

University of North Carolina at Asheville

Wore to the Bone and Bloody: the Cherokee Freedmen's Struggle for Equality

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The story of a woman named Lucy Allen illustrates the struggle faced by the descendants of Cherokee Freedmen. From a young age family lore taught Allen that she was both Cherokee and Black, the great-granddaughter of a former slave named William Martin who was the

property and the son of a Cherokee land baron.¹ There was a catch, though, and it was bound to persist no matter how clear the evidence from federal rolls and census data might seem to Allen. She could call herself an Indian. She and others like her could argue that, Indian blood or not, they had as much right to the Cherokee Nation's identity as anyone else. But Allen's proof could just as easily be cited to show that her family was not Cherokee at all, but the product of a human burden which a defeated tribe had been forced to shoulder as a result of post war negotiations with the United States. More than a century ago, Allen's ancestors secured what they thought was a permanent place in the tribe. Now, though, it is clear the only way she could ever be acknowledged as Cherokee would be to take on the very Cherokees who refused to count her as one of their own.²

Allen's fight to find her own identity is not the story of a single individual. Instead her untiring efforts bring to light the struggle for self-knowledge and cultural acceptance that an entire population of Freedmen descendants must face in an effort to find a place in the world. Constant revisions of rights afforded Freedmen descendants leave individuals feeling unsettled. They live among the Cherokee people, speak the language, are subject to the laws of the Nation and pay taxes to support their cities and government, yet they are viewed by the government and their neighbors as non- citizens. Currently, descendants of Freedmen are not even allowed to vote in tribal elections.³ As a result, individuals such as Lucy Allen are left to question whether they truly belong to the communities in which they live, and whether they have the right to claim the history of the Cherokee people as their own. The unique culture of chattel slavery in the Western Cherokee Nation led to the creation of an emancipated population comprised of

¹ Adam Geller, "Past and Future Collide in Fight over Cherokee Identity," *USA Today*, February 10, 2007, http://www.usatoday.com/news/nation/2007-02-10-cherokeefight_x.htm (accessed October 20, 2011).

² Geller, 2011.

³ Geller, 2011.

individuals who viewed themselves culturally as Cherokee. As a result, generations of Freedmen were hard pressed to carve out a place for themselves physically and socially within the Nation and have struggled over the intervening decades to define their own identities.

The Cherokee Freedmen Controversy is an ongoing dispute regarding tribal citizenship between the Cherokee Nation of Oklahoma and descendants of the Cherokee Freedmen. The struggle for citizenship and access to social and cultural equality for the descendants of Freedmen is seldom acknowledged outside of small circles of activists and stuffy courtrooms. Individual Cherokees and descendants of Freedmen have in the past, been ignorant about the issue all together. Author Circe Sturm notes that many Freedmen descendants have little sense of the historic connection with the Cherokee, and are ambivalent about getting recognized.⁴ Cherokee members have also been ignorant of the historical issues. Cara Cowan Watts, a tribal council member who opposed membership for Freedmen descendants, admitted in 2007 that she had no knowledge of the Freedmen or their history prior to the court case.⁵ In 2007 Principal Chief Chad “Comtassel” Smith supported Watts’s statement adding that “A lot of Cherokee don’t know who the Freedmen are,” and further commented that he was “not familiar with them when growing up”.⁶ In order to understand the current position of descendants in Cherokee society an examination of Cherokee history and culture is necessary. While copious amounts of research and writing has been done on the subject of Cherokee history, in depth analysis on the practice

⁴ Circe Sturm, “Blood Politics, Racial Classification, and Cherokee National Identity: The Trials and Tribulations of Cherokee Freedmen,” *American Indian Quarterly* 22, no. 1 (1998): 251, www.jstor.org/stable/1185118 (accessed August 3, 2009).

⁵ Geller, 2011.

⁶ Ellen Knickmeyer, "Cherokee Nation To Vote on Expelling Slaves' Descendants," *Washington Post*, March 3, 2007, <http://www.washingtonpost.com/wp-dyn/content/article/2007/03/02/AR2007030201647.html> (accessed October 20, 2011).

of Cherokee chattel slavery, and the individuals of African descent who were enslaved, is far less prevalent.

In an exploration of secondary sources on the topic of slavery among the Cherokees, multiple authors refer to the same few scholars time and again, but the approaches they take when addressing the subject of slavery among the Cherokee provide markedly different understandings of the subject. Theda Perdue is certainly one of the most prominent names in the field of Cherokee history and culture. In the book *Slavery and the Evolution of Cherokee Society, 1540-1866*, Perdue provides a close examination of the “aboriginal slavery” present in pre-contact Cherokee society.⁷ Perdue demonstrates the position of captives among the Cherokee and other Southeastern tribes, their role in traditional warfare and within the social structure of Native American communities. Despite the large amounts of research that went into the book, Perdue’s writing is often too vague and tends to skim over broad topics without providing specific details or in depth analysis of individual stories. Cynthia Cumfer, in *Separate Peoples, One Land: The Minds of Cherokees, Blacks, and Whites on the Tennessee Frontier*, also offers a broad look at the nature of race relations among widely varying populations.⁸ Like Perdue, Cumfer provides an impressive body of research and offers valuable insight on politically driven contact between European Whites and the Cherokee, but offers a less in depth look at contact between Cherokees and Blacks.

In order to understand the relationships between Cherokees and the African-American population who lived among them, both enslaved and free, it is necessary to turn to historians

⁷ Theda Perdue, *Slavery and the Evolution of Cherokee Society, 1540-1866* (Knoxville: University of Tennessee Press, 1979), 121.

⁸ Cynthia Cumfer, *Peoples, One Land: The Minds of Cherokees, Blacks, and Whites on the Tennessee Frontier* (Chapel Hill: University of North Carolina Press, 2007).

who focus more on the individual stories of slaves and Freedpeople. In *African Americans and Native Americans in the Cherokee and Creek Nations, 1830s-1920s : Collision and Collusion*, Katja May clarifies the historical development of race relations from African American, Cherokee, and Muskeg (Creek) points of views.⁹ This book accesses oral history accounts, manuscript census schedules, and ethnohistorical literature. May's study describes social organization and culture change in the early 19th century, using oral accounts to examine the impact of Removal on Black-Indian relations, racial demographics, intermarriage patterns, and education. Focusing on specific stories and allowing the experiences of individuals to illustrate the larger picture is most helpful when studying the complexities of race relations. The events of a single life, or that of a family, can do more to clarify events, public opinion or the impact of legal rulings more clearly than a library of dry data. Two historians, Tiya Miles and Celia Naylor, make use of the personal stories of Cherokee slaves and Freedmen much more frequently than other authors. In *Ties That Bind : The Story of an Afro-Cherokee Family in Slavery and Freedom*, Miles vividly portrays the members of the Shoe Boots family.¹⁰ Miles provides the fullest picture of the complexities and tensions among African-Americans, Native Americans, and Whites in the first half of the nineteenth century. Naylor's *African Cherokees in Indian Territory: From Chattel to Citizens* vividly charts the experiences of enslaved and free African Cherokees from the Trail of Tears to Oklahoma's entry into the Union in 1907.¹¹ Carefully extracting the voices of former slaves from interviews and mining a range of sources in Oklahoma, she creates an engaging narrative of the composite lives of African Cherokees.

⁹ Katja May, *African Americans and Native Americans in the Cherokee and Creek Nations, 1830s-1920s : Collision and Collusion*. (New York: Routledge, 1996).

¹⁰ Tiya Miles, *Ties That Bind : the story of an Afro-Cherokee family in slavery and freedom*, (Berkeley: University of California Press, 2005).

¹¹ Cynthia Naylor, *African Cherokees in Indian Territory: From Chattel to Citizens* (Chapel Hill: University of North Carolina Press, 2008).

Naylor explores how slaves connected with Indian communities not only through Indian customs such as language, clothing, and food, but also through bonds of kinship. Without the careful consideration of personal experience and individual narrative, as it is expressed by May, Miles and Naylor, the ongoing battle for recognition that has been fought by generations of Freedman descendants loses its voice. However, with careful attention to the history of people, not just populations, the passion driving the struggle remains clear.

The earliest accounts of European and Cherokee contact resulted in reports of an indigenous institution that White visitors equated with slavery. For example, records kept by members of Hernando De Soto's expedition in 1540 report the presence of "slaves" and "masters" among the native peoples encountered during their journey throughout the southeastern United States.¹² While these Mississippian societies observed by De Soto's party had not yet developed into individual tribes such as the Cherokees and Creeks, their social practices and cultural norms strongly influenced the socio-political structures of later civilizations.¹³ One enduring practice, that of retaining war captives, is included in a detailed account of the Lady of Cofitachequi, a woman the Spaniards perceived as a slaveholder of great wealth and power.¹⁴ Early European observers, such as members of De Soto's party, assumed that the unfree people they came into contact with held a subservient social position and filled a specific and essential economic function within Cherokee society. Because Europeans were accustomed to using enslaved peoples, both African and American Indian, to satisfy the high

¹² Jerald T. Milanich, *Earliest Hispanic/Native American interactions in the American Southeast* (New York: Garland Pub., 1991), 173.

¹³ Theda Perdue, "Clan and Court: Another Look at the Early Cherokee Republic," *American Indian Quarterly* 24, no. 4 (Autumn 2000), <http://www.jstor.org/stable/1185890> (accessed 8/2/2009), 563.

¹⁴ Milanich, 173.

demand for labor in their trade based economies, they expected to find similar economic and social constructs among the inhabitants of North America.¹⁵

In contrast to European concepts of slavery, the unfree peoples within aboriginal Cherokee society were obtained almost exclusively through ritualized warfare against the Creek and other southeastern tribes. The capture of slaves was a normal practice in aboriginal warfare. In fact, Henry Timberlake noted that the Cherokees regarded “slave-catcher” as a specific duty, similar to a military rank designation.¹⁶ Within traditional society, slaves remained a byproduct of warfare.

If a warrior who took a captive in battle had no use for him, he generally offered to give, or attempted to sell the prisoner, to the kinsmen of a fallen warrior since they would be most interested in taking him or her to replace the lost family member. Clans frequently chose to adopt these “replacements” in an effort to bolster their numbers and to make up for the work that had been performed by a lost member. Once an individual was adopted, he or she was accepted as a full member of the clan. They were free to make a home, marry and have children. They lived on equal status with native born Cherokees.¹⁷

One example of this practice of adoption illustrates both traditional Cherokee practices and the strong bonds that held non-native individuals to their surrogate families. In the 1770s a White trader named Samuel Bend killed his Cherokee wife. In an effort to assuage the blood debt that would have been paid with his own life, Dent purchased a slave woman named Molly from

¹⁵ Perdue, *Clan and Court*, 565-66.

¹⁶ John Henry Timberlake, *The Memoirs of Lt. Henry Timberlake: The Story of a Soldier, Adventurer, and Emissary to the Cherokees, 1756-1765*, ed. Duane H. King (Chapel Hill: University of North Carolina Press, 2007), 17.

¹⁷ Return Jonathan Meigs, “Answers to enquiries relating to the Cherokees, 1817 Aug.” (Session between “Mr. Trott” of the Cherokee Agency and Colonel Return J. Meigs, August, 1817), 4.

South Carolina.¹⁸ Molly was presented to the Deer clan, Dent's in-laws, as a replacement for his slaughtered wife. The women of the Deer clan accepted Molly and her name was changed to Chickaw. Chickaw eventually married a Cherokee man and had several children. In 1833 when a White woman from South Carolina claimed Molly/ Chickaw, and one of her sons, as slaves whom she had inherited from her father, the Cherokee Council at Red Clay determined to "resist the oppression and illegal wrong attempted to be practiced on our Brother and Sister... in carrying into slavery Two of whom have been and considered native Cherokee."¹⁹ As a result of Molly's free status as a Cherokee citizen, the Council declared Molly and her son free. The fact that the Council defended both Molly and her son as blood members of the tribe illustrated the level of acceptance that adopted individuals enjoyed. This particular case also speaks to the lack of racial bias present at the time of Molly's adoption. Had this case occurred at a later date, the outcome of the slave owner's case could have resulted in Molly's continued enslavement.

Europeans continued to be blind to the subtleties of the complex relationship between war captives and the majority of the Cherokee population. They persisted in thinking that Cherokee bondsmen held the same social and economic value as their own slaves. Consequently, during the eighteenth century when the demand for labor increased, White traders from the British colonies began to bargain with the Cherokee in order to obtain their captives.²⁰ However, before the end of the century, the trade in Indian slaves declined sharply and eventually ended altogether.²¹ Early historians attributed the termination of the Indian slave trade to the "racial and cultural unsuitability" of Indians for forced labor. However, contemporary accounts portrayed

¹⁸ Cherokee Supreme Court Docket: Oct. 18, 1833, Tennessee State Archives, Nashville TN.

¹⁹ Cherokee Supreme Court Docket: Oct. 18, 1833.

²⁰ Cumfer, 140.

²¹ John Brickell. *The Natural History of North Carolina*. (Dublin, 1737), 77.

Indians as good workers.²² For example, John Brickell reported in his Natural History “some that are slaves prove very industrious and laborious.”²³ Therefore, the failure of Indian slavery may be more accurately attributed to the fact that Africans, thousands of miles and an ocean away from their homelands, were less likely to escape effectively and so represented a better investment. The higher prices commanded for Africans reflect the planters’ preference for them. In fact, from the years 1722-1730, the highest price commanded for an adult Indian male was 250 pounds sterling while an adult African male brought as high as 330 pounds. The rates for Indian and African women were similarly disparate.²⁴

Ultimately, the Cherokees became acquainted with Blacks less through shared experiences in bondage, and more frequently as warriors capturing Black slaves. Cherokee warriors intent on increasing personal wealth quickly recognized the value of capturing Black slaves, and by the time of the American Revolution, the Cherokees traded almost exclusively in non-Indian slaves.²⁵ The Indians often stole slaves from settlers in one area and resold them to planters in another region.²⁶ One account of theft from 1751 describes a Cherokee man “seducing away” six slaves from a planter’s home by promising that the slaves would find freedom among the Indians.²⁷ Whether slaves were obtained through force or promises of freedom, the capture of Africans quickly surpassed the capture of Indians by Cherokee slavers.

²² Brickell, 77.

²³ Brickell, 70.

²⁴ Perdue, *Slavery and the Evolution of Cherokee Society*, 121.

²⁵ Perdue, *Evolution*, 121.

²⁶ Cumfer, 105.

²⁷ John Norton, *The Journal of Major John Norton*, 1816, ed. Carl Frederick Klinck and James John Talman (Toronto: Champlain Society, 1970), 40.

According to Brickell, the Cherokee were also frequently employed by White slaveholders to hunt down runaways and to return the slaves for a bounty.²⁸ In 1763, Whites agreed to pay Indians one musket and three blankets, the equivalent of thirty-five deerskins, for each Black slave captured and returned.²⁹ A smaller percentage of Blacks ended up with the Cherokee due to their own actions rather than by some effort on the part of thieves. Some escaped slaves fled to the Cherokee's mountainous territory in an effort to discourage all but the most persistent pursuers. A treaty between the Cherokee and the English, signed in London in 1730, contained a provision for the return of these fugitives: "If any of negroes shall run away into the woods from their English masters, the Cherokees shall endeavor to apprehend them and bring them to the plantation from which they ran away, or to the Governor, and for every slave so apprehended and brought back, the Indian that brings him shall receive a gun and matchcoat."³⁰

One incident from the late eighteenth century provides an example of Cherokee practices concerning this law. Cherokee warriors came across two escaped slaves who had settled on uninhabited Cherokee land in east Tennessee and began farming. Despite the fact that the two men had effectively created a new life for themselves, the warriors promptly returned the fugitives to their masters.³¹ Such incidents make clear that by the time of the American Revolution, some Cherokees viewed slaves as a degraded species. Other personal accounts reinforce the altered views, based on race, which had emerged within Cherokee culture. For example, during a 1776 expedition, the female slave of a British colonel was attacked by a

²⁸ Brickell, 68

²⁹ Brickell, 81.

³⁰ Norton, 38.

³¹ Norton, 45.

Cherokee man, “thinking to have a Negro serve him.”³² These clearly biased interactions indicate the development of the negative view of Blacks that later shaped interactions with Freedmen. Had Cherokee slave catchers viewed enslaved individuals as allies in the fight against a common enemy, or even as equals, they would have hesitated to hunt them down so mercilessly. By this time however, individuals of African descent represented nothing more than a valuable commodity. As a result the Cherokees sold or transferred slaves with such frequency that travelers reported that the Cherokees marketed slaves as Whites did in Carolina and Virginia.³³

Africans were identified with servitude long before the need for additional laborers led the Cherokee elite to adopt plantation slavery. That demand for labor came as a result of the United States Indian policy which continued the forced termination of warfare declared by the 1755 British policy of pacification.³⁴ The policy ended the cultural practice of war that had traditionally provided captives and from which the developing economic upper class had obtained its income. As a result, this unsettled elite turned to the civilization program advanced by the American government in order to maintain their status. Indian agent Benjamin Hawkins was selected as the man to supervise the “civilization” of the Cherokee.³⁵ One example of the value of Black slaves at this time among the acculturated wealthy elite can be found in documents from the estate of Doublehead. A feared warrior in his youth, Doublehead became one of the leaders of the Lower Towns and was elected first Speaker of the Cherokee National Council in 1794 when the Cherokee formed its first national government. He became one of the

³² W.R. Garrett and John M. Bass, eds, “Correspondance of Gen. James Robertson,” *American Historical Magazine* 3 (1898): 284-85.

³³ Louise Philippe, *Diary*, April 30, 1790, 178.

³⁴ Benjamin Hawkins, *The Southern Indians and Benjamin Hawkins, 1796-1816*, ed. Florette Henri. (Norman: University of Oklahoma Press, 1986), 122.

³⁵ Hawkins. *Southern Indians*, 191.

foremost advocates of acculturation and one of the richest men in The Cherokee Nation.³⁶ Doublehead kept immaculate business records and his account books detail his frequent acceptance of slaves as payment for goods or services rendered. In March of 1802 his ledgers read: “1 negroe woman named Pebe and 4 children” and later in the month “1 Negroe boy named Jack.” In September and October of the same year, slaves “Joe” and “Austin” were accounted for.³⁷

By the beginning of the nineteenth century, there was a sharp divide between socioeconomic groups within the Cherokee population. The minority was comprised of a highly assimilated and acculturated economic upper class led by male landowners who supported the development of a strong centralized government. This group was opposed by a traditionalist majority which was less socially influential and was made up primarily of the economic lower class. The majority was led acculturated and retained ties to the clan system, traditional gender roles and who valued the continuation of community autonomy.³⁸

Clear examples of the wide rift between the wealthy, interracial minority and the more traditional majority are clearly laid out in pre-removal censuses and Federal appraisals of Cherokee land in Western North Carolina. The 1835 census details 607 households which contained 3399 citizens and 37 African slaves.³⁹ Archaeological studies support the information in these documents, showing that the majority of farmsteads consisted of small log cabins with “stick and clay chimneys” and puncheon floors adjacent to “garden patches” which varied in size between one and ten acres. The prevalence of smaller, less developed home sites indicated the

³⁶ Lester Hargrett, “The Estate of Doublehead in account with Thomas N. Clark”.

³⁷ Hargrett.

³⁸ Perdue Evolution, 102.

³⁹ Brett H. Riggs, “Removal Period Cherokee Households and Communities in Southwestern North Carolina (1835-1838)”, 29-40.

lifestyle followed by traditionalists. However, ten percent of the households assessed in these documents show improvements that were more substantial, including hewn log homes, multiple outbuildings, and agricultural plots covering fifteen to forty acres. Very small numbers of families farmed on a much larger scale with improvements up to 166 acres.⁴⁰ The findings at these well-developed home sites support the fact that households, such as those owned by the Welch, Morris, and Raper families, used Black slaves to cultivate large agricultural holdings.⁴¹ These family names along with sixty-three other slave holding families from across eastern Cherokee lands were recorded on the 1838 Master Emigration Roll organized by the federal government at the beginning of the forced removal process.⁴² These families owned 55 slaves. The numbers related here do not include the number of enslaved individuals who were taken west during the voluntary migrations. For example, the Vann family is recorded as owning at least 110 slaves in Indian Territory in 1838.⁴³

The socioeconomic and cultural divisions within the Cherokee Nation, which slavery helped produce and removal magnified, did not disappear once the Cherokee arrived in the western Indian Territory. In fact, the experience of removal intensified the animosity between progressives and conservatives and left the Cherokee unable to deal with the split socially, politically or psychologically.⁴⁴ Recorded statements from former slaves detail the uncertainty and violence of this time period, and make clear the reasons behind growing efforts to gain freedom that swept through the slave population. Threats of physical harm were not limited to the Cherokee population and raids or attacks on the properties of progressive supporters often

⁴⁰ "Field Notebooks of Surveys and Reconnaissances in the Cherokee Nation: North Carolina, Georgia, Tennessee, 1837-1838".

⁴¹ Riggs, 37.

⁴² John Page, "Master Roll of Cherokee Indians to Emigrate West of the Mississippi", December 3, 1838.

⁴³ Page, *Master Roll*.

⁴⁴ Naylor, 105.

included attacks on the slave populations who lived there. Chaney Richardson, who was owned by the Rogers family, recalls events of “the feud” and “party killings” that made the slave community increasingly nervous.⁴⁵ Richardson states that “horses and cattle were killed and slaves stole in the feud.” She also recounts the horrific murder of her mother by raiders.⁴⁶ The strain on the Rogers family was too great and Chaney along with most other slaves from the Rogers property were sold. This final insult resulted in Chaney’s permanent separation from her siblings.⁴⁷

After surviving the perilous overland passage to Indian Territory enslaved Africans quickly discovered that the bonds that linked them to the Cherokee people and communities held them as tightly as ever. Although slavery among the Cherokees is generally recorded as being different than the institution practiced among White southerners, the differences became increasingly subtle. The perceived comfort of enslaved individuals in the possession of the Cherokees is belied by accounts of families being split up, violence against slaves, and psychological threats that were utilized in an effort to keep bondsmen from rebelling. Slaves in some households were particularly vocal about the violent treatment suffered at the hands of overseers and masters. Some former slaves, such as Sarah Wilson, recounted incidents of severe beatings at the hands of the Johnson family.⁴⁸ Freedwoman Charlotte Johnson White was also part of the Johnson household and recalled the death of her mother after a beating by Ben Johnson. Others, particularly those in the Vann household such as Betty Robertson, stated that they remember less physical violence but psychological threats remained. Robertson relates that being sold was a common threat and that occasionally slaves would be taken to public hangings

⁴⁵ Chaney Richardson, Interview in *Oklahoma Writer’s Project Freedmen Interviews*, (Fort Gibson, OK), 257.

⁴⁶ Richardson, 259.

⁴⁷ Richardson, 260.

⁴⁸ Sarah Wilson, Interview in *Oklahoma Writer’s Project Freedmen Interviews*, (Fort Gibson, OK, 1936), 344-348.

in an effort to scare slaves into complacency.⁴⁹ Such threats did little to curb the rebellion of enslaved individuals.

In the chaos that followed relocation and the ensuing violence between factions in the community, slaves often felt that their chances at gaining freedom through flight had increased. Henry Bibb, who was enslaved in Indian Territory for a short period, explained that the only thought that occupied his mind was how and when to escape.⁵⁰ Bibb's opportunity came with the death of his Cherokee owner while they were away from home. Bibb simply walked away afterward, travelling carefully to freedom in Canada.⁵¹ The *Cherokee Advocate* in Fort Gibson Oklahoma ran frequent notices that alerted the community to runaway slaves. One entry, from an individual named John West, offers a fifty dollar reward for the return of "my yellow boy Jacob".⁵² Jacob's flight is indicative of actions taken by many slaves once reaching Indian Territory. Other news stories often incidentally related the evidence of runaway activities as well. The coverage of the 1844 explosion of the steamboat *Lucy Walker* included reference to slaves who were missing following the explosion.⁵³ The *Lucy Walker* was owned by Joseph "Rich Joe" Vann who was one of the wealthiest slave owners in the Nation. Betty Robertson, a former Vann slave, states that while her father was killed in the explosion, there were rumors within the slave community that the explosion was used by several individuals as a diversion for their flight.⁵⁴ Enslaved individuals who regularly worked Vann's fleet of riverboats may have anticipated or even planned such a disruptive event for months or years beforehand in an effort to

⁴⁹ Charlotte Johnson White, Interview in *Oklahoma Writer's Project Freedmen Interviews*, (Fort Gibson, OK, 1936), 240-247.

⁵⁰ Henry Bibb, *Narrative of the Life and Adventures of Henry Bibb, an American Slave, Written by Himself*. (New York: Author, 1850), 154.

⁵¹ Bibb, 155.

⁵² Betty Robertson, Interview in *Oklahoma Writer's Project Freedmen Interviews*, (Fort Gibson, OK). Page number unclear.

⁵³ *Cherokee Advocate*, 21 November 1844.

⁵⁴ Robertson, Oklahoma Writer's Project.

gain freedom. Such actions made clear the idea that slaves did not always stand idly by while their lives contributed to the increased wealth of their oppressors.

In response to the increased number of escapes and rebellions, and as part of the rebuilding process the Nation was undergoing, the Cherokees enacted a series of strict laws governing the activities of both slaves and free Blacks during the post removal period.⁵⁵ Strict “slave codes” controlled the lives of anyone with African ancestry, free or enslaved.⁵⁶ One of the first laws passed by the Cherokee National Council dealt with the prevention of the “amalgamation with colored persons.”⁵⁷ The law was enacted on 19 September 1839 and declared “that intermarriage shall not be lawful between a free male or female citizen with any slave or person of color”. The prescribed punishment for each offense was fifty lashes for women and one hundred for men.⁵⁸

Despite legal attempts to discourage them, interracial unions were fairly common and some Indians tried to protect their African relatives from punishment. The story of the Shoeboot family provides an example of the struggles faced by some individuals with both Cherokee and Black lineage.⁵⁹ Shoe Boots was admonished by the court to cease having more children with Doll, his common-law African wife.⁶⁰ Shoe Boots never emancipated Doll, but did recognize their children and grandchildren as free Cherokee citizens. Despite their father’s acknowledgement, the progeny of Shoe Boots were widely viewed as slaves by the Cherokee

⁵⁵ Naylor, 26-27.

⁵⁶ Cherokee Nation, *Constitution and Laws of the Cherokee Nation: Passed at Tahlequah, Cherokee Nation, 1839-1851*, 44.

⁵⁷ Cherokee Nation, *Constitution and Laws*, 17-18.

⁵⁸ Cherokee Nation, *Constitution and Laws*, 80.

⁵⁹ Miles, 25.

⁶⁰ Miles, 97. “Shoe Boots” is the name of an individual and “Shoebots” is the surname given to his spouse and children.

population. Two of his granddaughters, “free and of Cherokee mixture” were even captured by thieves led by Madison Gerring, a Cherokee, and sold into slavery.⁶¹

In addition to attempting to regulate interracial unions, for example, the Cherokee National Council also legislated the specific ways in which the rights of free Cherokees would not be extended to freedmen or enslaved people of African descent. A law enacted in November 1840 declared it illegal “for any free negro or mulatto, not of Cherokee blood, to hold or own any improvement within the limits of this Nation.”⁶² Because it was unlawful for property to own property, it was also illegal for enslaved people to own not only homes but also horses, cattle, hogs, or fire arms.⁶³ Individuals of African ancestry, either free or enslaved, who had no proof of Cherokee ancestry, were excluded from the legal rights of Cherokee citizens. However, free biracial individuals of Cherokee and African lineage could own property. Due to their “Cherokee Blood” they were granted access to this particular status.⁶⁴

Just as Shoe Boots’s free African-Cherokee family members sought to attain and maintain recognition of their position within society, enslaved individuals developed a keen understanding of their deeply rooted connections to the culture of their Cherokee owners. The links between blood, belonging, and racial identity shaped both personal world views and the interactions of groups. The complexity of culture among Cherokee slaves affected all demographics, whether a person had Cherokee ancestry or not, though difficulties faced by biracial individuals were markedly more difficult. The common phrase “my master and father” reflected widely differing concepts of ownership, possession, kin and belonging. For enslaved people of African descent in Indian communities, such a blood connection may have provided

⁶¹ Cherokee Advocate, October 7, 1847.

⁶² Cherokee Nation, *Constitution and Laws*, 133.

⁶³ Cherokee Nation, *Constitution and Laws*, 133.

⁶⁴ Cherokee Nation, *Constitution and Laws*, 134.

both familial and sociopolitical relationships with the Cherokee population. However, it often served instead to reinforce the denial and indifference of free Cherokees to their enslaved family members.⁶⁵

Individuals who were born to intercultural relationships, such as the children of Shoe Boots, sought desperately to identify themselves as either Black or Cherokee. Some individuals were embraced by their Indian families. However, even those who viewed themselves as “one of the family” were still classed as and perceived as slaves by the majority of the population.⁶⁶ For example, Cherokee Freedman Milton Starr related his memory of childhood interactions with his master and father. Star stated: “I was born a slave, but was not treated like other slaves... my folks never told me anything about slavery; they never whipped me, always treat me like I was part of the family, because I was.”⁶⁷ Despite the generous treatment remembered by Star, his position in the household was clearly delineated. Though he considered himself a member of his master’s family, he was never voluntarily granted freedom and remained a slave until forced emancipation released him.⁶⁸ Other enslaved and free African Cherokees who claimed a blood tie to the Cherokee Nation never experienced such a positive relationship with their free relations. Some individuals associated the negative treatment they experienced directly with the fact that they were related by blood to their owners. Sarah Wilson offers such an example. Wilson proudly proclaimed, “I was a Cherokee slave and now I’m a Cherokee freedwoman, and besides that I am a quarter Cherokee my own self.”⁶⁹ Wilson recounts memories of especially brutal treatment at the hands of her Cherokee mistress. After the death of her mistress, the reason

⁶⁵ Naylor, 78.

⁶⁶ George P. Rawick, *The American Slave: A Composite Autobiography*, rev. ed. (Westport, Conn.: Greenwood Press, 1972), 12:293.

⁶⁷ Rawick, *American Slave*, 12:293. The complete ancestry of Wilson is not available. Her parents may have been of mixed-race, which would account for her claim of being “a quarter Cherokee”.

⁶⁸ Naylor, 79.

⁶⁹ Rawick, *American Slave*, 7:344.

for the maltreatment became clear. Wilson was told that the Master's son was her father.⁷⁰ This relationship made Wilson "Cherokee by blood" and accordingly made the mistress uneasy.⁷¹ Such tension echoed throughout the Cherokee Nation; as a result, the complexities of blood ties intermingled with bondage and often fostered a sense of instability and disconnectedness for individuals enslaved by family members.

Racial struggles began in earnest with the Treaty of 1866. In accordance with this treaty, made with the United States government, the Cherokee government granted Cherokee Freedmen full citizenship, with voting rights and equal sharing in annuities and land settlements for individuals who chose to stay in Oklahoma. Those who left would become United States citizens, under its constitutional amendments following the Civil War.⁷² After their emancipation and subsequent citizenship, the Cherokee Freedmen and their descendants had to struggle to be accepted as a legitimate part of the Cherokee Nation.⁷³ Joseph Rogers perhaps summed up the feelings of many Freedmen who, after emancipation, were suddenly viewed as non-citizens in the eyes of most Cherokees. Rogers stated: "Born and raised among these people, I don't want to know any other... I look around and I see Cherokees who in the early days of my life were my playmates in youth and early manhood, my companions, and now as the decrepitude of age steals upon me, will you not let me lie down and die, your fellow citizen?"⁷⁴

In order to be eligible for the treaty's benefits, individuals had to register in Indian Territory by 1869. For former slaves who had been transported out of the Territory during the

⁷⁰ Rawick, *American Slave*, 7:345.

⁷¹ Rawick, *American Slave*, 7:345.

⁷² Charles J. Kappler, *Indian Affairs: Laws and Treaties*. Vol. 2, *Treaties*, "Treaty with the Cherokee July 19, 1866". Rev. ed. (Washington: GPO, 1904).

⁷³ Naylor, 154-155.

⁷⁴ Joseph Rogers. Interview in *Oklahoma Writer's Project Freedmen Interviews*, (Fort Gibson, OK), page number unclear.

war in an effort by owners to prevent theft or interference by the Union Army, the journey back proved to be far more troubling. For example, Freedwoman Patsy Taylor Perryman and her mother had been relocated to Texas with their mistress, Cherokee Judy Taylor. After the war, however, their mistress decided that she “wasn’t going to take [them] with her.” Even years later, Perryman remembered her mother’s bitter tears and pleas to Taylor.⁷⁵ Sarah Wilson also recounts the struggle to return to Indian Territory. Her family’s former owner, Ned Johnson, offered to bring them back with the rest of his household. Wilson’s mother refused, making it clear that she did not want to be indebted to the Johnson family in any way. For weeks Wilson’s family struggled north from Texas, arriving in Fort Gibson “skin and bones and feet all bloody.”⁷⁶ Though she may have had no familial feelings toward her former enslaver’s family, the odyssey undertaken by Wilson’s mother indicates that she still identified the Cherokee Nation as home, as the place where she and her family belonged no matter how arduous the journey.

Once newly freed individuals and families returned to Indian Territory, hardships did not decrease for the majority. Though all residents of the Cherokee Nation experienced the severe aftereffects of war, Freedpeople had the additional task of establishing a free life in the midst of the rubble with no material resources to make the job easier. Most settled in small communities comprised of Freedmen and began farming. Even today Four Mile Branch, Oklahoma is referred to as a “Freedman community.”⁷⁷ Freedwoman Betty Robertson spoke of the difficulty she and her husband had in establishing a productive homestead. She also stated, as testimony to the

⁷⁵ Rawick, *The American Slave*, 12: 234.

⁷⁶ Rawick, *The American Slave*, 12: 315.

⁷⁷ May, 223.

hardship, that “I ain’t had any good clothes since I was a little slave girl.”⁷⁸ But, like Johnson’s mother, who would have endured any hardship to return home, Robertson felt that her struggles to survive had more than equal benefits. “I’m glad the war’s over and that I’m free to meet God like anybody else, and my grandchildren can learn to read and write.”⁷⁹

The sentiment expressed by Robertson reaches the heart of the Freedman’s struggle to build not only a life and home in Indian Territory, but also to strengthen existing ties with Cherokee society and culture. Education proved to be the beginning of that journey. Newly freed peoples were eager to see their children attend schools created by the Cherokee Nation. However this goal was quickly derailed.⁸⁰ Following the model created in the South, the Nation established separate schools for Cherokee Freedpeople. It was not until 1869 that the Cherokee Nation established two segregated primary schools for Cherokee Freedpeople, and a third was established two years later. In comparison to these three schools, there were 56 schools in operation exclusively for Cherokees in 1871.⁸¹ Even in Works Progress Administration interviews conducted in the 1930s, Freedpeople still recalled the very limited access they had to schools during and after Reconstruction.⁸² This deficit of available education resources brings the thankfulness expressed by Betty Robertson into perspective. The fact that her grandchildren could read and write was a literal indicator of the improving state of affairs for the Freedman population and also illustrated the first step toward being recognized as true citizens of the Nation.⁸³ However, the fact that such a small number of Freedman children had access to school

⁷⁸ Betty Robertson, Interview in *Oklahoma Writer’s Project Freedmen Interviews*, (Fort Gibson, OK), 285-91.

⁷⁹ Robertson, *Oklahoma Writer’s Project*, 285-91.

⁸⁰ Naylor, 162.

⁸¹ Minnie Thomas Bailey, *Reconstruction in Indian Territory: A Story of Avarice, Discrimination and Opportunism*, (Port Washington, NY: Kennikat Press, 1972), 182-83.

⁸² Morris Sheppard, Interview in *Oklahoma Writer’s Project Freedmen Interviews*, (Fort Gibson, OK), 285-91.

⁸³ Robertson, *Oklahoma Writer’s Project*, 285-91.

speaks directly to the Cherokee leaders' unwillingness to accept Freedpeople as citizens with legitimate rights to the same services provided to other Cherokees.

In contrast, some Freedmen became socially and politically active in the tribe. These individuals voted in elections, ran businesses, and served on the tribal council, with several holding district seats. For instance, Joseph "Stick" Ross, a Cherokee Freedman, served on the Cherokee Tribal Council in 1893.⁸⁴ In reference to the influence and prestige held by his ancestor Leslie Ross, Stick's great-grandson, states: "He knew sign language and spoke Cherokee and Seminole. He was a trapper and a farmer and a rancher. And he was sheriff at one time, too. He was pretty renowned in Tahlequah."⁸⁵ Such individuals formed a strong chorus of African-Cherokee support and aided others in gaining and maintaining sometimes elusive rights in Oklahoma.

In the last two decades of Indian Territory, Cherokee citizens and Freedmen faced complicated choices about citizenship and land ownership that ruptured any remaining ties between the two populations. The Cherokee claimed that the 1866 treaty with the United States granted civil and political rights to Cherokee Freedmen, but not the right to share in tribal assets.⁸⁶ The federal government became involved on behalf of the Freedmen, and in 1888 the US Congress passed *An Act to secure to the Cherokee Freedmen and others their proportion of certain proceeds of lands*.⁸⁷ The Congressional act prompted Cherokee Freedmen to seek their rightful share of tribal monies gained in land sales. As a result, Freedmen waged lengthy

⁸⁴ Josh Newton, "Monument To History", *Tahlequah Daily Press*, May 20, 2008, accessed August 20, 2011 http://www.tahlequahdailypress.com/features/local_story_141100212.html.

⁸⁵ Brendan I. Koerner, "Blood Feud", *Wired Magazine* 13 (2005), accessed 10/2011, <http://www.wired.com/wired/archive/13.09/seminoles.html>.

⁸⁶ Naylor, 265.

⁸⁷ Kappler

challenges through the United States courts in an attempt to gain access to Cherokee funds. The most successful of these cases, *Whitmire v. Cherokee Nation and the United States*, related to treaty obligations of the Cherokee Nation to the United States. The Claims Court ruled that payments could not be restricted to "particular class of Cherokee citizens, such as those by blood".⁸⁸

In 1879, Cherokee attorney Elias C. Boudinot publicized the possibility of both Cherokees and Freedmen occupying unassigned lands in Indian Territory in an effort to keep as much land as possible out of United States control. This set off a rush of colonization efforts and the Freedmen's Oklahoma Association opened the way for expanded land acquisition by Cherokee Freedmen. The Association promised "160 acres of land to every freedman who will go and occupy the public lands of Oklahoma."⁸⁹ The opening of Indian lands to non-Indian settlement gained momentum quickly and brought hundreds of migrants into the region. Railroad construction, mining operations, and economic development brought in thousands more. Cherokee Freedmen initially resented black immigrants, referred to as "state Negroes," fearing that they would aggravate the already uneasy relationship with the Cherokee.⁹⁰ The reference to "state Negroes" indicated the definite sense of belonging that Cherokee Freedmen attached to their homes within the Nation. Freedmen initially viewed their rights as greater than those of former slaves from the United States due to the long history they had with the region and the Cherokee people, and in some cases may have considered Blacks from outside the Nation to be of an inferior class. Racial solidarity grew, however, as Indian hostility toward all African

⁸⁸ *Whitmire v. the Cherokee Nation and the United States*, Washington Government Print Office, 1909. Accessed 11/10/2011, <http://www.archive.org/details/moseswhitmiretru00unit>.

⁸⁹ Freedmen's Oklahoma Association, *Freedman's Oklahoma Association* (St. Louis: Chambers Printing Company, 1879), 4-7.

⁹⁰ Freedmen's Oklahoma Association.

Americans, Indian Freedmen or not, increased under the influence of large numbers of white southerners moving into the territory.⁹¹

The American Dawes Commission was authorized on March 3, 1893. Its purpose was to convince the Five Civilized Tribes to agree to cede tribal title of Indian lands, and adopt the policy of dividing tribal lands into individual allotments. As a result, federal census agents were charged with registering all members of the Cherokee Nation. Three classifications were established to ease the enrollment process: Cherokee by blood, intermarried white, and Freedman. Any former slave, or other person of African ancestry, who was unable to prove their Cherokee lineage by written affidavit or through sworn testimony was classed as Freedman.⁹² Due to the fact that individuals who came from an interracial lineage were frequently unable to prove their lineage, the majority were classified under the Cherokee Freedmen category. As a result descendants of Freedmen often lost their blood claim to citizenship despite having satisfied the criterion of having a Cherokee Indian ancestor, and future claims to citizenship became more difficult to prove.

Cherokee Freedmen were considered citizens of the Nation until the early 1980s, when the Cherokee Nation amended membership rules to require direct descent from an ancestor listed in the "Cherokee by Blood" section of the Dawes Rolls. As a result, descendants of Cherokee Freedmen and others were stripped of legal citizenship and voting rights unless they satisfied this new criterion. This situation lasted for more than two decades, although the Cherokee Freedmen challenged the decision in courts of both the Cherokee Nation and the United States federal

⁹¹ Bailey, 102 and Sturm, 155.

⁹² Dawes Commission, *Commission to the Five Civilized Tribes 1893-1914* (Washington, DC: GPO, 1915) <http://www.archives.gov/research/native-americans/dawes/>.

court.⁹³ In March 2006, the Cherokee Supreme Court ruled that the descendants of the Cherokee Freedmen had been unconstitutionally prevented from enrolling as citizens. With that ruling, they were allowed to reenroll as citizens of the Cherokee Nation based on descent from ancestors listed in any section of the Dawes Rolls. In response to the shift in citizenship, Principal Chief Chad "Comtassel" Smith called for an emergency election to amend the constitution in an effort to further prevent attempts by descendants of Freeman from gaining official tribal recognition.⁹⁴ In defense of the perceived racial injustice of the election, Smith stated that "It's a basic, inherent right to determine our own citizenry. We paid very dearly for those rights."⁹⁵ Approval of the amendment was successful, and as a result the Cherokee Nation removed Freedmen descendants from tribal rolls.

Descendants have continued to press for their rights and recognition as tribal members. Despite falling from national attention until just recently, the struggle for tribal recognition and acceptance has continued. Occasional rulings have been made by district courts stating that Smith's 2006 special election was unconstitutional, but the ruling was only recently examined by higher courts. Opinions expressed by Johnny Toomer, a Freedman descendant, echo the feelings of many individuals who are invested in proving their rights to not only belong to the Cherokee Nation, but to receive subsequent recognition and benefits. Toomer stated: "All I want [is] to be done fairly and right. My ancestors received benefits and was done fairly."⁹⁶ Despite Toomer's desire for equal rights, his determination may be undone by a century old bureaucratic decision.

⁹³ Frank Morris, "Cherokee Tribe Faces Decision on Freedmen", *National Public Radio*, 2/21/2007, Retrieved 2011-09-11, <http://www.npr.org/templates/story/story.php?storyId=7513849>.

⁹⁴ KTEN News, "Cherokee Leader Wants to Overturn Freedmen Decision", Archived from the original on 2007-09-27, Retrieved 2009-11-02, <http://www.kten.com/Global/story.asp?S=4633347>.

⁹⁵ Knickmeyer, 2007.

⁹⁶ Morris, 2007.

When Toomer's great, great grandmother registered on the Dawe's Roll, she was designated a Cherokee Freedman. It's that notation that has placed his tribal citizenship at risk.⁹⁷

In 2010, a tribal court ruling passed that allowed descendants of individuals classified as Freedmen to apply for membership cards. The ruling also prompted a strong effort on the part of Cherokees to expel Freedmen descendants permanently, and the case was quickly followed by a second decision that revoked the rights of Freedmen descendants. Jodie Fishinghawk, who helped lead the anti- Freedmen movement stated: "It's an Indian thing, we do not want non-Indians in the tribe, our Indian blood is what binds us together."⁹⁸ On the other side of the struggle for rights, Marilyn Vann, president of the Descendants of Freedmen of the Five Civilized Tribes Association, acts as an advocate for people who hope to force a repeal on the expulsion order. Vann is of the opinion that the protection of the 1866 treaty with the United States outweighs the tribe's claims of sovereignty on this issue. In arguments for descendants' rights, Vann also points to the fact that the Cherokee tribe has always been a diverse nation who accepted people of all races.⁹⁹

Freedmen descendants maintain that their ancestors helped sustain the tribe through the very the worst of times. Often, this assertion is followed with the argument that now that the Cherokee nation is stable and prosperous, they should not have to fight to call themselves Cherokees. Descendants of Cherokee Freedmen, such as Lucy Allen and Johnny Toomer, seek to have the right to claim Cherokee culture as their own, but also to have their neighbors recognize the contributions that enslaved peoples made to the construction of the Nation. The labor and sacrifice of slaves ensured that the earliest construction of Cherokee communities in Indian

⁹⁷ Morris, 2007.

⁹⁸ Morris, 2007.

⁹⁹ Morris, 2007.

Territory was easier than it otherwise would have been, and it is this effort that ties Freedmen descendants to the Cherokee Nation. Despite the ongoing struggle, Freedmen descendants over the decades have never given up on their desire for full recognition, and all have shared the sentiment expressed by Johnny Toomer: “I want to be done fairly.”¹⁰⁰

¹⁰⁰ Morris, 2007.

Bibliography

Primary Sources

The American Slave: A Composite Autobiography. Edited by George P. Rawick. Rev. ed. 41 vols. Westport, CN: Greenwood Press, 1972.

Bibb, Henry. *Narrative of the Life and Adventures of Henry Bibb, an American Slave, Written by Himself*. New York: Author, 1850. Electronic Text Center: University of Virginia Library, Charlottesville, VA, 1998. <http://docsouth.unc.edu/neh/bibb/bibb.html#bibb149> (accessed February 15, 2011).

Brickell, John. *The Natural History of North Carolina*. Dublin, 1737. Google Books edition. http://books.google.com/books?id=p4c5AAAacAAJ&dq=Brickell,+John.+The+Natural+History+of+North+Carolina&printsec=frontcover&source=bl&ots=qIVdyL1Cdw&sig=8x5MFF1tgtP7aHIC5aqb1QI20vQ&hl=en&ei=VBnySZX1FYStgfN46yqDw&sa=X&oi=book_result&ct=result&resnum=2#PPA194,M1 (accessed February 10 2011).

Cherokee Nation. *Constitution and Laws of the Cherokee Nation: Passed at Tahlequah, Cherokee Nation, 1839-1851*. <http://digital.library.okstate.edu/chronicles/v006/v006p299.html> (accessed 10/1/2011).

Cherokee Nation. *Cherokee Supreme Court Docket: Oct. 18, 1833*, Tennessee State Archives: Nashville TN. http://teachinghistory.org/system/files/court_records_excerpt_0.pdf (accessed October 20, 2011).

Dawes Commission, *Commission to the Five Civilized Tribes 1893-1914.*, Washington, DC: GPO, 1915 <http://www.archives.gov/research/native-americans/dawes/> (accessed November 5, 2011).

Freedmen's Oklahoma Association. *Freedman's Oklahoma Association*. St. Louis: Chambers Printing Company, 1879.

Garrett, W.R. and John M. Bass, eds. "Correspondance of Gen. James Robertson." *American Historical Magazine* 3 (1898): 284-85.

Geller, Adam. "Past and Future Collide in Fight Over Cherokee Identity." *USA Today*, February 10, 2007. http://www.usatoday.com/news/nation/2007-02-10-cherokeefight_x.h (accessed October 5, 2011).

Hargrett, Lester. "The Estate of Doublehead in account with Thomas N. Clark". Museum of the Cherokee Indian, Cherokee, NC. Hargrett Collection, Box 1, Folder1, Catalog number: 1987.126.001.

Hawkins, Benjamin. *The Southern Indians and Benjamin Hawkins, 1796-1816*. Edited by Florette Henri. Norman: University of Oklahoma Press, 1986.

Kappler, Charles J. *Indian Affairs: Laws and Treaties*. Vol. 2, *Treaties*, "Treaty with the Cherokee July 19, 1866". Rev. ed. Washington : Government Printing Office, 1904. <http://digital.library.okstate.edu/kappler/vol2/treaties/che0942.htm#mn18> (accessed September 14, 2011).

Knickmeyer, Ellen. "Cherokee Nation to Vote on Expelling Slaves' Descendants." *Washington Post*, March 2007. <http://www.washingtonpost.com/wp-dyn/content/article/2007/03/02/AR2007030201647.html> (accessed October 10, 2011).

Koerner, Brendan I. "Blood Feud." *Wired Magazine*, September 2005. <http://www.wired.com/wired/archive/13.09/seminoles.html> (accessed October 10, 2011).

KTEN News. "Cherokee Leader Wants to Overturn Freedmen Decision." *KTEN News*, March 15 2006. <http://www.kten.com/Global/story.asp?S=46335347> (accessed September 18, 2011).

Milanich, Jerald T. *Earliest Hispanic/Native American Interactions in the American Southeast*. New York: Garland Publishing, 1991.

Meigs, Return Jonathan. "Answers to enquiries relating to the Cherokees, 1817 Aug." Session between "Mr. Trott" of the Cherokee Agency and Colonel Return J. Meigs, August,

1817. Hoskins Special Collections Library, University of Tennessee, Knoxville, TN. Penelope Johnson Allen Collection, Box 1, Folder 91.

Morris, Frank. "Cherokee Tribe Faces Decision on Freedmen". National Public Radio, February 21, 2007. <http://www.npr.org/templates/story/story.php?storyId=7513849> (accessed September 11, 2011).

Newton, Josh. "Monument To History." *Tahlequah Daily Press*, May 20, 2008. http://www.tahlequahdailypress.com/features/local_story_141100212.html (accessed August 20, 2011).

Norton, John. *The Journal of Major John Norton, 1816*. Edited by Carl Frederick Klinck and James John Talman. Toronto: Champlain Society, 1970.

Oklahoma Writer's Project. Museum of the Cherokee Indian, Cherokee, NC. William Anderson Collection, Catalog number: 2010.253.0445.

Page, John. "Master Roll of Cherokee Indians to Emigrate West of the Mississippi", December 3, 1838.

Philippe, Louise. *Diary of My Travels in America*. Translated by Stephen Becker. New York: Delacorte, 1977.

Riggs, Brett H. "Removal Period Cherokee Households and Communities in Southwestern North Carolina (1835-1838)". Oklahoma Writer's Project. Museum of the Cherokee Indian, Cherokee, NC. William Anderson Collection, Catalog number: 2010.253.0445.

Stealing a Little Freedom: Advertisements for Slave Runaways in North Carolina, 1791-1840. Edited by Freddie L. Parker. New York: Garland Publishing, 1994.

Timberlake, Henry. *The Memoirs of Lt. Henry Timberlake: The Story of a Soldier, Adventurer, and Emissary to the Cherokees, 1756-1765*. Edited by Duane H. King. Chapel Hill: University of North Carolina Press, 2007.

Trimble, Chuck. "The Cherokee Dred Scott Decision." *Indian Country Today*, September 18 2011. <http://www.kten.com/Global/story.asp?S=4633347> (Accessed September 20, 2011).

United States Supreme Court. *Whitmire v. the Cherokee Nation and the United States*. Washington, DC: GPO, 1909. <http://www.archive.org/details/moseswhitmiretru00unit> (accessed November 10, 2011).

Secondary Sources

Bailey, Minnie Thomas. *Reconstruction in Indian Territory: A Story of Avarice, Discrimination and Opportunism*. Port Washington, NY: Kennikat Press, 1972.

Cumfer, Cynthia. *Separate Peoples, One Land: The Minds of Cherokees, Blacks, and Whites on the Tennessee Frontier*. Chapel Hill: University of North Carolina Press, 2007.

May, Katja. *African Americans and Native Americans in the Cherokee and Creek Nations, 1830s-1920s : Collision and Collusion*. New York: Routledge, 1996.

Miles, Tiya. *Ties That Bind: the Story of an Afro-Cherokee Family in Slavery and Freedom*. Berkeley: University of California Press, 2005.

Naylor, Celia E. *African Cherokees in Indian Territory: From Chattel to Citizens*. Chapel Hill: University of North Carolina Press, 2008.

Perdue, Theda. "Clan and Court: Another Look at the Early Cherokee Republic." *American Indian Quarterly* 24, Autumn (2000). <http://www.jstor.org/stable/1185890> (accessed 08/02/2009).

------. *Slavery and the Evolution of Cherokee Society, 1540-1866*. Knoxville: University of Tennessee Press, 1979.

Sturm, Circe. "Blood Politics, Racial Classification, and Cherokee National Identity: the Trials and Tribulations of the Cherokee Freedmen". *American Indian Quarterly* 22, no.1 (1998). www.jstor.org/stable/1185118 (accessed August 3, 2009).

Saunt, Claudio. *A New Order of Things: Property, Power, and the Transformation of the Creek Indians, 1733-1816*. Cambridge: Cambridge University Press, 1999.