present site of Spavinaw Dam in the state of Oklahoma, the son of Anderson and Sallie Eliot-Springston who had walked to Indian Territory from Tennessee. A traditional adherent to Clan law, Anderson had long been deeply involved in active opposition against the assimilationists, was a legal advocate for many poor conservative families. From a very young age, John, who spoke only Tsalagi until the age of seven, received instruction in tribal law and culture at his father's side. After removal, Anderson practiced law in the Cherokee courts of the Delaware and Tahlequah Districts, working exclusively for the conservatives. John also attended school in the Delaware District and became an eloquent bi-lingual speaker and writer. Consequently, by age fifteen he was employed as a clerk and court reporter in the Saline District, and planned to pursue a law degree at Shurtleff College in Alton, Illinois. Like his father, he spent most of his free time working for conservatives in need of advocacy or help with legal matters. Before he could realize his educational goals, however, Indian Territory became embroiled in the Civil War, and he

entered the service.[43] As a young idealist he was aroused by the intelligent, lively arguments proffered by Lincoln in debates with Douglas. He was moved by the passionate determination of conservative Clan elders to protect historic Cherokee cultural values; and he was fired by the principle of Baptist abolitionism.

The Ross Party was able to maintain its political control because of the renewed support it received from younger stalwart conservatives and educated men who recognized the value in the tribe's historic structures and identity as Springston and William Potter Ross did. These men shared a new and more modern vision of a culturally reinvigorated, industrially progressive, yet politically autonomous and independent Cherokee state; one which would enjoy equal relationships with its sovereign counterparts. Ross, the consummate politician, fully understood the importance of passing this hopeful vision on to younger generations, as he expressed in his Annual Message in 1854.

> On [our] institutions rest the future hope of the nation. Intelligence, industry, and sound moral principle, are the great elements of prosperity and stability in nations and individuals; and it is by carrying out with vigor, our educational system, and cultivating their estimable qualities in our youth that they can be fitted to attend on equal footing with the members of other enlightened communities, and that our people can be prepared to share in the advantages of the great improvements of the age.[44]

Yet for all the confidence and hopefulness his message conveyed, and for all the support and power he wielded, Ross knew the nation was fighting an uphill battle.

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[43] Starr, Emmett. *History of the Cherokee Indians and Their Legends and Folklore* (Oklahoma City: OK, 1921); John L. Springston, "Lynch's Mill was Spavinaw's Name in Early Day History: Saw Mill and Gristmill Made Up Village in Prewar Days." *Chronicles of Oklahoma* Vol. 5, No. 3, (1927), 322–327.
[44] "Annual Message, October 26, 1854." Moulton, *Papers of Chief John Ross, Vol. 2*, 389.

He, and the conservatives were very much aware of what was going on in neighboring regions, and that the full tide of American expansionism was about to wash over the Cherokee Nation.

Political events in neighboring Kansas played a significant role in the decisions that Ross and his supporters made in the 1850s. In 1841, the Preemption Act had set the political tone around Indian Territory for the next two decades, helping to popularize the notion of Manifest Destiny, as the Kansas and Nebraska Territories were largely settled by claims brought under the act. Basically, it declared that individuals would be permitted to acquire federal land as one's own property. More importantly for the tribes of the region, the Act permitted "squatters" on federal government land to purchase up to 160 acres at a minimal price, before the land was offered for sale to the general public. In order to qualify under the law, the "squatter" had to be (1) head of a household, (2) a single man or widow over the age of twenty-one, (3) a U.S. citizen or (4) a resident of the claim for a minimum of fourteen months.[45] Additionally, in the spirit of Jacksonian Removal between 1825 and 1850, treaties had been negotiated with more than two dozen tribes for their removal to the western region that ultimately became Kansas. Some of these included the Chippewa, Delaware, Iowa, Kansa, Kaskaskia, Kickapoo, Miami, Ottawa, Peoria, Piankashaw, Potawatomi, Sac and Fox, Shawnee, Wea, Wyandotte and others. The dislocation experience, however, was not the first for a number of them. For the Delawares, for example, the ordeal began in their original eastern homelands

[45] "Records of the Squatters' Association of Whitehead District," *Kansas City Historical Quarterly,* Vo 13, No.1 (February 1944), 16-35.

in and around the present day state of Delaware. In 1829 they received two million acres in the Kansas territory with hunting rights that encompassed the surrounding plains. There the Delawares established farms, adopted a constitution and laws, and went about reestablishing their communities. Just thirty years later, the tribe was removed again to make way for white settlement, eventually ending up in Indian Territory on a small reserve, near to and overshadowed by the Cherokees.[46]

Thus, all the extensive planning, done to resettle tribes in Kansas was cast to the wayside when, by 1850, Americans began illegally squatting on their new lands. Ross and his followers could clearly see which way the wind was going to blow, particularly after the U.S. started building forts and establishing a protective presence in Indian Territory to safeguard white travelers from the local western Indians. In his annual message to the nation in 1857, he warned the Cherokees of the trouble that was coming.

> You cannot fail to be seriously impressed with the change of policy shown by the United States dealing with the Indian tribes in the Territories of Kansas and Nebraska. . . . I need but refer to the language and sentiments expressed in this regard by the present governor of Kansas [Robert J. Walker] in his inaugural address. 'Upon the south Kansas is bounded by the great southwestern Indian territory. This is one of the most salubrious and fertile portions of this continent. It is a great cotton growing region, admirable adapted, by soil and climate, for the products of the south; embracing the valleys of the Arkansas and Red rivers; adjoining Texas on the south and west and Arkansas on the east; and it ought speedily to become a state of the American Union. The Indian treaties will constitute no obstacle, any more than precisely similar treaties did in Kansas; for their lands, valueless to them, now for sale, but which sold with their consent and for their development, like the Indian lands of Kansas, would make

[46] Ibid.

> them a most wealthy and prosperous people, and their consent on these terms would be most cheerfully given.' The connexion can only be secured by the southwestern territory becoming a state, and to this, Kansas should direct her earnest attention as essential to her Prosperity' . . . . It behooves us to stand united, to watch with a jealous eye every aggression to strengthen our government, and to cling to the protection often and solemnly pledged, often and solemnly pledged by the United States.[47]

This kind of bombastic political maneuvering on the part of Kansas sounded all too familiar to Ross and the Cherokee conservatives. And even though the territory was pushing hard toward statehood, as late as 1851 the federal government was negotiating treaties with the Cheyenne and Arapaho for their removal to Kansas lands in the current state of Colorado. Just one year later, Congress had already begun the process of granting Kansas territorial status. By 1853, it was evident that eastern Kansas would soon be opened for white settlement, and the Indian Affairs office began negotiating new treaties for removal of the tribes to new reservations with subsidies elsewhere. The majority of these tribes ceded their lands before the Kansas Territorial Act was signed in 1854, and consequently they all eventually ended up in Indian Territory. Two unusual events occurred in Kansas that in retrospect, stand out as indicators of the government's forward-looking dealings with Indians in the antebellum era. In 1854, the Miami tribe negotiated a treaty for a land 'reserve' in Kansas, making them one of the first tribes west of the Mississippi, if not the first tribe to be corralled on a small reservation. Also in 1854, the 8,320 acres of land owned by the Swan Creek and Black River Chippewa, was divided and transferred from

[47] "Annual Message, Executive Department, Tahlequah, Cherokee Nation, October 5, 1857. Moulton, *Papers of Chief John Ross, Vol. 2*, 408-409.

tribal communal ownership to individual Indian ownership, an early attempt at allotment.

Within the northernmost boundaries of the Cherokee lands, a large area that would eventually become McGee and Bourbon counties in Kansas Territory known as the "Neutral Lands," encompassed about 800,000 acres, stretching east to west and extending north from the Quapaw Strip to within five miles south of



Figure 5-3: The Cherokee Neutral Lands**. Source:** *Kansas History: A Journal of the Central Plains*, 30 (Autumn 2007), 154-177.

The Cherokee Neutral Lands

The Neutral Lands stretched from east to west and extended north from the Quapaw Strip to just five miles south of Fort Scott. Once the domain of the Osage who ceded them to the government in 1825, they were given to the Cherokees as part of the 1835 Treaty of New Echota. The first Cherokees to live there were Old Settlers in the late 1830s. But by the mid-1850s, Kansas was trying to strike deals to relocate her tribes here. From the 1830s on, the Cherokees were battling whites who would marry Cherokee women to take advantage of land and tribal status in this region, and then white intruders who would 'squat' on this land as they tried to inch their way into Indian Territory. Among the Cherokees, the assimilationist faction was determined to bring white slave owners into the region. The size of the tract was greatly reduced when Kansas Territorial boundaries were redrawn. These lands were finally ceded to Kansas in the 1866 Reconstruction Treaty, and by 1900, little evidence of the Cherokees could be found therein.

Fort Scott. This region was originally owned by the Osage who ceded it to the U.S. in 1825. In the 1835 New Echota Treaty it was given to the Cherokees as

part of their western lands. The Cherokees called this area the Neutral Lands because it was not a territory, nor did it belong to the government, but "belongs to the Cherokee Nation by a fee simple title."

The first Cherokees arrived in Kansas in the late 1830s and early 1840s and settled around Spring River and Shoal Creek. They also spread out along both sides of the Neosho River near present day Chetopa. Many of these native southerners were of Cherokee and European ancestry. Early Cherokee family names in the area included the Old Settler families, Harlan, Rogers, and Wolf. The Fields and other families were Cherokees who had moved up from Texas.[48] Those that settled along the Neosho River were primarily families that had arrived on the Trail of Tears. These settlers built their homes on carefully chosen sites in order to fulfill their residency requirement to protect their tribal citizenship. Intermarriage between Cherokees and Osages was also common in this region also added to the Neutral Lands' population. The earliest official census of tribal members in this area occurred when John Drennen, head of Southern Superintendence of Indian Affairs, conducted a census of the entire Cherokee Nation. Results reveal that some one hundred and forty individuals, in more than forty Cherokee households, existed in those tribal lands at the time. Three years later, in November 1854, thirty-one Cherokee citizens or heads of household living on the Neutral Lands petitioned George Mannypenny, Commissioner of Indian Affairs. They inquired as to whether or not they could become U.S.

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[48] Starr, *History of the Cherokee Indians,*306, 308–9, 321, 558; William G. Cutler and Alfred T. Andreas, *History of the State of Kansas* (Chicago: A. T. Andreas, 1883), 1151.

citizens and therefore, remain on the Neutral Lands, if the tribe's proposed sale of the area to the federal government was approved. In December 1854, Cherokee agent George Butler wrote to Mannypenny that the number of Cherokees requesting citizenship was thirty-five.[49]

In 1839 the Cherokee Nation passed a law that requiring white men who wished to marry Cherokee women to first purchase a five-dollar marriage license. This measure and others like it, were more than likely intended to minimize the number of white men marrying Cherokees for the purpose of gaining legal access to tribal lands. Furthermore, when marrying into the Nation these men were expected to renounce allegiance to the United States and become Cherokee citizens. In 1846, the law was amended, allowing intermarried whites to retain their tribal citizenship following the death of their Cherokee spouse, unless they re-married to a white person. Increasingly concerned over the influx of white men seeking intermarriages, in 1855 the Council passed yet another law that required white males to take an oath of allegiance to the Cherokee Nation, and to agree that tribal laws and treaties superseded any rights that white men might assume as U.S. citizens. The 1855 statute also stated that any white man abandoning or divorcing his Cherokee wife forfeited tribal citizenship and property rights, and would be expected to leave the Nation, or henceforth be considered an intruder. These laws were enacted for the benefit of the entire Nation; however, many of their directives were fashioned precisely in response to

[49] [Citizens of the Cherokee Nation Residing on the Neutral Lands] to George Mannypenny, November 24, 1854, Letters Received by the Office of Indian Affairs, 1824–1881, Cherokee Agency, 1836–1880, 1855, M234, roll 97, 48–49, National Archives, Washington, D.C.

the problematic legal status of the growing white population in the Neutral Lands, as Ross seemed to indicate in 1859.[50]

> It is believed that large tracts of valuable land are now monopolized by persons admitted to the rights of citizenship with a view to ulterior speculations; and who are ready to encourage an invasion of our Natural rights. . . . Particularly is this the case in the "Neutral Land," where, I am credibly informed, the business of making out improvements and introducing settlers, is extensively carried out by whites who claim the rights of Cherokee citizens by virtue of marriage with natives of the country. This spirit of monopoly is unjust to native citizens, keeps valuable tracts of land unoccupied in choice locations, and furnishes a string incitement to encourage a change in our form of Government.[51]

In 1846 in order to raise much-needed capital for the resettling Cherokees, the tribe considered selling the land to the United States, but instead appended it to the Delaware District. Still in need of revenue, the tribe again considered selling the lands in 1851 and again in 1854. In all three cases, Evan Jones had acted as counsel to Ross, encouraging the sale as a viable means of meeting the financial needs of the Nation. The Watie faction, on the other hand, opposed the sale of the land, seeing the region as a valuable ingress for new industries and for the preservation of slave labor. They also accused Jones of trying to attract Free Soilers to the region in an effort to undermine the influence of slave owners in the Nation, and so the U.S. rejected the last two proposals. And in order to raise the ire of the surrounding whites against the missionary, Elias C. Boudinot wrote a

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[50] Gary L. Cheatham, "If the Union Wins, We Won't Have Anything Left: The Rise and Fall of the Southern Cherokees of Kansas." *Kansas History: A Journal of the Central Plains*, 30 (Autumn 2007), 162, 166-167.
[51] "Annual Message, Executive Department, Tahlequah, Cherokee Nation, October 3, 1859." Moulton, ed. *Papers of Chief John Ross, Vol. 2*, 425.

series of editorials in the *Arkansian* maligning Jones, Ross and his followers, and supporting the annexation of the Neutral Lands by Kansas.[52]

With the passage of the Kansas-Nebraska Act in 1854, however, the new borders of Kansas Territory were set by Congress. Drawing a straight line across the 37th parallel to represent the southern Kansas border, the Neutral Lands were included in the territory of Kansas. The Cherokees took issue and Ross complained bitterly that the Kansas border should be moved north to the actual border of Cherokee lands, an argument that led to a great controversy over the ownership and possession of the Neutral Lands, and by 1859 they were calling upon federal authorities to respect tribal sovereignty and remove white squatters.[53]

Of course, the most controversial provision of the Kansas-Nebraska Act was the stipulation that settlers in Kansas Territory would decide for themselves whether to allow slavery within its borders. This kind of thinking appealed to the slave-owning Cherokees, who adapted many of the pro-slavery territorial arguments to address the legality of slavery in the Cherokee Nation. This provision of the Act also effectively repealed the Missouri Compromise of 1820, which had prohibited slavery in new states created north of latitude 36°30'. Within a few short days of the Act's passage, hordes of pro-slavery Missourians crossed into the territory, picketed claims, and joined other Missourians in an

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[52](See the *Arkansian,* March 5, 1859, p.2; July 2, 1859, p.2; July 23, 1959, p.2; Sept. 22, 1859; April 6, 1860, p.2; April 27, p.2); Parins, *Elias Cornelius Boudinot*, 31.

[53] Danny Goble, "Political Boundaries of Present Day Oklahoma," in Charles Robert Goins and Danny Goble, *Historical Atlas of Oklahoma* (Norman: University of Oklahoma Press, 2006), 44-45.

attempt to establish a pro-slavery preemptive action over the entire territory. In June 1854, these Missourians met at a Salt Creek Valley trading post just west of Fort Leavenworth, and organized the "Squatters' Claim Association," vowing to risk whatever it would take, including violence and death to make Kansas a slave state. In response, a number of "Free State" organizations formed, such as the Massachusetts Emigrant Aid Company, to organize and send parties of anti-slavery settlers into Kansas in the following two years. These "Free Soilers" founded the towns of Topeka, Manhattan, and Lawrence. When trying to extract sympathy and support for their pro-slavery cause, the southerners were fond of pointing fingers at the anti-slavery factions, claiming they were stirring up trouble by imposing their will on everyone around them. This was the underlying message in Arkansas congressman Alfred B. Greenwood's 1856 statement to his constituents, and fellow southerners explaining his favorable position on the Kansas-Nebraska Act. Greenwood saw the Act as a means of recovering ". . . .in part, only what [the South] was almost forced to surrender by the terms of the Missouri restriction passed in 1820 to save the Union. . . ."

> It will be remembered that when state asked for admission into the Union on equal terms with the other states, the o pposition we met with from the Free Soil and Abolition party, who are now so clamorous for the restoration of that line. The Kansas-Nebraska Bill did not propose to legislate slavery into those Territories, although the South had a right, in justice, to demand to be placed back in possession of those rights taken from us in 1820; nor did those bills propose to inhibit slavery therefrom, but simply provided to leave the people, who might settle in those Territories, to arrange their own domestic concerns in their own way, subject only to the Constitution of the United States. And for asking this simple act of justice, a howl was heard all over the land. . . . Upon the passage of these territorial bills, the country would have been quiet and the Territories

> settled up gradually . . . .had it not been for the Abolition element of the North . . . .in order to still keep up the agitation of slavery question, they formed emigration aid societies, for the avowed purpose of preventing the bona fide settler in the Territory of Kansas from a fair participation in the formation of a government of his choice.[54]

Ross and the conservatives were naturally alarmed by the goings on. They clearly saw the dangers inherent in Squatter Sovereignty, and they had no doubt that once they settled their squabble over Kansas, the whites would then turn their attentions to Indian Territory.

> As to the political dogmas of the day, the power under "Squatter Sovereignty" recognize the principle that *"might gives right"* and may be exercised under the Policy of expediency and necessity, by filibusterism- there can be no safety or security for the person, or property of the weaker party and having experienced great injustice from this Policy, I cannot but abhor and detest it.[55]

By the end of the decade, the Cherokee Nation was a political hotbed, filled with acrimonious dissention between the extremists of the Southern Rights supporters and the antislavery nationalists. The poor conservatives and small farmers were most often caught in the middle between the two fires of their own people. 1858 was the year that proved to be the breaking point, for the United States, as well as for the Cherokees. It was a time when hard lines were drawn between proslavery and abolitionism; between assimilation and nationalism; between traditionalism and Christianity; between Christian denominations, and between competing interests in each church as well. While Jones and other

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[54] "Letter of Hon. Alfred B. Greenwood, of Arkansas, to his constituents (1856)" Library of Congress Online Archives, Item no. 7756438. Accessed January, 2013. http://archive.org/details/letterofhonalfre00gree

[55] "To Sarah Stapler, Washington City, April 19, 1860." Moulton, *Papers of Chief John Ross, Vol. 2*, 440.

northern Baptists placed emphasis on abolition, expelling slave owners from among their congregations; just as in the South, the Southern Baptists and Southern Methodists ministered largely to the slave owning congregations, keeping silent about the immorality of slavery.[56] In exchange, the wealthy members of their flocks paid them handsomely for their services. One minister even went so far as to brag about being a slave owner himself. In 1858, the Rev. James Slover arrived from the Southern Baptist Convention to take up a position in the Mvskokie Nation. Bragging that he owned "one nigger" and would certainly own more if he was financially able to, he went about trying to lure native preachers away from the northern denominations with offers of huge salaries.[57] In some cases he was successful, and he was able to lure away Young Duck, David Brown, and a few others. Behind each of these southern ministers, the elite slave owners were pulling the strings. For example, after Evan Jones and Lewis Downing ordained a free black man as a minister, he went on to preach abolition around the Mvskokie nation. Then one Sunday he was handed a note warning him not to preach the message of abolitionism or pay the price. He then took the note to the pulpit and read it aloud to the assembly and asked them what he should do. The conservatives in the church told him to go ahead and they would protect him. John Jones reported proudly that one of the District leaders told him, "If they whip that little nigger, they will have to whip me first."[58] As

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[56] Christine Heyrman, *Southern Cross: The Beginnings of the Bible Belt* (New York: Alfred A. Knopf, 1997), 69, 151-152.
[57] Patrick Minges, *Slavery in the Cherokee Nation: The Keetoowah Society and the Defining of a People, 1855-1867* (New York: Routledge, 2003), (70)
[58] Ibid., 70.

these two branches of the Baptists competed for prominence, many Cherokee Baptists began asking which group was right. It was a time of disillusionment for some and epiphany for others. For conservatives who had taken the message of abolition to heart, it was time for action.

1858 was also the year of the Lincoln-Douglas Debates. The Lincoln Douglas Debates captured the attention of the entire country, including the Cherokees. Stephen Douglas, the most prominent, and perhaps the most powerful politician of the 1850s, had introduced the Kansas-Nebraska Act; was the leader of the Democratic Party, and a well-known supporter of southern rights. That year, he accepted the challenge to debate a relatively unknown politician at the time - Abraham Lincoln. During these deliberations, these two persuasive men carefully laid out the parameters of the most important questions of the day, including the future of slavery, the relationship of the federal and state governments, and the fate of the Union. Through these debates, Lincoln effectively stopped Douglas from taking control of the free-soil movement, a maneuver that forced Douglas to take a new stance that split the Democratic Party and pushed pro-slavery southerners into a more hardline ideological corner.[59] Although not one word was uttered between the two candidates about the Indian nations, those who understood the residual influence these matters would have on the tribes, as well as those who saw a parallel between the trajectory of the American Nation and the Cherokee nation were listening very closely to all that

[59] Harry V. Jaffa, *The Crisis of the House Divided: An Interpretation of the Issues of the Lincoln-Douglas Debate* (Chicago: University of Chicago Press, 1959), 19-20.

was said. Anderson and John Springston were just two of many Cherokees who carefully studied transcripts of the debates, and read news reports and criticisms of the two politician's platforms. After reading his addresses, both father and son became admirers of Lincoln, John writing in his ledger, "Abraham Lincoln [is] a man of men; a great and good man." John's son, William Penn Boudinot Springston recalled in later years that John became "politicized" after reading Lincoln's speeches, and both Anderson and John became life-long Republicans as a result. [60] Another young conservative inspired by Lincoln was, Arch (George) Scraper, who, as 'Captain' Scraper, would eventually command more than one thousand men of the 2nd Regiment, Indian Home Guards. Scraper was a close friend of another Home Guard Captain, whose name would become synonymous with Keetoowah resistance in the years after the Civil War, Smith Christie. These men both revered Lincoln and joined the Republican Party. Christie and Scraper both went to Washington as Cherokee delegates a number of times, and while there, Arch once had his picture taken with the president. It was a source of pride for the rest of his life.[61]

But the conservatives were not the only Cherokees focusing on the issues brought up in the 1858 debates. The Southern Party was also paying attention. Rollin Ridge followed them in California. During one of the debates, Lincoln argued that the nation could not continue to exist, "half slave and half free". In a

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[60] Springston Papers, Box 8, Folder 2, p. 147; "Interview with W. B. Springston." University of Oklahoma, Indian Pioneer Papers, v. 86, ID 12333 (Dec. 3, 1937)

[61] "Interview with William Scraper by Gus Hummingbird." *Indian Pioneer Papers*, University of Oklahoma, Western History Collection, Vol. 81, ID 6611 July 10, 1937

follow up editorial, fellow Republican, William H. Seward agreed, remarking that "the United States must and will, sooner or later, become entirely a slaveholding nation, or entirely a free-labor nation." Ridge was infuriated by these remarks, and fumed that a war was not inevitable if "one group of people would not impose its will on the other." He was referring to the politics he viewed in mainstream America as 'northern aggression,' but he was also talking about what he saw as the Ross government's attempts to hamstring the economic objectives of the slaveholding Cherokee Southern Party.[62]

Along with other conservatives, Anderson and John Springston gathered for regular political discussions at John Jones' Baptist Church. Jones approved of these gatherings, wholeheartedly supported them, and encouraged conservatives from other congregations to meet in their Baptist churches as well. During these meetings, the issue of slavery was discussed; its immorality, and its political implications, as well as all of the mitigating factors that surrounded it.[63] This eventually led to questions of Cherokee identity and purpose. These men embraced the concepts of the Baptists, but also saw themselves as *Ani-Kitu'hwagi,* keepers of the old ways. John Springston explained, "The [Keetoowah] Society was of old nation origin. In 1837 [or] 1838 it had materially lapsed. . . . [It was also reorganized to assure] an adherence to law and order, [and to] maintain the U.S. govt. and Republicanism." [64] Seeing no contradictions in combining the two belief systems, they had no problem reconciling their

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[62] James Parins, *John Rollin Ridge: His Life and Works* (Lincoln: University of Nebraska Press, 2004), 164.
[63] Minges, *Slavery in the Cherokee Nation*, 77.
[64] Springston Papers, Box 7, Folder 6, p57.

involvement with the two. They had carried their seven cherished *de' ka nuh nus,* the wampum belts which tied them to the great 'White Path', with them along the trail from their old homelands for the expressed purpose of remembering who they were. Now was the time to remember. As they looked at all that was happening around them, they came to realize that they must reach into the past in order to protect and preserve the future. They vowed to take a stand against those who, they believed, wanted to destroy the ancient cultural values – the very essence of their identity, and reinvent the Cherokee Nation in the likeness of the outside world. [65]

Both slave owners and abolitionists belonged to the Cherokee Masonic Lodge, but as the national question of slavery began to create further divisions in local communities in these years, the Southern Party members began spending more and more time away from the Cherokee Nation. In Arkansas, they became affiliated with the secretive pro-slavery Knights of the Golden Circle. John Ross had received information that the Southern Party had formed a new and possibly devious organization and, ironically as a slave owner himself, he wrote to Evan Jones to warn him about the group's activities and purposes. KGC membership candidates swore an oath of allegiance before being admitted into the organization, which Ross enclosed in his letter.

[65] Ibid.

> Do you solemnly swear you will, for the support of slavery, support any person that you may be instructed to by the Mother Lodge for an office in the Cherokee Nation or anywhere else, and to assist any member that may get into difficulty on account of being a Brother of the Secret Society and to keep secret the names of all the brothers of the society and other secrets of the Society?[66]

In his letter to Jones, Ross stated that "a secret society [has been] organized in Delaware and Saline districts. . . .an auxiliary to a 'Mother Lodge' in some of the states or Territories of the United States. . . .you will see that the subjects on which they treat are well-calculated, if agitated under the influence of political demagogues and through the prejudices of sectarianism on religious-doctrinal points to create excitement and strife among the Cherokee people."[67] It seems apparent that Ross was much more interested in the divisions and disharmony the KGC would create in the Nation than in the marginalization of blacks that it advocated. Certainly he must have sent the letter to Jones knowing that Jones would circulate the information, for he knew that their differences of abolitionism aside, they both agreed on the necessity of unifying the Cherokees and the major threat this kind of antagonism would create. As soon as Jones received the letter, he disclosed it in its entirety to his conservative congregations.[68]

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[66] K. Halliburton, Jr. *Red Over Black* (CT: Greenwood Press, 1977), 119-120, 125, 144, 196.
[67] McLoughlin, *After the Trail of Tears*, 154; Historians routinely refer to these lodges as 'Blue Lodges' but that is a mistake that, once made, was simply restated over and over again. All Freemason lodges are referred to as 'blue lodges' and in this instance, Ross spoke of "mother lodges' and never used the term blue lodges at all. See: Minges, *Slavery in the Cherokee Nation*, 72.
[68] Ibid., 155.

On hearing of this, the conservatives knew it was time to act. Upon their arrival in Indian Territory, the Cherokees had first established their capital at the place they called Tahlonteeskee (Tahlontuskey), near present day Gore Oklahoma. It remained the capital until 1839, when it was superseded by Tahlequah. This area, known as the Sequoyah District, was a meeting place for the Old Settlers, the center of the Confederate sympathizers, and also the point of resistance for conservative Cherokees. In September, 1858, these conservatives came together to reorganize the Keetoowah Society. Anderson and John Springston were among them, and John wrote in his day book; "In September 1858, White Catcher, James Vann, James McDaniel, and Thomas Pegg revived the order at a meeting at McCoy's, Saline. The writer was there (talking about himself)."[69]

The Keetoowahs determined to build their movement upon a foundation of traditional religious ideology. By returning to the spiritual past, they hoped to be able to ground their political actions with a predictive vision of hope for a future in which order, justice, and harmony would be restored-a kind of 'prophetic activism.' For the conservatives, one of the saddest results of removal to the West was the great loss of culture, ceremonies, and rituals that took a back seat to survival in those first difficult decades. Many Cherokees had retained and continued to practice some of their historic ceremonies and religious rites, yet others were completely lost. The small Natchez settlement near present day Gore, Oklahoma, was instrumental in the renewal efforts of the Keetoowah's.

[69] Springston Papers, Box 7, Folder 6. p.57.

The Natchez tribe, once a powerful nation situated in the Southeastern corner of the current state of Mississippi, was nearly decimated by the French in the early 1700s; only three bands of the Natchez survived by fleeing to the protection of

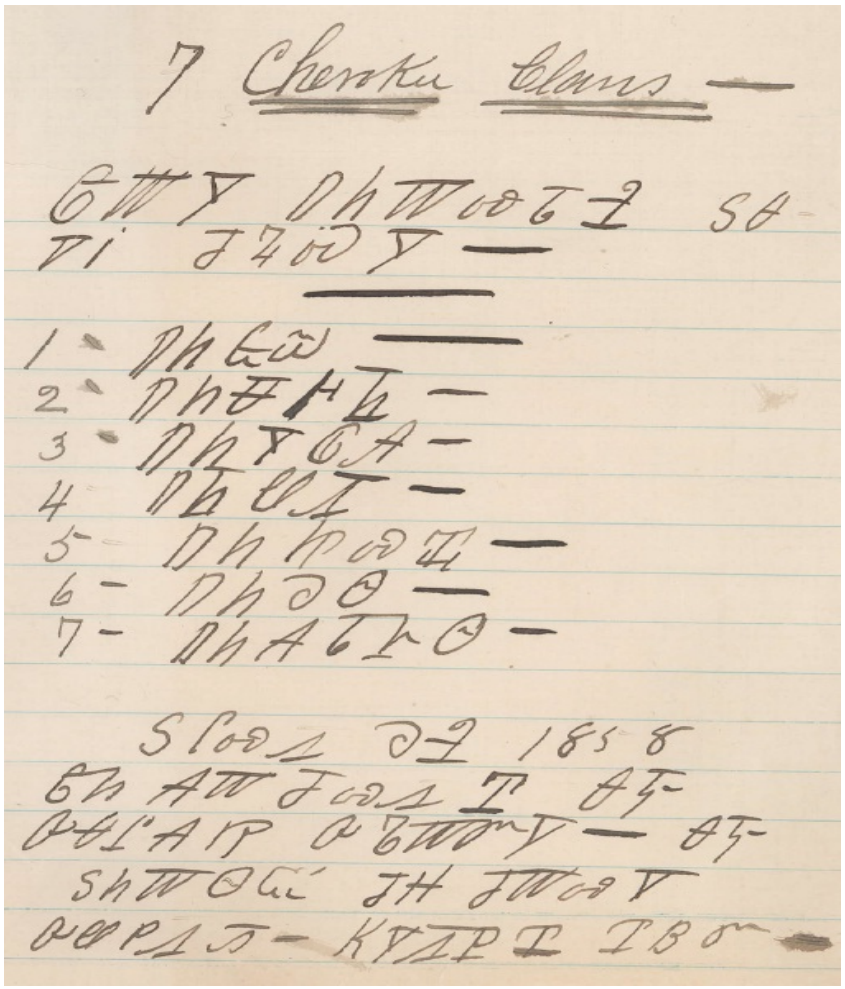

Figure 5-4: John Leak Springston's note, describing the first meeting of the reorganized Keetoowah Society. He begins by listing the clans represented at the meeting then states their purpose for gathering.

Source: University of Oklahoma, Western History Collection, Division of Manuscripts, Papers 1682-196

neighboring tribes. One fled to the edge of the Cherokee Nation in Tennessee, one to the Creek Nation, near the town of Tuckabatchee. The last settled among the Choctaw. In the South, religion had dominated the lives of the Natchez, with mound building as one expression of their complex religious order. [70] Even though their religious structure was much more rigid than those of the Five Tribes, when they settled near their more 'civilized' neighbors, their religious fervor impressed the Cherokee, Creek and Choctaw. [71] When these tribes removed west, the Natchez accompanied them, carrying the embers of their sacred fire with them. The primal fire was rekindled at their newly consecrated *ga ti yo*, their stomp grounds in Notchietown, their new settlement in the Sequoyah District where a small combined gathering of these conservative allies met regularly and formed the spiritual nucleus of the intertribal revitalization movement. Creek Sam and his father, both trained in the Natchez ceremonial arts, helped organize the Cherokee conservatives in the Sequoyah District. When the time came, Evan Jones assisted the group in formulating a written constitution. [72]

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[70] H.B. Cushman, *History of the Choctaw, Chickasaw, and Natchez Indians* (Norman: University of Oklahoma Press, 439-440.
[71] Ibid., 460-461.
[72] Janet Campbell and Archie Sam, "The Primal Fire Lingers," *Chronicles of Oklahoma,* vol. 53,No.4 (Winter 1975), 463; Blue Clark, *Indian Tribes of Oklahoma: A Guide* (Norman: University of Oklahoma Press, 2009), 226-227.

CONCLUSION

Until We All Fall to the Ground

In 1860, John Ross was seventy years old and was engaged in the most strenuous crusade he had faced since the removal crisis thirty years before. Still, despite his advanced years, he was able to deftly sidestep every snare the Confederates tried to lay for him. He chose his plan of action carefully, confident that the federal government would not abnegate its treaty responsibilities to the Cherokee Nation. He too had paid close attention to the debates between the Abraham Lincoln and Stephen Douglas, and although like so many of the Keetoowah's he served, he did not take up the Republican mantle, yet he had faith in the new president, viewing him as an astute politician, and an honorable man with a strong, ethical sense of duty.

Abraham Lincoln, on the other hand, had a serious romance with the West. Enthusiastic about the region's future, in 1849 he had voted for the Wilmot Proviso in order to bar slavery from the western territories; in 1854, he had assumed leadership of the Anti-Nebraskan's in opposition to popular sovereignty; in 1858 during his famous debates with Stephen Douglas, he reiterated the importance of keeping slavery out of the territories; and in 1862 he signed several pieces of pivotal legislation that would have a deep impact on the West, most critically, the Homestead Act, and the Railroad Act.[1] For all his personification of backwoods, homespun charm, he was really a progressive, a

[1] Richard Etulain, "Abraham Lincoln: Political Founding Father of the American West," *Montana: The Magazine of Western History,* Vol. 59, No. 2 (Summer 2009), 92-93.

modernist, and a huge supporter of railroads and even worked as a railroad lawyer for a time. Furthermore, despite his intense interest in the West, Lincoln knew very little about the Indians that resided there. Even though he had had many meetings with fully acculturated Indian leaders such as John Ross, when native delegates met with him in the Whitehouse, Lincoln often broke into one or two of the only phrases he knew in an Indian language, as though all Indians spoke the same language. The President also launched into 'pidgin' English when addressing a delegation of Potawatomi's visiting from Ohio, despite the fact that they dressed like Americans and spoke perfect English, asking them "Where live now? When go back Iowa?"[2] More importantly, Lincoln was in the habit of showing his appreciation to his political allies through the "spoils system;" rewards of government positions for political friends without consideration of their qualifications, particularly jobs in the lucrative, so-called "Indian System." Once in the Whitehouse, the president filled all the open placements available in the Indian System with his most deserving political allies, regardless of their competence to hold those offices. One such problematic appointment was that of Governor John Evans. The president first offered Evans the governorship of the Washington Territory, but he rejected the position. Evans had a background in railroads, one of Lincoln's great enthusiasms, and in hopes that Evans could help bring to fruition the dream of a transcontinental railway through the state, the president offered him the governorship of Colorado Territory, which he accepted. Under Evans, federal legislation was eventually passed that created the Union

[2] Herman J. Viola, *Diplomats in Buckskin: A History of Indian Delegations in Washington City* (Maryland: Smithsonian Institution Press, 1981), 99.

Pacific Railroad Company, but his Indian policies were a disaster. Major Edward Wynkoop had been in charge of peacekeeping with the tribes of the region, and had successfully negotiated peace with the Cheyenne on the banks of the Smoky Hill River. Governor Evans, cared very little for Indians, and relieved Wynkoop of his peace keeping duties after dishearteningly agreeing to federal protection for a band of Cheyenne camped under a flag of truce. Major Scott Anthony took command of Fort Lyon, and under him, Colonel John Chivington and his troops joined him. While the governor visited Washington, Chivington attacked Black Kettle's Cheyenne camp at Sand Creek in the early morning hours on November 29, 1864, as the band slept, resulting in one of the most heinous and shameful massacres in U.S.-Indian history. Lincoln's choice of Indian agents was just as haphazard.

On April 21, 1861, John Ross was shocked when a man named John Crawford arrived in the Cherokee Nation to replace former agent, Robert Cowart. Lincoln's new appointee was a zealous southern sympathizer and secessionist, a fact that the Washington Republicans seemed to somehow miss. Ross continuously asked Cowart to speak to Mr. Lincoln on behalf of the Cherokees who were being hemmed in and pressed by the Confederates surrounding them. When, he wanted to know, would the president come to their assistance? [3] But Crawford did turned his back and did nothing to assist Ross. He stayed in the

[3] William G. McLoughlin, *Champions of the Cherokees: Evan and John B. Jones* (Princeton: Princeton University Press, 1990), 392-393.

Nation about eight weeks, all the while conspiring with Watie's Southern Party members and Arkansas secessionists. [4]

Throughout the United States, the Indian Service was known for its exploitive practices. But its reputation had been blackened long before Lincoln came to office. As Henry Whipple, the first Episcopal Bishop of Minnesota put it, "It's the most corrupt [department] in our government. . . .characterized by inefficiency and fraud."[5] Whipple, a humanitarian and Indian rights advocate, believed the System destroyed tribal governments and was built on the falsehood that the U.S. would negotiate fairly with tribes as independent nations. Instead, Whipple asserted, tribal leaders soon became "pliant tools of traders and agents powerful for mischief, but powerless for good."[6] It was well-known throughout the country that the main objectives of the majority of men who held positions in the Indian System were wealth and power. It was a system of institutionalized corruption permitting abuses openly with no fear of reprisal. Lincoln was quite aware of this corruption, and had witnessed some of it first hand on his travels to Kansas before his election. But when he came to office in 1860 with civil war on his doorstep, Indian affairs were the very last thing on his mind.

By 1861, the tribes of Indian Territory, most of which had been moved there from faraway homelands just two decades earlier, were stranded in the middle of a perilous situation. They were intimidated by pro-southern

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[4] Gary E. Moulton, *John Ross: Cherokee Chief* (Norman: University of Oklahoma Press, 1978), 167.
[5] David A. Nichols, *Lincoln and the Indians: Civil War Policy and Politics* (Columbia: University of Missouri Press, 1978), 6.
[6] Ibid., 7-8

secessionists from Arkansas on their eastern border, and on their southern border by Texas. To their north, they were hounded in the violently contested Kansas region by intemperate land grabbers, and to the northeast, fanatical Missourians. Most of the Indian nations resigned to remain neutral during the War Between the States, a position which made them look like a threat to the Confederate factions surrounding them. For that reason, persuading the predominant Five Tribes in the Territory to become allies became a primary objective of Arkansan leaders. Then, on April 12, 1861, the Civil War began with the Confederate attack on Fort Sumter, South Carolina. On May 6, a convention was held at the Old State House in Little Rock, and a secession ordinance was passed by a vote of sixty-five to five, and on May 20 Arkansas was admitted to the Confederacy. Due to its strategic location on the western frontier, Arkansas played a significant role in the war, acting as the Confederate base of operations in the West. Because both the Union and the Confederacy counted on the support and allegiance of the Indian nations, the new Confederate government immediately sent Albert Pike to Indian Territory. A crafty lawyer and politician, his mission was to negotiate treaties with as many of the tribes as possible.

John Ross, however, most likely with the approval of his conservative advisors, took a neutral position, refusing, at first to involve the nation in the discord between the states. Then, on May 17, 1861, he delivered a proclamation imploring the Cherokee people not to get involved in the dispute, and affirming his determination not to choose sides.

> I earnestly impress upon all my fellow citizens the propriety of attending to their ordinary avocations; and abstaining from

> unprofitable discussions of events transpiring in the states, and from partisan demonstrations in regard to the same. They should not be alarmed by false reports thrown into circulation by designing men – but, cultivate harmony among themselves and observe in good faith strict neutrality between the States threatening civil war. By these means alone can the Cherokee People hope to maintain their rights unimpaired.[7]

The "designing men" he referred to were the men of the Watie faction and their Southern Party followers. One month before this proclamation was issued, Elias C. Boudinot wrote to Stand Watie indicating that he was ready to take up arms for the South, and mistakenly informing him that Ross had already pledged his allegiance to the Confederacy, or soon would.

> I am firmly of your opinion that, "now is the time to strike" and that quickly. . . . The State authorities at Little Rock have taken possession of the Arsenal there. . . .John Ross has published a letter in the Van Buren [newspaper] in which he says the Cherokees will go with Arkansas and Missouri.[8]

A.M. Wilson, however, a prominent white lawyer from Arkansas wrote to his friend Watie warning him against Ross, the Keetoowah's, and help they might be getting from their new Indian Agent.

> Every day strengthens the probability that the soil of the Cherokee People will be wrested from them unless they bow down to Abolitionism. . . .it is very important that the Cherokee be up and doing to defend their soil, their homes, their firesides, aye their very existence. . . .It is reported that Jim Lane, the notorious Abolitionist, robber, murderer and rascal now disgracing a seat in the old U.S. Senate from Kansas has been recently appointed Cherokee Agent.
> If this is true, you will know what it portends. . . . [9]

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[7] "Proclamation, Park Hill, Cherokee Nation, May 17, 1861." Gary E. Moulton, ed., *The Papers of Chief John Ross, Vol. 2, 1840-1866* (Norman: University of Oklahoma Press, 1985), 469.

[8] "Elias Cornelius Boudinot to Stand Watie, Fayetteville, Feb. 12, 1861,"Edward Everett Dale and Gaston Litton, eds., *Cherokee Cavaliers* Norman: University of Oklahoma Press, 1939), 103.

Even in the midst of ongoing agitation by the Cherokee southern sympathizers, Ross remained firm in his reluctance to get involved. When Albert Pike wrote to the Chief requesting negotiations with the Cherokee Nation on behalf of the Confederacy, he received a carefully worded, yet rather brisk rejection letter from John Ross.

> The enclosed copy of the answer. . . .will show the position which I have felt constrained to assume. . . .in strict conformity to the requirements of existing Treaties. . . . I do not consider that t we are at liberty to "enter into any negotiation with any foreign power, State, or individuals of a State," for any purpose, whatever, and therefore most respectfully decline to enter into any Treaty with the authorities of the Confederate States of America.[10]

Ross' proclamation and rejection of Pike's appeal infuriated the Southern Party members and they laid the blame squarely on the Keetoowahs, yet another indication that Ross was not the all-powerful leader he has often been made out to have been, but a servant of the conservatives who had their own mind, and kept him in office. The southern faction then conspired to usurp the Chief's authority, and negotiate with the Confederates themselves. Ironically, like the Treaty Party before them, they placed their own desires and well-being ahead of the collective nation, a violation of the historic Cherokee philosophical principle of *ga du gi*, working together for the good of the community. In August, William Adair and James Bell wrote to Watie, urging him to meet with Pike.

> Pike is disposed to favor us and to disregard the course our executive (Ross) has taken. The Pins already have more power in

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[9] "A. M. Wilson and J.W. Washbourne to Stand Watie, Fayetteville, Ark., May. 18, 1861," Dale and Litton, *Cherokee Cavaliers*, 106-107.
[10] "To Albert Pike, In Exe., Council Executive Department C.N., Park Hill, July 1, 1861." Moulton, *Papers of Chief John Ross*, 47.

> their hands than we can bear & if in addition to this they require more power by being the Treaty making power, you know our destiny will be inalterably sealed. . . .Under these circumstances our Party (Southern Rights Party) want you and Dr. J.L. Thompson to go in person and have an interview with Mr. Pike to the end that we may have justice done us, have this pin party broken up, and our rights provided for and place us if possible at least on an honorable equity with this old Dominant party that has for years had its foot upon our necks.

When it became apparent to Ross that if he did not negotiate with Pike he intended to negotiate with the southern faction and have Watie sign a treaty as Cherokee Chief, Ross grew sullen and thoughtful. Most of the Unionist federal Indian agents had already either fled the Territory or joined the Confederacy at that point, and the Choctaws and Chickasaws were enthusiastic about the incentives Pike had offered them and planned to join as well. The letters and correspondence of Evan Jones throughout this period document the rapid attrition of Union support, even among ministers with abolitionist leanings, in the face of the building opposition around them. [11] Then in early 1861 Col. Douglas H. Cooper recruited Choctaw and Chickasaw men for mounted rifle units, forces that later fought in Arkansas and Missouri. It was not long before it was nearly impossible, even for Lincoln's men who saw the importance of maintaining an alliance with the tribes, to get messages or support in and out of the Cherokee Nation, so on July 31, Ross called an emergency meeting of the Executive Committee. In the meantime, the Southern Rights Party planned to raise the Confederate flag in Webbers Falls, a blatant violation of the Cherokee Nation's official position of neutrality. The Pins decided to stop them. Although no

[11] Moulton, *John Ross*, 171.

violence occurred that day, the flag was not raised but the potential for future bloodshed between the two factions was heightened. John Drew, a Ross-supporting slave holder wrote to the Chief warning that the nation was in danger of civil strife due to the stance of the Southern Party and the Pins toward one another; to which Ross replied:

> There is no reason why we should split up and become involved in internal strife and violence on account of the political condition of the States. We should really have nothing to do with them, but remain quiet and observe those relations of peace and friendship toward all the People of the States imposed by our Treaties.[12]

Nevertheless, in an address to the Cherokees on August 21, after a long, rambling discourse on the benefits of loyalty and neutrality, and again, the dangers of getting involved in the affairs of the States, Ross shocked the conservatives and the southern sympathizers alike with his brief conclusion:

> In view of all of the circumstances of our situation I say to you frankly, that, in my opinion, the time has now arrived when you should signify your consent for the authorization of the Nation to adopt preliminary steps for an alliance with the Confederate States upon terms honorable and advantageous to the Cherokee Nation. [13]

There can really be only one way to analyze Ross' sudden support for a southern alliance. Without the long-promised assistance from the federal government, had he not embarked upon some strategy to maintain conservative dominance over the Nation, the power may well have either passed into the hands of the Southern faction, or the Cherokee Nation would have been summarily

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[12] "To John Drew, Executive Dept., C.N., Park Hill, July 2, 1861." Moulton, *Papers of Chief John Ross, Vol. 2*, 478.

[13] "Address to the Cherokees, Executive Department, Tahlequah, C.N.,, August 21, 1861." Moulton, *Papers of Chief John Ross*, V.2, 481.

dismantled through war and white encroachment. This clever strategy had all the earmarks of a conservative political plot as well, as the Keetoowah men who filled the Chief's council and positions of high authority became the most powerful men in the Cherokee Nation as a result. Although it was Ross' move to make, the hand of Albert Pike, a most peculiar, yet brilliant man, is also visible in this maneuver, for getting John Ross, the powerful Chief who once went to battle with the United States and did a good job of holding back its forces for several years, to treat and ally with the Confederacy was a major victory that spoke volumes about Pike's political acumen. His strategy of ignoring Ross and turning to Watie for negotiations was a veiled threat that worked like a charm. He bargained wisely, as it turns out, on the hunch that Ross would not allow Watie to get the upper hand. The Southern Party never figured on Ross joining the Confederacy, but even if Pike and other Confederates believed he and the conservatives acted out of sincerity, Watie and the southern faction immediately understood the move as a cunning ploy to disempower them. His unexpected announcement effectively thwarted any plans the Party had for taking over the Nation. It also launched the southern Cherokees and the Pins into a bloody civil war within the Civil War.

> You have doubtless heard all about Ross' Convention, which in reality tied up our hands & shut our mouths & put the destiny & everything connected with the Nation & our lives &c in the hands of the Executive," William Adair wrote to Stand Watie. "….Under these circumstances we want you. . . .to go in person and have an interview with Mr. Pike to the end that we may have justice done us [and] have this pin party broken up. . . . [14]

[14] "William P. Adair and James M. Bell to Stand Watie, Grand River, August 29, 1861." Dale and Litton, *Cherokee Cavaliers*, 108.

The Cherokee Nation joined the Confederacy in October 1861 by signing a treaty negotiated by Albert Pike.[15] One of the key points in the treaty was the stipulation that any troops raised in the Cherokee Nation could only be used for the protection of the Cherokee homeland. [16] This clever provision was a further means of empowering the Keetoowah spirit of support and protection for the collective good, and stands in stark contrast to the glory-seeking objectives of a number of the southern Cherokees. For example, when Albert Pike recruited Stand Watie, bestowing upon him a colonel's commission in the Confederate army on July 1861, Watie raised a band of three hundred for service, placing Boudinot, Adair, Bell, and other members of the Southern Rights Party among the top leaders of his forces. Several of the men were dissatisfied with the assignments given, and grumbled to Watie. True to his nature, Boudinot and others groused when Watie did not immediately bestow a prestigious rank upon him, writing, "I deserve something from your hands [and] I ask from you either the Lt. Col. or the Major's place. I do not wish the post of Adjutant or any other than one of the two I have named."[17]

When the Council met to negotiate the terms of the treaty, hundreds descended on Tahlequah to for the proceedings. The seats of both houses of the Council were occupied by staunch Keetoowahs, and the conservative majority held sway. Gathered there, were hundreds of armed Pins and about one hundred of Watie's men, including Bell, Boudinot, and Adair, who came to start trouble.

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[15] William McLoughlin, *After the Trail Of Tears*, 201
[16] Ibid., 188.
[17] "Elias Boudinot to Stand Watie, Honey Creek, Oct. 5, 1862," Dale and Litton, *Cherokee Cavaliers*, 110-111.

Both groups kept a close watch on the other, creating an atmosphere thick with tension. Pike refused to meet with Watie and his men until after the treaty had already been signed, infuriating them. They accused him of leading them on and lying to them about the position they would hold in the Cherokee Nation if they treated with him. Pike offered no explanation, other than to say that the Confederate States would deal with Ross as the Cherokee authority. Watie complained that any troops the Ross faction raised would be used as a means of subjugation against them, but his complaints fell on deaf ears. [18] The Southern Party's scheme to usurp Ross' leadership of the Cherokee Nation thus ended. The Cherokee Executive Committee then wrote to Confederate Brigadier General Ben McCulloch announcing their unanimous decision to join the Confederacy and to form a regiment of mounted men for service. John Drew was selected as their leader and given the rank of Colonel.[19] The letter ended with the sentiments, "Having abandoned our neutrality and espoused the cause of the Confederate States, we are ready and willing to do all in our power to advance and sustain it." It was signed by Ross and Drew, as well as James Vann, James Brown, William Potter Ross, some of the most powerful Keetoowah's in the Nation.[20] Among the enlisted men of Drew's Regiment of Mounted Rifles, were many members of the 'Loyal League' or the Pins who had sworn allegiance to both the Cherokee Nation and around 1861, to the United States, and who stood by their oath to abolish

[18] McLoughlin, *After the Trail of Tears,* 188-189.
[19] Frank Cunningham, *General Stand Watie's Confederate Indians* (Norman: University of Oklahoma Press, 1998), 38.
[20] "To Benjamin McCulloch, Park Hill, C.N., August. 24, 1861,"Dale and Litton, *Cherokee Cavaliers*, 110-111.

slavery. [21] This fact in itself is a strong indication that the formation of the Drew's regiment was largely a ruse to deflect Confederate attention away from the Cherokee nation until an arrangement could be made to gain Union assistance. Regarding this, James Bell wrote to Watie, "Ross has ordered the raising of twelve hundred men, John Drew Col. Tom Pegg Lieut. Col. Wm. P. Ross Major. . . . It will require a rapid and prompt movement on our part or else we are done up. All our work will have been in vain, our prospects destroyed, our rights disregarded, and we will be slaves to Ross's tyranny."[22] From the beginning, Drew's regiment was incredibly ineffective in the skirmishes it was involved with, suffering from a high desertion rate, and lackluster battle performance. The Battle of Pea Ridge was the one exception during which the Regiment showed any enthusiasm at all in the fight against the Yankees. The more the Union Army advanced into Indian Territory, the more the Pins turned on the Cherokee Confederate supporters.[23] By July 1862, there were but a few ragtag members of Drew's force left. John Ross had basically surrendered to Union Troops and accompanied them to Kansas, then traveled on to Philadelphia where he remained until war's end. As soon as he was detained, the Southern Party tried to claim that he had abandoned the Nation, and that they had elected Stand Watie as Chief, a position they claimed he held until the end of the war. The National Council, of

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[21] James Mooney, *Myths of the Cherokees and Sacred Formulas of the Cherokees* (Nashville: Charles and Randy Elder Booksellers Publishers, 1982), 225-226.
[22] "William P. Adair and James M. Bell to Stand Watie, Grand River, August 29, 1861." "Dale and Litton, *Cherokee Cavaliers*, 109-110.
[23] W. Craig Gaines, *The Confederate Cherokees: John Drew's Regiment of Mounted Rifles* (Baton Rouge: Louisiana State University, 1989), 81-91, 93-94, 110.

course, disputed this and Thomas Pegg took over as interim Chief until Ross returned at war's end. Nevertheless, this maneuver caused some newspapers to report that the Cherokee Nation had two Principle Chiefs. [24] Once again, the Keetoowahs knew it was time to act.

In February, Colonel Phillips led the troops of the Third Indian Home Guard very quietly into the Cherokee Nation and made camp at Cowskin Prairie. On the seventeenth of the month, Lieutenant Colonel Lewis Downing, summoned a meeting of the National Council. With Phillips and the Third standing watch, the Council elected new officers. John Ross as Principle Chief, Major Thomas Peggs as interim Chief, Lewis Downing as president of the Upper House, and Toostoo as speaker of the Lower House. Rev. John Jones was elected Clerk of the Senate. Four of the Five new officers were devoted Keetoowahs. The first act of the new Council was to abrogate the treaty the tribe had entered into with the Confederacy, claiming it was entered into under duress. Their second undertaking was to pass An Act of Emancipation. President Lincoln had issued his Emancipation Proclamation on January 1, 1863, and now the Cherokees followed suit.

> Be it enacted by the National Council: That all Negroes and other slaves within the lands of the Cherokee Nation. . . .are hereby emancipated from slavery, and any persons who may have been in slavery are hereby declared to be forever free.[25]

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[24] "Elias Cornelius Boudinot to Stand Watie. Little Rock, January 23, 1863." Dale and Litton, *Cherokee Cavaliers*, 121, FN 4.
[25] "Primary Documents: Cherokee Emancipation Proclamation (1863)," University of Washington Department of History. http://faculty.washington.edu/qtaylor/documents_us/cherokee_emancipation_proclamation.htm , (Accessed March, 2013.)

Although the majority of the slaves that could benefit from the Act of Emancipation belonged to the members of the Southern Party who would severely punish any trying to take advantage of the terms of the Act, it brought to fruition years of planning and struggle on the part of the conservatives, and it was the fulfillment of the promise made by the Keetoowahs upon their founding-the abolition of slavery. Moreover, the passage of the Act had an immediate effect on the black soldiers of region who could now fight side by side with the Cherokees as free men as citizens of the Nation.

No one was more devastated by the Civil War in Indian Territory than the civilian populations, and the Cherokee Nation was not alone in this regard. In the summer of 1861the Creek Nation had signed a treaty allying itself with the Confederacy. Opothleyahola, long-time opponent of pro-Confederate leaders, led dissident Creeks, with their movable wealth, slaves, and livestock, away to the western frontier. [26] Although Opothleyahola had been a wealthy slave owner himself, his followers included opponents of the Creek pro-Confederate faction, neutral Indians hoping to avoid war, and many runaway slaves. When the dissident number reached nearly seven thousand, Confederate leaders in and around the Territory became alarmed, feared that Opothleyahola and his loyalists would join forces with Unionist troops to invade the Indian Territory. Opothleyahola led his followers toward Kansas seeking the safe haven with the Union. To stop them, Confederate troops launched a series of preemptive strikes

[26] Grant Foreman, *The Five Civilized Tribes: Cherokee, Chickasaw, Choctaw, Creek, Seminole* (Norman: University of Oklahoma Press, 1934), 187.

in 1861. Those who survived the battles finally arrived in Kansas, sans food, clothing, or supplies of any kind.

A cruel winter led to exposure, starvation, and bitter suffering for the assemblage of men, women, children, and old people. Almost all men who were able enlisted in regiments of the Indian Home Guard in order to protect what was left of their nations. Yet more than a year after the war began, the Union agent reported 5,487 refugees were still camped at LeRoy, Kansas under the worst of conditions.[27] Wealthy pro-Confederate Indians migrated south, along with their families, livestock, and slaves to the Red River Valley in Texas. There, Sarah Watie and other wives and family members of the Cherokee Confederates worked small farms to support their children and slaves. [28] In the summer of 1862, the Indian Expedition had moved from Kansas into the Cherokee Nation forcing the Confederate Cherokees there to flee. Confederate Cherokees began a mass exodus to the Red River Valley as the Unionists burned their homes to the ground and harassed Confederate civilians in and around Webbers Falls. Some crossed the Arkansas River to the Creek Nation to escape the violence. By April 1863, however, a strong Union advance resulted in the recapture of Fort Gibson. Finally, at the Battle of Honey Springs on July 18, 1863, Confederate Cherokee and Creek civilians were left stranded when the Confederate Army retreated, leaving them vulnerable.

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[27] Patrick Minges, *Slavery in the Cherokee Nation: The Keetoowah Society and the Defining of a People, 1855-1867* (New York: Routledge, 2003), 108-112.
[28] Everett, *The Texas Cherokees*, 119-120.



Indian Home Guard Cavalryman



Swearing in Refugees in Kansas

Figure C-1: The Indian Home Guards
Source: John Spencer, *The American Civil War in the Indian Territory* (Manchester, UK: Osprey Publishing, 2006), 22.

Regiments of Pins and Keetoowahs, former slaves, and Indian Union soldiers filled the ranks of the Indian Home Guards, and true to their commitments, the Keetoowahs never neglected their spiritual responsibilities, even at their encampments. Many members of the Home Guards had been refugees of the Cherokee, Creek, and Seminole nations. The First Regiment was organized at LeRoy, Kansas, in May 1862, under Col. Robert W. Furnas, and included a number of blacks. The Second Regiment was formed in southern Kansas and northern Cherokee Nation under the leadership of Col. John Ritchie in July 1862.

The Third Regiment, under Col. William A. Phillips, was formed at Tahlequah and Park Hill at the same time. This unit was formed almost entirely of Pins. A quick rundown of the regiment's membership rolls reveals the names of many of the most dedicated Keetoowahs in the Nation. Among them, Capt.

Thomas Pegg, Capt. White Catcher, Capt. James Vann, Pvt. John McCoy, Capt. George Scraper, Capt. Smith Christie, Capt. Budd Gritts, Pvt. Lincoln England, Pvt. Isaac Springston, and Pvt. John Springston, were all men who had taken part in the revitalization of the Keetoowah Society in 1858 and 1859. The majority of the men of this group served together in Third Regiment Company I. In addition, Pvt. Wheat Baldridge, Pvt. Simon Brown, Pvt. Jacob Perryman, Pvt. William Hawkins, were among dozens of black soldiers who served in the Indian Home Guards.[29] The Home Guard regiments defended the Cherokee Nation after the Union Indian Expedition retreated in the fall of 1862. They served primarily in Indian Territory but also ventured into Kansas, Missouri, and Arkansas. These regiments participated in the battles of Prairie Grove, Arkansas, and Honey Springs as well as dozens of skirmishes and raids. They served until May 31, 1865. [30]

Toward the end of the war, Watie's Confederate forces had dwindled drastically and Watie began looking for white southerners to fill the ranks. With the backing of the Confederate Congress, Boudinot suggested offering the whites full citizenship and 160 acres of land in the Territory that could be occupied as soon as the war ended, in exchange for military service. Boudinot wanted to open the Territory to white settlement, a goal he pursued throughout his lifetime. He had no interest in preserving the Nation, and he felt that dividing the land with the

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[29] Marybelle W. Chase, trans., *Indian Home Guard Civil War Service Records* (Colcord, OK: Talbot Library and Museum, 2011)
[30] "Indian Home Guards," *Encyclopedia of Oklahoma History and Culture*, Oklahoma City: Oklahoma Historical Society, 2007, http://digital.library.okstate.edu/encyclopedia, (Accessed January, 2012).

neighboring whites was a step in the right direction. The proposition, however, enraged many members of the southern council, two-thirds of which expressed a loss of faith in him and wrote to Jefferson Davis telling him so. They then wrote to Boudinot:

> To do this would be the end of our national existence and the ruin of our people. Two things above all others we hold most dear, our nationality and the welfare of our people. . . .It would open the door to admit as citizens of our Nation, the worst class of citizens of the Confederate States.[31]

Federal forces held Fort Gibson from April 1863 through 1865, and Union Indian refugees returned from Kansas, were often harassed by sporadic Confederate raids. Federal troops finally rounded up slaves in the aftermath of Honey Springs and delivered them to the fort, adding further to the refugee's need for supplies. Caring for refugees was not a federal priority, and malnutrition, smallpox, dysentery, pneumonia, diarrhea, and other gastric disorders were rampant among them. The surviving refugees began heading home in the fall of 1865 after enduring four years of displacement, disease, and deprivation they arrived home in late 1865 and early 1866, but their numbers were drastically reduced. Once home, they had to begin the arduous task of rebuilding homes, farms, towns and institutions destroyed during the course of the war.

On July 23, 1865, the conservatives met in council in Tahlequah with Lewis Downing presiding. Ross had not yet returned from Washington, and Downing acted as interim Chief in his absence. There they offered an olive branch to the Southern Cherokees, passing an act of amnesty and pardon to all

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[31] Morris Wardell, *Political History of the Cherokee Nation* (Norman: University of Oklahoma Press, 1980), 167.

who sided with the Confederacy. Downing's work for reconciliation failed, however, as the council refused to return confiscated property taken from the rebels.

Negotiations between the federal government and the Five Tribes began at the Fort Smith Council in September 1865. Commissioner of Indian Affairs Dennis N. Cooley told the Indian delegates that they had forfeited their rights, annuities, and land claims when they joined the Confederacy. New treaties would have to be written. Cooley was joined by Elijah Sells, Superintendent of Indian Affairs for the Southern Superintendency, and Ely S. Parker, a Seneca Indian and representative of the federal government. The Treaty of 1866 dictated how townsites would be chosen and developed in the postbellum Cherokee Nation. The agreement seemed to anticipate a great influx of non-Cherokee settlement along the railways. Federal enthusiasm roused by these expected white settlers along with the potential profits from oil, gas, and other natural resources in the Nation, fairly assured the future success of the Dawes Allotment plan and the Curtis Act. Yet they would not be without their critics. Chief among them would be the Keetoowahs, who would reorganize their Society yet again in the face of change under the conservative spiritual leadership of Redbird Smith.[32]

Cooley also demanded that each tribe abolish slavery and give up a portion of their lands for the settlement of other American Indians. Abolishing slavery was a rather moot point for the Cherokees as they had already done so three years earlier of their own volition. The treaty read,

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[32] Brad A. Bays, *Townsite Settlement and Dispossession in the Cherokee Nation, 1866-1903* (Garland Publishing, 1998), 245-246

> The Cherokee Nation having, voluntarily, in February, eighteen hundred and sixty-three, by an act of the National Council, forever abolished slavery, hereby covenant and agree that never hereafter shall either slavery or involuntary servitude exist in their Nation…. They further agree that all freedmen who have been liberated by voluntary act of their former owners, or by law, as well as all free colored persons who were in the country at the commencement of the rebellion, and are now residents therein, or who may return within six months, and their descendants, shall have all the rights of native Cherokees.[33]

After the Civil War, the battle in Indian Territory continued to rage. In June 1866, Cooley published a pamphlet entitled "The Cherokee Question" in an effort to discredit Ross and the conservatives by arguing that they had never really been loyal to the United States. Shortly after the document's publication, the Chief died in Washington where he had traveled as a member of the treaty delegation of "loyal" Cherokees. With Ross' death, the governance of the tribe passed to the Lewis Downing administration. This ended all talk of dividing and separating the Cherokee Nation into two units. Since Ross and the 'Ross Party' no longer existed, Cooley's pamphlet and carefully constructed argument was moot. Prior to President Lincoln's death, he had appointed Senator Harlan to the office of Secretary of the Interior, and when Andrew Johnson took office, he retained Harlan. Harlan reorganized the Indian System, naming Dennis Cooley as Commissioner of Indian Affairs, and Elijah Sells, as Superintendent of Indian Affairs for the Southern Superintendency. Harlan also introduced a bill for the organization of Indian Territory under a territorial government. John B. Jones and Lieutenant Colonel Lewis Downing became the new leaders of the

[33] J.B. Davis, "Slavery in the Cherokee Nation," *Chronicles of Oklahoma*, Vol. 11, No. 4 (December, 1933), 1071.

conservatives - the old Ross Party. They met with Boudinot and Adair as representatives of the Southern Cherokees, and reached a peaceful compromise.

This does not mean that the factional feuding ended; many of the old wounds still fester, even today. But the unchecked, unrelenting violence ended, and old trials have segued into new trials. One hundred and forty-seven years later, there are still divisions among the Cherokee people. Both assimilationist and conservative families still exist, and often work out their differences in the Tribal Council House, in the pages of the Cherokee Phoenix, or through new technologies such as the internet or Facebook. Some age-old issues have never been resolved and are still being debated today. For example, the simple clause in the 1866 Treaty addressing the issues of former slaves was not sufficient to protect their rights. It was another fifteen years before the "Act to Define the Status of Freedmen and their Descendants" was composed, and the rights and privileges of African Americans within the Cherokee Nation were more clearly defined. As adopted citizens of the Cherokee Nation, they were granted the same corresponding rights and privileges as regular citizens. The legal status and rights of Cherokee Freedmen have been an ongoing political and tribal dispute ever since 1866. The Freedmen and their descendants were considered full citizens of the Cherokee political state, which I would argue was the original intent of the Keetoowah abolitionists. But in the 1980s, the Cherokee Nation again stripped them of their voting rights and citizenship. In March 2006, the Nation's own courts ruled that descendants of the Freedmen would be allowed to register as enrolled citizens. Yet under the administration of Principal Chief Chad

Smith, a vote was taken to amend the constitution to exclude them. As a result, the descendants of Freedmen were stripped of their citizenship.[34]

In the face of ongoing controversy such as this, it might be easy to believe that the *spirit of Kĭtúhwá* no longer exists; however, around the vicinity of the old Dwight Mission, the rich aroma of oak and cedar often hangs in the evening breeze, and if you listen very carefully, you may hear the systematic rattle of the shell shakers, and the low, guttural chanting of sacred songs, or see the dark shadow of a night hawk circling slowly overhead. The Kĭtúhwá way still exists! It is the essence of life that surrounds the Cherokee people, even today.

A Final Irony

The Cherokee town of Old Eucha is nestled in the Delaware District, 50 miles northeast of Tahlequah. To get there, first Highway 10 and then Highway 20 twist and turn through some of Oklahoma's most beautiful terrain peppered with a series of tiny towns and the sagging porches of historic home sites. In 1972 the Cherokees and their kin who had lain in rest at Spavinaw for over a hundred years, were disinterred and moved 13 miles to Old Eucha. After that, the historic site of the Lynch Mill and hundreds of allotments that once belonged to a community made up largely of traditional conservative families was flooded with the building of Spavinaw Dam. Even in their final repose, these patriots were again subjected to removal and ended up in strange new surroundings away from their cherished homes. Along the quiet, shady paths of Round Springs Cemetery,

[34] "Putting to a Vote the Question 'Who Is Cherokee?'" *The New York Times*, March 3, 2007.

friends and foe now lie together in neat rows where they share an eerie kind of peace. Ironically, on either side of a red dirt path, fellow kinsmen and clan brothers rest awkwardly near their former adversaries. Tucked away in this woody, obscure hamlet, many of these old warriors have been completely forgotten. Nevertheless the legacies of their convictions and actions live on in the hearts and minds of their children and grandchildren, *Ani Kitu'hwagi* who continue to work to untangle the events and attitudes that have helped shape the modern Cherokee state.

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APPENDIX

Glossary: Tsalagi – English

adahisdi – murder

adela dalonige – yellow money (adela- money)

adonisgi - conjurer

adudalvdi,- legal accountability

“Agoli [ye] svdi Gohu’sdi” – Conjurer’s ritual to bind enemies in which straight pins, or needles are utilized

ahvsidasdi – removal

ahvsidasdi ayvwiya – moving people, ‘Indian removal’

amo'hi asv'sdi – purification ritual, ‘going to water’

Ani’ Awĭ- Deer Clan

Ani' Gilohi - Long Hair Clan

Ani’ Gotegewi- Wild Potato Clan

Ańi-kĭtúhwagĭ – The people of Kĭtúhwá.

Ani' Sahoni - Blue Clan

Ani' Tsisqua - Bird Clan

Ani' Wâdĭ - Paint Clan

Ani’Waya’- the Wolf Clan

Aniyvwia – ‘the real people,’ the Cherokees

atleisdi – like punishment for crimes , ‘ an eye for an eye’

atseli - to change shape

atsilv – fire

atsilv unoti - fire builder

atsisunti - medicinal plant (Fleabane)

Attakullakulla – Important Chief, Little Carpenter

awiganega – the deerskin trade

Ayeli Degaduhv – Cherokee Middle Towns in the southern Appalachians

Ayeli Doyaditla - Cherokee Out Towns in the southern Appalachians

Ayeli Uganawuiditlv - Cherokee Lower Towns in the southern Appalachians

ayatasdi galitsode – separated people

ayetliehi - a middle male child of a family

Cheesquatalawny – John Rollin Ridge (from tsiqua dalonege or 'yellow bird')

dagalutsi utsoasedi - There is trouble coming

danawa - warrior

danda'ganu' – Two are looking at each other

danawagaweuwe – 'Red' or 'War' leader- (Head Warrior)

de' ka nuh nus – Wampum belts

didahnvwisgi – 'White' or 'peace' leader – (Head Priest) (or healer)

didaniyisgi – person responsible for carrying out law enforcement

didoniski – conjurer

digalvladi – storytelling

digetsinatlai – slaves

dunadawoska – Christian rite of baptism

edoda – father

elohi – earth

ga du gi – working for the good of the collective group

gadu'hwa – 'something is on top,' refers to layering

Galegina Oowatie – the given name of Elias Boudinot

gatlisanv - ethnic diversity

ga ti yo – sanctified dance grounds, or Stomp grounds

gawohiliyvsdi – response

gawonhisdi – oratory

Ghigau – Beloved Woman, woman of power and authority in the society

Gi yu ga - 'Ground squirrel,' James Foreman

Gola Usdi – 'Small bones,' Anderson Springston

Gun'di'gaduhu n'yi - Turkey Town

hia josdanvtli - this is my brother

igaw'esdi - sacred rituals

Inali – Important Chief, Black Fox

Kahnugdatlageh – The man who walks on the Ridge, or 'the Ridge'

Kanagatucko – Important Chief, Stalking Turkey or 'Old Hop'

kanegvi - rhetoric

Keowee - principal settlement of the Lower Towns

Kitu'hwa – one of the oldest Cherokee Middle Towns, and one of seven 'mother towns'

Kitu'hwagi – The Kĭtúhwá people

Kusa Nunnahi – 'Creek Path,' Gunter's Landing, TN

Nanyehi - Nancy Ward, a most important Beloved woman

nigohilv tsuniyvwi dalasidv - understood but not spoken of rule or law

Nikwasi - spiritual, political, and social hub of the Middle Towns

Nunnehidihi - 'Kills the Enemy on the Path,' adolescent name of the Ridge

nvwoti – medicine

Ocanostota (or Skiagusta) – Important Chief, Great Warrior

Odalv Degaduhv – Cherokee Overhills Towns in the southern Appalachians

nvya dalonige – yellow rock, ‘gold’

Nan Que Se – Nancy Drumgoole’

Oo ne quah te – “Big knee,’ John L. Springston

osdvdisti- punishment by death or execution

owenvsv – home

Quatie – Elizabeth Brown Henley, first wife of John Ross

Sehoya - Susanna Wickett, wife of the Ridge

Sequoyah – Inventor of Cherokee syllabary

Skahtlelohskee - Yellow Bird, John Ridge, son of the Ridge

Soquili Agatiya – The Georgia Pony Guard

Tali Askola – Doublehead

Tsan Usdi – ‘Little John,’ adolescent name of John Ross

Tsidu Agayvligi – Important leader, Old Rabbit

Tslagi – Cherokee

tsuniyvwi dunadadudalv – the Cherokee kinship system

Tsusginai – The Nightland, afterlife, or where one goes after death

udanilegesti – the oldest male child of a family

ulûnsûti - crystal stones used for healing or divination

unaligosv – alliance

Unelanvhi – The Creator, God

Uskwa'ligu'ta – Important Chief, Hanging Maw

usquati – straight pin

Utsi'dsata - Important Chief, Corn Tassel

Yona ni ye ga - ‘Crying bear,’ Isaac Springston

Yunwi Amai’yinehi - the spirits of the water