

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

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CHAPTER FOUR

Ethnicity and Nationality in the 19th Century

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

* * * * *

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

* * * * *

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

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

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

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

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

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

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

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

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

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

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

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

* * * * *

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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