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Writing a Way Home: Cherokee Narratives of Critical and Ethical Nationhood

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**Writing a Way Home: Cherokee Narratives of Critical and Ethical
Nationhood**

by

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Dedication

To Cherokees – then, now and always.

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Writing a Way Home: Cherokee Narratives of Critical and Ethical Nationhood

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“Writing a Way Home” examines ways that Cherokees in the latter half of the 20th century who have been marginalized through the privileging of state narratives have deployed literature as a way to challenge narratives of state domination and to imagine and work toward more critical, ethical Cherokee nationhood. I examine the ways that Robert K. Thomas and Natachee Scott Momaday used literature during the federal Termination and Relocation programs to imagine functioning tribal nations against the United States’ assimilation narrative of the time. I further delve into how the Cherokee Nation’s state narrative of the Cherokee Freedmen has denationalized Freedmen descendants and how, by using the WPA narratives of former Cherokee slaves and Tom Holm and Thomas’ Peoplehood Matrix, we can re-narrate the Freedmen descendants into a more ethical Cherokee Nation. Finally, I close the study with an examination of Daniel Heath Justice’s *Way of Thorn and Thunder* trilogy that uses storytelling to re-imagine a place of reverence for gay and queer-identified Cherokees at a time when the Cherokee Nation passed a ban on same-sex marriage, claiming that such relationships defied what the Cherokee state narrates as tribal tradition. I aim to show in this study the danger of

uncritically accepting the state model for tribal nations and the importance of periodically challenging tribal nations when leaders behave unethically. Likewise, this study demonstrates the power of story to not only check the excesses of state sovereignty that marginalize people based on their history, politics, race and sexuality, but also the power to re-imagine a nation – a home – that welcomes all its relations.

“I have always believed that the Great Creator had a great design for my people, the Cherokees. I have been taught that from my childhood up, and now in my mature manhood I recognize it as a great truth. Our forces have been dissipated by the external forces, perhaps it has been just a training, but we must now get together as a race and render our contribution to mankind. We are endowed with intelligence, we are industrious, we are loyal and we are spiritual but we are overlooking the Cherokee mission on earth, for no man nor race is endowed with these qualifications without a designed purpose. . . .

“Our pride in our ancestral heritage is our great incentive for handing something worthwhile to our posterity. It is this pride in ancestry that makes men strong and loyal for their principal in life. It is this same pride that makes men give up their all for their Government.”

– Redbird Smith, 1910 speech to Council of Nighthawk Keetoowahs

“[T]he native intellectual who takes up arms to defend his nation’s legitimacy and who wants to bring proofs to bear out that legitimacy . . . is obliged to dissect the heart of his people.”

– Franz Fanon, *Wretched of the Earth*

Table of Contents

Introduction.....	1
"We must not surrender . . . until we fall to the ground united": Robert Thomas, Redbird Smith and Writing Cultural Nationhood during the Termination and Relocation Era.....	64
"Faith in ourselves in necessary": Functional Integration as Resistance and Critical Nationhood in Natachee Momaday's <i>Owl in the Cedar Tree</i>	131
"This nation look[s] like home to me": Cherokee Freedmen and Writing Ethical Nationhood through the Peoplehood Matrix.....	185
"Our memory has returned": Queer Cherokee Roles as Survival Strategies in Daniel Heath Justice's <i>Way of Thorn and Thunder</i> trilogy	271
Conclusion	352
References.....	366

Introduction

“Untitled”

From time to time in Tahlequah
We'd see them –
two old people –
man and wife –
both full-blood Cherokee.
He had his walking stick
and she her paper bag.
Their other hands they held
while strolling down the street

Now I don't know what's “Indian”
but walking hand in hand
along life's long uncertain path
and facing side by side
whatever comes –
that's Cherokee.

In this poem, Robert J. Conley (United Keetoowah Band of Cherokee Indians) reflects on a scene in which an elderly Cherokee couple, likely having seen the tribe through the years weather dispossession and upheaval and enact revitalization and renewal, walking hand in hand, ready to face the next challenge together. He concedes that he does not know what the idea of “Indian” means and relegates it to less than an afterthought, but he asserts that the core of what it is to be Cherokee, to him, is an ability for Cherokees to walk together, hand in hand, contend with any challenge, and continue walking together. When we consider the histories of violent removals and coerced relocations, the uprooting and breakdown of families, and the attempted erasure of communal epistemologies – and that those narratives often run in the background of

communal memory – a Cherokee writer creating a story of Cherokees in their twilight years having survived it all and continuing to walk together is a powerful narrative. Such a narrative can change how we imagine Cherokee life against more oppressive political narratives that have circumscribed what it means to be Cherokee and, in some cases, sought to define Cherokees out of existence.

Indeed, these narratives can also affect how we imagine Cherokee nationhood. This study examines how we can use Cherokee literature to conceive of critical and ethical nationhood(s). By critical, I refer not only to challenging an accepted, sometimes oppressive national status quo, which is often maintained through a privileged state narrative, but also to imagining (with the potential to enact) alternative models of nationhood outside of that status quo. Additionally, by ethical, I refer to critiquing the tribal state when it privileges a narrative that marginalizes a sector of its citizenry, and imagining and enacting a nation that is built on an alternative national narrative that seeks to ethically include the demographic(s) that otherwise exist in the margins of the status quo.

At the core of such challenges and re-imaginings of Cherokee nationhood is the role of stories. With the above poem, Conley gives us a story of Cherokee life – one story among countless others in the past and countless more in the future. If, as Thomas King (Cherokee) reminds us: “The truth about stories is that’s all we are” (2), then to be Cherokee – or any other group for that matter – goes beyond soul and sinew and extends into how we imagine ourselves. In the end, we are a composite of the stories we tell about ourselves – to ourselves and to others. Beneath Conley’s story of this Cherokee couple

are other stories that create and inform Cherokee nationhood of which Conley's elderly couple is a narrative microcosm. The details of these stories might vary, but each is rooted in a tribal history of tradition and change, removal and renewal, that ends, in this version, with a Cherokee couple having lived through it all and continuing to live.

However, not every story has a happy ending. Presently, queer Cherokees and the descendants of Cherokee Freedmen, whose own stories have historically contributed to the meaning of Cherokee nationhood, are being written out by officials of the Cherokee state who privilege national narratives that elide these groups' historical contributions to the Nation. Likewise, BIA head Larry Echo Hawk (Pawnee) issued a statement in 2009 suggesting that the historical Cherokee Nation is no more and the present iteration is merely a successor in interest of the original. Such privileged narratives at once threaten Cherokee nationhood in that while the former creates an oppressive state for some citizens, the latter challenges whether the Cherokee Nation as it was since time immemorial continues to exist at all.

The historical fissures of families and communities and the narratives that bring them together or, in some cases, continue to separate them at various moments in a group's history are often a basis of group identity and survival. This role of the narrative warrants analysis and further questioning of how narratives can be used to reconcile communities and to build borders around them as needed in a particular era.¹ Similarly, examining the politics behind privileging certain narratives over others lends insight into how individuals and groups who exist in the narrative margins create counter-narratives

as a path of creating critical, ethical nationhood that can have tangible effects on real people.

My study considers the narratives that emerge in Cherokee literature of the latter half of the 20th century to the present to understand issues spanning from the Termination and Relocation policies of the 1950s to the current debates over the place of Cherokee Freedmen descendants and that of queer Cherokees through the administration of former Cherokee Nation Principal Chief Chad Smith.² Just as Conley asserts in his poem that he knows what it means to be Cherokee and creates a narrative of two Cherokees coming together, each of the writers in this study considers narratives of belonging and critical, ethical nationhood that run counter to the privileged legal-political narratives of both the U.S. and Cherokee states that circumscribe the participation of some Cherokees at best and at worst erase them from the story.

These narratives of Cherokee nationhood matter because the stories that determine how, or even if, it is composed inform real stakes in the lives of real people. In fact, as Elizabeth Cook-Lynn (Crow Creek Sioux) indicates, the tribal nation is the apparatus through which Indians obtain the rights and privileges owed them by the U.S. per treaty obligations. She writes that, “[i]f we are contemporary Indians in America, we have no rights and responsibilities that are not embedded in our tribal nations. In other words, Indians have no Indian rights in America or in the world that are separated from tribal nation rights and specific geographies” (“AI Studies” 20).³ Here, Cook-Lynn asserts that we have a duty to defend tribal nations because without them, the rights she mentions that tribal nations won through both conflict and careful negotiation would

expire. But defending nationhood means defending the people who comprise it, defending them against forces from outside and from within that seek to shunt them to the margins and violate those rights their ancestors fought for. One method that my project takes up is how Cherokee writers have used literature as counter-narratives to write critical nationhood and imagine Cherokee nationhood as more politically efficacious and ethical. The threats to Cherokee nationhood don't go away. Indeed, one could argue that the battles haven't changed; only the stories have. By demonstrating how Cherokee writers effect such re-imaginings of nationhood, this project aims to wed King's assertion that all we are is stories with Cook-Lynn's assertion that tribal nationhood gives us the tools to endure physically, mentally and spiritually to continue the story, which, in turn, is a continuation of ourselves as people.

For this project, I examine the narrative construction of critical, ethical Cherokee nationhood both as a way of tying disparate stories back to the tribal body in the face of a privileged state narrative and how that, in turn, brings those individuals whose experiences are depicted in those counter-narratives back to the tribal whole. The endgame of this literary critical nationhood is to imagine a nation that not only lives up to its ethical potential by incorporating its marginalized kin, but also that, in the end, these constructions of critical nationhood lead to a nation that is more politically effective as a result. One way to examine narratives of critical nationhood at certain points in a group's history is to analyze the literature written by members of the community during that period or by those authors of the community who write about the period in question. *Writing a Way Home* is a study of Cherokee narratives of nationhood in the latter half of

the 20th century as it is constructed and revealed through the literary production of Cherokee writers during key moments in tribal history. Tensions between the privileged and counter-narratives are part of this project, and my aim is to analyze those conflicts that arise at various historical and political moments.

This project is divided into two parts. The first section of this study engages the assimilative and denationalizing narratives deployed through law by the federal government against tribal nations during the Termination and Relocation era. I examine the works of anthropologist Robert K. Thomas, a prolific writer who was one of the first Cherokee writers to explicitly engage issues of peoplehood and tribalism during the Termination period. His career spanned from the late 1950s until his death in 1991, and his analyses of tribal life and revitalization gained more esteem in the politically charged era that followed, which included the occupation of Alcatraz, the growth of the American Indian Movement and the standoff at Wounded Knee. Alongside Thomas' work, I examine the understudied young adult novel *The Owl in the Cedar Tree* (1965) by Natachee Scott Momaday, who is also the Cherokee mother of Kiowa author N. Scott Momaday.

The second half of this study engages contemporary issues in the Cherokee Nation with regard to the status of Cherokee Freedmen descendants and queer Cherokee citizens at a time when the former group occupies a citizenship limbo and the latter group is affected by a ban on same-sex marriage in the Cherokee Nation, margins created by privileged national narratives from the Nation. This section offers a critique of the Cherokee Nation's state policy as it pertains to these marginalized citizens, and examines

how we can use stories by these citizens to imagine a model of the Cherokee Nation that is ethically inclusive. An analysis of Cherokee slave narratives and Daniel Heath Justice's *Way of Thorn and Thunder* fantasy trilogy reveals the tensions between conflicting narratives of Cherokee belonging and nationhood and what it means to be Cherokee within those tensions.

From an academic standpoint, my goal is that this project serves as a document of how some Cherokee writers conceived of and re-evaluated narratives of critical, ethical nationhood through literature from the Termination era to today to engage the writers' lived realities with respect to their given historical moment. I also hope this project serves as a base for future scholars of Cherokee literature to build on, and that it becomes a resource into examining what 20th-century Cherokees were writing about with regard to politics and the aforementioned narratives. Additionally, I aim to contribute to the conversation of how Cherokees and other Indian writers use literature as a tool to continue challenging the privileged narratives that we take for granted and to create new ones.

From a communal perspective, I aim through this project to address the anxiety about conforming to one privileged narrative and to demonstrate that some of our greatest thinkers sought ways to construct counter-narratives of nationhood in order to meet the challenges of the day. That said my goal is not to provide concrete answers, but rather to offer more questions and open a space for a continued discussion of Cherokee narratives of nationhood. When faced with the question of what constitutes a tribal narrative, one of the worst things we can do is answer it in a way that takes the narrative into a place of

inertia and forecloses on alternative possibilities that might prove essential at another time. What constitutes narratives of nationhood and who gets to tell them depends on when one asks the questions, and I feel the most ethical approach I can take with this study, in addition to outlining how these writers construct counter-narratives, is to also create more questions. By asking more questions, we as scholars and community members challenge and construct narratives, and practice nationhood in a way that ensures that, as Jace Weaver (Cherokee⁴) states, the people might live.

Critical Overview

In *Writing a Way Home*, I am heavily influenced by American Indian Literary Nationalism, a theory of examining tribal literature developed by scholars such as Jace Weaver (Cherokee), Daniel Heath Justice (Cherokee Nation), Craig Womack (Creek), Robert Warrior (Osage) and Lisa Brooks (Abenaki), who demand that scholars interpret tribal literature in explicitly political ways that speak to and attend to the real-world social and political needs of tribal communities. In his foundational essay “Towards a National Indian Literature: Cultural Authenticity in Nationalism” (1981), Acoma scholar and writer Simon Ortiz outlines several of these real-world needs that scholars and writers must invest their effort in attending to, including sovereignty, control of tribal natural resources, sexism and economic oppression to name a few. I’ll elaborate further on Ortiz’ contribution later in this introduction, but I introduce his influential article here as a way to both outline the stakes of responsible scholarship in Native American and

indigenous studies and to highlight the stakes that drive my own analysis on Cherokee literature in this study.

I am fortunate and grateful to have developed as a scholar of Native American and indigenous studies at a time when I can take for granted the idea that responsible literary analysis goes hand in hand with responsibility to people. American Indian Literary Nationalism is indeed a response to earlier interpretive theories such as postcolonial theory, theories that assume a Native American “Renaissance” and mixedblood, or “hybrid,” theory, each of which essentializes indigenous nations in various ways and, worse, depoliticizes them and their literary output in favor of studying tribal literature in terms of ethnic and cultural aesthetics. In this study, I join the aforementioned as well as other literary nationalists who insist on honing literary analysis to re-politicize tribal literature in ways that shift the focus from ethnic and cultural voyeurism to pragmatic considerations of tribal nationhood.

Before going further, I must confess that while I generally reject postcolonial theory as a way to interpret tribal literature in a larger sense, my approach is informed partially by the works of some of its representatives such as Partha Chatterjee and Edward Said (Palestinian).⁵ I use their work, respectively, to articulate a general theory of nationalism that I work with and in introducing Warrior’s interpretation of “secular criticism,” an extension of Said’s work that informs my view on critical tribal nationhood.⁶ My primary concern with using postcolonial theory to interpret tribal literature is that it necessarily situates the tribal community as the Other, which only reiterates settler privilege, and it often views work coming from these othered

communities as a simple “writing back,” as if the work by itself has no value apart from contending with the settler state. To demonstrate the necessary othering emergent in postcolonial theory, I point to Chatterjee who writes that, “[n]ationalism . . . seeks to represent itself in the image of the Enlightenment and fails to do so. For Enlightenment itself, to assert its sovereignty as the universal ideal, needs its Other” (qtd. in Bhabha “DissemiNation” 293). Chatterjee argues that the continued othering of subjugated communities feeds the privilege of the dominant group, and as such I do not wish to couch tribal literature in terms of it being the literary output of Others and, in essence, just re-inscribe the hierarchy of nations that postcolonial scholars ostensibly endeavor to challenge.

I also find postcolonial theory lacking in that while it often celebrates Others’ gaining a voice and writing back to the dominant group, analyses frequently stop there. The Others finally get their say and perhaps gain power in an imagined sense, but in many ways the actual colonial dynamic doesn’t necessarily shift in their favor. I instead seek to empower Cherokees through Cherokee writing. I argue that while work from the Cherokee margins can certainly “write back to” or challenge the privileged U.S. and Cherokee national narratives, I also insist that there exist an endgame of critical nationhood informed by the counter-narrative that has the potential to inform a more ethical nation and put actual strategies into play to make that change possible. Finally, my distance from full-on postcolonial theory is a semantic one in that, as Weaver points out, “post-” implies “after,” as if colonialism has ceased in Indian Country, which, of course, it has not.⁷

My privileging of American Indian Literary Nationalism also speaks to how the theory responds to earlier interpretive frameworks used with Native American and indigenous literature that essentialize and depoliticize tribal communities and their nations. One early theory is the approach that sees contemporary Native American literature as part of a general native Renaissance, a term coined by Kenneth Lincoln from his 1985 book *Native American Renaissance*. Lincoln locates the genesis of the Native American Renaissance in 1969 with the publication of N. Scott Momaday's *The House Made of Dawn* for which Momaday received the Pulitzer Prize. As with the European Renaissance, this theory focuses on the aesthetics, in this case of those in Native American literature, as well as how Native American literature differs from mainstream American literature, eliding the political realities of tribal nationhood.⁸

Likewise, as James Ruppert has identified, the idea of a renaissance assumes that American Indian writers weren't creating relevant work before 1969, and it elides important earlier work by writers such as Momaday's mother, Natachee Momaday, and Ruth Muskrat Bronson (Cherokee), Todd Downing (Choctaw), Ella Deloria and Zitkala-Sa (Dakota), Luther Standing Bear and Charles Eastman (Lakota) and D'Arcy McNickle (Salish) to name a few.⁹ This supposed renaissance is also problematic in that it assumes that Native American literature wasn't relevant until it gained mainstream attention when Momaday won the Pulitzer Prize, a point mentioned by James Cox in a review of Lincoln's book on the 25th anniversary of its publication.¹⁰ This stance devalues tribal communities' appreciation of their own work and assumes that such work only gains value when it is met with non-Native acclaim.

In addition to Lincoln, other early scholars of Native American and indigenous literature are guilty of having focused on essentialized, and often romanticized, notions of shared Indianness that, while expressly different from mainstream U.S. culture, fails to account for how diverse tribal nations are expressly different from one another. For example, in the opening pages of *American Indian Literatures* (1990), LaVonne Ruoff writes of American Indians:

Divided into numerous cultural and language groups, native North Americans practiced many different religions and customs. However, there are some perspectives on their place in the universe that Native American groups shared and continue to share. . . . Although individual Indians today vary in the extent to which they follow tribal traditions, their worldviews and values continue to reflect those of their ancestors. (2)

Ruoff gestures here to the fact that Indians come from “numerous cultural and language groups” (note: not nations). However, she assumes that tribal communities all share a certain “perspective” and that, despite that every other group of people has the opportunity to change intergenerationally as needed, tribal communities are somehow inextricably bound, for better or worse, to their ancestors with regard to their values and worldviews. This essentializing framework, which makes no gesture toward political efficacy of tribal nationhood, reflects Weaver’s observation that some non-Natives desire that their Indians “remain flies in amber, beautiful, pristine, and ultimately cold, dead, and sterile” (*AILN* 4). As a nationalist, like Weaver, I reject the notion that American Indians – and only American Indians – must remain in a stasis that lends itself to

essentializing and, ultimately, undermines the possibility of critical nationhood, an act that requires reflection and, more importantly, the freedom to change.¹¹

Though Lincoln and Ruoff's early work are but two examples of scholarship that risk essentializing tribal communities and ignores tribal nationhood, the work of scholars who trade in hybridity theory go a step further and not only essentialize but in some cases actively resist tribal nationhood. Scholars of hybrid theory such as Louis Owens (Choctaw-Cherokee-Irish)¹² and Elvira Pulitano turned the focus of literary criticism to questions of identity rather than politics, Owens crafting his "mixedblood" theory and Pulitano insisting that scholars such as those who developed American Indian Literary Nationalism who are ancestrally mixed somehow "confess" their hybridity instead of advocating for their tribal nations.¹³ I engage Owens who has examined a "mixedblood" identity that is processual and the result of both historical and cultural determinants. Owens' collection of essays *Mixedblood Messages: Literature, Film, Family, Place* (2001) assembles his thoughts on the hybrid identity expressed by "mixedbloods" like himself who through family photos and narratives craft their identities not as Choctaw or Cherokee in Owens' case, but as a "mixedblood." This abstraction is an identity unto itself, a liminal hybrid identity informed by Indian and European strains while not fully existing in either space. Owens' mixedblood is a deviation from the idea of a "pure" Indian identity to which those of mixed ancestry cannot reconcile themselves; therefore, "mixedblood" becomes a new point of reconciliation. The following passage highlights both his idea of the mixedblood and how he figures himself as one. He writes:

I come from families of mixedbloods, Oklahoma Cherokee on my mother's side and Mississippi Choctaw on my father's. Anyone who has ever tried to mix disparate elements knows that it is very hard to achieve a pure blend. In the end, despite the long struggle for 'survival,' there are empty gaps and voids, dangerous pockets of emptiness that can burst unpredictably, but the process of mixing itself requires motion, the swirl of the blender, the whirl of contrary elements in the bucket or bowl. Mixedbloods, I am suggesting, are the products of motion. (149)

Here, Owens' mixedblood is not only the result of the cultural blending that produced him, but this blending is also a process that the mixedblood undergoes as he tries to make sense of what he sees as disparate identities operating inside him.

Just as Cook-Lynn has long been an advocate for reading tribal literature in nationalist ways, she also has been outspoken against "mixedblood" authors who supplant literature's political potential with an obsession over identity.¹⁴ In a 1998 keynote address at Yale, Cook-Lynn spoke about a body of Indian literature and scholarship that she deems a deficit in terms of the tribal community and the political realities they face – the promotion of an individual and, some might argue, depoliticized "mixedblood" identity in literature of the last couple of decades that not only fails to ethically uphold tribal nations, but creates characters who are "pathetic." She adds that a focus on individual identity detracts from more relevant and urgent concerns in both the Native Studies field and tribal nations. On the issue of identity in literature and literary criticism, Cook-Lynn has argued that only tribal governments can assign Indian identity

because the federally recognized state is the apparatus through which Indians procure their political rights. She writes:

The truth is, the endless argument over ‘Who is an Indian’ is the poorest coin we trade with as responsible scholars in the disciplines because it is not our question to answer, nor our commodity to buy or sell. It is a question which belongs to the First Nations of America, as it always has since the beginning of time, not to scholars, professors, agents, publishers, nor to self-proclaimers. (“Literary” 39)

Like Cook-Lynn, I agree that questions of individual identity are meaningless in an ethical production of literature and criticism, that is unless they find a way to reconcile the conversation to the immediate realities and needs of the tribal communities.

While I certainly understand and respect Owens’ argument that identity is a process and is socially and historically informed, I also can empathize with Cook-Lynn’s perspective and see why she would tire of it all. If Cook-Lynn’s charge is that Indian literature and literary criticism be useful to Indian communities and attend to the communities’ political needs, a charge I take seriously, I have trouble accounting for how novels and studies that focus on individual identity offer anything in this service. Similarly, I fail to see how articulating a distinct, at times self-indulgent, identity as a “mixedblood” reflects a *tribal* commitment or serves the tangible needs of a tribal community when the identity itself is constructed outside the tribal body. While a “mixedblood” identity might psychologically empower individuals, I fail to see how it empowers nations. By telling his story from a “mixedblood,” not a specifically Choctaw position, he stands to dispossess other Choctaws in a similar position of a point from

which they can imagine themselves as part of a critical Choctaw nationhood. Owens could have just as soon – and arguably more responsibly – called his collection *Choctaw Messages* and have created in literary form a site of critical Choctaw nationhood that attends to the same concerns he outlines and that other Choctaw readers in his position could learn from and find a place for themselves as part of the Choctaw body. This perspective is more empowering both to the individual and the tribal body than a mere reckoning of an individual identity that happens to be partially informed by Choctaw ancestry. This approach would have made the collection a literary form of nationhood instead of a depoliticized account of someone with mixed Choctaw ancestry trying to maintain a foothold in both Indian and European spaces. My study of Cherokee authors accounts for the social and historical realities that Owens identifies and the competing narratives that inform identity, but in each of these authors I see and explore that identity specifically as a Cherokee identity, not a depoliticized abstraction that is only informed by an author’s Cherokee ancestry.

Similarly, I engage American Indian Literary Nationalism because the evidence of the damage incurred by rationalizing away tribal nationhood has unfortunately been recorded for posterity in Pulitano’s problematically titled book *Toward a Native American Critical Theory* (2003). Throughout her study, Pulitano argues that because Indians are “hybrids,” racially, culturally and intellectually, there can exist no tribal-national discourse or perspective, and Indian scholars must recognize an inherent complicity in operating through what she claims is a dominant discourse. She adds that a tribal-specific approach, as explicitly advocated and preferred by Womack, for example,

is not only impossible, but is also another form of essentialism.¹⁵ She writes: “Any form of discourse involving notions of tradition, sovereignty, and commitment to communities should first acknowledge the level of complicity between Native intellectuals . . . and the dominant academic discourse” (76). Pulitano’s belief here is that as scholars we recognize, and in doing so privilege, dominant discourses and concede her claim that because Indians are not “pure” in a sense that she imagines, the “flies in amber” as Weaver notes, that there can therefore never exist a truly tribal-national approach to examining literature in ways that attend to tribal communities’ needs. Womack, of course, points out the absurdity of such a claim when he notes that it is impossible to teach Blackfeet or Creek students, as he has, and tell them to their faces that there is no Indian or tribal perspective.¹⁶ If, as Weaver explains, the goal of American Indian Literary Nationalism is to privilege indigenous perspectives as a way to study and teach Native subjects in ways that aid in the real-world struggles of tribal communities, we have to employ approaches that not only acknowledge tribal discourses, but also allow them to manifest as the communities see fit.¹⁷ It is in this regard that I align my study with the values of American Indian Literary Nationalism.

Lest I be accused in my analysis of earlier scholars of “presentism,” or of using my position today to take to task those who espoused perspectives that were perfectly acceptable in their time, I remind readers that these words are still in print and still circulating and that, as Womack memorably demonstrates in his thorough critique of Pulitano’s work, these words have real-world effects. It’s precisely because of these effects that I privilege American Indian Literary Nationalism because I believe that, at

least for now, it is the framework that provides the most potential for scholars of Native American and indigenous literature to do responsible work that can empower tribal nations.

Nation(s), imagined and lived, and their stakes

Cook-Lynn is correct in her assessment that the tribal nation is the apparatus through which Indian communities secure their treaty rights and, therefore, writers and scholars of Indian literature are responsible for upholding the tribal nation. However, as history – and this study – shows, the tribal nation as an apparatus, at least defined in terms of a state as it presently is, is susceptible to manipulation, oppressive excesses and outright destruction both from without and from within. Such potential perils often are written in national narratives that privilege one community demographic over other people, or one system of defining nationhood over other possibilities, necessitating the need for counter-narratives that critically engage the nation in ways that make the tribal nation more formidable, equitable and that, in the end, better uphold its national sovereignty. As such, while supporting the tribal nation and its sovereignty is a worthy and necessary endeavor, an uncritical acceptance of the nation as the only framework through which to articulate not only political rights but also communal belonging is not only methodologically myopic but also ethically flawed.

Indeed, when we examine the history of the development of nations, it becomes clear that both the ideological concept and the lived reality of the nation are often inextricably tethered to a history of violence and abuse. My work considers these

histories of oppression and marginalization in the name of nationhood and sovereignty and how such oppression is disseminated, rationalized and justified through the privileging of national narratives. More specifically, I focus on how the United States has used its sovereign might to write tribal nations into a position of truncated sovereignty and political sideration and how the Cherokee Nation has used its sovereign status to craft national narratives that usher queer Cherokees to the margins and erase the descendants of Cherokee Freedmen from the page.

Though in this study I focus on these narratives of oppression at the more microcosmic level of the United States and the Cherokee Nation, my analysis of nationalism on a broader scale is informed by the work of scholars such as Partha Chatterjee and Ernst Renan who have examined, respectively, the role of violence in forming nations and the subsequent forgetting of said violence as a way to maintain the nations' presence and power. I also draw on Renan's argument that the central component of nationhood is the will of the people to behave as a nation. My framework of general nationhood in this study is a composite of Chatterjee and Renan's theories through which I argue that in order for nations to manifest, the will of one group often trumps the will of others through acts of violence and oppression, which then leads to the "vanquished" group(s) being written to the margins in the subsequent national narrative.¹⁸ To highlight the violence with which Chatterjee associates nationhood, I point to a passage from his book *Nationalist Thought and the Colonial World: A Derivative Discourse* (1993) in which he asserts:

Nationalism as an ideology is irrational, narrow, hateful and destructive. It is not an authentic product of any of the non-European civilizations, which, in each particular case, it claims as its classical heritage. It is wholly a European export to the rest of the world. It is also one of Europe's most pernicious exports, for it is not a child of reason or liberty, but of their opposite: of fervent romanticism, of political messianism whose inevitable consequence is the annihilation of freedom.

(11)

While I concur with the general thought of this passage, it does bring up a couple of points with which I contend, one being the issue of “authenticity” and the European derivation of nationhood with regard to tribal nations. While Chatterjee disowns European notions of nationhood for what he considers colonized communities on the basis of their origin, I again turn to Womack who has argued that tribal nations, though many are constitutional in a European sense, are no less “authentic” for having adopted this model nor do we necessarily need to avoid European epistemologies.¹⁹ Likewise, while Chatterjee takes for granted that nationalism is itself always violent, my study considers alternative methods of reckoning tribal nationalism such as those described by Jace Weaver (Cherokee), Daniel Heath Justice (Cherokee Nation), Jeff Corntassel (Cherokee Nation), Taiaiake Alfred (Mohawk) and Robert Warrior (Osage) among others that they build on a foundation of Indian, tribally-derived or strategically-appropriated European principles that operate outside of the settler-state model.²⁰ Such a staunch position on nationhood that Chatterjee takes, while useful at times, can also be delimiting as Simon During notes. During writes: “To reject nationalism absolutely or to refuse to

discriminate between nationalisms is to accede to a way of thought by which intellectuals – especially postcolonial intellectuals – cut themselves off from political action” (139). I agree with During here, who I can see in conversation with Cook-Lynn, that a rejection of nationhood is a rejection of political efficacy. However, lest I appear to be at once invoking Chatterjee then throwing him under the bus, I agree with the core of his statement that nationalism as it is developed through a settler-colonial apparatus such as the contemporary tribal state lends itself to the same oppression that he attributes to the forming of other nations and their subsequent states that inevitably privilege the will of one over the will of many. I invoke Chatterjee here to offer a theory for readers to consider while I discuss later the United States’ undermining of tribal nations in the narrative of its own nation-building as well as the marginalization of the Freedmen and queer Cherokees as the Cherokee Nation further develops its own sense of nationhood, specifically through the privileging of singular national narratives. I then demonstrate how Cherokee writers use their literature as a way write critical nationhood through counter-narratives that resist the oppression that Chatterjee ascribes to nationhood as it develops in a settler relationship.

Writing these critical, ethical nations from the margins is important because, as Renan argues, the nation run by a privileged sector of the wider community mandates the forgetting of the oppression or violence, such as that described by Chatterjee, that formed the nation to begin with.²¹ Renan writes:

Forgetting, I would even go so far as to say historical error, is a crucial factor in the creation of a nation Indeed, historical enquiry brings to light deeds of

violence which took place at the origin of all political formations, even of those whose consequences have been altogether beneficial. . . . Yet the essence of a nation is that all individuals have many things in common, and also that they have forgotten many things. No French citizen knows whether he is a Burgundian, an Alan, a Taifale, or a Visigoth, yet every French citizen has to have forgotten the massacre of Saint Bartholomew. (“What is a Nation?” 11)

Here Renan asserts that in terms of peoplehood, no French citizen can supply proof of, and perhaps no French citizen even knows, from which specific ethnic group he or she descends. However, in order to coalesce as a singular “French” nation, acts of horrific violence committed by one group of people against others must be erased and replaced by a new national narrative that explains the origin of the new “French” nation. This study examines similar narrative moves by the United States and the Cherokee Nation that depend on strategic forgetting in order to promulgate a single national narrative written and disseminated at the expense of the stories of lived experience from subjugated groups within the nations. Where nations exist through forgetting, stories can spark memory and initiate action to make the nation live up to its ethical potential.

This interpretation of nationhood that I use at this point in my study refers to the “modern” nation developed on European concepts as outlined by scholars such as Benedict Anderson, Ernest Gellner and Eric Hobsbawm.²² As Scott Lyons (Ojibwe-Dakota) reminds us, however, Indian nations before European encroachment indeed were nations too, but he refers to their sense of nationhood as one of cultural resistance.²³ He notes that while Indians were frequently cast as subjects of other sovereigns, churches or

corporations, these relationships were founded on treaty-making from a nation-to-nation position.²⁴ This fact demands the question that Lyons poses: “If our old-time Indians weren’t nations in the way we think of nations today (which is, remember, always a very modern thing to do), what were they? Or, more to the point, what were they doing?” (118-119). This question demands that we think about how tribal nations viewed themselves as distinct political and cultural entities pre-1492 and to consider the implications of recasting contemporary tribal nationhood in terms that exist outside of the European-derived state model, a task I take up in the first half of this study. Lyons does, however, argue that the Indian nation as we know it is “as modern as anyone else’s nation, but that doesn’t mean its origins aren’t as old as the hills” (121). I pay close attention here to Lyon’s assertion of tribal nations being as “old as *the hills*,” a statement that locates tribal nationhood not with the state model that exists today, a model that Renan and Chatterjee show to be vulnerable to violence and oppression, but rather with the land, an entity that is neither violent nor oppressive; it simply is. Where states are imagined and are, thus, open to interpretation, manipulation and at worst erasure, the land is permanent and tangible. I consider methods of redefining critical tribal nationhood in ways that take into consideration tribal epistemologies, land being one factor, and that, as a result, have the potential to build the nation outside of a model that is open to oppression.

However, to think of modern tribal nationhood only in such terms elides that fact that, to date, the tribal nation – the one that Cook-Lynn asserts is the apparatus through which Indians obtain rights – is tied to the state model. And indeed, states are unlikely to

go anywhere any time soon. During argues that “the nation-state is, for better or worse, the political institution which has the most efficacy and legitimacy in the world as it is. Modernity reproduces itself in nation-states, [and] there are few signs of it happening otherwise” (“Literature” 139). The nation-state, for now, is here to stay. And as I mentioned earlier, the rights that Cook-Lynn argues for are articulated and conferred through the state, an imaginary and sometimes oppressive model of framing nationhood. This fact demands that we examine tribal nationhood from this reality; however, from there we can imagine critical, ethical nationhood outside this model. I engage Cherokee literature to see how Cherokee writers, and how we as readers, can argue for and obtain rights outside of a state model and through a more critical, ethical model of nationhood.

At the core of my analysis is the argument that if narratives can oppress, counter-narratives can liberate. Indeed, Ben Okri (Urhobo) asserts this claim in his collection *A Way of Being Free* (1997). He writes that, “we live by stories, we also live in them We live stories that either give our lives meaning or negate it with meaninglessness. If we change the stories we live by, quite possibly we change our lives” (47). This study, therefore, considers the theory of “ethically constitutive stories” as developed by political scientist Rogers Smith who reiterates the role of national narratives in the subjugation of marginalized communities. He writes: “Even when people’s statuses are being imposed by direct coercive power, those wielding that power inevitably rely on some sorts of stories or accounts of how their political society should be constituted There cannot be ‘imagined communities’ without mental images of what those communities should be and who should be in them” (48). In this passage, Smith refers to Benedict Anderson’s

theory of nations being “imagined communities,” or an entity of people who perceive themselves as existing as a nation.²⁵ However, he inserts the element of narrative privilege into the project of nation-building and demonstrates how stories parse out who is going to be a part of the nation and what status they are narratively fated to occupy. Smith adds that such national narratives inform the real-world implications that some communities will experience by being included or excluded from the nation. He writes that privileged national narratives “clarify and justify to [those in power] who is to be conquered, who is to be turned away or expelled, who is to be segregated or killed, and who is instead to be fully included as an equal” (48). As a result of this narrative endgame that oppresses some members of a nation while extolling others, Smith invokes a theory of “ethically constitutive stories” that can operate as a counter-narrative. These stories, as Smith explains, focus on traits of people that the people deem inherently valuable that inform belonging in their nation and inspire a sense of worth. Specifically, he refers to religion, language, history and ancestry among other factors that can constitute a group’s identity “in ways that both affirm their worth and delineate their obligations” (65). Smith’s ethically constitutive stories, then, focus not on the asymmetrical power relations that Chatterjee and Renan argue are inherent in nationalism, but rather on the elements that inform how a people define themselves using terms derived by themselves.²⁶ One interesting element of ethically constitutive stories is that, unlike historical narratives in which certain facts can be proved or disproved, the narrative in an ethically constitutive story does not always, and sometimes need not, conform to the rigidity of empirical evidence. An example Smith points to is of Jewish

people believing they are “God’s chosen people.” While many Jewish people subscribe to this belief, and this story informs in part how Jewish people view themselves as a distinct group, there simply is no way of empirically proving or disproving whether a higher power has in fact chosen to act more favorably toward Jewish people over other ethnic groups. Nonetheless, such a story maintains its purchase in the formation of a Jewish sense of self, however empirically agnostic. I extend this phenomenon of the ethically constitutive story by suggesting that because we can neither prove nor disprove the narrative itself, the ethical step in terms of constructing critical tribal nationhood is to choose narratives, or rather choose among competing interpretations of these ethically constitutive stories, that have the potential to effect the greatest ethical good in the nation.²⁷ In thinking about the role of story as a counter-narrative of critical nationhood against privileged national narratives, I am reminded of Chicana scholar Emma Perez’ thoughts on the mutable quality of stories and how stories can effect positive change by invoking the imagination and transcending the arbitrary (and often Western informed) confines of the real versus the imagined. Perez opens her landmark study *The Decolonial Imaginary: Writing Chicanas into History* (1995) by critiquing the discipline of history as one that privileges colonial narratives as fact before arguing that the “historical” narrative is only one story out of many. She further argues that subjugated groups can use their own narratives as a means to decolonize themselves. Perez writes: “There is no pure, authentic, or original history. There are only stories. That is not to say that the stories are not real and are only imagined in a post-modern sense . . . That which is real for some is imaginary for another, especially if the wish is to rectify that decades later” (xv). Here,

Perez speaks to the possibility of counter-narratives to rectify colonial wrongs by challenging the privileged narrative. In the case of the Cherokee writers I'm studying, I engage their narratives of nationhood as a form of oppositional consciousness²⁸ and the articulation of their rights from the U.S. and Cherokee states – and the act of imagined sovereignty through writing – as a form of resistance that ultimately informs the formation of a more ethical nation.

While I see the benefit of critically analyzing national narratives, I am aware of the controversy of the practice, especially in Native Studies. Cook-Lynn has argued that the question of who is Indian is not one for scholars to address and that scholars of Native Studies have a responsibility to view it strictly in terms of the political rights of a recognized nation. However, before one can conceive of the rights inherent to Indians through sovereignty and national citizenship, one has to contend with the state narratives that outline what a sovereign tribal nation is and who is a citizen to begin with, and by what terms he or she is depicted, or not, in that narrative. Additionally, as several have noted²⁹, the nation-only approach forecloses on other methods of demanding political rights and other narratives of critical nationhood, as if Indians cannot think of themselves as a people and advocate for their rights without an administrative body that is beholden to the federal government for continued recognition. I engage this line of argument in the early chapters that depict how Cherokees had to create counter-narratives outside of a sovereign nation model during the risk of Termination when several Indian nations no longer had that model to use.

Taiiaki Alfred (Mohawk) expands on the perils of a singular approach, in this case through nation and the excesses of sovereignty, by arguing that it elides other indigenous ways of imagining critical nationhood and the assertion of political goals. I examine this line of thinking more closely in the latter half of the project that deals with privileged Cherokee state narratives. Alfred writes:

The unquestioned acceptance of sovereignty as the framework for politics today reflects the triumph of a particular set of ideas over others . . . Justice demands recognition – intellectual, legal, and political – of the diversity of languages and knowledge that exist among people, indigenous peoples’ ideas about relationships and power commanding the same respect as those that used to constitute the singular reality of the state . . . The idea that there is only one right way to see or do things is no longer tenable. (62-3)

Perhaps justice is the endgame of this particular debate, a goal that Alfred argues cannot be achieved by theorizing politics and tribal reckoning in only one way. Because ideas of critical and ethical nationhood amount to more than theoretical abstracts and have real effects on real people, the line between embracing these narratives and critiquing them is one to tread carefully.

With this idea in mind, it is essential that in the end the work we do as scholars ultimately supports the social and political goals of those Indian communities. In his landmark essay “Towards a National Indian Literature: Cultural Authenticity in Nationalism,” Simon Ortiz (Acoma) outlines the stakes and the aim of American Indian

Literary Nationalism, a practice, as I've said, I am not only indebted to but one to which I dedicate this project and future endeavors. Ortiz writes:

It is also because of an acknowledgement of Indian writers of a responsibility to advocate for their peoples' self-government, sovereignty, and control of land and natural resources; and to look also at racism, political and economic oppression, sexism, supremacism, and the needless and wasteful exploitation of land and people, especially in the U.S., that Indian literature is developing a character of nationalism which indeed it should have. (12)

Ortiz outlines the tangible stakes scholars must keep in the front of their minds, and Cook-Lynn argues that only a focus on recognized, administrative nations can ensure that we responsibly advocate for the political rights that address these issues. One has to consider, however, the risk of wholesale support of this model in cases in which the Indian nations themselves manipulate national narratives and policy as a way to disenfranchise its constituents. In cases such as these, we must take care not to place the blame squarely on the concepts of nationhood or peoplehood, but rather attribute it to the individuals who are responsible for such abuses. In an interview with Alfred, Vine Deloria, Jr. (Standing Rock Sioux), expresses disdain at Indians' lack of willingness to hold their leaders accountable when they act unethically. Deloria argues: "Before Western individualism took over, people were held accountable by their family, clan, and community, and they used shame to bring people around. Today we are so polarized between Indian and white that no one dares criticize an Indian leader publicly, so we let them get away with murder" (qtd. in Alfred 69). Deloria continues his argument by

suggesting a return to alternative forms of peoplehood, which, I argue, can extend into critical forms of ethical tribal nationhood. Deloria adds:

We should teach the old clan and kinship responsibilities, and make deliberate efforts to carry them out, perhaps even set up some deadlines to accomplish certain kinds of goals – calling people within the family by the relative name, like ‘father’ or ‘sister,’ and reviving the custom of doing things for them. Then we can move on to more complicated things. There was a sense of civility that the old traditional ways brought that we do not have now, and we should return to them.

(68)

I quote Deloria at length because I believe in these same goals and refer to these ideas to show how literature can be a tool that imagines nationhood and the incorporation of marginalized groups in a way that attends to Deloria’s concerns. At the heart of both of Deloria’s points is the collection of political rights that are at stake in the conversation with narratives people use, or those that are imposed on them. These are the stakes and causes we are responsible for considering and upholding. But responsibility cuts two ways. In our mission to uphold these political rights for Indian nations, communities, and individuals, we must also critique the institutions and individuals who manipulate these narratives in unethical ways. That said, my goal with this project is not only to examine how Cherokee writers conceive counter-narratives of critical, ethical nationhood, but also how those concepts of nationhood that emerge from them, reflected through literature, create a tool for recognizing, acquiring, promoting – even demanding – political rights.

My aim is to demonstrate the usefulness of analyzing these works and how they reckon counter-narratives of critical nationhood, ultimately arriving at how these narratives speak specifically to theories of tribal peoplehood. My approach in this analysis keeps in mind the charges raised by Alfred and Warrior to critique the excesses of sovereignty and privileged narratives, but balances it with Ortiz and Cook-Lynn's charge that our work be responsible and keep the health of the tribe at the center. A literary study can serve these functions when the literature is examined with these real world implications in mind. For example, Cherokee playwright Lynn Riggs once expressed the demand that literary work, in his case drama and theatrical productions, extend beyond entertainment and instead reflect a responsibility to a greater society. He writes: "The theatre is an excellent medium through which to attack or embrace the world. Any play which makes no attempt to realize this function is bad. It is intellectually shoddy to use the theatre for entertainment alone" (qtd. in Braunlich 151). While I cannot argue authorial intent, my aim is to show how the authors' works of literature in this study could be used to imagine critical nationhood that could have existential effects in the world.

Methodology

To achieve this analysis, I will hone in on four key points in Cherokee history when privileged narratives of nationhood, Cherokee and U.S., have been variously deployed and resisted, challenged and actively redefined. Because one of my primary arguments deals with narratives of peoplehood and nationhood outside of the state model,

I begin this study in the 1950s at the height of the Termination and Relocation programs when the concept of a sovereign tribal nation as a political apparatus was rapidly waning. The other historical points I will examine are the era of the late 1960s and early 1970s that include the growing American Indian Movement and the reinstating of the Cherokee Nation's political sovereignty.

I also examine the contemporary moment in which the privileged state narrative, with regard to the Freedmen descendants and the position of queer Cherokees, is presently being challenged and redefined. I analyze here how the Cherokee writers of these eras negotiate these competing narratives and how their creation of counter-narratives through literature attends to the political goals of the day. My goal, however, is not to confine my analysis to a historical rendering, but rather to avoid such a voyeuristic approach by focusing on Riggs' directive and asking how the various narratives expressed in these works engage the surrounding political environment. Additionally, my desire is to analyze these Cherokee works in a way to demonstrate how they, and by extension my study of them, can be useful to Indian communities as a tool to teach and, most importantly, challenge ideas of the creation and privileging of some national narratives and offer a record of how necessary counter-narratives of critical nationhood have emerged in the past.

To this end, I have chosen authors who are all Cherokee and who write, either implicitly or explicitly, about ways to create critical nationhood. Each of these writers has a close relationship to issues of Cherokee nationhood, ranging from Robert K. Thomas, who dedicated his life to reclaiming Cherokee tribal customs and practice during

politically hostile moments, to the Freedmen descendants who have had their Cherokee status intermittently affirmed and challenged throughout history.

My method considers Womack's charge that we both recognize and respect, and subsequently privilege, tribal-specific perspectives where we can. As Womack notes in *Red on Red: Native American Literary Separatism* (1999), the stakes of recognizing tribal communities' right to interpret their work and themselves through their own epistemologies are great, namely sovereignty. Womack's description of how and why Creeks privilege their origin stories over origin theories developed and espoused by non-Creek scholars reflects my own choice to privilege work by Cherokees and indigenous people in this study. He writes:

For many Creeks, their own narratives about Creek origins are more important for explaining Creek beginnings than the anthropological and historical mythologies. This is a right that belongs to Creeks and other Native people. When Creek people assume they have the inherent right to interpret their own literature and history, even when their interpretations differ from those of dominant culture, they are setting themselves apart as a nation of people with distinct worldviews that deserve to be taken seriously. This is an important exercise of sovereignty.

(29)

Taking this charge from Womack into account, I first sought out sources for this study who are Cherokee, including Cherokee literary scholars, lawyers, political scientists and sociologists. I then privilege the work and perspectives of non-Cherokee Indians and global indigenous communities before finally engaging non-Native sources. My choice to

use sources grounded in Cherokee, American Indian/indigenous and non-Native perspectives, in that order, should not be read as a hierarchy of value. I do not posit that a Native scholar's work is inherently more valuable than that of non-Natives, and I certainly don't believe the reverse. As Womack clearly shows in *Red on Red*, despite some non-Native scholars like Arnold Krupat³⁰ and Robert Dale Parker's³¹ apparent inability to see it, non-Native sources are valuable and can be usefully employed so long as the end justifies the means, the end being scholarship that upholds tribal nationhood and attends to the real needs of a tribal community.³² My privileging of Native sources and inclusion of non-Native sources follows the "kitchen table" model expressed by Lisa Brooks (Abenaki) in that I welcome the input of guests so long as they mind their manners in the host's home and reciprocate the hospitality in responsible, ethical ways.³³

Finally, my methodology will include analyses of under-examined authors such as Robert Thomas and Natachee Momaday who have been largely ignored in the criticism, but who have important perspectives to consider. Additionally, because our field is by its nature interdisciplinary, a study of narratives of critical nationhood demands a study of the group in a variety of human contexts.³⁴ To this end, my project will examine other non-fiction writing by Cherokees such as Thomas' anthropological works and the WPA narratives of Cherokee Freedmen, alongside works of fiction that appear in more conventional literary analyses. As Warrior notes in *The People and the Word: Reading Native Nonfiction* (2005), the bulk of writing by American Indians historically has been non-fiction, and it often speaks in a direct way to Indian experience, which Warrior deems as a crucial framework for literary criticism.³⁵ Warrior writes: "Nonfiction writers

have brought us impassioned pleas on behalf of Native peoples, accounts of crucial moments in Native history, profiles of people in contemporary Native communities, and explorations of dysfunctions, like substance abuse, in the Native world” (xx). These examples of Native non-fiction, he adds, reflect Native experience and are thus worthy of critical attention. Along this line, I engage a wide breadth of Cherokee literature, fiction and non-fiction³⁶, to demonstrate the ways that crafting counter-narratives of critical nationhood is at the forefront and expressed through literature as a practice of nationhood in a manner to carry Cherokees through the trials of the day. Finally, my methodology and purpose for this project is indebted to the work of Jeff Corntassel (Cherokee Nation) who argues for the need for scholars to create work that is pragmatically applicable and that has a chance to effect useful, existential change in the world, even if some in the academy continue to resist such a charge and dismiss it as polemic or activism.³⁷

Chapter summaries

The first two chapters show Cherokee writers engaging critical nationhood at a time when the Cherokee Nation had yet to be fully reinstated politically, and the last two chapters examine the Cherokee Nation operating as a tribal sovereign that, unfortunately, oppresses its Freedmen and queer communities. While several studies examine the formation and change of the Cherokee Nation prior to the beginning point of my analysis, the 1950s, I begin with the era of Termination and Relocation because it was a time when the state apparatus of tribal nationhood was most recently threatened. I begin with this

period to highlight the need for imagining critical nationhood because this period shows us that nationhood as articulated through the state model is always vulnerable.³⁸

This study begins with an analysis of the writings of Cherokee anthropologist Robert K. Thomas. Writing in the 1950s at the height of post-World War II termination of tribal nations, Thomas examined ways that Cherokees and other Indians could articulate themselves as a distinct people and how through that construct they could also advocate for their political rights that are outlined in treaties.³⁹ Thomas began his prolific career at a time when the apparatus of a federally recognized Indian nation was deteriorating before his eyes during a period of immense U.S. patriotism and a renewed pride on the part of mainstream America in its pioneer history and the nation's expansion across the continent.⁴⁰ Throughout his 40-year career, Thomas contended with the need to articulate shifting notions of Cherokee peoplehood and how to use those ideas of peoplehood to ensure Cherokee survival and political efficacy in the era of termination and relocation, and beyond.

My study of Thomas in this section focuses primarily on his 1953 thesis that details the history of the Redbird Smith Movement. Considering the time he was writing about the movement and the events that surrounded the Redbird Smith Movement itself, I draw comparisons between Indian Territory during the movement and the environment around the termination era of the 1950s and argue that just as Smith exhorted Cherokees to remain a tribal unit, Thomas also advocates for Cherokees of the day to retain their tribal practices even as the communities are being fractured. Through this examination, I argue that Thomas creates a Cherokee narrative that challenges the U.S. assimilation

narrative of the time and creates a space where Cherokees can effect critical nationhood by holding on to tribal ways as the U.S. attempts to make them vanish. I examine through his early work how his focus on Cherokee-specific traditions and tribalism functioned as his frame for articulating Cherokee peoplehood at a time when the U.S. initiated policies to reassign specific tribal identities into a catch-all U.S. identity. Both socially and politically, Indians could never truly belong in this reckoning of assimilated identity, but the program nonetheless attempted to fulfill the federal government's mission of Indian erasure and the abnegation of the government's responsibility to indigenous communities. I argue that as the U.S. began to strip away at the narrative of Indian political sovereignty by terminating individual Indian nations, Indians themselves began to gather intertribally and narrate their position from a civil rights discourse once the recognized nation model was no longer available.

Thomas was born in 1925 in Kentucky to Cherokee parents. His family left Kentucky during the Great Depression and settled in Oklahoma near the Arkansas River where Thomas was raised from childhood near his maternal Cherokee grandparents who brought him up to speak Cherokee. After serving with the Marines in the Pacific theater during World War II, Thomas worked on the railroad and in copper mines in Arizona where he later enrolled in the University of Arizona and earned a degree in geography. He later earned a Master's degree in anthropology and wrote his thesis on the Redbird Smith Movement. He then enrolled in the anthropology program at the University of Chicago where he became an activist anthropologist. Thomas left for North Carolina to conduct fieldwork with Cherokees in the east, and he never finished his doctoral studies.

Thomas accepted a teaching position in Detroit, and in the late 1950s and 1960s, he organized several workshops for Indian students where they discussed issues that affected the tribal population. He also played a major role in organizing the American Indian Chicago Conference in 1961 where Indians and non-Indian allies gathered to discuss federal Indian policy and possible changes. Thomas returned to Arizona in 1981 to teach at the University of Arizona where he established one of the earliest graduate programs in American Indian studies. Throughout his tenure he strived academically to create more space for American Indian studies. At a political and personal level, he worked to engage various tribal nations and people to work together to combat the political undermining and cultural erasure of Indians perpetrated by the U.S. through assimilation programs such as those mentioned earlier. As a Cherokee, Thomas strived to demonstrate the vitality and importance of Cherokee epistemologies both to outsiders and Cherokees themselves, working in areas of Cherokee-language revitalization and reintroducing Cherokee spiritual practices, culminating in the return of the Sacred Fire to the Eastern Band Cherokees in 1990 for their Green Corn Ceremony. He died the following year.

While Thomas' prolific career spanned four decades, my study of his work will focus on his writing from the early 1950s. I examine the models of how Thomas reckoned Cherokee peoplehood and the politics that extended from it outside of the federally recognized nation at a time when the United States was reneging on its political obligations to Indians and terminating the political arms of their nations. Likewise, I read his work, much of which remains unpublished, through the context of the Indian

relocation program that was established to dismantle tribal communities and to assimilate them into “mainstream” U.S. life in urban centers such as San Francisco, Chicago, Phoenix and Dallas. At a time when the U.S. was dissolving nations and rupturing Indian families and other kin communities through relocation, Thomas wrote about the importance of tribalism and revisited the Redbird Smith Movement, a movement pursued by traditional Keetoowah Cherokees to fight allotment of Cherokee land and the subsequent breakup of Cherokee communities before Oklahoma statehood. By analyzing Thomas’ work and the social and political realities of the period in which he wrote them, I contend with Cook-Lynn’s assessment that the federally recognized nation, a model that in many ways is nonetheless beholden to the U.S., is the only apparatus to engage Indian political rights. I argue that Thomas’ ideas of Cherokee peoplehood focused not on a federally recognized-nation model, but rather on tribal communities’ successfully negotiating the political climate of the 1950s through the early 1970s, promoting Cherokee culture⁴¹ and tradition while also giving Cherokees and intertribal communities a platform from which to assert their rights as indigenous people in the United States.

In Chapter 2, I study the work of Mayme Natachee Scott Momaday whose young-adult novel *The Owl in the Cedar Tree* (1965) engages questions of retaining tribal ways while adapting to a tribal community’s contemporary needs. Aside from a collection of poems, *The Owl in the Cedar Tree* is Natachee Momaday’s only published work and is an understudied contribution to Cherokee letters. I study the narrative alongside the economic troubles several tribal nations faced as a result of termination and assimilationist policy of the 1950s and 1960s as a way to imagine critical nationhood and

advocate for Indian rights. In this chapter, I show how Momaday – and even Thomas by this time – were operating as Cherokees within an intertribal collective and how this dynamic during the period offered another possibility for Cherokee nationhood and resistance to oppressive U.S. state narrative that curtailed Indian political identity and rights. Natachee Momaday and her novel, thus far, have only appeared in scholarly conversation in a three-page analysis in Jace Weaver’s *That the People Might Live: Native American Literatures and Native American Community* (1997) and two short scholarly articles. I aim in this section is to demonstrate the value of her work and to start a conversation that I hope will lead to her work being brought to the forefront of Cherokee literary studies and Indian children’s literature.

Momaday was born in Kentucky in 1913 and named after her Cherokee great-grandmother, Natachee. According to her son, Kiowa-Cherokee author N. Scott Momaday, she became interested in her Cherokee ancestry as a teenager and eventually left Kentucky to attend the Haskell Institute. After a short stay, she tired of formal education and sought to travel and work as a journalist in Indian Country. She later married Al Mammetady, a Kiowa whose family disapproved of their union. N. Scott Momaday writes: ““As far as they were concerned, she was an outsider who had insinuated herself into their midst, and they set out to make her life miserable”” (38). With her in-laws not accepting her, the Momaday’s left for the Navajo Nation, where *The Owl in the Cedar Tree* takes place, after a friend invited them to work there as teachers. The family later relocated to Jemez Pueblo where her son, N. Scott Momaday’s, Pulitzer Prize-winning novel, *House Made of Dawn*, takes place.

Natachee Momaday's novel tells the story of Haske, a Navajo boy coming of age, who at the outset is described as being pulled between the teachings of his great-grandfather and the "progressive" ideas of his parents. Weaver refers to the narrative as a conflict between "progressives and pullbacks," and the conflict centers on the boy at a time when the circumstances affecting Indians in the U.S. were changing. The narrative details one boy's struggle to situate himself in tribal and colonial worlds and reflects the reality that Indians faced in the late 1960s and early 1970s during the Red Power Movement. This era was a time when Indian political resistance became more intertribal and militant after many Indian veterans had returned from the Vietnam War and found that their communities often were no better off than those they left behind in Southeast Asia.

In my analysis of the novel, I argue that Momaday establishes a narrative of critical nationhood that allows space for Indians to hold to ancestral traditions and practices while incorporating elements of the contemporary day, especially economically, as a means to resist, a practice often needed in intertribal communities where individuals' own tribal traditions differ from those of others. Momaday's experience as a Cherokee who worked with the Navajos and Pueblos at this time exemplifies this intertribal dynamic that emerged when Indians began fighting not only for their nations but on behalf of one another as Indians at a time when the U.S. had terminated political relations with many tribal nations. Read alongside such works as D'Arcy McNickle's (Salish) *Native American Tribalism: Indian Survivals and Renewals* (1973), Momaday's novel

reflects a counter-narrative in which Indians embrace the old and adapt to the new as a way to forge ahead and continue to resist.

I take up the debate over the place of the Cherokee Freedmen as Cherokee citizens in Chapter 3 and argue that we can use their stories alongside the Peoplehood Matrix, a model of peoplehood developed by Cherokees, to craft a counter-narrative of critical nationhood that imagines an ethical Cherokee Nation that includes the Freedmen and recognizes their contribution to the Nation. This chapter highlights points of black and Cherokee intersection not only in the slave trade in the American South, but it also examines the relationships that emerged between the groups as a result of it. I also detail the political and legal elements that have defined Cherokee Freedmen identity in the past such as the Treaty of 1866 and the Dawes Commission rolls to the current moment when Cherokee Freedmen descendants were voted out of the Nation and provisionally reinstated pending the outcome of a case that Principal Chief Chad Smith turned over to the federal court.

In this chapter, I analyze a series of Cherokee Freedmen slave narratives that were recorded as part of a WPA project in the 1930s – narratives that descendants refer to today when articulating themselves as Cherokees – through the lens of Thomas and Tom Holm’s (Cherokee Nation) Peoplehood Matrix to see how Cherokee Freedmen have forged and maintained a place as Cherokee through history and today. I examine how Cherokee Freedmen descendants use ideas similar to those articulated through the Peoplehood Matrix to establish a narrative of critical nationhood and to resist the privileged state narrative that seeks to erase their presence and participation in Cherokee

history. Through the Peoplehood Matrix, I demonstrate how Freedmen conceived of themselves as Cherokees through shared land, language, sacred history and ceremonial cycle and how this narrative today can challenge the Cherokee state narrative that circumscribes black participation in the nation.

This citizenship limbo that Cherokee Freedmen descendants find themselves in is as old as the 1827 Constitution that legislated that a black woman could not produce a Cherokee citizen. However, the current political moment regarding the place of Cherokee Freedmen dates to 1980 when then Principal Chief Ross Swimmer, fearing the Freedmen descendants would back his political opponent, initiated legislation that required voters to produce a CDIB before casting a ballot, effectively disenfranchising black Cherokee Freedmen descendants who had previously held citizenship in the Nation.⁴²

Since that time, Freedmen descendants have been in and out of citizenship and in the late 1990s, Freedmen descendants such as Marilyn Vann (Cherokee Nation) and others began to organize and advocate for their place and rights as Cherokees. In 2003, Principal Chief Chad Smith asked the Cherokee Supreme Court to rule on the Freedmen issue. Then-justice Stacy Leeds (Cherokee Nation) ruled that the Cherokee Constitution did not specify a blood requirement, only that prospective citizens trace an ancestor to the Dawes Rolls, asserting Cherokee Freedmen's citizenship. In a move similar to Swimmer's, Smith knew the Freedmen would back his opponent – Leeds – in another election, and he established a referendum to amend the Cherokee Nation constitution to require that citizens trace to an ancestor on the By-Blood portion of the Dawes Roll. Though only a small percentage of citizens voted, those who did overwhelmingly chose

to vote out the Freedmen again. The Nation, under Smith, rewrote the constitution without BIA approval, and after rising discontent from Freedmen descendants and their supporters, Smith turned the issue over to the federal court.

Apart from the blatantly racist overtones such as those in an e-mail that circulated and admonished Cherokee voters to protect their daughters from the “infiltration” of black Freedmen, detractors have not only used legal arguments but also contended that Freedmen have not had the historic relationship they claim to support their position and have no right to the Cherokee estate and citizenship. Freedmen supporters, however, argue that the group has had a relationship to the tribal body that was essential to the survival of the Nation.

In addition to the Freedmen descendants, another group of Cherokees that has had its status curtailed by the Cherokee state is the tribe’s gay and lesbian population. In Chapter 4, I examine how queer Cherokees have imagined critical nationhood outside of the legal circumscription of the Cherokee state narrative by exploring the role that Two Spirit-identified Cherokees have played and continue to play in the Nation. For this section, my study will focus on Daniel Heath Justice’s (Cherokee Nation) *Way of Thorn and Thunder* trilogy alongside an examination of Two-Spirit and queer theory and history. Justice is an outland⁴³ Cherokee citizen who was born and raised in the mining town of Victor, Colorado, and presently lives and teaches in Musqueam Territory (or “British Columbia,” as the colonizers call it) in Canada, where he is also a citizen.

The issue of queer Cherokees resisting the state narrative emerged in the early 2000s when Kathy Reynolds and Dawn McKinley, both lesbian Cherokee Nation

citizens, filed for a marriage license to wed in the Nation and, though it was granted initially, the registry office refused to file the completed form on the grounds that marriage in the Nation – a kinship relationship – is reserved exclusively for heterosexual couples. Though the couple legally wed, tribal lawyer Todd Hembree (Cherokee Nation) filed an injunction against the marriage, claiming that same-sex marriage was illegal, not tribally traditional and would tarnish the image of the Cherokee Nation. The Nation subsequently adopted its own version of the Defense of Marriage Act and the couple's marriage license remains unregistered.

The kinship element in the story is vital because prior to this incident, McKinley was denied visitation at the hospital when Reynolds fell ill because the state did not recognize their relationship as one of family, despite that the couple has been together for several years and are raising a child together. This refusal to recognize the couple's kinship relationship, even if it does fall outside of the heteronormative strictures of the Cherokee state, speaks to the need for developing counter-narratives to the state to which Cherokees can reconcile themselves in order to find a place to open new potential for resistance as a wider body of Cherokees. I examine this topic through the lens of kinship, marriage being a form of kinship that queer Cherokees are prohibited from practicing, and through the traditional roles that Cherokee Two-Spirits have served in their communities. Using Justice's fantasy trilogy, I focus on how Cherokee Two-Spirits recover their bodies, per Qwo-Li Driskill's (Cherokee) theory of "sovereign erotic," then reconcile their kin relationships and roles as Cherokees when the political state denies them. The Cherokee state codified in law the privileging of heteronormative kin

relationship and marginalized same-sex relationships. This narrative is the backdrop against which I argue that we can use Justice's fantasy trilogy to articulate a counter-narrative that recognizes the value of Two-Spirit Cherokees and creates a space for their participation in the Nation. Because the fantasy genre allows for more imagination than a historical rendering of an event, Justice is able to use the genre itself as a way to develop queered characters who are analogous with Two-Spirit Cherokees today and as such demonstrate that gay and Two-Spirit Cherokees have a place in the Nation. In addition to the trilogy and the fantasy genre's facilitation of alternative ways for this community of Cherokees to imagine critical nationhood through their roles as Cherokees, I argue that the trilogy itself becomes a site through which future Cherokees can find a place in the nation and resist both local Cherokee and U.S. federal imposition.

Driskill's article "Stolen From Our Bodies: First Nations Two-Spirits/Queers and the Journey to a Sovereign Erotic" (2004) details the need for gay Cherokees and Cherokees who identify as Two-Spirit to not only reclaim themselves as Cherokees but to start by reconciling themselves to their sexual identities and in doing so, recover their sexual bodies from colonial programs such as the conservative Christianity that has been adopted by several tribal communities.⁴⁴ Driskill writes: "I find myself obsessed with the notion of 'home' on many levels. I have not only been removed from my homeland, I have also been removed from my erotic self and continue a journey back to my first homeland: the body" (53). By claiming and reconciling the erotic self, Driskill argues, one can then reclaim one's role in a larger community, in this case Two-Spirits reclaiming a dual-gendered identity on which their traditional roles depend. Because

Justice's trilogy deals with Removal and is a fantasy, I am particularly interested in the generic conventions of fantasy and how it creates a space to articulate alternative narratives that can usher in such a reclamation and resistance.

Expanding on these arguments, I focus on how queer and Two-Spirit Cherokees imagine an ethical and critical nation by re-imagining and reclaiming their roles in the tribe. By examining how queered characters in Justice's trilogy relate to one another and the Kyn tribe, I also examine the historical and anthropological context of Indian Two-Spirit and queer identity in resistance to the state narrative, primarily through the work of Brian Gilley (Chickasaw), Mark Rifkin, Sabine Lang and Walter. L. Williams.

Gilley's work, for example, makes use of interviews from Two-Spirit Indians and details how these Indians see themselves as functioning in a meaningful way as part of a tribal whole through roles assigned to Two-Spirits. One participant in Gilley's study, "Ben," states: "The Two-Spirits were the ones who continued the culture: the spiritualism, the naming, the ceremonies: There was nobody else to do it. We were revered and considered as powerful people" (97). These roles, Gilley's participants argue, are what separate Two-Spirit Indians from Indians who happen to be gay. This Two-Spirit discourse, Gilley argues, provides these tribal people a framework to imagine a place in creating critical nationhood through their traditional roles and creates a space from which Two-Spirit-identified Indians can resist the privileged narratives that aim to dispossess them of their kin roles and relationships in the tribe.

The study and its stakes

In the end, I agree with Cook-Lynn that scholars and writers of American Indian literature should take tribal nationhood seriously. I do, however, often wonder if those of us who are willing to critique the nation and challenge it to be better are in fact the ones who truly take tribal nationhood seriously as opposed to those who advocate for uncritical, fulsome support of the nation in the name of sovereignty.

I'm reminded of conversations I've had with a Cherokee friend about goings-on in the Nation, specifically regarding the ban on same-sex marriage and the then-emerging issue of Freedmen citizenship, issues that make up the last two chapters of this study. With regard to the first issue, both of us being Texan, we discussed the 2005 referendum in which the State of Texas sought to amend its constitution to make marriage officially an institution between one man and one woman, and we discussed the Cherokee Nation's decision to do the same. As Texans who respect equal rights, we both naturally voted against the amendment. As Cherokees, however, he a citizen and myself a descendant⁴⁵, he saw the ban in the Cherokee Nation as an act of sovereignty. I saw marginalization just the same, be it in the Cherokee Nation or Texas, a state that I'd be remiss as a Texan if I failed to mention was also once a nation.⁴⁶ Where my friend saw same-sex Cherokee couples being no worse off than they already were under Oklahoma law, I saw an opportunity for the Cherokee Nation to be better than the state that imposed itself on Cherokee land a century earlier – and failing to step up to the challenge. When we discussed the Freedmen issue at a later date, my friend saw the Freedmen's disenfranchisement by referendum, again, as an act of Cherokee sovereignty. But things

changed when I posed the question: “What if Americans voted to strip the descendants of slaves brought here of their U.S. citizenship?” He replied: “That’s ridiculous, Bryan. Where would they go?” Indeed, if the Freedmen lose their place in the Cherokee Nation, apart from Cherokee voting rights, access to some tribal services and perhaps a sense of belonging, a Freedmen descendant technically is no worse off than any other American who is not also a Cherokee citizen. As U.S. citizens, the descendants of Cherokee Freedmen would retain the right to remain on the land and to live and work here as they always have. There is little material change that comes with losing their Cherokee citizenship, at least in the minds of people who think little of casting a ballot to have it revoked while they take their own Cherokee citizenship for granted. If the U.S. were to dispense with the citizenship of slave descendants, however, the result would be devastating, as they truly would have no other place to call home.

Returning to the question of who takes tribal nationhood seriously, I wonder if the reason some people so flippantly invoke sovereignty to rationalize oppression in tribal nations is because the U.S., in some ways, acts as a buffer, an entity that in the end will be held accountable for upholding one’s basic civil rights regardless of citizenship in, or even the existence of, a tribal nation. Hearing the various rationales, it’s almost as if those who uncritically deploy sovereignty conceive of the U.S. as a nation and tribal nations as clubs – nice if you can get in, but if not, you still have a home to return to in your own neighborhood.⁴⁷ To take tribal nationhood seriously, then, is to recognize that the stakes of casting off individuals such as the Freedmen or curtailing the rights of those such as same-sex couples in tribal nations are just as serious as if the U.S. were to threaten or

actually enact the same policy. After all, how do we take tribal nationhood seriously if we don't hold it up to the same moral and ethical standard of even the U.S., a nation we ostensibly do take seriously? To take tribal nationhood seriously is not to rely on the U.S. to be a "safety net" of rights for tribal members who are exiled from their nations, while paternalistically allowing tribal nations to get away with moral offenses for which the international community would hold the U.S. and other nations accountable.⁴⁸ It requires that we periodically pause and examine whether tribal nations are living up to the ethical standards their citizens demand of them and deserve. And if they aren't, it requires that we resolve to critically analyze where the nation has run afoul and to examine how we can contribute materially, spiritually and intellectually to the same nation to make it more equitable and sovereign for all.

My goal through this project is to demonstrate how our stories have the power to articulate critical nationhood in a way that narratives can spur resistance to domination both outside and inside the political state. I also aim to show that how we narrate ourselves can, and often must, change to meet the challenges of the moment and to ensure that we continue to have a voice through which to narrate ourselves at all. Ultimately, I conclude that tribal literature is an ideal medium through which to articulate such ideas because it presents such a narrative and in some ways instructs us on how to create our own.

However, not everyone agrees that literary analysis can have a tangible effect on a community. In *Decolonizing Methodologies: Research and Indigenous Peoples* (1999), Maori scholar Linda Tuhiwai Smith argues that while there is some use in examining

indigenous literature from an academic standpoint, the practice is largely aesthetic and does not effect any material change in indigenous communities. She argues: “Taking apart a story, revealing underlying texts, and giving voice to things that are often known intuitively does not help people improve their current conditions. It provides words, perhaps, an insight that explains certain experiences – but it will not prevent someone from dying” (3). While turning the academy’s focus to indigenous literature might throw some light on Indian experience in the classroom, she asserts, the idea that Indian writing and the analysis of it can lead to change is only a pipedream of delusional scholars.

I couldn’t disagree more strongly.

When we examine the works of our best thinkers, even ones who have fallen under the radar, we learn ways that they resisted and asserted themselves as indigenous people in a social and political climate that would sooner have them erased from the landscape. We can take their lessons and apply them to our situations today and, in some cases, carry on the legacy of crafting words, words that might appear in a piece of legislation that affirms treaty rights that can give the tribe the tangible sustenance to survive, or words that appear in our language and stories of our families and communities that bring us together and give us a reason to survive.

Words can also pose a threat as seen in the 2009 Echo Hawk decision. Larry Echo Hawk (Pawnee), head of the Bureau of Indian Affairs, issued a statement in the battle between the Cherokee Nation and the United Keetoowah Band to put land in trust that could have grave consequences on the Cherokee Nation. Even a short footnote in the

decision creates a narrative that one could use to justify terminating the Cherokee Nation.

Echo Hawk writes,

The CNO has long maintained there is no distinction between it and the historic CN (Cherokee Nation). By closing the rolls in 1907, Congress effectively imposed a sunset provision on its relationship with the historical CN. The Federal relationship would exist as long as its members survived. This is consistent with Congress's expectation that the government of the historical CN, like the governments of the other Five Civilized Tribes, would not be permanent. (3 n.2)

Words such as these pose a risk of defining Cherokees out of existence when peoplehood and nationhood are tied solely to the relationship between the U.S. and Cherokees, an example of a privileged narrative. However, the words of Cherokee writers in this study speak to alternatives that can ensure tribal survival. Womack, again, speaks to the need of Indian academics to address the issues that affect tribal individuals, using words as a catalyst for action. He writes:

Not enough Indian artists are talking about the things that matter. Novelists, literary critics, and musicians – such as myself – have a responsibility to deal with the real world, not solely mysticism regarding love of earth and respect for all relations. One must also evaluate whether or not such philosophies are ever enacted. To conclude we should say nothing about these matters because we are 'only' artists could produce a silence with disastrous results-and perhaps it already has . . . Too much Indian writing and criticism remains easily within the safety zone. Where is the risk, the vulnerability? (*Art as Performance* 113-114)

Coming on 60 years after the Termination program, Echo Hawk has given Cherokees a reason to feel vulnerable again. My hope is that this project is only one of many that assume the risk of challenging it.

¹ Daniel Justice (Cherokee Nation) has argued convincingly that while we need to critically engage the boundaries we establish and maintain their adaptability, it is important that they don't become "amorphous to the point of absolute inclusiveness" (23). See Justice *Our Fire Survives the Storm: A Cherokee Literary History* (Minneapolis: U of Minnesota P, 2005). Likewise, Craig Womack (Creek) mentioned in a conversation that while we need to maintain borders, we also have to consider who is being left on the outside and under what circumstances. These are questions that drive this study.

² Chad "Corntassel" Smith was the Principal Chief of the Cherokee Nation from 1999-2011. He was born in 1950 in Michigan and grew up in Nashville, Tennessee. He is the great-grandson of Cherokee traditionalist Redbird Smith. He worked as a lawyer prior to leading the Cherokee Nation. Under Smith's tenure, the Cherokee Nation rapidly expanded its business operations, leading to an improved tribal economy.

³ Cook-Lynn has been one of the most vocal and prolific advocates for supporting tribal nationhood in scholarly studies. See also Cook-Lynn *Why I Can't Read Wallace Stegner and Other Essays: A Tribal Voice* (Madison: U of Wisconsin P, 1996); "American Indian Intellectualism and the New American Story." *American Indian Quarterly* 20.1 (1996): 57-76; "American Indian Studies: An Overview." *Wicazo Sa Review* 14.2 (1999): 14-24; "Who Gets to Tell the Stories?." *Wicazo Sa Review* 9.1 (1993): 60-64; and "Who Stole Native American Studies?." *Wicazo Sa Review* 12.1 (1997): 9-28.

⁴ Throughout this study my goal is to privilege Cherokee voices and perspectives. I have included as Cherokee sources citizens of the Cherokee Nation, the Eastern Band of Cherokee Indians and the United Keetoowah Band, and I note their national affiliation next to their names. Likewise, I have included unenrolled Cherokees who, though not citizens, are recognized communally as Cherokee by other Cherokees, and I have listed them simply as "Cherokee."

⁵ Later in the introduction, I explain that I privilege the perspectives of indigenous people in this project. I note Said's being Palestinian here because I consider Palestinians to be indigenous to the land that is now called "Israel." Indeed, considering how the U.S. imposed the state of Israel on Palestinians after World War II, I consider Israel the "Oklahoma of the Middle East," owing to the similarity of the strategy of displacing tribal nations through the imposition of a settler state. While the designation of Palestinians as indigenous is not without controversy, several studies speak to Palestinian history on the land and how Palestinians view themselves as indigenous to the land. See for example, Rashid Khalidi *Palestinian Identity: The Construction of Modern National Consciousness* (New York: Columbia UP, 1997); Walid Khalidi *Before Their Diaspora* (Washington, D.C.: Institute for Palestinian Studies, 1984); Keith Whitelam *The Invention of Ancient Israel: The Silencing of Palestinian History* (New York: Routledge, 1997) and Staughton Lynd, Sam Bahour and Alice Lynd, eds. *Homeland: Oral Histories of Palestine and Palestinians* (New York: Olive Branch Press, 1994). For a literary perspective, see Barbara McKean Parmenter *Giving Voice to Stones: Place and Identity in Palestinian Literature* (Austin: U of Texas P, 1994). For a comparative study that engages Palestinian and American Indian perspectives, see Steven Salaita *The Holy Land in Transit: Colonialism and the Quest for Canaan* (Syracuse, NY: Syracuse UP, 2006) is an important intervention.

⁶ While I don't think post-colonialism is the best framework for analyzing American Indian literature in ways that explicitly promote tribal nationhood on tribal terms, I do appreciate post-colonial theorists' interventions in scholarship. In particular, I am indebted to them for being an early group that recognized and challenged the asymmetrical power binaries that exist between dominant and subjugated groups and for demonstrating how literature can be used to critically upset that dynamic. As I explain later, I just don't see post-colonialism going far enough in ways that can conceive of empowered tribal nationhood in

an existential way. Nonetheless, a few of the post-colonial texts that have been useful to me are Aime Cesaire *Discourse on Colonialism* (1950); Franz Fanon *Wretched of the Earth* (1961); Edward Said *Orientalism* (1978) and *Culture and Imperialism* (1993) and Albert Memmi *The Colonizer and the Colonized* (1965).

⁷ See Weaver's discussion about his and Gerald Vizenor's terminology with regard to post-colonialism in "Splitting the Earth," *American Indian Literary Nationalism (AILN)*, 39. For a more in-depth analysis of why a post-colonial colonial approach is not optimal in analyzing American Indian issues, see Weaver "From I-Hermeneutics to We-Hermeneutics: Native Americans and the Post-Colonial." *Other Words: American Indian Literature, Law, and Culture* (Norman: U of Oklahoma P, 2001), 280-305. The evidence for continuing colonialism in Indian Country emerges in the higher rates of poverty, unemployment, substance abuse, incarceration, depression and suicide in American Indian communities than in the communities of their white counterparts. See Joseph P. Kalt *The State of Native Nations: Conditions under U.S. Policies of Self-Determination* (New York: Oxford UP, 2008).

⁸ Cook-Lynn has long advocated for Native American Studies to be considered a separate field. See Cook-Lynn, "Who Stole," 24. Similarly, Womack has argued that Native American literature should be studied on its own terms and not seen as a mere "minority extension" of the American canon. See Womack *Red on Red: Native American Literary Separatism* (Minneapolis: U of Minnesota P, 1999), 76.

⁹ Despite the critical shortcomings of the term, Ruppert does note that between Momaday's publication of *House Made of Dawn* (1968) and Leslie Marmon Silko's publication of *Ceremony* (1977) the output from American Indians writers did increase. See Ruppert "Fiction: 1968-Present" *Cambridge Companion to Native American Literature* (Cambridge: Cambridge UP, 2005), 173-188. Though the term might rightfully point to a time of renewed abundance of literature by American Indians, Cook-Lynn argues that it shifts the focus away from what is important, namely nationhood and how literary output affects real lives. In "American Indian Studies: A Keynote," Cook-Lynn notes a conference description she once observed that suggested that the Native American Renaissance was a "blending of a tribal world with the Euro-American worldview" and sought "to combine the best of American Indian cultures with the American mainstream" (21 original emphasis). Cook-Lynn adds: "Is this what we've come to? Blending in? Saving the ozone layer? Well, there's nothing wrong with that, surely. But one must ask: is this what the development of Native American Studies as an academic discipline had in mind since 1960 when we fought off Termination and Relocation? When we looked hard at Federal Indian Policy as a policy of continuing genocide? When our rivers were assaulted, and our rights and territories diminished? When we came close to the end as nations of people? I think not." See Cook-Lynn, "AI Studies," 21.

¹⁰ See Cox, Rev. of *Native American Renaissance* by Kenneth Lincoln. *E3W Review of Books: Imperialism, Nationalism, Globalism* (2008): 85-86.

¹¹ For more on how some non-Natives have historically viewed Indians through an image that is frozen in time, see Robert F. Berkhofer *The White Man's Indian: Images of the American Indian from Columbus to the Present* (New York: Vintage, 1979). For a study on how non-Natives have appropriated American Indian imagery, usually stereotyped, for their own purposes of identity and organization, see Shari Huhndorf *Going Native: Indians in the American Cultural Imagination* (Ithaca, NY: Cornell UP, 2001).

¹² I add Owens' European heritage only because that is how he identified himself. Because other scholars I mention identify tribally, either as citizens or descendants, regardless of their actual ancestral make-up, I only list their tribal affiliation where necessary.

¹³ See Womack “The Integrity of American Indian Claims, Or How I Learned to Stop Worrying and Love My Hybridity,” *AILN*, 91-177.

¹⁴ By “mixedblood,” Cook-Lynn doesn’t refer to authors who are from mixed heritage. Rather she refers to those like Owens who construct a singular identity as a “mixedblood” that exists on its own and is only informed by one’s mixed heritage and, more importantly, is often read as apolitical though it could have political potential if deployed in that service. Scott Lyons, for example, reminds readers that Ortiz, in “Towards an National Indian Literature,” argues that cultural hybridity has allowed tribal nations to endure. The point, Lyons adds, is that hybridity theorists tend to neglect to account for how this continuity has empowered tribal nations *politically* and instead focus on the hybrid elements themselves. See Lyons *X-Marks: Native Signatures of Ascent* (Minneapolis: U of Minnesota P, 2010), 157.

¹⁵ See Womack *Red on Red: Native American Literary Separatism* (Minneapolis: U of Minnesota P, 1999) for Womack’s tribal-specific approach to analyzing American Indian literature. In his section of *AILN*, Womack challenges Pulitano’s “hierarchy” of Native critics in which she favors Greg Sarris (Pomo), Louis Owens (Choctaw-Cherokee-Irish) and Gerald Vizenor (White Earth Anishinaabe) over Womack (Muscogee Creek), Robert Warrior (Osage) and Paula Gunn Allen (Laguna Pueblo), the former group who she argues are willing to engage the non-Indian world and the latter group who she argues, erroneously, are not. See Womack, “Integrity,” *AILN*, 95-99.

¹⁶ See Womack, “Integrity,” *AILN*, 121-122.

¹⁷ See Weaver, “Splitting the Earth,” *AILN*, 43.

¹⁸ I recognize, as does Benedict Anderson, for example, that not all nations are founded on violence. However, it is impossible to speak of U.S. nationhood, especially in relation to tribal nationhood, and elide the violence inherent in its formation. For this reason, I adopt Chatterjee and Renan’s models of nationhood being built on violence, oppression and forgetting because it best fits best the theoretical context and lived reality of U.S.-tribal nation relations.

¹⁹ Womack addresses how though tribal governments might have adopted the constitutional government from Europeans, the core of the Creek political organization, the *talwa*, or town, remains. This is one example of a tribal nation’s ability to incorporate non-Native tools while retaining a distinctly tribal core, a fact of tribal life that undermines Pulitano’s uninformed assertions to the contrary. See Womack, *Red on Red*, 35.

²⁰ Weaver notes that several tribal communities exist outside of the nation model. Some of these communities to consider include urban and rural; local and outland; and church and stomp ground communities among others. He also describes the concept of “communitism,” a combination of “community” and “activism,” through which communities can imagine themselves serving purposes such as those laid out by Oritz. See Weaver *That the People Might Live: Native American Literatures and Native American Community* (Oxford: Oxford UP, 1997). Daniel Justice also discusses the concept of being a “good Cherokee.” He writes: “Enrollment, while important, isn’t to my mind the only significant factor in determining Cherokee identity – kinship and being good Cherokees seem to me to be also important” (23 original emphasis). See Justice *Our Fire Survives the Storm: A Cherokee Literary History*, (Minneapolis: U of Minnesota P, 2005). Jeff Corntassel’s work also articulates the need to consider tribal nationhood outside of the nation-state model. See Corntassel *Forced Federalism: Contemporary Challenges to Indigenous*

Nationhood (Norman: U of Oklahoma P, 2008). See also Corntassel "Practicing Sustainable Self-Determination: Indigenous Approaches to Cultural Restoration and Revitalization." *Brown Journal of World Affairs* 18.11 (2012): 151-162 and "Indigenous Governance Amidst the Forced Federalism Era." *Kansas Journal of Law and Public Policy* 19.1 (2009): 101-115. Taiaiake Alfred's work that discusses tribal nationhood outside of the nation-state includes *Peace, Power, and Righteousness: An Indigenous Manifesto* (Oxford: Oxford UP, 1999) and *Wasase: Indigenous Pathways of Action and Freedom* (Toronto: U of Toronto P, 2005). Also see Ch. 3-4 in Scott Lyons *X-Marks: Native Signatures of Ascent* (Minneapolis: U of Minnesota P, 2010) for an engaging discussion of current issues of tribal nationhood and how Lyons argues that nations can be effectively built by creating citizenship criteria that recreate what the nation wishes to reproduce.

²¹ In the original French, Renan writes, "tout citoyen français doit avoir oublié," with regard to the fact that in order for French nationalism to persist, citizens have to forget the uglier side of it. I note the original because in Martin Thom's translation, the line is "every French citizen has to have forgotten." The construction that Renan uses implies agency and a deliberate action on the part of French citizens to actively forget the atrocities that led to French nationhood. I feel like Thom's translation, while technically correct, loses this important linguistic nuance in that his translation can be read more passively, suggesting that the French at least must happen to have forgotten the aforementioned massacre, for example, through the passage of time or neglect to tell the story, not as a deliberate choice to actively forget. See Renan's essay in French at <<http://identitenational.canalblog.com/archives/2008/10/02/10803170.html>>.

²² See for example Benedict Anderson *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London: Verso, 1983) and Ernest Gellner *Nations and Nationalism* (Ithaca, NY: Cornell UP, 1983). See also Eric Hobsbawm *Nations and Nationalism since 1780: Programme, Myth, Reality* (Cambridge: Cambridge UP, 1991).

²³ Lyons, *X-Marks*, 119.

²⁴ Lyons, *X-Marks*, 118.

²⁵ Anderson coined the term "imagined communities" in which he describes nations as a groups of people who see themselves as a nation based on a mutual, imagined affinity for one another. See Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, (1983).

²⁶ Examples of "ethically constitutive stories" that Smith mentions include Jews, Christians and Muslims believing they descend from Abraham and the belief in wartime on the part of both sides of combatants that God is on their side. Neither of these stories can be proved or disproved empirically, but the stories still function in identity formation and action as a community. I take this term further and focus on the ethical part in that we can construct critical nationhood by choosing interpretations of stories that produce the greatest ethical good regardless of whether the actual content in the narrative can be proved or disproved.

²⁷ Without a doubt engaging in ethics is tricky in that historically even some of the vilest and most hateful people could rationalize their actions through an argument of ethics. By "ethical," however, I refer to promoting good in that the rights of marginalized people are recognized through our narrative choices. I also focus on creating an ethical outcome that can be quantified even if the story that facilitates that outcome cannot. For example, opponents of same-sex marriage often engage in slippery slope and

hyperbolic arguments in the name of ethics that breach the border of ridiculous. On his May 11, 2009, program, for instance, conservative pundit Bill O'Reilly suggested that legalizing same-sex marriage will lead to people marrying turtles. Proponents of same-sex marriage, however, often engage arguments that focus on the tangible and equal rights that same-sex couples would have through marriage such as hospital visitation, inheritance, insurance and spousal benefits that straight couples presently enjoy. In this example, for my purposes, an "ethically constitutive story" is one that would lead to the latter outcome because we can conceivably (and logically) imagine it coming into fruition. And of course we can look to nations where same-sex marriage is legal and see that no one there is marrying turtles. Because the latter outcome, if not the story that leads to it, can be proven objectively, and the former has no basis in reality, the story that leads to the second outcome is "ethical" per my use of the word. For more about O'Reilly's comments and a response by the Gay & Lesbian Alliance Against Defamation (GLAAD), see <<http://www.glaad.org/2009/05/13/bill-oreillys-evolution-marriage-equality-thing-will-lead-to-unions-with-a-goat-duck-turtle-dolphin/>>.

²⁸ Chicana feminist scholar Chela Sandoval developed the concept of "oppositional consciousness," which she argues allows subjugated groups to navigate multiple oppressions such as those based on class, gender and race by strategically switching tactics with regard to ideology and how they view themselves in the power dynamic at the moment. She writes: "As the clutch of a car provides the driver the ability to shift gears, differential consciousness permits the practitioner to choose tactical positions, that is, to self-consciously break and reform ties to ideology, activities which are imperative for the psychological and political practices that permit the achievement of coalition across differences" (15). For more about oppositional consciousness, see Sandoval's landmark essay "U.S. Third World Feminism: The Theory and Method of Oppositional Consciousness in the Postmodern World." *Genders* 10 (1991): 1-24.

²⁹ In particular Alfred and Corntassel. See supra note 20. See also Vine Deloria, Jr., who was one of the most outspoken people against the model of "sovereignty" for tribal nations and the state model, especially Deloria and Clifford M. Lytle *The Nations Within: The Past and Future of American Indian Sovereignty* (New York: Pantheon Books, 1984).

³⁰ See Womack's analysis of Arnold Krupat's review of *Red on Red* in which Krupat takes umbrage at Womack's joke that teaching non-Indians about Indians is like "teaching hogs to sing," a line that actually appears in one of the fictional interludes of Womack's book. See "Integrity," *AILN*, 166.

³¹ In a footnote in his 2003 book *The Invention of Native American Literature*, Parker argues that Womack's tribal-specific approach in *Red on Red* is essentialist and discounts the input of non-Native scholars. See page Parker *The Invention of Native American Literature* (Ithaca, NY: Cornell UP, 2002), 196. For Womack's response to Parker's claim, see "Integrity," *AILN*, 102-103.

³² For a long, but by no means exhaustive, list of non-Native and non-Creek sources that Womack pulls from in *Red on Red*, see Womack, "Integrity," *AILN*, 104-105.

³³ For more on Brooks' "kitchen table" metaphor, see her afterword "At the Gathering Place" in *AILN*, especially pages 232, 246.

³⁴ Weaver has argued effectively the need for scholars in Native American Studies to be interdisciplinary, regardless of what their own specialties are. See Weaver "More Light Than Heat: The Current State of Native American Studies." *American Indian Quarterly* 31.2 (2007), 233-255. See especially pages 234-236.

³⁵ For more on Warrior's concept of the role of Indian experience in criticism, see Warrior *The People and the Word: Reading Native Nonfiction* (Minneapolis: U of Minnesota P, 2005), xxiii-xxx.

³⁶ Considering Warrior's idea that we should use experience as a framework for analysis, I don't subscribe to the arbitrary boundary that exists between fiction and non-fiction as "literature" and "history," respectively. As Emma Perez points out, the story that gets privileged as "history" often has more to do with who has the power to write "history" than with its accuracy or non-fiction quality. Because one can relay an experience through a novel or poem, or through a sermon or a non-fiction account with equal effect, -- and these are all stories -- I refer to all expressions of experience as "literature" here to avoid the trap of privileging "history" over fiction.

³⁷ See Corntassel "An Activist Posing as an Academic?," *American Indian Quarterly* 27.1/2, Special issue: Native Experiences in the Ivory Tower (2003), 160-171. Here, Corntassel recounts his time working at a university in Virginia that he calls "Yonega U" in which he has run-ins with everyone from colleagues to campus police with regard to his being Cherokee and practicing Cherokee culture. He notes that the title for the piece comes from an accusation lobbed at him from someone on a hiring committee. In noting that scholarship and activism don't have to be (and really shouldn't be) mutually exclusive, he says in the article that he was proud "knowing that [his] dedication to Tsalagi people and indigenous communities did not conveniently fit into a Western conception of 'objectivity'" and that he was further proud that "these guardians of disciplinary turf so clearly recognized the *applied* nature of [his] research and community outreach" (160-161 emphasis original). Corntassel's essay drives my study, and I refer to it often as it continues to inspire how I see the potential of scholarly work.

I also ground my work in what Corntassel calls "insurgent education," or using the discomfort caused by unsettling colonial boundaries of discourse as teaching moments. For more about Corntassel's theory of "insurgent education," including his four steps for putting it into practice, see Corntassel "Indigenizing the Academy: Insurgent Education and the Roles of Indigenous Intellectuals." *Canadian Federation for the Humanities and Social Sciences*, Jan. 2011. Web. 12 Feb. 2012. <<http://www.ideas-ideas.ca/blog/indigenizing-academy-insurgent-education-and-roles-indigenous-intellectualsx>>.

³⁸ Though I begin in the 1950s, several scholars have studied the Cherokee Nation as it was prior to this date. Here is a partial list of some of the texts that examine Cherokees before the era in which my own study begins: Clarissa W. Confer, *The Cherokee Nation in the Civil War*, (2007); Robert J. Conley, *The Cherokee Nation: A History*, (2008); David H. Corkran, *The Cherokee Frontier: Conflict and Survival, 1740-62*, (1962); Cynthia Cumfer, *Separate Peoples, One Land: The Minds of Cherokees, Black, and Whites on the Tennessee Frontier*, (2007); Frank Cunningham, *General Stand Watie's Confederate Indians*, (1959); Edward Everett Dale, et al, *Cherokee Cavaliers: Forty Years of Cherokee History as Told in the Correspondence of the Ridge-Watie-Boudinot Family*, (1995); Andrew Denson, *Demanding the Cherokee Nation: Indian Autonomy and American Culture, 1830-1900* (2004); John Ehle, *Trail of Tears: The Rise and Fall of the Cherokee Nation* (1988); John R. Finger, *Cherokee Americans: The Eastern Band of Cherokees in the 20th Century*, (1991); Rudi Halliburton, *Red Over Black: Black Slavery Among the Cherokee Indians* (1977); Kenny E. Franks, *Stand Watie and the Agony of the Cherokee Nation*, (1979); Carolyn Johnston, *Cherokee Women in Crisis: Trail of Tears, Civil War, and Allotment, 1838-1907*, (2003); Henry Malone, *Cherokees of the Old South: A People in Transition*, (1956); William McLoughlin, *After the Trail of Tears: The Cherokees' Struggle for Sovereignty, 1839-1880* (1994), *Cherokees and Missionaries, 1789-1839*, (1995) and *The Cherokee Renaissance in the New Republic* (1992); Tiya Miles, *Ties that Bind: The Story of an Afro-Cherokee Family in Slavery and Freedom* (2005) and *The House on Diamond Hill: A Cherokee Plantation Story*, (2010); Patrick N. Mingos, *Slavery in the Cherokee Nation: The Keetoowah Society and the Defining of a People, 1855-1867* (2003); Celia E. Naylor, *African Cherokees in Indian Territory: From*

Chattel to Citizens (2008); Theda Perdue, *The Cherokee Nation and the Trail of Tears* (2007), *Cherokee Women: Gender and Culture Change, 1700-1835*, (1999), *Slavery and the Evolution of Cherokee Society, 1500-1866*, (1979); John Oliphant, *War and Peace on the Anglo-Cherokee Frontier, 1756-63*, (2001); Rose Stremmler, *Sustaining the Cherokee Family: Kinship and the Allotment of an Indigenous Nation* (2011); Rennard Strickland, *Fire and the Spirits: Cherokee Law from Clan to Court*, (1982); Circe Sturm, *Blood Politics: Race, Culture, and Identity in the Cherokee Nation of Oklahoma* (2005); Robert Walker, *Torchlight to the Cherokees*, (1931); Morris L. Wardell, *A Political History of the Cherokee Nation, 1838-1907* (1938). Thurman Wilkins, *Cherokee Tragedy: The Ridge Family and the Decimation of a People* (1938). For a recent and interesting study of Cherokee identity and the concept of racial shifting, see Sturm, *Becoming Indian: The Struggle over Cherokee Identity in the Twenty-First Century*, (2011).

³⁹ At the time Thomas was writing, the Cherokee Nation itself wasn't facing termination because it was no longer fully sovereign per the Curtis Act (1898) and the Five Civilized Tribes Act (1906). The Curtis Act was an amendment to the Dawes Act (1887) to include the so-called "Five Civilized Tribes" – the Cherokees, Choctaws, Chickasaws, Creeks and Seminoles – who had earlier been exempted from the Dawes Act, which was designed to denationalize tribal nations and allot their land. In 1906, the Dawes Commission informed Congress that there were still parcels of land to be dealt with, and they couldn't sell or allot it if Congress terminated the Five Tribes' nations as called for in the Curtis Act. Congress subsequently passed the Five Civilized Tribes Act, which allowed for these tribal governments to continue until Congress decided otherwise and stipulated that the federal government would appoint tribal chiefs. Cherokees themselves wouldn't officially vote for their own chief again until 1971. The Five Civilized Tribes Act was in some ways "life support" for tribal nations in that while they weren't fully sovereign as a result of the act, they weren't outright terminated either and were, thus, able to be reinstated in 1970 with the Principal Chiefs Act. The Indian Reorganization Act (1934) restored self-governance to tribal nations, but the act excluded the Oklahoma nations. Congress then passed the Oklahoma Indian Welfare Act (1936) to give the same provisions of self-governance to Oklahoma nations though the Cherokee Nation chose not to reorganize under its terms. The Cherokee Nation was federally recognized again in the 1970s and drafted a constitution in 1976. However, the Curtis/Dawes Acts included a "sunset provision" that indicated that the federal government's responsibility to tribal governments would cease when the last original enrollee of the Nation died. The last Cherokee original enrollee, Lula M. Hickey Hall, died in April 2012 at the age of 107. She was 1 when she was enrolled with the Dawes Commission. So far, no action from the federal government has taken place regarding the original "sunset provision" though BIA head Larry Echo Hawk (Pawnee) has ruled that the Cherokee Nation today is not the original Cherokee Nation but only a modern-day "successor in interest" with the United Keetoowah Band. See D.S. Otis *The Dawes Act and the Allotment of Indian Lands* (Norman: U of Oklahoma P, 1973); Francis Paul Prucha *Documents of United States Indian Policy* (Lincoln: U of Nebraska P, 2000). For more about Lula M. Hickey Hall, see "CN loses last original Dawes enrollee." *Cherokeephox.org*. Cherokee Phoenix, 25 April 2012. Web. 25 April 2012. <<http://www.cherokeephox.org/Article/Index/6202>>

⁴⁰ From a literary perspective this resurgence of U.S. patriotism in the 1940s and 1950s is probably best noted in the rising popularity of American musicals such as those produced by Rodgers and Hammerstein. Cherokee literary output was not untouched by this explosion of U.S. patriotism as can be observed in the duo's treatment of Lynn Riggs' Indian Territory play *Green Grow the Lilacs* (1931) on which they based *Oklahoma!* While Riggs' play depicts the anxiety that Indian Territory residents and Indian national citizens felt in the days before Oklahoma statehood, the musical celebrates that statehood and U.S. expansion at a time when the U.S. was imposing its presence in other areas of the world such as the Pacific. Paul Filmer, Val Rimmer and Dave Walsh argue that the musical and a romanticizing of pioneer history reflect U.S. toughness coupled with co-operation that needed to be portrayed during the country's

war effort in Europe and the Pacific. They write: "Pioneers carving out a new state out of what had been called Indian Territory and setting up a community which embodied the values of North American paternalism constituted an idealized, utopian context in which to place the anxieties for the future of the USA, having emerged from a crippling depression and confronted the consequences of involvement in World War II" (385). See Filmer et. al "Oklahoma!: Ideology and Politics in the Vernacular of the American Musical." *Popular Music* 18.3 (1999): 385-95.

⁴¹ Cherokee culture varies from community to community and from family to family and between nations. Even individuals might have different ideas of what constitutes "Cherokee culture" for themselves; therefore, I note here that my discussion of elements of Cherokee culture in this study should not be taken as representative of how all Cherokees practice culture.

⁴² A CDIB is a Certificate of Degree of Indian Blood issued by the BIA that indicates one's blood descent from an Indian ancestor whose blood quantum was recorded on a tribal roll. The Dawes Roll is divided into By-Blood and Freedmen portions. Indians were listed with a blood quantum on the By-Blood portion while Freedmen were listed on their own portion without an Indian blood quantum, though many were mixedbloods of black and Indian ancestry. Because the Freedmen were listed on the Dawes Roll, they are entitled to citizenship in the Cherokee Nation; however, because they are not listed on the By-Blood portion, they do not have recorded Indian blood and, therefore, no CDIB. Not everyone considers possession of a CDIB a true marker of Indianness, however. James F. Hamill recounts meeting a woman who was active in her tribal nation's affairs who said that a CDIB card was a good "'scraper for your windshield but it is not enough to be an Indian'" (280). Hamill adds that to this woman, characteristics like community participation and cultural aptitude were more important and that the CDIB was nothing more than a document from the federal government that communicates little about one's being Indian. See Hamill "Show Me Your CDIB: Blood Quantum and Indian Identity Among Indian People of Oklahoma." *The American Behavioral Scientist* 47.3 (2003): 267-281.

⁴³ "Outland" in the context of Cherokee citizens refers to those Cherokees who reside outside of the Cherokee Nation's political boundaries.

⁴⁴ Brian Gilley delineates a difference between gay Indians and Two-Spirit Indians, noting that while being gay is a sexual orientation, being Two-Spirit implies the individual also plays a social and cultural role and takes up kinship obligations outside of his or her sexuality. All Two-Spirit Indians are gay, notes one of his sources, but not all gay Indians are Two-Spirit.

⁴⁵ Invariably when citizens and descendants of tribal nations disagree on any matter, the perennial line deployed to silence dissent is that the descendant has no right to speak of matters regarding his or her ancestral nation because he or she is not a political citizen. I like to remind people that the "It's an internal affair" line of logic used to rationalize around disagreement has an unsavory history. For example, when the United Nations asked former South African President P.W. Botha about how black South Africans, most of whom are indigenous, were being treated under Botha's apartheid system, he argued that outsiders should stay out of it because his treatment of black citizens was an internal affair. More recently, the Israeli Foreign Ministry decried a joint letter written by four European nations condemning Israel's continued Jewish encroachment into Palestinian land as "meddling" in their domestic affairs. I believe human beings have a moral imperative to look out for one another and as such, I consider human rights issues more than simply "domestic affairs." However, while input from the outside can be valuable, obviously final decisions are made by those with a vote.

I don't invoke the likes of Botha here to be sensational or to impede disagreement. On the contrary, I find disagreement and ensuing dialogue productive. We can disagree with regard to who has authority to comment on any variety of matters, and as a result choose to listen or not. However, when we're tempted to silence dissent outright, we should at least be mindful of the rhetorical company we keep. For a transcript of Botha's 1985 address, see Botha, "Address by State President P.W. Botha, August 15, 1985." *Nelsonmandela.org*. Nelson Mandela Centre of Memory, 2012. Web. 9 Aug. 2012. <<http://www.nelsonmandela.org/omalley/index.php/site/q/03lv01538/04lv01600/05lv01638/06lv01639.htm>>

For the New York Times story about the Israeli Foreign Ministry's response to the joint statement issued by the United Kingdom, France, Germany and Portugal, see Isabel Kershener "Israel Accuses 4 Countries of Meddling in its Affairs." *NYTimes.com*. New York Times, 21 Dec. 2011. Web. 24 Dec. 2011. <http://www.nytimes.com/2011/12/22/world/middleeast/israel-says-4-european-countries-are-meddling-in-its-affairs.html?_r=0>

⁴⁶ Texas was an independent sovereign from March 2, 1836, when it became independent from Mexico, until Feb. 19, 1846, when it was annexed into the U.S. Despite some Texans' present-day nostalgia for an independent Texas that we never directly experienced, life in the republic was incredibly difficult economically. See William Ransom Hogan *The Texas Republic: A Social and Economic History* (Austin: Texas State Historical Association, 2007). Texas does have a Cherokee connection as well. Before Removal, Chief Bowles moved his band to what is now north Texas before the band was violently removed by Mirabeau Lamar. See Dianna Everett *The Texas Cherokees: A People Between Two Fires, 1819-1840* (Norman: U of Oklahoma P, 1995) and Mary Whatley Clark *Chief Bowles and Texas Cherokees* (Norman: U of Oklahoma P, 2001). Also, the first president of the Republic of Texas, Sam Houston, was an adopted Cherokee and given the name Golanv, or Raven, by John Jolly. For more about Houston, see Marquis James *The Raven: A Biography of Sam Houston* (Austin: U of Texas P, 1988). For a fictional biography, see John Oskison (Cherokee Nation) *A Texas Titan: The Story of Sam Houston* (New York: Doubleday, 1929). Finally, during the Civil War, some Cherokees and citizens of other tribal nations from Indian Territory fled the violence and settled in Texas, primarily in Rusk and Smith counties, forming the Mount Tabor community and later being called the Texas Cherokees and Associated Bands (TCAB). The TCAB was part of the Cherokee Nation until the Nation was reinstated politically in 1971, and Cherokee chief W.W. Keeler was chairman of the group's executive committee. Today, while some TCAB are Cherokee Nation citizens, others whose ancestors never returned during allotment are not.

⁴⁷ Scott Lyons also notes how some tribal nations operate in ways akin to a club rather than a sovereign nation by focusing more on who a person is and neglecting the citizenship roles he or she should undertake in giving meaning to the nation. See Lyons, *X-Marks*, 174.

⁴⁸ One of these offenses that has emerged recently is the act of disenrolling tribal citizens. While other nations around the world often revoke citizenship only in cases of treason or if an individual accepts citizenship in another nation, several tribal nations, especially in California, have simply kicked out citizens at a time when per capita payments from gaming have begun to increase. As I point out in Chapter 3, the Cherokee Nation under Chad Smith attempted to exile the Freedmen descendants during an election when the Freedmen were largely supporting Smith's opponent, a similar move executed by Cherokee Principal Chief Ross Swimmer in the 1980s. While *Santa Clara Pueblo v. Martinez* (1978) allows tribal nations to establish their own criteria for citizenship, several writers have argued that tribal nations are simply letting go of citizens for financial gain. See for example, David E. Wilkins (Lumbee) "Depopulation in Indian Country, 21st Century Style." *IndianCountryTodayMediaNetwork.com*. Indian Country Today, 19 Mar. 2012. Web. 19 Mar. 2012. <http://indiancountrytodaymedianetwork.com/ict_sbc/depopulation-in-

indian-country-21st-century-style>. For news about the Chuckchansi and the Pechanga Band of Luiseno Indians' efforts to disenroll citizens, see "Disenrollments Boost Pechanga Per Capita Monthly Payments to \$30K." *IndianCountryTodayMediaNetwork.com*. Indian Country Today, 16 May 2012. Web. 14 May 2012. <<http://indiancountrytodaymedianetwork.com/2012/05/16/disenrollments-boost-pechanga-per-capita-monthly-payments-to-30k-113361>> and "Gaming Revenue Blamed for California Tribes Disenrolling Members." *IndianCountryTodayMediaNetwork.com*. Indian Country Today, 14 Dec. 2011. Web. 3 Jan. 2012. <<http://indiancountrytodaymedianetwork.com/2011/12/14/gaming-revenue-blamed-for-california-tribes-disenrolling-members-67718>>

Cherokees are not without controversy in the matter of disenrolling citizens. The Eastern Band of Cherokee Indians (EBCI) in North Carolina proposed an audit of their roll at a time when gaming income there is also on the rise. The EBCI also proposed using DNA testing to determine the validity of their citizens' claims for inclusion. See David Tell "Outside audit questions tribal membership rolls." *MaconNews.com*. Macon County News (NC), 25 Nov. 2009. Web. 3 April 2010. <<http://www.maconnews.com>> and Giles Morris "Cherokee enrollment quandary leads to talk of DNA testing." *SmokyMountainNew.coms* Smoky Mountain News (NC), 19 May 2012. Web. 7 June 2012. <http://www.smokymountainnews.com/issues/05_10/05_19_10/fr_cherokee_enrollment.html>

"We must not surrender . . . until we shall fall to the ground united": Robert Thomas, Redbird Smith and Writing Cultural Nationhood during the Termination and Relocation Era

In their 1859 Laws of the Keetoowah, Cherokee traditionalists known as the Keetoowah Society laid out a proclamation, stating that despite the ever-expanding encroachment by Euroamericans on traditional Cherokee land and lifeways, the Keetoowahs would remain united in their effort to remain distinctly Cherokee until the very end. If we fast-forward through time and stop to examine the contentious, often violent, divisions between Cherokee traditionalists and their more assimilated counterparts during the Civil War, the break-up and redistribution of Cherokee land during allotment and the imposition of Oklahoma statehood in 1907, it becomes apparent that the Keetoowahs' charge to themselves had become progressively more difficult to sustain. As United States citizens expanded their presence across the continent, they also crafted cultural and national narratives, especially through law, that privileged their dominance over tribal nations, which they took for granted. These narratives, such as those that cast tribal nations as backward or their citizens as savages, formed the foundation from which missionaries, outlaws and politicians – and people who were perhaps a mix of these – rationalized their increasing assaults of tribal land and lifeways in the name of emerging U.S. nationalism.

However, the tribal nations on which the mounting empire encroached did not go away silently. Though the privilege that is often assumed in history and the law might

give intruders who prevail a space from which to write their dominance into perpetuity, those who are displaced retain, if little else, a voice. After land has been stolen, traditional lifeways dissolved, and nations erased from the map, voice and the ability to tell stories remain and allow the dispossessed to, as the Keetoowahs implored in their 1859 Laws, “not surrender . . . until we shall fall to the ground united” – even if the opening lines are written from the margins.

A study of contemporary Cherokee narratives that emerge from the alterity of various privileged narratives from the U.S. state can probably find no better beginning than in the era of Termination and Relocation of the 1950s and 1960s. While the United States’ responsibility to its treaty obligations with tribal nations has waxed and waned through the generations¹, the generation of this era witnessed the United States’ complete abdication of this responsibility and with it, the last bit of integrity of the United States’ role in the relationship with tribal nations. I begin this study with this period not only because it demonstrates the ease with which an act of Congress can undermine tribal state sovereignty, but this period is also recent enough that many still remember it. Many people remember their families moving to faraway urban hubs for the promise of a better life, at least as mainstream, white America saw it, only to have reservation poverty exchanged for urban poverty in the city, minus the stability and support of extended family and tribal community.²

This period of Indian history is also an ideal starting point to study the power of counter-narratives of critical and ethical tribal nationhood because it’s a period that others

have forgotten.³ Donald Fixico (Shawnee-Sac and Fox-Creek-Seminole) recounts his experience growing up during the time of Termination and Relocation. He writes:

Most Indians knew very little about it – unless, that is, they were citizens of the tribes that had been terminated, like the Menominee of Wisconsin or the Klamath of Oregon. In fact, most of America knew very little about termination while it was happening, and they still don't know. It's almost as if this dreadful Indian policy was and is a big secret. (3)

The ease with which some politicians and citizens deploy the term “sovereignty” in describing their tribal states’ relationship to the federal government would indicate that Fixico’s assessment might be true. While true tribal sovereignty pre-dates the United States and was not a concept simply handed down to Indians by John Marshall, the concept has, for generations, been recast in a relationship between the United States and tribal nations as one of subordination in which the United States’ national sovereignty is always a given, but tribal national sovereignty is granted and can ostensibly be revoked.⁴

This threat became a reality for some tribal nations in the 1950s⁵, and it’s a threat that always dwells under the surface of the interactions between the United States and the tribal nations within the country’s fictive borders. Playing on the fear of losing federal recognition appears to be a go-to strategy when U.S. citizens want to exert pressure on tribal nations. One recent example of this approach occurred when Senator Diane Watson and the National Black Caucus urged the United States to sever its relationship to the Cherokee Nation when the Nation held a vote to disenfranchise Cherokee citizens of Freedmen descent by changing the citizenship criteria.⁶ While retroactively stripping

citizens of their rights in the state for anything other than treason – and especially to gain an edge in a close election⁷ – is certainly deplorable, strong-arming a tribal nation through the threat of revoking its sovereign status is equally so. Such a situation makes tethering tribal identity and sovereignty strictly to a narrative of colonial-state recognition problematic and necessitates the crafting of alternative narratives of critical nationhood.⁸

Important but understudied examples of such narratives are found in the works of Cherokee writers Robert K. Thomas and Natachee Scott Momaday. At a time when the federal government was terminating the sovereign status of Indian nations and revisiting a policy of assimilation into mainstream American life that had been briefly repudiated just 20 years earlier⁹, Thomas, in his study of the Redbird Smith Movement, creates a narrative that describes how to reconcile oneself to the tribal body amid imperatives to assimilate. In doing so, Thomas adds, Indian communities can resist the encroachment that comes from U.S. narratives of Indians as politically impotent and culturally backward. Specifically Thomas' work can be read to show him contending with the economic pressure that the United States exerted on tribal communities to force them to acquiesce to its desire for Indians to assimilate into mainstream urban life. This policy was narrated under the pretense of extracting Indians from poverty¹⁰ – poverty that U.S. policy created in the first place. The United States' aim, however, in the Relocation and Termination process was to erase Indians politically and culturally and to renege on the country's responsibility and obligations to those tribal nations.¹¹

Thomas creates a counter-narrative that combats the United States' assimilation narrative that the country facilitated through economic pressure. Thomas, in the 1950s,

took a distinctly Cherokee separatist approach, focusing on a return to traditional tribal lifeways, including tribal economy, as opposed to Natachee Scott Momaday, who I discuss in Chapter 2, and who, in the 1960s, writes a narrative of functional integration, a practice of adapting to colonial ways on tribal terms while maintaining the integrity of a distinctly tribal core. By focusing on how Thomas and Momaday contend specifically with economic pressure to be written into an American assimilation story, we can approach their works from a perspective of how they engage economics to find ways to reconcile the tribal body. In doing so, we discover how they create counter-narratives in which they can resist tribal break-up and assimilation during the Termination and Relocation era.

The economics of tribal termination: a brief background

Economics is a key factor both in the United States' attempt to dismantle tribal communities and the communities' resistance to that effort because, as Taiaiake Alfred (Kahnawake Mohawk) has argued, economic self-sufficiency is one road to true tribal self-determination. He writes, for example: "Meaningful progress towards self-determination can never be made until Native communities are free of economic dependency. . . . Native communities must expand their land bases and gain control of economic activities that take place on their territory" (136). For such change and independence to come to fruition, Indian communities or nations must have a recognized, sovereign land base and the ability to conduct economic activity on their own terms in their communities. These two elements – a sovereign claim on the land and economic

opportunity – were two major components that came under attack during the Termination and Relocation era. Between 1953, when Public Law 280 passed, and 1958, the federal government terminated the sovereign status, and by extension the land claims, of more than 100 nations and threatened scores more until the National Congress of American Indians (NCAI) put a stop to it, persuading then Secretary of the Interior Arthur Watkins to agree that tribal nations wouldn't be pressured to accept the terms of the termination program.¹² Some nations were terminated in the 1950s and to this day have yet to regain their sovereign status.¹³ Furthermore, through the Indian Vocational Training Act of 1955, the federal government offered job training to tribal communities, but did nothing to effect local economic development in communities where, according to Alan L. Sorkin, unemployment was as high as 90 percent.¹⁴ When an individual completed training, the only jobs available were in relocation hubs such as Chicago, Dallas, Denver, Los Angeles or Phoenix. So while Relocation, on paper, was officially voluntary, a family with no economic opportunity at home often had little choice but to relocate, risking the fracturing of the tribal community and being pushed toward assimilation.

This poverty that led some Indians to having little choice but to relocate has long been present in some Cherokee communities. Leslie Hewes studied Cherokee communities in the 1930s and found that the average annual income for a rural Cherokee family at the time was about \$95, or about \$1,600 when adjusted today for inflation, and that relative to their non-Cherokee counterparts, the Cherokee Nation counties were less developed and had fewer agricultural assets in the form of farm land and produce. Likewise, Albert L. Wahrhaftig, in the 1960s, observed that Cherokee families earned a

median per capita income of between \$450-\$650 a year (or \$3,550-\$5,129 in 2014 dollars) and that half of Cherokee families subsisted on welfare, mostly as a result of the dearth of long-term, well-paying jobs in the area.¹⁵ He notes that Cherokees earned their income “from the stingiest and most precarious sources” (415) and that Cherokees did “work that is heavy, dangerous, and dirty for employers who often provide no workmen’s compensation and no social security. . . . They work for employers who lay them off a week before they would qualify for unemployment insurance and then hire a new crew” (453).¹⁶ Wahrhaftig adds that as a result of this hard labor, between 42 percent and 66 percent of Cherokee men he interviewed had chronic or permanent disabilities that precluded them from further wage-earning work.

In addition to the scant supply of available work, Wahrhaftig attributes the lack of educational opportunities in Cherokee Country to the poverty that existed in the area at the time of Termination and Relocation. He notes that at a median of 5.5 years of schooling, rural Cherokees in the 1950s and 1960s had one of the lowest levels of education in the U.S. The lack of available schooling, then, led to a population in which 40 percent of people were functionally illiterate and less than 40 percent had attended school beyond the eighth grade¹⁷ (Wahrhaftig 1970 28-30).

Apart from the lack of steady jobs that paid a living wage and educational opportunities, Wahrhaftig argues that the Cherokee Nation at the time, as a governing entity, had little to offer traditional Cherokees. He writes: “The present Cherokee tribal government represents the most recent expansion of alien power over tribal Cherokees. Organized in the 1940s . . . it was first constructed as a legal fiction that enabled a

coalition of Oklahoma attorneys and businessmen of Cherokee descent to file suit in the Indian claims court” (Wahrhaftig and Lukens-Wahrhaftig 229). He adds that the Cherokee Nation at the time was run by “Indian individuals who were raised as conservative generalized Americans, often generations removed from any participation in *culturally* Indian life” (Wahrhaftig 96, emphasis original). Wahrhaftig argues that Cherokees traditionally view power as primordial and sacred, not secular. This belief that individuals possess sacred power, and that power cannot be gained, manifests in the traditional manner of governance by communal council, not a nation-state. He writes:

Cherokees are surrounded by whites who conceive of power in secular and political terms. This power is something that is gained – by conquest, political delegation, industriousness, or the manipulation of superior resources. To Cherokees, this order of power seems neither a certain nor legitimate basis for life, for it is not eternal. (Wahrhaftig and Lukens-Wahrhaftig 231)

Wahrhaftig concludes that because the Nation at the time existed primarily to facilitate business between the Cherokee Nation and the federal government, and that traditional Cherokees did not recognize its power anyway, the Nation, traditionalists believed, could not offer them a respite from poverty.¹⁸

Given the economic plight felt in several rural Cherokee communities, the BIA propaganda supporting Relocation and Termination made the policy all the more enticing for Indians looking for a way to better financially support their families. Fixico describes a brochure that was widely circulated in tribal communities that outlined the purported benefits of relocating. The imagery, in particular, was deceiving. Fixico writes: “Pictures

of executives dressed in white shirts, wearing ties, and sitting behind business desks insinuated that similar occupational positions could be obtained by Indians. Photos of a white frame house with shutters enticed the women. The scene suggested that Indians could provide their families with similar homes in suburban America” (139). Though the BIA sold a dream of prestigious jobs and subsequent affluence, the reality was that several Indian workers faced a lack of even unskilled jobs and more often than not experienced employer discrimination if they did find one. Likewise, the only homes many could afford were in derelict areas of town. In fact, as Fixico notes, by 1955 the Muskogee, Oklahoma, relocation office reported a sharp decline in the number of people willing to participate in the program. This intersection between desperation and dreams caused much confusion with regard to the long-term outcomes of the Termination and Relocation programs.

Though the hard numbers and subsequent lived experience of relocatees make the Termination and Relocations programs look like an obvious losing prospect, the reaction to the programs among Cherokees was divided. Among Cherokees, the decision to pursue complete self-governance apart from the auspices of the federal government or to maintain the mutual trust relationship between the two nations has historically met with controversy. As W. David Baird argues, during the implementation of the Indian Reorganization Act (1934), apart from the Keetoowahs who favored the provisions of the act, most Cherokees “reacted with horror” at the policy. Specifically, he cites a 1934 article in the *Muskogee Daily Phoenix* in which Cherokee O.K. Chandler describes the IRA’s policy as an affront to the “personal and political liberties” of tribal citizens in

Oklahoma and that the policy was a ““flagrant slap at Indian intelligence”” and that John Collier wanted to force ““the red man from the channels of commerce and send . . . him scurrying back to his tepee”” (qtd. in Baird 13). While the culturally conservative Cherokees tended to favor a return to tribal governance, mutually recognized and respected by the federal government and Cherokees, more assimilated Cherokees, especially those who were well-off like Chandler, preferred that tribal governments take a more hands-off approach.

Like the intratribal conflict over what measures to take with the IRA, deciding whether the Cherokees and other tribal nations in Oklahoma should support the Termination and Relocation programs was no less contentious. Cherokee citizen Reed Buzzard, for example, wrote to Congressman George Schwabe in 1946, requesting termination. He writes: ““I am Republican and an Indian, interested in the success of the Party and final settlement with the Indians. This idea of going on forever with this Indian business is both silly and expensive”” (qtd. in Fixico 17). Schwabe replied, telling Buzzard that he agreed that the continued trust relationship was a ““drain upon taxpayers¹⁹,”” ostensibly non-Native Americans. But Buzzard wasn’t the only Oklahoma Indian to get on board with the Termination program. Fixico notes that during this period, nations such as the Wyandots, Ottawas, Eastern Shawnees, Quapaws, Seneca-Cayugas, Miamis, Modocs and Peorias supported limitations in their federal trust relationships. However, other Oklahoma Indians believed the Termination program would devastate already impoverished tribal communities. For example, Cherokee citizen Ruth Muskrat Bronson, then Secretary of the NCAI, argued in 1955 that the Termination program would lead to

the cultural extinction of tribal communities. She writes: “If the official policies of the Federal Government, as reflected by the current policies of the Bureau of Indian Affairs and the 83rd Congress, continue to be pursued, the American Indian (like that other living creature associated with him in history, the buffalo) is likely, to continue to exist only on the American nickel”²⁰ (492). Bronson adds that because American politicians, as is much of the American populace, are ignorant of the history and current realities of tribal life, impulsive changes in Indian policy, even under the pretense of making amends, could have unforeseen adverse consequences. She writes: “If this action is founded on superficial or inaccurate knowledge rather than on thoughtful study or familiarity with fact and reality the result can be exceedingly serious. . . . This is true in the case of the termination bills since these jeopardize the Indian’s very existence and unquestionably would lead to his eventual – literal – extinction” (492). Bronson later argues that the federal government, if they truly had Indian Country’s best interests in mind, should attack poverty, low school enrollment and poor health at their sources, not falsely attribute these social ills to tribal governance and communal living. Finally, in her criticism of the policy she asserts that any discussion of policies that affect Indian Country should include input from Indians. In her appeal, she writes:

More than one theorist has stated that “the solution to the Indian problem” is the absorption of the Indian into the culture, race and society of the European-oriented American way. Shouldn’t the Indian have something to say about this? Should the Indian be forced to give up his beliefs, his way of conducting his affairs, his method of organized living, his kind of life on the land he is a part of,

if he chooses not to? Shouldn't the Indians have the same right to self-determination that our government has stated, often and officially, is the inalienable right of peoples in far parts of the world? (494).

Given the economic realities that many Cherokees, especially those in conservative, traditional communities, faced at this time, Bronson appeals to readers to challenge Termination policy and recognize tribal communities' right to retain the dignity inherent in conducting their lives as they see fit. By appealing to dignity, Bronson lends a depth to the discussion of Termination policy missed by others, like Buzzard, who only saw the fate of tribal nations in terms of their own pecuniary interests; she argues that Indians are people worthy of respect.²¹ And for those who possess little in the way of riches, dignity and respect are sometimes their most valuable assets.

Termination and the rise of postwar U.S. patriotism

While 1953 was the year that Congress passed this official resolution to terminate Indian nations and to pressure families into relocating, it was also the year that a then up-and-coming Cherokee activist, Robert K. Thomas, wrote his Master's thesis on the Redbird Smith Movement. Whether the timing was intentional is difficult to ascertain, but regardless it was certainly apropos. In the same year that the federal government kicked off its insidious program of tribal break-up and erasure, Thomas writes about an important nativistic²² movement, the members of which sought to resist similar attacks and encroachment by settlers and the federal government in the years preceding Oklahoma statehood almost 50 years earlier. Thomas' study of the origins of the Redbird

Smith Movement is simultaneously a Cherokee narrative of resistance and critical nationhood because it not only demonstrates how revitalizing tradition and the tribal body is a powerful form of resisting assimilation, it also shows that under duress such tradition can be recovered or re-created from the very beginning, even out of a generations-long absence. Thomas' work in this era creates such a narrative by privileging Cherokee economic and cultural separatism, and he crafts a counter-narrative of true Cherokee self-determination at a time when the United States myopically sought to crush it.

What makes Thomas' appeal to Cherokee-specific separatism so pertinent at the time he is writing is that the entity he sought to separate from – mainstream white American society – had opposite plans for Indian Country. While the federal government's plan for tribal political termination and community dispersal had begun to germinate as early as the mid-1920s,²³ the rise of intense patriotism following World War II provided a timely push to start to bring those plans into fruition. A postwar re-imagining of America and who America now included gave the federal government an occasion to revisit ways of integrating rural and reservation Indians into urban U.S. society at a time when the U.S. began to formulate a new, more collective identity. George McKenna describes how the net of postwar U.S. patriotism started to widen to include historically marginalized communities as equally American as the upper class white Protestants who had previously enjoyed the exclusive purview to establish the standard of mainstream American identity. McKenna writes: "More than military might, more than big government, the most formidable asset of the United States was its broadly shared sense of fraternity" (250). Furthermore, he adds that postwar patriotism "was

much more inclusive, welcoming into its embrace southerners, Catholics, Jews, and others who had been left out in the past. The World War II years produced the gold standard of American patriotism” (260). While McKenna argues that the U.S. in the postwar years aimed to be more inclusive with regard to who could now be defined as “American,” it bears clarifying that this sentiment implied absorption into mainstream white society, not an acceptance of non-whites as they actually were. As Nancy Anne Dawe, a writer who reflects on her life during WWII, notes, for the upsurge in collective patriotism, discrimination nonetheless abounded. She writes:

Despite the hard work of our troops overseas and citizens on the home front, there was clear discrimination against Americans who were black, Japanese and German. African Americans, many of whom were war heroes (like the famed Tuskegee pilots) were placed in segregated Army units, while Japanese Americans were herded into internment camps for the duration of the war, a clear violation of their rights. (par 15)

While some previously marginalized Americans now were accepted as full citizens in the postwar U.S., with the specter of homogenizing patriotism emerging, the question of what America now stood for and where the nation would go next also entered the national conscience.

With the United States having played the role of liberator on the international stage, the nation had to decide what direction it would take next. McKenna points out that, “Americans had to struggle with the legacy of those epochal wartime years. A great world war was over. What was America to do now?” (260). As the great war effort in

Europe and the Pacific drew to a close, America turned its efforts inward and part of the answer regarding what to do next involved figuring out what to do with the Indian community.

The method of integrating Indians into mainstream America through the federal relocation program served two goals of the postwar approach to dealing with the United States' so-called "Indian problem." Through the program, the United States sought to denationalize Indians and help the country "get out of the Indian business" as was outlined by then Secretary of the Interior Arthur Watkins, while establishing a less seemingly insidious pretense of rescuing Indians from poverty. The reality of the program, however, was that in most cases people remained in poverty and in fact never did smoothly integrate into the American mainstream.

Elaine Neils describes how jarring the disruption of local tribal life and the movement to urban centers really was. She writes: "For the Indians, this is a movement within a basically alien culture, indeed to the centers of that culture, and so there are additional problems of practical adjustments and cultural reconciliation" (2-3). Because the effects of the Relocation program, the intertribal communities that formed and the Indian activism that developed as a result have been so exhaustively studied,²⁴ I will not belabor that element of this period in my study. I will only point out the early realities of the program to highlight the economic pressure that the United States imposed on tribal communities through which we can read Thomas' Cherokee separatism as a form of narrative resistance and critical nationhood.

Economic coercion and the Relocation program

Part of what made the relocation program so insidious is that it had the appearance of being voluntary; it gave a sense that Indians who left their tribal communities for life in the city did so completely on their own volition. Such a perspective not only elides the United States' subtle strong-arming of Indians to effect their own tribal demise, but it also gives the impression that Indians who participated in the program freely chose the potential of extinguishing tribal ties and lifeways in exchange for a chance to adopt the lifeways and values of the American mainstream. This retelling of Relocation history whitewashes the atrocities visited upon some who relocated,²⁵ and it closes the door for examining ways that such a situation could be prevented in the future through reconciling to tribal economic and cultural practices.

This question of the supposed voluntary nature of the Relocation program is pertinent to understanding Thomas' work at the time he was writing it. Understanding the economic environment of many tribal communities during the 1950s is key to understanding Thomas' separatist approach through reclaiming traditional economic practices. Stephen Cornell notes that while participation in the program was voluntary on paper, in practice relocating was frequently the only option some individuals had to improve the welfare of their families. He writes:

To some extent participation was voluntary; officially it was intended to be so, and many Indians eagerly took the road to the cities. In practice, sometimes it was not. On occasion students who had completed schooling and vocational training

were asked to which city they wished to relocate. Returning to the reservation was not presented as an option. (131)

Congress passed the Indian Vocational Training Act (1956) through which the federal government taught Indians more than 125 trades such as carpentry and auto mechanics. On the surface, such a program looks like a magnanimous gesture from the United States to Indian Country, but because there was no effort to also develop local tribal communities through the legislation, no jobs were available at home where participants in the training program could ply their new trade. So while the military didn't frog-march Relocation participants to Dallas or Los Angeles at gunpoint, the lack of jobs in their own communities meant someone with a family to feed often had no option but to move. And that was the point. As Cornell writes: "Alternatives were generally limited. As long as reservation economies languished, relocation had the force of necessity" (131). If economic pressure was the means through which the United States coerced Indians into assimilating into mainstream urban society, then relieving that pressure was necessary to resisting the move.

However, relieving that pressure through tribal methods was incumbent on individuals taking a stand and insisting on being themselves as uniquely tribal to begin with. As with any history of cultural contact, and imposition in some cases, centuries of exchange between distinct groups often blurred the lines of that distinction, resulting in contemporary generations having to negotiate the social, political and economic effects that exchange. For those nations such as the Cherokees²⁶ who had historically adapted and adopted various European ideas and practices for generations, Termination and

Relocation was a time when Indian assimilation appeared as if it could become complete and as such was an ideal time for tribal communities to examine themselves in contrast to the United States' mainstream they were being thrust into. An examination of Thomas' early work shows a young Cherokee who insisted on drawing a sharp line not only between Cherokees and whites, but also between traditional Cherokees and those who had overly assimilated white values. At a time when the pressure to assimilate mounted, Thomas argued for the need to reconcile to tribal tradition and to resist the American assimilation policy through Cherokee separatism to re-imagine Cherokee nationhood.

Thomas' and the Keetoowahs' movement between intertribal and tribal specificity

To read Thomas' work in the 1950s as Cherokee specific necessitates an analysis of Thomas himself and how he positioned himself as primarily Cherokee. Apart from Steve Pavlik's edited collection of essays about Thomas, scholars have written little at length that focuses strictly on Thomas and his work on its own. Apart from the occasional citation of Thomas' work in other studies, a scant amount of published work concentrates solely on Thomas, and those who engage Thomas seldom focus on him strictly as a Cherokee but rather as a Cherokee operating intertribally in the 1960s and 1970s, post Relocation, during the nascent Red Power Movement. Much has been written about the development of intertribalism, and specifically as a result of Indians of various nations relocating to urban centers, so I won't recount it here at length. I'll simply mention that Thomas was a leader in the intertribal movement, advising the National Indian Youth

Council and Chicago Conference²⁷ as well as mentoring future leaders such as Vine Deloria, Jr., while a professor at Arizona State University.

Because much of Thomas' work gained visibility as it was published in this era, his work is largely associated with intertribal efforts of the same period. However, examining his earlier work and noting how his approach changed over the years, it becomes clear that his position as a Cherokee functioning intertribally is one he took later in his career. His work from the 1950s and into the early 1960s demonstrates a clear Cherokee tribal-specific focus that has heretofore been understudied.²⁸ I recognize Thomas' intertribal work as that of a Cherokee in an intertribal setting and, therefore, it is Cherokee work. I am, however, more interested in the Cherokee-specific work from his early years because it is important work that has yet to surface frequently in conversations involving Thomas. This work demonstrates Cherokee tribal resistance and a re-imagining of Cherokee nationhood at a time when Cherokees had no fully sovereign national status of their own,²⁹ and the United States was seeking to break up Cherokees alongside other tribes through Relocation, a history Thomas recognized was repeating itself. That said, while I can say much about Thomas' intertribal work, my aim here is to demonstrate Thomas' approach to critical narrative nationhood through a framework of Cherokee culture and values as well as encourage the use of Thomas' earlier work in future conversations about him.

One of Thomas' early works is his Master's thesis, *The Origin and the Development of the Redbird Smith Movement* (1953). While Cherokees today generally associate Redbird Smith and the Nighthawk Keetoowahs, stomp dances and other cultural

practices that emerged from the movement as traditionally Cherokee, it is essential not to overlook the fact that the movement's origins were intertribal, even if the goal was to "get back what the Keetoowahs had lost."³⁰ Thomas describes how the Redbird Smith Movement and the revival of Cherokee traditional lifeways and social organization in the face of white encroachment was largely informed by non-Cherokee Indians. He mentions that the Natchez and Creeks provided much substance to the Cherokee nativist movement. He writes: "The revival of Cherokee ceremonies was made of a composite group of Cherokees, Creeks and Natchez. Each of these groups contributed. Some traits were 'aboriginal' traits while others were those which they had taken from the Cherokee in earlier times and preserved even though the Cherokee had dropped them from their culture" (135). Thomas adds that while Cherokees and Creeks had historically been rivals,³¹ "Creek culture is closer to Cherokee culture than that of any tribe and the history and interests of these two tribes have been intimately tied up during the last two centuries. And Creek culture has had a great deal of influence on Cherokee culture" (138). Thomas notes that the Creeks reintroduced several dances and the Natchez,³² Natchez who lived with the Cherokees, "had a reputation among the Cherokees for knowing medicine and the old time ways" (140). Additionally, C.P. Cornelius, an Oneida lawyer who visited Oklahoma several times beginning in 1915 to, Thomas speculates, promote the Lolomi Plan,³³ brought knowledge and practices from the Six Nations that the Keetoowahs integrated into the Cherokee cultural revival. Cornelius told members of the Redbird Smith Movement that among the Six Nations a story circulates about a seventh nation, a seventh fire, that migrated elsewhere and that he believed the Cherokees

were that seventh nation. He brought ashes from a fire “back east” and added them to the Illinois District fire, the lead fire among Keetoowahs at the time.

At this time, the Redbird Smith Movement that began intertribally had begun to take on a Cherokee-specific identity, mainly because the ashes from the east made the Keetoowahs feel that “they had never lost the (Keetoowah) rule, that the Fires had never really gone out” (Thomas 183). George Smith,³⁴ one of Thomas’ sources for the study, said Cornelius had taken the fire from “Natchez rule” to “Keetoowah rule,” and Cherokees began to change ceremonies that they had revived with the help of the Creeks and Natchez to ones with more Cherokee elements. An example of this change, still evident today, is the configuration of stomp grounds, which used to have four³⁵ arbors around the fire and now have seven³⁶ arbors in a semi-circle with an opening to the east, a sacred direction in Cherokee cosmology. Likewise, Keetoowahs insisted that members have a clan. Members who did not have a clan or who couldn’t remember their clan often had their clan divined by elders, revitalizing the clan system that had fallen away in some Cherokee communities through intermarriage and the adoption of a Western-style centralized state in place of traditional clan rule.³⁷ Thomas quotes Stokes Smith, another of Redbird Smith’s sons, downplaying the Notchee role. He writes: ““Some people say that the fire out there is a Notchee Fire, but that is not so. It never was a Notchee fire . . . When he (Redbird Smith) started the Fire over here at Black Gum Mountain, it was a Cherokee fire”” (183-4). This history of the Redbird Smith Movement is important to know because though the movement began intertribally, by the time Thomas was writing about it, it had become strictly Cherokee in the imagination of its Cherokee creators and

participants. Though the method might have been intertribal, the goal from the very beginning was to re-narrate Cherokee culture at a time of white incursion and widespread assimilation and to resist that incursion as Cherokees. It is through this historical lens that I interpret the Redbird Smith Movement and Thomas' invoking of the movement at a time of similar cultural erasure and communal upheaval as resistance and rewriting critical nationhood in a distinctly Cherokee way.

The line (in the sand) between Cherokee and American worldviews

Before one can re-imagine and re-narrate critical Cherokee nationhood based on Cherokee tradition, it is essential to understand what exactly one is seeking to re-create. Thomas demonstrates Cherokee-specific separatism in an early essay called "Cherokee Values and World View" (1958) in which he offers a distinct delineation of who a Cherokee is and what he or she necessarily values at a time when the imperative to abandon those lifeways had grown stronger. Simply writing such an essay at the time of Relocation sends a clear, unequivocal message: Cherokees possess a unique worldview and values that distinguish them from others. Thomas, however, goes a step further and argues that conservative, or traditional, Cherokee lifeways are truly Cherokee, and he makes a point that Cherokees who have assimilated in some ways, though not exactly white, are not exactly Cherokee either. While this essay would certainly raise a few eyebrows and likely be dismissed as essentialist in today's diverse Cherokee Nation,³⁸ in its time it was a brave call to action for Cherokees to reconcile Cherokee lifeways and to create boundaries to resist cultural erosion as a result of continued colonization.

Thomas first describes traditional Cherokee values and worldview before delving into an analysis of how these values differ drastically from those of mainstream white America. In doing so, he not only establishes Cherokees as separate and distinct from the American mainstream, but he also argues that reclaiming traditional Cherokee values is a form of resistance that can bring Cherokees back to a place of full autonomy and improved overall well-being. At the core of Thomas' analysis of Cherokee values is the assertion that, above all else, Cherokees stick together. We can imagine the weight of this charge when the federal government was coercing tribal communities to disband. Thomas writes:

Let me briefly state what I think is the core of this value system. The Cherokee tries to maintain harmonious interpersonal relationships with his fellow Cherokee by avoiding giving offense, on the negative side, and by giving of himself to his fellow Cherokee in regard to his time and his material goods on the positive side. I think this value system is a source of some reward in the average conservative Cherokee . . . he is part of one of the most highly developed social security systems in the world. (1)

Here, Thomas outlines the traditional Cherokee principle of not causing unnecessary quarrel and of giving of oneself generously as strictly Cherokee values, but he also stresses the importance of maintaining such beliefs – security. The security might be psychological or material, perhaps both, but at the outset Thomas asserts the need for Cherokees to give of their time and possessions to one another when needed, which can

only be accomplished when Cherokees remain engaged with other Cherokees and take responsibility for one another's welfare.

Thomas goes on to establish a Cherokee separatist stance by explaining how traditional Cherokees at his time conceived of themselves as distinct from other humans and how this view informs their allegiance to other Cherokees. He writes that, “the conservative Cherokee sees himself as a special kind of human being, different from all nationalities, created by God and ordained to be different and separate from the beginning of the world to the end of time” (15). In these early writings, Thomas clearly articulates that not only are Cherokees culturally distinct, but that per tradition the Creator made Cherokees as such, lending a natural, somewhat divine, quality to the idea that Cherokees are separate from others. Similarly, this quality also informs how, to Thomas, a true Cherokee is one who recognizes his duty to his fellow *aniyvwiya*, or Real People, and, therefore, living out that duty is a marker of a true Cherokee, a distinction that Thomas adds is born of necessity. He writes: “A conservative Cherokee is first a Cherokee, secondly an Indian, and thirdly a human being, and his obligation is to people in that order. Certainly on an abstract level he sees all men as having some claim on him . . . But this generalized common humanity is very tangential to his feeling that he is a different order of man – a Cherokee” (15). Given this hierarchy of duty that Thomas describes as part of a traditional Cherokee mindset, the peril of Cherokee communities being dispersed is not only one of a breakdown of mutual obligations to fellow Cherokees, but also an undermining of the Cherokee self as it has to navigate a world in which Cherokees are not a priority.

Key to understanding this value is understanding and accepting the traditional story that explains that the Cherokees are the Real People.³⁹ One must know the story and identify him- or herself as part of it. However, as Thomas points out, the other half of *being* Cherokee involves “doing,” for example, choosing to affiliate with and to direct one’s priorities to fellow Cherokees. On this point Thomas transitions from articulating Cherokee-specific values and worldview and begins to show how adhering to these terms, or choosing not to, creates a distinction between those he names as truly Cherokee and those he refers to as “white Indians” or, in some cases, simply white. To Thomas being culturally Cherokee and having a sense of duty to fellow Cherokees is a choice, as he articulates in his study of the Redbird Smith Movement, and these are traits that one can acquire later in life with dedication and that can always be revitalized. It is the choice to align oneself with Cherokees, to choose to be Cherokee and to perform one’s duty to other Cherokees that distinguishes who is in or out of the community.⁴⁰

In his analysis of this distinction, Thomas names individuals as examples of who are truly Cherokee not based not on their ancestry, but rather on their way of life and dedication to Cherokees. He argues: “If a non-Cherokee speaker is the offspring of two Cherokee speakers he will grudgingly be called Indian, but certainly rarely a ‘full Indian.’ In many contexts these people are spoken of as white Indians because of their white cultural orientations and, thus, are not really conceived to be true members of Cherokee society” (16). It is interesting to note that Thomas singles out language acumen as a major identifier of Cherokeeness. As Circe Sturm (Choctaw) has argued in her study of the Cherokee Freedmen and race formation, language represents “time shared” with

Cherokees,⁴¹ and Thomas names shared language as one of the four elements of his Peoplehood Matrix.⁴² In addition to language, though, Thomas identifies cultural orientation with whites as one element that situates what he calls white Indians against real Cherokees at a time when a choice had to be made whether to stay traditionally Cherokee, or to reclaim those values, or to disappear into the urban white mainstream. Nowadays because political citizenship has become the primary identifier of Cherokeeity for some Cherokees, conceiving of someone as “less Cherokee” because of his or her cultural leanings is often seen as a gauche. In Thomas’ day, however, such a distinction was necessary as the threat of assimilation loomed. Lines must periodically be drawn. After all, if the definition of Cherokee keeps widening, at what point does it cease to define anything distinct at all?⁴³ In the 1950s, Thomas recognized the need to draw a strict boundary around Cherokee identity to protect it from the assimilation imperative of the day.

These distinctions, he adds, often caused rifts in families. He writes: “These classifications are important interaction-wise because they cross cut kin groups and tear asunder many extended families. Many Indians will have closer relations with other Indian friends than they do with ‘white Indian’ . . . cousins” (16). Much of Thomas’ focus here on maintaining Cherokee language and choosing to participate in Cherokee community life, among other possible values, comes from his tutelage under his mentor, Andrew Dreadfulwater, who, like Thomas, was a Christian Keetoowah. Dreadfulwater believed that language and communal affiliation were the two elements that were essential in maintaining Cherokee lifeways. In a speech at the North American Indian

Ecumenical Conference in 1974, Dreadfulwater outlined his focus on language and community participation. He stated: “If we want to change to white people, the Indian has got to do it himself. First, we could stop teaching our own language. Second, we could marry overseas people. Then by the third generation there won’t be no Indian. We’ll still dance, sing – have feathers in our hats – but we won’t be no Indians. That’s my teaching” (354). While Thomas could have included a variety of traits and behaviors in his study of Cherokee values and worldviews, his choice to focus on language and remaining a part of the community was likely informed by his long friendship with Dreadfulwater. Where Dreadfulwater, however, envisions a permanent, more fatalistic outcome from Cherokees not speaking the language and living with non-Cherokees, Thomas, probably from his own life experience, argues that Cherokees who do have more tenuous ties to language and community can and should return to the fold. Thomas demonstrates a separatist approach by arguing that despite one’s actual ancestral make-up, one must choose to remain Cherokee or to cast one’s fortune with a life aligned with whiteness. And to Thomas, to choose whiteness is, by its nature, to reject Cherokee.⁴⁴

Again, this separatist binary might be labeled as essentialist today, but that term too often gets deployed when a group simply insists on articulating and protecting its own values on its own terms. Understanding how this binary functions in Thomas’ early work necessitates an analysis of how Thomas casts white people in the traditional Cherokee imagination. This analysis not only lends urgency to the choice of being Cherokee in the 1950s, but it also creates a contrast that provides a framework for his Cherokee separatism that appears in his work dealing with the Redbird Smith movement.

Thomas pulls no punches in his analysis of white people in the traditional Cherokee imagination. Considering how whites have historically dispossessed Indians and that the federal government was pushing for Indians to relocate and to assimilate into white society, Thomas argues that white values are, by their nature, antithetical to truly being Cherokee. In Thomas' analysis, Cherokees stand in for moral superiority and cooperative collectivity cast against white cutthroat individualism. Though his approach might sound simplistic, it does memorably highlight the urgency of Cherokees' choosing to retain or recover those values at this time. Thomas writes:

The white to the conservative (Cherokee) is the great "bugaboo." He is the cause of most of the ills of the Cherokee. He is smart, but his behavior is seen as erratic and unpredictable. He is, however, going to do 'bad things' consistently to the Cherokee. Whites may even be superior in intelligence and general competence to the Cherokee, but they are morally inferior to the Cherokee. (17)

Thomas again demonstrates a notable difference that distinguishes Cherokees from whites, a difference that Cherokees must maintain lest they lose sight of themselves: moral superiority. He asserts that while whites might be "smart" and competent, those attributes only facilitate their proclivity to commit harm. While whites' traits might serve them in an individualist, capitalist society, these values have no place in a traditional communal Cherokee economy based on kinship duty where values such as trust and good ethics are essential. Furthermore, we can read this passage as Thomas asserting that a Cherokee placed in a white-dominated community is always in a subordinate, perilous position. After all, whether a Cherokee sees a white person as morally inferior is

immaterial to the white person's ability and willingness to do "bad things" to him. If a white person cared about his moral standing, according to Thomas, he wouldn't be "erratic and unpredictable." That said, an Indian in a white world is in a space where white values have a direct, adverse impact on him, but Indian values have no effect on the white people who also inhabit the space. By extension, we can read Thomas' claim as stating that the only space where Cherokee morality has any purchase is in a Cherokee society, among Cherokees who recognize and respect those values.

Much of Thomas' maligning of white people, ironically, stems from a white epistemology that Cherokees borrowed. Thomas notes that what makes white society so insidious in the traditional Cherokee view is the conservative belief that whites are bound by their "blood," or nature, to behave incorrigibly whereas Cherokee nature is more malleable. This claim operates two ways in terms of Cherokee separatism during the 1950s. It casts whites as always and irreconcilably malicious, making Relocation a losing prospect, but casts Cherokee nature as more flexible, inviting a return to traditional Cherokee values and lifeways on the part of white Indians who might have strayed. Thomas writes: "Indians and whites inherit different natures. The idea resembles the old white southern idea of 'blood,' except that the Cherokee conception of nature admits of being alterable, and the white conception of 'blood' does not" (18-19). Here, Thomas privileges Cherokees as more complex, while, in some ways, making a straw man out of whites by assuming they're static. Thomas continues: "To the conservatives, however, too much departure from the Cherokee ethic is seen as becoming 'crooked.' The white man by nature is 'crooked' and so if one becomes like a white, one becomes 'crooked'"

(18-9). Thomas asserts in no uncertain terms that whites are inherently crooked, making white values and Cherokee values mutually exclusive. Cherokees, he adds, hold whites to their own definition of blood, meaning once a crook always a crook on down the generational line.

However, according to Thomas, Cherokees afford their own nature, as it were, more latitude, lending Cherokees who might have transgressed in the past an outlet of redemption and reconciliation. This designation between the way that whites and Cherokees view man's "nature" is another way Thomas articulates how Cherokees differ from their white counterparts. It also distinguishes Cherokees as more complex people than seemingly one-dimensional whites, a nod to the worldview that Cherokees are a higher order of man. In terms of reconciliation to the tribe, we can read Thomas' argument that Cherokee values create a space for wayward Cherokees to return to the fold. To whites, Thomas argues, character is inextricably tethered to a sense of morality and because one's character is static, one who breaches the moral code is irrevocably immoral. Cherokees, he adds, value harmonious relationship and a "sin" as such is only a disruption of that harmony. And harmony can be restored. Thomas continues, arguing that whites might believe that "[i]f a man is drunk in public he will probably continue to get drunk in public again and he no doubt, also, beats his wife, doesn't provide for his children, etc. The Cherokee conception allows for no such prediction. An act is judged at the time, and if a man stops doing bad things, he can be 'readmitted' to his former status" (20). This fluidity as inner nature facilitates various returns to establish Cherokee harmony.

Establishing and maintaining harmony is the cornerstone for order and a good life. This “good life” that Thomas mentions is incumbent on Cherokees practicing Cherokee values, a proposition that has no currency in a white world. He writes: “If the Cherokees live according to the Cherokee value system (the Cherokee moral code) then the order is restored and the ‘good life,’ which is the norm in Cherokee eyes, accrues” (22, emphasis original). To restore order, then, is to resist those who disrupted it to begin with. If such a resistance to this disruption is to occur, Cherokees much first return to the values of the traditional tribal core.

A prototype of possibility: Redbird Smith and a path back to Keetoowah ways

This method of Cherokee tribal resistance and re-imagining nationhood perhaps finds no greater example than in the Redbird Smith movement, the first post-Removal Cherokee nativistic movement to demonstrate that rebuilding traditional epistemologies was possible. The Redbird Smith movement grew out of the Keetoowah Society, founded in 1859,⁴⁵ who sought to separate physically and culturally from the growing mixedblood communities who were further accumulating white Southern values, which included slaveholding. The fullbloods, to use Thomas’ term, experienced increasing hostility from the mixedbloods, which culminated just before the Civil War, largely over the issue of slavery.⁴⁶ The violence and resentment, however, was a holdover of the contentious relationship between supporters of the Ross party who fought Removal and those of the Treaty party, or Ridge party, who facilitated it through an illegal and treasonous treaty with the United States. The Keetoowah Society eventually comprised about 3,000

fullbloods, though for the purposes of the Keetoowah Society, the term “fullblood” often referred more to one’s social and cultural values being aligned with traditional Cherokee values rather than one’s actual ancestral admixture. The Society sought partially to break away and part with other Cherokees over alliances in the Civil War, but also to restore the tribal lifeways that mixedblood, or “progressive,” infusion had begun to undermine.

Thomas indicates that the crux of the Redbird Smith movement involved the revival of forms of social organization. These forms of social organization included ceremonial institutions and later clans, both of which operated on a reconciliation of traditional Cherokee values such as living the White Path⁴⁷ and communal governance.⁴⁸ These social traditions helped to reconcile the cultural elements that made Cherokees Cherokee and provided a platform from which Keetoowahs could successfully extricate themselves from the incursion of white culture brought through intermarriage and Christianity. Another form of social organization, gadugi,⁴⁹ while also being a framework of communal governance, functioned economically and allowed members to participate in an economy based on communal support. Wahrhaftig credits elements of traditional Cherokee social organization to Cherokees’ ability, at the time of Termination and Relocation, to manage on little money. He writes: “There remains a network of person-to-person relationships within a Cherokee settlement that is a pathway for an efficient distribution of resources and labor through sharing. So long as these person-to-person relationships do not break down, the Cherokees are not so poor as they might be” (455). This traditional economy operates outside of the U.S. capitalist system based on excess and surplus material goods that had been operating in the Cherokee Nation for some time

and that caused Cherokee communities to geographically separate in order to farm more to keep up with the new economy's material demands.⁵⁰

This history of cultural and economic colonization that operated during the Redbird Smith era is eerily similar to the climate during Relocation during which Thomas invoked the movement. By analyzing the elements of the Redbird Smith movement at that time, Thomas demonstrates the potential for a successful Cherokee separatism in which Cherokees can operate as Cherokees outside the narrative of Indian erasure facilitated by economic pressure. As such, his narrative stands as one that we can use again should this history repeat itself. And if Thomas' analysis is any indication, this history revisiting us is not a matter of if but of when.

The role of economics and intermarriage in tribal dissolution

Thomas begins his narrative of the Redbird Smith movement by examining traditional Cherokee culture patterns, namely social organization, and how the adoption of white values incited the breakdown that the Keetoowah Society and Redbird Smith sought to mitigate. He points to the acculturation and dependence on the white economy as the changes that precipitated the growing chasm in Cherokee communities, changes that were taking hold again during Relocation. Thomas describes how before white incursion Cherokee communities centered on small, loosely confederated towns in which people practiced *gadugi* and worked in cooperative units. These units worked the land closely, only growing and hunting what the community needed for sustenance and supporting one another.

Thomas describes how incorporating a white economy changed Cherokees' relationships to the land and to one another, and not for the better. Instead of maintaining a strong connection locally through tribal work, the need to cultivate surplus in order to operate in a white economy of material goods necessitated a spreading out of communities and a conception of the land not as a source of sustenance but as a commodity to be used. He writes: "In order to carry on more extensive agriculture it was necessary to spread out from the town centers. . . . Many farms began to take on the appearance of the individually operated frontier farms. . . . This spreading out of the farms no doubt weakened the old town organizational structure" (37-38). This early imposition and pressure for the tribe to spread out – and weaken – is a historical precursor to the same imposition during allotment during Redbird Smith's day, which, in turn, is remarkably similar to the economic pressures imposed on Cherokees and other nations during Termination and Relocation. By demonstrating that Cherokee economy and social organization were self-sustaining and that separating Cherokees from one another had devastating effects, Thomas also demonstrates the value of Cherokees organizing at a time when the federal government would sooner split them up and write them out of history.

Similarly, while Thomas writes a narrative of Cherokee separatism that values Cherokee-specific institutions, he also writes of the role that whiteness,⁵¹ through intermarriage, had in further damaging the Cherokee Nation during allotment, damage that the Redbird Smith movement sought to mitigate. In writing about the Redbird Smith movement's resistance to tribal disintegration, Thomas notes that while fullbloods fought

by removing themselves and by reviving Cherokee epistemologies, mixedblood Cherokees, who Thomas refers to as “white Cherokees,” acquiesced and facilitated allotment, Oklahoma statehood and what could’ve been the sunseting⁵² of the Cherokee Nation. Thomas notes that though “white Cherokees” considered themselves Cherokee, the American values they lived by created a rift between them and their traditional counterparts. He writes: “These people were American in every way but allegiance. They considered themselves Cherokee and were many times very militant about that fact. But, because of culture differences, the dichotomy between these two factions was almost unbridgeable” (74). The differences between these two groups include the growing patriarchy and race hierarchy in mixedblood communities as well as a prioritizing of individual property and interests as opposed to seeing oneself as having a duty to the community as a whole.

Thomas adds that one area in which the factions differed was in how they viewed Cherokee land. For the mixedbloods, land was a commodity and though the mixedbloods initially fought allotment through legal channels, when that strategy failed they quickly agreed to allotment and statehood.⁵³ For the traditionals, he argues, “individual ownership of the land struck at the very core of the culture” (74). Thomas posits that the mixedbloods’ initial apprehension of allotment was motivated by a loss of wealth and status whereas the fullbloods sought to preserve culture amid “civilizing” efforts and disapproved of parceling out and owning tribal land. He argues: “The mixed-bloods who were against the allotment because of national feeling were also against it, probably, for reasons of financial gain” (75). Thomas further elaborates that the parcels of allotted land

would be too small for vast herds of cattle that the mixedblood families grew wealthy from while fullblood families eked out a more modest living on their land.

An important note is that, in Thomas' narrative, despite generations of white encroachment, the core of Cherokee culture remained intact. He attributes its staying power to the traditionalists' retreat from Victorian-era white and mixedblood society, arguing that the way to maintain the tribal core is through separation. This desire to further separate during allotment spurred the Redbird Smith movement. Thomas writes: "All through Cherokee history the goals and values of the full-blood Cherokee had changed little . . . the core of full-blood Cherokee culture in the nineties was the same as before. And out of full-blood Cherokee culture came the Redbird Smith movement" (76). Overall, Thomas' narrative insists that the way for Cherokees to forge a true resistance to the onslaught of white assimilation and tribal destruction is for Cherokees to have a space and economy in with to maintain culture and live as Cherokee. And this argument demonstrates the usefulness of Thomas' narrative during the Termination and Relocation era, a time when Cherokees no longer had the same political sovereignty they once did and the pressure to embrace life in mainstream white America was immense. While Thomas does not explicitly connect the events during allotment with those of the Termination and Relocation era, he does draw connections between allotment and earlier events in Cherokee history, demonstrating that such histories predictably repeat themselves. By highlighting the devastating effects that the loss of Cherokee epistemologies had on Cherokees then, he implicitly argues in favor of the value of re-creating and retaining them, and his narrative of the Redbird Smith movement then

functions as a guidebook to show that such revitalization and re-imagining of nationhood is possible again.

Thomas shows that the assault on Cherokees began with assaults on their economy⁵⁴ and culture,⁵⁵ targets that the United States eyed again during Termination and Relocation. He asserts that Cherokees had a self-sustaining economy based on cooperative labor and that the practice of gadugi was concentrated in fullblood communities. The pressure to operate in a Western cash economy and the need to break up the system of communal labor in order to transition into it led to a growing dependence on surplus goods to exchange with traders, usually white intermarried citizens, some of whom had questionable scruples. As an example, Thomas writes of one trader near Braggs to whom fullbloods deposited cash from their leasing of the Cherokee Strip. The trader was an intermarried white citizen of the Cherokee Nation who eventually became greedy, stole their money, and fled the Cherokee Nation, leaving behind his Cherokee wife and child. Reliance on a cash economy with whites exposed Cherokees to the risk of being bilked and having little capital on which to live, a situation opposite that of gadugi in which everyone's livelihood depends on everyone's cooperation. But a functioning system of gadugi, outside the clutch of the white economy, not only ensured that Cherokees filled their basic needs such as food and shelter, but it also freed time for the community to spend together and to continue bonding. If an economic system based on Cherokee principles encouraged Cherokees to stick together, then being thrust into a cash economy with whites based on the demand for surplus goods weakened the community. Thomas writes: "The full-bloods, because of

their comparatively easy economic life, had a great deal of leisure time. The communal nature of Cherokee culture brought together groups of people to engage in activities” (103). Some of these activities included fishing, eating meals together and going to church. He adds that a result of the disintegration of Cherokee social organization was the lawlessness⁵⁶ that some Cherokees had begun to participate in as evidenced by the increasing numbers of public drunkenness and fighting at social gatherings.

Regaining religion as a separatist strategy

In addition to the breakdown of traditional Cherokee economy, the undermining of Cherokee culture, namely spiritual traditions, resulted from the influence of Euroamerican colonization, frequently in the form of the Baptist Church.⁵⁷ Many fullbloods took to the teachings of Baptist missionaries and incorporated elements of Cherokee belief, such as medicine, in the new faith while dispensing with others, such as the place of queer Cherokees, which further fractured the community, a topic explored further in Chapter 4. Nonetheless, because the Baptist faith had supplanted some of the older ceremonial forms, some traditionalist Cherokees felt as if they had no place in the Christian Church and, as a result, no foothold in the spiritual fellowship of the community. This religious dynamic and the actions on the part of the Baptist church to eradicate Cherokee spirituality led to more feelings of alienation and tribal friction. Many of the families who felt disconnected with the Baptists and Cherokee congregants, including the Smiths, later formed the core of the original Keetoowah Society that reconstructed traditional spirituality.

Reconciling traditional spirituality was the first step in the Keetoowahs' articulation of an affirmative, resistant Cherokee identity that had been eroded through assimilation. Part of what separated the Keetoowahs from the rapidly growing mixedblood community was the revived spirituality that reconciled the value of wampum and clan, two epistemologies that Redbird Smith was charged with restoring in "getting back what the Keetoowahs had lost." This history is important in Thomas' day – a time similar to that of Redbird Smith's day – because Thomas writes a narrative that shows it is possible and necessary for Cherokees to re-create tradition to fend off the assimilation imperative.

Re-creating tradition is not only a matter of recovering the practices themselves, but also in finding a way to resist through what those practices mean and do. Thomas points out that the recovery and reinterpretation of wampum after it had been lost for many years was the beginning of the establishment of the tradition that would lead the Keetoowahs back to the White Path of peaceful living and peaceful resistance on Cherokee terms. Thomas writes: "When the Keetoowah Society first got possession of the wampum, they knew nothing of the interpretation of them. They knew that the belts were the fountainhead of all Cherokee culture and the organ by which they could 'get back what the Keetoowahs had lost'" (120). Redbird Smith and the older Keetoowahs knew little if anything about the wampum. This initial lack of knowledge of the wampum's meaning is relevant because it demonstrates that not only is tradition not inextricably and arbitrarily attached to a notion of an unbroken chain of practitioners who

maintain strict integrity of the knowledge, but rather that the knowledge and practice can be reinterpreted and changed as necessary. Thomas writes:

The wampums⁵⁸ were interpreted in the light of older Cherokee culture. Many of their concepts were recovered through the knowledge of ritualized medicine prayers which contained the concepts of Cherokee religion, and after the movement had been underway for a period of time, the interpretations of the wampums had become greatly elaborated. (121)

Thomas' focus on the mutability of how to interpret wampum – the fountainhead of Cherokee culture in his words – demonstrates that knowledge can and should be re-created when necessary, a point that is essential for Thomas' exhortation of Cherokees to return to the fold during their own period of coerced tribal upheaval.

Indeed, while Thomas shows the potential for recovering lost knowledge in times of duress, he also explains how such recovery has psychological benefits that can strengthen a people in their fight against communal disintegration. The wampum, in particular, served a function of inspiring the Keetoowahs to return to the White Path in order to effect peace in the conflicts ahead and within themselves. George Smith told Thomas that in the middle of the nineteenth century, the wampum were used in intertribal meetings as a tool of peace. When representatives of varying nations present at the meeting would quarrel, the leaders would retrieve the wampum and the fighting would cease. Thomas adds that the wampum belts held by the Keetoowah Society were likely those given by the Iroquois in 1770. Redbird Smith and the Keetoowahs interpreted the wampum belts as a map to the White Path, which manifested in Smith's strategy of

passive resistance to allotment as opposed to armed, violent measures. This method of resistance based on the White Path was seen not only as getting right with God, but also ensuring that the Keetoowahs had a peaceful future. John Smith quotes Redbird Smith: “Perhaps all this trouble is a test and God is saving Cherokees for something better in the future” (qtd. in Thomas 151). At this point in the narrative, and with the benefit of hindsight, it would be easy to dismiss the value of returning to the White Path, seeing as how this attempt to maintain peaceful relationships with whites did not stave off allotment and perhaps even facilitated it. However, the failure is not on the part of the Keetoowahs who maintained their word in terms of historical treaties but rather on the part of whites who reneged on theirs.

But while maintaining a tribal land base through peaceful withdrawal and diplomacy was one goal of returning to the White Path, this reconciliation also reinforced a Keetoowah identity that separated traditional Cherokees from a burgeoning population of assimilated Cherokees, many of whom, such as those in the Treaty Party decades earlier, were quick to integrate whites and their cultural, legal and economic epistemologies into the Cherokee Nation. Redbird Smith insisted that assimilation was invited into the Cherokee population when Cherokees abnegated tradition. Thomas, quoting Smith, writes: “One time a man got mad at another man and used medicine to harm him . . . This was the beginning of conjuring . . . Pretty soon, the Indians got so mean they were fighting among themselves. . . . They had broken God’s Rule long before the white man came here . . . they lost the Fire and were so scared to tell their clan they had lost it too” (150). Smith’s mentioning that people were scared to tell their clan

refers to the fact that knowing someone's clan is often necessary to conjure against him or her. Here, Smith argues that an erasure of tradition not only left Cherokees at the time without a healthy sense of self but also legitimized white values that supplanted their Cherokee counterparts in the name of "civilization," a program whose aim was not for the benefit of Cherokees in any meaningful way but rather to benefit whites by opening the door to further encroachment. This element of warding off assimilation by reconciling to tradition would be most important in Thomas' day as after statehood there was no longer a fully sovereign tribal land base to protect.

Thomas demonstrates that while Oklahoma statehood would eventually become a reality, Keetoowahs continued to develop and strengthen their communities. If reconciling to the White Path through interpreting wampum created a revival of Cherokee traditional identity, the reinstatement of clan was another building block that not only added to a renewed Cherokee identity but also revitalized another form of social organization, contributing yet another element to the formation of an identity resistant to a narrative of assimilation. The reinstatement of clan revitalized the responsibilities associated with the clan system, which strengthens community, but it also further distinguishes Cherokees as a distinct people, an important concept in the Keetoowahs' eventual search for a land base. For Thomas during Termination and Relocation, the reclaiming of clan is yet another example of how one can revitalize a seemingly lost tradition and identity to combat assimilation. Additionally, it leads to the possibility of greater social organization that can lead to greater communal autonomy when the colonizer's strategy is to make such communities more dependent.

While Thomas demonstrates that traditional practices and identity in the face of assimilation is possible, he shows more explicitly how that revival is a form of resistance by comparing the Redbird Smith movement to the Ghost Dance.⁵⁹ In the final chapter of his study, Thomas spends much of his time on the Redbird Smith movement detailing how the Keetoowahs reconciled traditional epistemologies and developed an identity of resistance out of it, creating a narrative that promotes a Cherokee identity that runs counter to the American Melting Pot narrative of the day. However, Thomas ends his analysis with a focus on how Redbird Smith and the Keetoowahs attempted to use this renewed identity to prevent tribal disintegration, a specter that the United States resurrected during Termination and Relocation. Thomas insists that while reconciling a Cherokee identity against assimilation can be beneficial to the community on a microcosmic scale, the process has the potential to effect large-scale resistance as well. He adds that though the Keetoowahs were initially occupied with revitalizing Cherokee tradition to return to the path from which they felt they strayed, they too saw the potential of the process to hold the tribe together at a time when allotment sought to rip apart close-knit communities. Even after statehood, the Keetoowahs continued to seek a land base and communal enterprise. So the movement was a form of psychological resistance to the pressure of abandoning traditional lifeways, but also tangible resistance in seeking to deploy that identity to advocate for a land base.

Thomas highlights the resistance of the Redbird Smith movement by comparing and contrasting it to the Ghost Dance. He notes that both movements sought to reconcile older patterns of living, but that while the Ghost Dance accomplished its revival by

adding a new element – the dance – for the Redbird Smith movement, the thrust of that resistance was informed by a return strictly to older patterns. Likewise, Thomas writes that while the Ghost Dance sought to mitigate the danger of growing encroachment, the Redbird Smith movement was a pre-emptive effort to stop allotment. He also points out that the Ghost Dance eventually waned whereas the Redbird Smith movement continues in various regards among some Cherokees. In addition to comparing the movements themselves, Thomas also draws some distinction between leadership. The Ghost Dance centered around Wovoka, a Paiute prophet, while Redbird Smith was appointed by the Keetoowah Society to get back what the Keetoowahs had lost. Thomas adds that the Redbird Smith movement was a collective effort of Keetoowahs, and even Redbird Smith was subject to the Keetoowah council and could, at most, only suggest actions. To be fair, Thomas' primary comparison between the two movements is the focus on resistance by re-creating older forms of tradition and social organization as well as developing new ones as needed. Ultimately, Thomas' invoking of the Ghost Dance in his analysis of the Redbird Smith movement functions narratively to add a layer of resistance and cultural regeneration of the Redbird Smith movement by comparing it to a nativistic resistance movement that is more widely known.

Rethinking the movement's success

While some scholars who have analyzed the Redbird Smith movement focus on the historical account of the movement and describe the process of the Keetoowahs developing a unique identity against the growing assimilated mixedblood population, too

often they get preoccupied with whether the movement was successful in the end, assuming it has ended to begin with. Though this question is indeed a valid one, the answer frequently hinges on the asker's terms of success. In her analysis of the movement, Janey B. Hendrix asserts that the Cherokees were doomed from the beginning. She writes: "Whatever chance the Cherokees had to be successful as a Nation was wiped out by the white man's bitter war between the states; if, indeed, any chance ever existed at all" (7). A mere seven pages into her analysis, in which she is discussing the Cherokee Nation during the Civil War, Hendrix concludes that Cherokees were destined to perish anyway. Such a pessimistic view from the outset makes one wonder why bother to analyze the Keetoowahs' resistance at all if we simply presume it was all for naught?

Hendrix' analysis of the Redbird Smith movement depicts a movement of well-meaning, if naïve, individuals who should've known better than to fight allotment and acculturation, but who stubbornly carried on only to undermine themselves with petty infighting and being too short-sighted to know when someone was taking advantage of them. She argues, for example, that Cornelius convinced the Nighthawks that they were descended from the Iroquois so he could connect with the Keetoowah Society for his own ulterior motives, as if the Keetoowahs had no agency in deciding to incorporate Cornelius' teachings in the movement. Additionally, Daniel F. Littlefield concluded in 1971 that Keetoowahs had failed to secure a space where they could govern themselves and practice their culture, despite that the United Keetoowah Band organized in 1950 under the Oklahoma Indian Welfare Act.⁶⁰ He writes: "[T]he 'community reservations'

became little more than names on a map and never became functional social units” (427). However, he later notes that the Keetoowahs were able to develop the Kenwood Project Area and organizations like the Kenwood Indian Livestock Association as well as work with the Soil Conservation Service and the Indian Forest Service on various conservation and land-management projects. Littlefield, like Hendrix, also forecloses on the possibility that even if the Keetoowahs did not achieve their goal in a prescribed period of time, ostensibly during Redbird Smith’s lifetime, they could continue to pursue it to fruition later. For example, Littlefield writes:

The Wheeler-Howard Act was the fullbloods’ last hope for fulfilling their utopian dreams. Years of poverty and disappointment had left a telling mark on them. . . . From the time of Redbird Smith, the fullbloods’ aim had shifted from a desire to be left alone and to live in the traditional tribal ways to a desire for economic self-sufficiency. Although the latter desire was the more realistic one, the shift in aims unfortunately reflected the inroads made upon the fullbloods’ thinking by the Anglo-American society, however bitterly he may have opposed that society or however faithfully he resisted it. (427)

Here, Littlefield problematically suggests that the Keetoowahs’ goal of revitalizing traditional culture and self-governance was otherwise impossible without intervention from the policies of the Wheeler-Howard Act. Likewise, he submits the fact that the Keetoowahs’ plans grew to include economic self-sufficiency – a goal primarily informed by the work of Oneida activist Laura Cornelius Kellogg – as somehow indicative of not only the failure of the Keetoowahs’ movement but also of their

capitulation to Anglo-American lifeways. Additionally, Howard Q. Tyner minimizes the role in the later formation of a Keetoowah government and land base played by the Nighthawk Keetoowahs, the religious Keetoowah faction led by Redbird Smith after the Keetoowah Society split⁶¹ during allotment, noting that while Keetoowah Society, Inc., the political faction, agitated for tribal recognition, “the Nighthawks refuse to participate in the plans . . . and seem content to remain as they are” (95).⁶²

In many ways, however, success and failure are in the eye of the beholder. Where Hendrix sees failure at the outset, I ultimately see success under different terms. For Thomas to exhort Cherokees to recover tribal tradition at a time of Relocation, just as Redbird Smith did during allotment, indicates that at least during the 1950s he saw the potential of Cherokee-specific resistance too. By examining the movement through the goals its leaders outlined for themselves, and its effects even today, we can reinterpret the Redbird Smith movement as a success and Thomas’ narrative of the movement as one of Cherokee resistance to the U.S. assimilation narrative and a path toward redefining critical tribal nationhood.

The two primary goals of the movement that Thomas points out are: 1) recovering tribal tradition, or “getting back what the Keetoowahs had lost,” and 2) resisting acculturation and allotment and eventually getting a Keetoowah land base. We can include the resistance to acculturation under the first category because the latter necessarily leads to the former, leaving the recovery of tradition and fighting against allotment, or securing a land base, as the final goals.

The original goal from the beginning was to “get back what the Keetoowahs had lost,” which included reincorporating the teachings of the wampum to lead Cherokees back to the White Path and to re-establish traditional ceremonial practices and the role of the clan. Establishing the success of this first goal is straightforward. The Keetoowahs did recover the wampum belts from Bob Ross, who despite being a Keetoowah himself, initially declared the wampum his family’s property. As Thomas indicates, the Keetoowahs interpreted the wampum and resolved to follow the White Path.

Additionally, the Redbird Smith movement led to the establishment of ceremonial grounds that are still in use today. As Thomas notes, members of the movement not only re-created the ceremonies with the help of Creeks and Natchez, but later made them more Cherokee-specific. Anyone who visits a ceremonial grounds in the communities today or participates in a stomp dance owes his or her gratitude to Redbird Smith and the movement. Furthermore, the Redbird Smith movement helped to elevate the clan back to its proper status, a status that is recognized socially and ceremonially today, if not politically as it once was.⁶³ These elements that the Redbird Smith movement restored are viable today. The reason Cherokees in Thomas’ day and today have a tradition to return to is largely, if not solely, because the Redbird Smith movement recovered it. That Cherokees in the 21st century are participating in this tradition – and some Cherokees whose families had assimilated earlier are coming back to it – speaks to the success of the Redbird Smith movement in fighting permanent acculturation. By extension, Thomas’ account of the Redbird Smith movement is a Cherokee narrative that demonstrates that it

is always possible to recover or reinvent tradition to fight narratives of Cherokee assimilation.

While the success of the first goal speaks for itself, whether the Redbird Smith movement was successful in fighting allotment is a bit more complicated. Allotment, as well as the imposition of Oklahoma statehood, did obviously occur, so the simplistic answer would be to assume that the movement was a resounding failure in this regard. While one goal of the Keetoowah Society was to stop allotment, it was primarily so Keetoowahs could retain their own land base where they could practice political autonomy as well as traditional lifeways, unmolested by the pressure to assimilate from both the outside and from within the greater Cherokee Nation. The Keetoowahs took a treaty that had been drafted between Chief Bowles and Mexico when his band had fled to Texas, and they went to Mexico to investigate the possibility of the Keetoowahs moving south of the border to escape the encroaching United States.⁶⁴ The Mexican government denied the Keetoowahs' proposal. The Keetoowahs, again, sought Cornelius' help in trying to get a law passed in Congress that would have allowed for a Keetoowah reservation. The bill failed to pass. By that time, the Keetoowah Society had split into religious and political factions, the Nighthawks and Keetoowah Society, Inc., respectively. While Redbird Smith remained a Nighthawk until his death, Keetoowah Society, Inc., having turned its focus to the political sphere, eventually organized under the Oklahoma Indian Welfare Act and was recognized as the United Keetoowah Band of Cherokee Indians (UKB) in 1950.⁶⁵ After the political reinstatement of the Cherokee Nation in the 1970s, the Keetoowahs struggled to put land into trust, being stifled by the

Cherokee Nation administration on the basis that other Cherokees couldn't put the Cherokee Nation's land into trust. Finally, in 2010, BIA Secretary Larry Echo Hawk ruled that both the contemporary Cherokee Nation (CNO) and the UKB were joint successors in interest to the historical Cherokee Nation,⁶⁶ which, he adds, was to be sunsetted with the death of the last original Dawes enrollee, which occurred with the death of Lula Hickey Hall in April 2012. This ruling allowed the UKB to finally claim a Keetoowah land base.⁶⁷

Indeed crediting Redbird Smith with the success of the UKB might be controversial as it was Keetoowah Society, Inc., who advocated for and won a separate government and eventual land base for the Keetoowahs. However, Redbird Smith's involvement in the Original Keetoowah Society before the split helped to create a distinct Keetoowah identity, which, in turn, justified the granting of a separate land base from other Cherokees on the basis that they are a distinct people, politically and culturally. The second goal of the Redbird Smith movement might not have come to fruition in Redbird Smith's lifetime, but the story continued after his death. A narrative of Cherokee critical nationhood can reach its desired end. It's only a matter of continuing to tell the story.

¹ Congress officially ended treaty-making between the President and tribal nations through the Indian Appropriations Act (1871), legislating that the federal government would no longer consider tribal nations as independent sovereigns for the purpose of drafting new treaties, though the terms of treaties prior to 1871 were technically legally still in effect. In the cases *Cherokee Nation v. Hitchcock* (1902) and *Lone Wolf v. Hitchcock* (1903), the Supreme Court ruled that the federal government could unilaterally withdraw from treaty agreements. However, the Snyder Act (1921) changed the provision of federal services to tribal nations from operating on a treaty-to-treaty basis for individual tribal nations to single appropriations to Indians as a whole, further eroding the concept of Indians belonging to distinct sovereign nations. Later, as the U.S. sought to renege on its obligations to tribal nations and passed termination legislation in the 1950s, more than 150 nations had their sovereign status revoked. The two largest nations that were terminated were the Menominee Indian Tribe of Wisconsin and the Klamath Tribe of Oregon. Eventually, the Supreme Court ruled in *Menominee Tribe v. United States* (1968) that the federal government could not sweepingly terminate tribal treaties unless they were specifically mentioned in congressional legislation, legislation, in this case, singling out Menominee hunting and fishing rights. The ruling opened a channel for the eventual re-establishing of treaty rights and self-determination policy in the 1970s. In 1973, Congress repealed the termination laws. For more about the Menominee's role in the demise of federal termination policy, see Nicolas C. Peroff *Menominee Drums: Tribal Termination and Restoration, 1954-1974* (Norman: U of Oklahoma P, 2006).

² Gerald Vizenor (White Earth Anishinaabe) directed the American Indian Employment and Guidance Center of Minneapolis where several Indians who were relocated to the city sought services. Of the Relocation experience, he writes in a semi-fictional autobiographical account: "Thousands of tribal people moved from reservations to urban centers, meaning to leave behind evil, their hunger and grim memories, but the federal colonists were waiting like the cockroaches to define tribal places in the city" (10). See Vizenor, *Wordarrows: Indians and Whites in the New Fur Trade*, (1978). For more about Indian life in the city during Relocation in general, see Nicolas G. Rosenthal *Reimagining Indian Country: Native American Migration & Identity in Twentieth-Century Los Angeles* (Chapel Hill: U of North Carolina P, 2012); Reyna K. Ramirez *Native Hubs: Culture, Community, and Belonging in the Silicon Valley and Beyond* (Durham: Duke UP, 2007); James B. LeGrand *Indian Metropolis: Native Americans in Chicago, 1945-75* (Champaign: U of Illinois P, 2002).

³ Though the Relocation program is recent enough that families who were directly affected still remember it, native people who were not affected by it, as Fixico notes, might only vaguely recall it. Certainly many non-natives in the U.S. have never learned about this policy (or much of any Indian policy for that matter) in their history courses. In my own courses that I've taught, I have asked students if they had previously learned about the Termination and Relocation programs of the 1950s. To date none ever have, demonstrating some truth to Fixico's assertion that the policy is "a big secret." Nonetheless, I choose to begin with the Termination and Relocation programs because narratives of critical tribal nationhood and peoplehood find their biggest challenges in a historical context in which outsiders in power attempt to erase them.

⁴ Others scholars who have written critically of the lopsided power balance inherent in the nation-to-nation relationship between tribal nations and the U.S. include Vine Deloria, Jr (Standing Rock Sioux), Taiaiake Alfred (Mohawk) and Joanne Barker (Lenape). See, for instance, Deloria, Jr. and Clifford M. Lytle, *The Nations Within: The Past and Future of American Indian Sovereignty*, (1984); Alfred Peace, *Power, and*

Righteousness: An Indigenous Manifesto (New York: Oxford UP, 1999); Barker *Native Acts: Law, Recognition, and Cultural Authenticity* (Durham: Duke UP, 2011). Likewise, Steve Russell (Cherokee Nation) argues that if tribal nations and the federal government decided to dissolve the sovereign trust relationship, that which views tribal nations as “domestic dependents,” and allow tribal nations to truly operate on their own, the results would be unpredictable. He writes: “Assuming we do not choose dependence now (something none of our ancestors did but something that was rather visited upon them), then the possibility of failure is joined at the hip with the possibility of success. . . . To be free, Indian tribal governments must accept the burdens of government and understand that foreign aid always comes with strings attached. In economic terms, the Mashantucket Pequots become like Monaco and the Pine Ridge Reservation becomes like Burundi” (38-39). See Russell “Sovereignty v. Dependency,” *Sequoyah Rising: Problems in Post-Colonial Tribal Governance* (Durham: Carolina Academic Press, 2010), 37-40.

⁵ More than 150 tribal nations lost their sovereign status through the Termination program. These nations include the Menominee Nation in Wisconsin and the Klamath Tribe in Oregon, both terminated through legislation specifically aimed at them. Other terminated nations include the Confederated Tribes of the Grand Ronde Community, Confederated Tribes of Siletz Indians, Alsea, Applegate Creek, Calapooya, Chaftan, Chempho, Chetco, Chetlesington, Chinook, Clackamas, Clatskanie, Clatsop, Clowwewalla, Coos, Cow Creek, Eucheas, Galic Creek, Grave, Joshua, Karok, Kathlamet, Kusotony, Kwatami or Sixes, Lakmiut, Long Tom Creek, Lower Coquille, Lower Umpqua, Maddy, Mackanotin, Mary's River, Multnomah, Munsel Creek, Naltunnetunne, Nehalem, Nestucca, Northern Molalla, Port Orford, Pudding River, Rogue River, Salmon River, Santiam, Scoton, Shasta, Shasta Costa, Siletz, Siuslaw, Skiloot, Southern Molalla, Takelma, Tillamook, Tolowa, Tualatin, Tututui, Upper Coquille, Upper Umpqua, Willamette Tumwater, Yamhill, Yaquina, and Yoncalla, all of whom were terminated under the Western Oregon Indian Termination Act (1954). Several rancherías were terminated in California through the California Ranchería Termination Act (1958) and through a 1964 amendment to the act, now including the Alexander Valley, Auburn, Big Sandy, Big Valley, Blue Lake, Buena Vista, Cache Creek, Chicken Ranch, Chico, Cloverdale, Cold Springs, Elk Valley, Guidiville, Graton, Greenville, Hopland, Indian Ranch, Lytton, Mark West, Middletown, Montgomery Creek, Mooretown, Nevada City, North Fork, Paskenta, Picayune, Finoleville, Potter Valley, Quartz Valley, Redding, Redwood Valley, Robinson, Rohnerville, Ruffeys, Scotts Valley, Smith River, Strawberry Valley, Table Bluff, Table Mountain, Upper Lake, Wilton rancherías. Likewise, the Choctaw Nation was scheduled to be terminated, but was spared at the last minute when President Richard Nixon repealed the Termination policy. While the Cherokee Nation was scheduled to be terminated per the Curtis Act (1898), the provisions of the Five Civilized Tribes Act (1905) allowed for a vestigial Cherokee government in which the federal government appointed a Principal Chief to facilitate business between the U.S. and the Cherokee Nation. As a result of the act, while the Cherokee Nation did not have full political sovereignty again until the passing of the Principal Chiefs Act (1970), they were able to maintain a semblance of tribal government throughout the Termination era.

⁶ Diane Watson was a Democratic U.S. Representative from California who served in office from 2003-2011. The bill she proposed in 2007, H.R. 2824, sought to sever the federal government's relationship with the Cherokee Nation unless the Nation reinstated the franchise of thousands of Cherokee Freedmen who had lost their voting rights and citizenship when the Nation rewrote the citizenship criteria prior to the upcoming election for Principal Chief. The bill would have revoked federal funding and gaming rights for the Cherokee Nation, which could have resulted in massive jobs losses in the Nation. Watson discussed her position on the Cherokee Freedmen issue in a 2007 interview with National Public Radio. See “Cherokee Nation Faces New Battle” *NPR.org*. National Public Radio, 22 June 2007. Web. 18 July 2007. <<http://www.npr.org/templates/story/story.php?storyId=11280553>>.

⁷ The 2007 disenfranchisement of Cherokee Freedmen citizens coincided with the election for Principal Chief that year in which incumbent Chad Smith faced off against Stacy Leeds. Leeds earlier served as a Cherokee Supreme Court justice, and in 2006 she ruled in favor of the Freedmen in *Lucy Allen v. Cherokee Nation*, affirming that Freedmen descendants were indeed Cherokee citizens per the 1975 Cherokee Constitution. She writes: "When [the Cherokee Nation] adopted the 1975 Constitution, they did not limit membership to people who possess Cherokee blood. Instead, they extended membership to all the people who were 'citizens' of the Cherokee Nation as listed on the Dawes Commission Rolls. The Constitution could be amended to require that all tribal members possess Cherokee blood. The people could also choose to set a minimum Cherokee blood quantum. However, if the Cherokee people wish to limit tribal citizenship, and such a limitation would terminate the pre-existing citizenship of even one Cherokee citizen, then it must be done in the open. It cannot be accomplished through silence" (par 3). According to Leeds, then, descendants of people listed as Freedmen, whether they had Cherokee blood or not, were eligible for Cherokee citizenship.

In the weeks leading up to the 2007 election, much of the Freedmen community supported Leeds in what was going to be a close race, and Smith held a special election in which Cherokee citizens voted to strip the Freedmen citizens of their citizenship, thus making them ineligible to vote. Leeds narrowly lost the election. Smith's tactic was similar to that of Ross O. Swimmer who issued an executive order in 1983 mandating that Cherokee citizens produce a CDIB card (Certificate of Degree of Indian Blood) in order to vote as opposed to their Cherokee Nation voter cards as in previous elections. Because the Dawes Commission did not record Cherokee blood for those assigned to the Freedmen portion of the roll, Freedmen descendants do not have a recorded blood quantum and, therefore, no CDIB. Fearing that the Freedmen communities were supporting his rival, Perry Wheeler, Swimmer's mandate that Cherokee voters produce a CDIB effectively barred Freedmen descendants from voting and assured him the win. For more on the history of the disenfranchisement of the Freedmen, and specifically during the Swimmer administration, see Circe Sturm "Blood Politics, Racial Classification, and Cherokee National Identity: The Trials and Tribulations of the Cherokee Freedmen" *American Indian Quarterly* 22.1/2 (1998): 230–258. For more background on the issue of race in Freedmen history, see Daniel F. Littlefield, Jr. *The Cherokee Freedmen: From Emancipation to American Citizenship* (Westport, CT: Greenwood Press, 1978) and S. Alan Ray "A Race or a Nation? Cherokee National Identity and the Status of Freedmen's Descendants" *Michigan Journal of Race and Law*. 12 (2007): 387-463. The text of Leeds' majority opinion in *Lucy Allen v. Cherokee Nation* can be found at <<http://www.cornsilks.com/allendecision.html>>.

⁸ It is possible to view Watson's proposed sanctions against the Cherokee Nation as an affirmation of - and not a threat against - Cherokee sovereignty in that sovereign nations frequently impose sanctions on one another. The U.S. has placed travel and trade sanctions on the communist government of Cuba as well as against South Africa when the nation operated officially under a system of apartheid under P.W. Botha. In doing so, the United States effectively recognizes the nations' sovereign right to govern as they desire, respectively via communism or apartheid; however, by imposing economic sanctions, the U.S. declares that they will not support those nations' actions. One could argue that by cutting off federal funding to the Cherokee Nation as a result of its expulsion of Freedmen citizens, that the U.S. is recognizing the Cherokee Nation's sovereign right to do exactly that, to determine its own citizenry, but declaring that it does not support the policy of expulsion and disenfranchisement. While such a view appears logical on the surface, given the relationship between the U.S. and the Cherokee Nation and the U.S. and other sovereign nations, the comparison is a false equivalency. Just as Steve Russell, Vine Deloria Jr. and Renee Ann Cramer, among others, point out that tribal nations' status as separate, sovereign entities depends on recognition from the federal government, nations with U.S. sanctions such as Cuba, North Korea or Syria operate on an international stage and will still be recognized as sovereign states with inalienable

rights, regardless of U.S. policy. Because the tribal nations within U.S. borders do not have access to the United Nations and do not have an international presence and recognition as sovereign nations, the threat of the U.S. revoking its sovereign relationship with the Cherokee Nation would have much more dire consequences than would another nation being repudiated by the U.S.

⁹ The federal Termination and Relocation programs were a return to denationalization and assimilation in U.S. Indian policy that had been briefly abandoned in the 1930s and 1940s in favor of policy in the Indian Reorganization Act (1934) that sought to support tribal nationhood and governance. After conclusions from the Meriam Report (1928) demonstrated that the policy of assimilation was a failure, having led to an increase in poverty and a decline of employment, education and health in tribal communities, politicians like John Collier sought ways for tribal nations to return to self-governance and build economic self-sufficiency. A surge in postwar patriotism, as well as xenophobic fears of communism and a desire to “get out of the Indian business,” led to a return in policy of dismantling tribal nations and mainstreaming American Indians. See Lawrence C. Kelly *The Assault on Assimilation: John Collier and the Origins of Indian Policy Reform* (Albuquerque: U of New Mexico P, 1963); Jon S. Blackman *Oklahoma’s Indian New Deal* (Norman: U of Oklahoma P, 2013); Kenneth R. Philp *Termination Revisited: American Indians on the Trail to Self-Determination, 1933-1953* (Lincoln: U of Nebraska P, 2002); Michael T. Smith “The Wheeler-Howard Act of 1934: The Indian New Deal” *Journal of the West* 10.3 (1971): 521-534. For a digitized copy of the Meriam Report, see <http://www.alaskool.org/native_ed/research_reports/IndianAdmin/Indians_Admin_Problms.html>.

¹⁰ The Termination program was also informed by postwar fears of communism. While the pretense of the program was to supposedly free tribal nations from the yoke of poverty, part of the desire to dismantle tribal communities stemmed from a belief that Indians’ communal living and common ownership of tribal land were evidence of communism within U.S. borders. The previous Indian policies of the Indian Reorganization Act (1934), established by John Collier, who sought to restore tribal governance, were seen at this time by some as a backdoor way for communists to infiltrate the U.S. Richard Fried, for example, writes that a proponent of the Termination program at the time described John Collier as “the voice of Russian Communists in their plans to capture the American Indian and thus start their worldwide conspiracy to communize free America” (169). See Fried *Nightmare in Red: The McCarthy Era in Perspective* (New York: Oxford UP, 1990). Additionally, even Friedrich Engels likened tribal societies to his vision of communism, pointing to (and romanticizing) what he saw as a lack of hierarchy and private property, and a sharing of resources that he subsequently called “primitive communism.” For more on this theory, see Engels, *The Origin of the Family*, (1884). Though we could interpret Thomas’ analysis of the Redbird Smith Movement and his defense of traditional Cherokee lifeways as a challenge to general accusations at the time of communism developing in Indian Country, because Thomas himself does not specifically engage such accusations, I do not either in my analysis of his work.

¹¹ Arthur Watkins (1886-1973) was a Republican U.S. senator from Utah who served in office from 1947-1959, during which time, as chairman of the senate Subcommittee on Indian Affairs, he authored legislation that led to the federal Termination and Relocation programs. Watkins is famous for stating that the U.S. needed to “get out of the Indian business” after World War II, and he initiated the Termination program by targeting tribal nations in his own state such as the Kanosh and Shivwits Bands of Paiutes and the Uintah-Ouray Ute Nation to name a few.

¹² The National Congress of American Indians is an Indian-advocacy organization that was founded in 1944 to challenge the federal government’s developing termination policy and its failure to honor treaty agreements. The NCAI was successful in preventing the termination of the Skull Valley and Washakie

bands as well as the Turtle Mountain Chippewa, Florida Seminole, Salish and Colville Nations. The group was also able to influence Secretary of the Interior Fred S. Seaton in his decision to withdraw from a policy of forced termination to one of termination by consent of the tribal nations involved. The NCAI later helped federal Indian policy transition from termination to self-determination in the late 1960s and still advocates for Indian rights today. Ruth Muskrat Bronson and Napoleon Johnson are two Cherokees who held leadership roles in the NCAI. See Thomas W. Cowger *The National Congress of American Indians: The Founding Years* (Lincoln: U of Nebraska P, 1999), 115-119.

¹³ Since the end of Termination, only 78 of the more than 100 terminated tribes have had their federal recognition restored. Of the nations that have not yet regained their sovereign status, 24 of these tribes are now considered extinct, 10 have state recognition but not federal recognition and 31 do not have a tribal land base.

¹⁴ Unemployment not only remains a problem for many tribal communities today, but the rate of unemployment has not abated much since the Relocation era. In August 2013, *Indian Country Today* profiled 15 tribal nations that have an unemployment rate higher than 80 percent. These nations and their rates of unemployment are: Sokaogan Chippewa Community (93 percent), Pechanga Band of Luiseño Indians (91 percent), Oglala Sioux Tribe of Pine Ridge (89 percent), Cheyenne River Sioux Tribe (88 percent), Apache Tribe of Oklahoma (87 percent), Standing Rock Sioux Tribe (86 percent), Little Traverse Bay Band (86 percent), Round Valley Indian Tribes (86 percent), Shoshone Tribe of the Wind River Reservation (86 percent), Rosebud Sioux Tribe (83 percent), Walker River Paiute Tribe (83 percent), Winnebago Tribe (82 percent), Puyallup Tribe (82 percent), Bad River Band (81 percent) and Shoshone-Bannock Tribes-Fort Hall (81 percent). Conversely, the rates of unemployment in these tribal nations' respective states are much lower, ranging from a low of 4.2 percent (Nebraska) to 9.5 percent (Nevada) on the "high" end. Even among those tribal citizens who are gainfully employed, between 30 percent and 80 percent of workers nonetheless live below the poverty line. See Vincent Schilling "Getting Jobbed: 15 Tribes with Unemployment Rates Over 80 Percent." *IndianCountryTodayMediaNetwork.com*. Indian Country Today, 29 August 2013. Web. 30 August 2013
<<http://indiancountrytodaymedianetwork.com/2013/08/29/danger-zone-15-tribes-unemployment-rates-over-80-percent-151078>>.

¹⁵ Wahrhaftig states that many of the jobs that were available to Cherokees were temporary or seasonal, and low-wage. He writes: "Cherokees are the laboring caste of eastern Oklahoma. They haul rocks and carry hod on construction jobs. They frame buildings. They ditch roads and chop brush for the 'high lines' of utility companies. They harvest beans, peas, and strawberries. They bale hay. They glean huckleberries from the woods and sell them to the grocers. They pump gas and wait tables. They plant and pack seedlings in commercial nurseries. They grab chickens in the yards of packing plants. They sort fruit in canneries. A few are now factory laborers in tribally subsidized industries" (452). See Wahrhaftig, "Making Do with the Dark Meat," 452. Additionally, as the oil industry developed in the early 20th century, several Cherokees left the Nation and moved to West Texas and northern Louisiana to work as roughnecks.

¹⁶ Wahrhaftig adds that these are jobs that poor whites in Oklahoma did as well. The difference between them and Cherokees, however, is that Cherokees are often precluded by local prejudice against Indian workers from considering more lucrative employment. See Wahrhaftig, "Making Do with the Dark Meat," 453.

¹⁷ These figures are further shocking when we consider that the Cherokee Nation, before Oklahoma statehood, operated several schools, and that they even built the first institutions of higher education

west of the Mississippi River – the Cherokee Male and Female Seminaries, which opened in 1851. The Male Seminary burned in 1910 and has been out of operation since. The Female Seminary burned in 1887, but was rebuilt and reopened in 1889. The building is now part of the campus at Northeastern State University in Tahlequah.

¹⁸ As the Cherokee Nation regained its political sovereignty in the 1970s, local whites took an interest in Cherokee political affairs. Wahrhaftig notes that in 1971 whites formed the organization “Citizens Concerned for Cherokee Leadership” and campaigned heavily for W.W. Keeler in the first Cherokee election since Oklahoma statehood. Wahrhaftig argues that white people were invested in the outcome of Cherokee politics because non-Indians were the primary beneficiaries of tribal programs. He quotes a business manager of the Cherokee Nation in the 1970s who says: “‘The Cherokee tribe is controlled essentially by non-Indians. They don’t do anything that will harm non-Indians. Fact, they go even further. They don’t do anything that will not *benefit* non-Indians. Of all the programs that the Cherokee tribe has, none were started with the prime objective of helping Indians” (230, emphasis original). See Wahrhaftig and Lukens-Wahrhaftig “The Thrice Powerless: Cherokee Indians in Oklahoma.” *The Anthropology of Power: Ethnographic Studies from Asia, Oceania, and the New World*. (New York: Academic Press, 1977), 225-236. Likewise, Thomas expressed similar sentiments in a 1982 letter. He writes of the “self-determination” policy: “‘Self-determination’ turned out to be an arrangement whereby an Indian elite operates a structure created and enlarged by the federal government; a structure regulated by laws, rules, and guidelines set up by the federal government; and a structure which has no real power except what is allowed by the federal government. ‘Self-determination’s’ lineal descendent, ‘Indian sovereignty’, has become primarily a plea for more control over Indians by the Indian elite” (2). See Thomas, “Surviving Letter,” (1982) <http://works.bepress.com/robert_thomas/18>. That said, however, the Cherokee Nation today employs several thousand tribal citizens in its businesses and provides several health, housing and education programs for citizens as well.

¹⁹ Watkins likewise suggested that the only reason Indians wanted to maintain the trust relationship between their nations and the U.S. was to avoid paying taxes. In a 1954 debate, he contended: “‘May I point out also that what the Indian really wants; he wants representation without taxation. He can tax all the rest of us and vote for people who do tax us; but he doesn’t want to pay taxes himself even though he is able to do so’” (Fixico 105). Watkins’ opponent, Florida Senator George Smathers reminded him that many Indians live and work off of their reservations and do indeed pay taxes. See Fixico, *Termination and Relocation*, 105.

²⁰ Bronson refers here to the Buffalo Nickel that was minted from 1913-1938 that features the profile of an Indian’s head on the front and a buffalo on the back.

²¹ See also Bronson, *Indians Are People, Too*, (1944).

²² While the term “nativist” in the U.S. has frequently been deployed since the 19th century to describe the xenophobic prioritizing of the interests of established citizens over those of more recent immigrants in the country, the term also can refer generally to a re-establishment of original culture in opposition to acculturation. Thomas refers to the latter definition with his use of “nativistic” in his study of the Redbird Smith Movement. Though I might describe the Redbird Smith Movement as separatist, I retain Thomas’ term “nativistic” here.

²³ While the official policy of terminating the sovereign political statuses of tribal nations began in the 1950s, I locate the broader denationalization of tribal citizens with the passage of the Indian Citizenship

Act (1924), also known as the Snyder Act, through which the U.S. made several thousand tribal citizens into American citizens, especially for those who served in WWI. Previously, Indians who had become U.S. citizens did so through intermarriage, military service or by receiving allotments – acts of agency on the part of the Indian recipients. However, the Indian Citizenship Act legislated U.S. citizenship on Indian Country. While the pages of U.S. history might narrate this entrance into U.S. citizenship as a “gift” for Indian veterans especially, I read this act as an imposition of American citizenship and an early attempt to denationalize tribal nations and integrate their citizens into the wider U.S., a policy that grew more aggressive in the 1950s. See Kevin Bruyneel “Challenging American Boundaries: Indigenous People and the ‘Gift’ of U.S. Citizenship.” *Studies in American Political Development* 18.1 (2004): 30-43.

²⁴ See Alan L. Sorkin *The Urban American Indian* (Lexington, Mass: Lexington Books, 1978); Alvin M. Josephy, Jr., Troy R. Johnson and Joane Nagel, eds. *Red Power: The American Indians’ Fight for Freedom* (Lincoln: U of Nebraska P, 1999); Joane Nagel *American Indian Ethnic Renewal: Red Power and the Resurgence of Identity and Culture* (New York: Oxford UP, 1996); Larry W. Burt *Tribalism in Crisis: Federal Indian Policy, 1953-1961* (Albuquerque: U of New Mexico P, 1982); Bradley G. Shreve and Shirley Hill Witt *Red Power Rising: The National Indian Youth Council and the Origins of Native Activism* (Norman: U of Oklahoma P, 2011).

²⁵ Alan L. Sorkin notes that some of the issues that relocated individuals had to face in the cities included job discrimination, poor housing and homelessness, and limited access to health care and education. In a famous article critiquing the Relocation program, Ruth Mulvey Harmer profiled the Bear family, a Creek family who had relocated to Los Angeles, and who had, in her words, become “slum dwellers.” The mother of the family, Little Light, talk about her husband’s increased drinking, her inability to find a doctor for her sick child and her feeling belittled when people stared and laughed at her when she left her home. Little Light says she wanted to return to Oklahoma, but the family was stranded in Los Angeles without enough money to go back home. She told Harmer: ““They did not tell us it would be like this”” (56). See Harmer “Uprooting the Indians” *Atlantic Monthly* 197 (March 1956): 54-57. *Atlantic Monthly* published another article a year later that criticized the effectiveness of the Relocation program. See Edith R. Mirrielees “The Cloud of Mistrust” *Atlantic Monthly* 199 (Feb. 1957): 55-59. Federal officials used the media themselves to challenge these reports, writing in 1956: ““As some of you know – if you have been reading your magazines lately – that word ‘relocation’ seems to upset certain people – apparently because it suggests uprooting the Indians from their serene pastoral environment and plunging them down in some kind of nerve-wracking asphalt jungle. For at least a generation, and probably longer, Indian families have been moving away from the impoverished environments of reservations and seeking better opportunities”” (qtd. in Fixico *Termination and Relocation* 142). What the federal officials neglected to mention, however, was that those Indians who earlier left their tribal communities did so on their own volition and had a home to come back to, unlike the experiences of many of those who left their communities as part of the Relocation program.

²⁶ See for example W. David Baird “Are the Five Tribes of Oklahoma ‘Real’ Indians?” *The Western Historical Quarterly* 21.1 (Feb. 1990): 4-18.

²⁷ The National Indian Youth Council is an activist organization, founded by American Indian college students in 1961, that has focused on issues of civil rights, the environment, voting rights, religious freedom and education for tribal communities. Activism of the NIYC took the form of public movements such as the fish-in in the Pacific Northwest, which were established to protect tribal fishing rights outlined in treaties. For more about the NIYC, see <<http://www.niyc-alb.org>>. See also Bradley G. Shreve and

Shirley Hill Witt *Red Power Rising: The National Indian Youth Council and the Origins of Native Activism* (Norman: U of Oklahoma P, 2011).

²⁸ Though I refer here to Thomas' early work as Cherokee-specific as opposed to some of his later work, which had a more intertribal approach, I want to reiterate that in an intertribal setting, Thomas could and did view himself as a Cherokee. As Robert Warrior (Osage Nation) argues, intertribalism recognizes and respects tribal differences and nation specificity within larger multi-national tribal settings. "Pan-Indianism," he writes, however, "seeks to blend and homogenize Native cultures" (107). When I refer to Thomas' earlier work as "Cherokee-specific," I mean that at this time he was a Cherokee, writing about and focusing on Cherokee issues, ostensibly for fellow Cherokees. By referring to some of his later work and actions as "intertribal," I mean that Thomas was a Cherokee, writing and operating as a Cherokee, but focusing at that time on issues that affected Indian Country as a whole. Given Thomas' lifelong identification as a Cherokee and devotion to Cherokees, he could in no way be seen as pan-tribal as Warrior defines it, an approach that effaces tribal cultural and national differences in favor of a unified Indianness. See Warrior *The People and the Word: Reading Experience in Native Nonfiction* (Minneapolis: U of Minnesota P, 2005).

²⁹ While the U.S. did recognize the Cherokee Nation as a separate government, provisions of the Five Civilized Tribes Act (1905) stipulated that the leader of the Cherokee government would be appointed by the U.S. President. So while the Cherokee Nation during Termination did have a tribal government, it can't be said to be truly sovereign as Cherokees did not officially elect their own leaders again until 1971.

³⁰ The charge that Redbird Smith "get back what the Keetoowahs lost" commonly appears in scholarship of Smith, but is often unattributed. The source of this quotation is George Smith, one of Redbird Smith's grandsons, who recounted the story to Thomas in an interview.

³¹ The tension between Cherokees and Creeks that Thomas mentions is most notable in the history of the Red Stick War, a fight that began as a civil war in the pre-Removal Creek Nation but grew to involve the United States when American forces attacked a group of Upper Creeks in the Battle of Burnt Corn Creek (1813). The Red Sticks were Upper Creek traditionalists who fought to reclaim traditional Creek lifeways, including religion and governance, from assimilative pressure brought by Americans and the growing mixedblood Creek population. After the Red Sticks defeated an American militia at the Battle of Burnt Corn Creek, American forces allied with Lower Creeks and Cherokees under Major Ridge. The Red Sticks experienced another victory when they attacked Fort Mims in what historians refer to as the Fort Mims Massacre (1813), capturing or killing more than 500 militiamen at the fort. The Americans, led by Andrew Jackson, and their Lower Creek and Cherokee allies later defeated the Red Sticks at the Battle of Horseshoe Bend (1814). See William Henderson Brantley, *Battle of Horseshoe Bend*, (1955); Gregory A. Waselkov *A Conquering Spirit: Fort Mims and the Redstick War of 1813-1814* (Tuscaloosa: U of Alabama P, 2006); Kathryn E. Holland Braund, ed. *Tohopeka: Rethinking the Creek War and the War of 1812* (Tuscaloosa: U of Alabama P, 2012). For more about the relationship between Creeks and Cherokees, and Cherokee involvement in the Creek War, see Angie Debo, *The Road to Disappearance: A History of the Creek Indians*, (1941). Also of note, Sam Houston, or Golanv (the Raven), adopted Cherokee and first president of the Republic of Texas, also fought at the Battle of Horseshoe Bend.

³² Notchees (from the Natchez term, *Nvce*) are Natchez people who are Cherokee citizens and often live in Cherokee communities. Creek Sam, Redbird Smith's mentor, as is his family, including Archie Sam and White Tobacco Sam, were Cherokee-citizen Notchees. The Natchez' ancestral homeland is in present-day Mississippi, but like several other Southeastern nations, the Natchez were removed to Indian Territory

where many began to live with Cherokees or Creeks, taking up political citizenship with their respective nations. Many Natchez today are also Cherokee or Creek citizens. See Mary Ann Wells *Native Land: Mississippi, 1540-1798* (Oxford, Miss: U of Mississippi P, 1994). The present-day Natchez Nation in Oklahoma numbers about 6,000, and leaders wrote a contemporary constitution in 2003. Their current principal peace chief is Hutke Fields. While there are several Natchez enclaves throughout the Southeast U.S., there also exist two state-recognized Natchez tribes in South Carolina, the Eastern Band Natchez and the Edisto (Natchez-Kuso) Nation, who the Natchez Nation recognizes as kin. For a short historical overview of the contemporary Natchez Nation, see Hutke Fields "The Natchez Indians: A Historical Overview" <http://www.backyardnature.net/loess/ind_nat2.htm>.

³³ The Lolomi Plan was a program developed by Laura Cornelius Kellogg (Oneida) in the early 1900s that was designed to help tribal nations develop economic and political independence through the creation of tribally-controlled "industrial communities" based on tribal principles. Kellogg, one of the founders of the Society of American Indians, was the sister of C.P. Cornelius, and the two of them helped the Keetoowahs build and operate a cooperative dairy as a way to facilitate local economic development in the traditional Cherokee communities; however, the dairy ultimately failed. See Holm, *The Great Confusion in Indian Affairs*, 78. Kellogg, in fact, was so moved by the Redbird Smith Movement's commitment to tribal lifeways that she dedicated her book, which was published after Smith's death, to Smith. She writes: "Lovingly dedicated to Chief Red Bird of the Night Hawk Cherokees, who preserved his people from demoralization, and who was the first to accept the Lolomi." See Kellogg, *Our Democracy and the American Indian: A Comprehensive Presentation of the Indian Situation as it is Today*, (1920). See Chs. 3-4 of Kellogg for more about the Lolomi Plan. For more on Kellogg's life and work in the Oneida Nation, see Kristina Ackley "Laura Cornelius Kellogg, Lolomi, and Modern Oneida Placemaking" *American Indian Quarterly* 37.3 (2013): 117-138. To learn more about Kellogg's brief role with the SAI and her work on a national scale, see Cristina Stanciu "An Indian Woman of Many Hats: Laura Cornelius Kellogg's Embattled Search for an Indigenous Voice" *American Indian Quarterly* 37.3 (2013): 87-115.

³⁴ George Smith (1884-1957) is Redbird Smith's son. He was one of 10 children born to Redbird Smith and his wife, Lucie Fields.

³⁵ In Creek and Natchez cosmology, the number 4 often refers to the four cardinal directions.

³⁶ In Cherokee cosmology, the number 7 refers to the seven clans and seven sacred directions, including up, down and center.

³⁷ Cherokee clans are matrilineal, meaning the offspring of a Cherokee man and a non-Cherokee woman will not have a clan. Belonging as a Cherokee used to be determined strictly by clan membership, but as the Cherokee Nation centralized and adopted Western notions of citizenship, laws were made allowing the children of Cherokee men to be considered legally and politically Cherokee. Additionally, Tyler Boulware observes evidence of the decline of local, clan-centered governance in favor of a centralized Cherokee state in the signatures of Cherokee treaties. The Treaty of Hopewell (1785), he notes, negotiated peace between Cherokee towns and included a long list of Cherokee towns that were represented by the signers of the treaty. In later treaties, however, towns are nowhere to be found, and in their place are signatures of individual men who represent the "Cherokee Nation of Indians" (179-180). He adds that as Cherokees spread out and the town structure deteriorated, a political vacuum was left behind that was filled with "vocal and aggressive regional leaders," and power became concentrated at the national level. See Boulware *Deconstructing the Cherokee Nation: Town, Region, and Nation among Eighteenth-Century Cherokees* (Gainesville: UP of Florida, 2011) and William G. McLoughlin "Thomas

Jefferson and the Beginning of Cherokee Nationalism" *William and Mary Quarterly* 32.3 (1975): 547-580. Mary Young adds that the transition from clan norms to state law might have increase the level of violence that existed in the Cherokee Nation. She writes: "According to that older system, members of one's own clan might agree to kill a clansman so that no other person of his clan need suffer for his guilt. . . Since by 1839, traditional definitions of relations existed side by side with Anglo-American kinship and legal systems, to say nothing of different norms governing the treatment of murder and revenge, blood feuds could not be limited so simply. In the Cherokee Nation West, they increased and multiplied. The revenge motif persisted; the customs and assumptions that limited its range did not" (520). See Young "The Cherokee Nation: Mirror of the Republic" *American Quarterly* 33.5 (1981): 502-524.

³⁸ Today's Cherokee Nation includes citizens from a mixture of several backgrounds, including white, black, Latino and Asian as well as Native American. The Cherokee Nation only requires that citizens trace their direct lineage to one ancestor who is listed as Cherokee on the final Dawes Roll (1907).

³⁹ Cherokee words for the traditional terms that describe the people are Anigiduwagi, or People from Kituwah (the Cherokee mother town near present-day Bryson City, North Carolina) and Aniyunwiya, or the Real People. The idea of the Real People refers to traditional cosmology that describes the Creator having made the Cherokees specifically to dwell in the world, making Cherokees a special people apart from others as Thomas mentions. As Wahrhaftig states, this concept informs the idea that Cherokees are "permanent and essential to the conservation of the universe" as noted in modern Keetoowah tradition that states: "'For God said, if the Cherokees be destroyed and become extinct,/ Then that will be the destruction of the whole world./ This is the word of the forefathers of our land'" (Keetoowah Society 1972). This belief also informs the idea that Cherokees, having been made by the Creator, live under a natural law that guides their behavior. By extension, according to this belief, whites behave erratically because they are disconnected from their origins and have no cosmological law to follow. Wahrhaftig writes: "Cherokees see whites as having neither a homeland nor recollection of the time of creation, when their way was set forth; therefore, white men have no natural way to live under the law. This explains why it is in the nature of whites to be 'mean' and why they have illegitimately taken over the continent" (231-233). See Wahrhaftig, "The Thrice Powerless," 231-233. Likewise, Andrew Dreadfulwater describes the Law, as traditionalists see it, and explains why Cherokees are set apart. In a 1974 speech at the North American Indian Ecumenical Conference, he said: "You see God's Law in everything He made. You see the Law in trees. You see the Law in birds. You find everything today as He put it – yet. Apples is apples. Peaches is peaches. You can't go to an apple tree and pick something that is half an apple and half a peach – yet. The birds – many birds—many different kinds of birds. In the south we have red, green, black, brown – all kinds of birds. If you find a redbird and look at its nest, you'll find redbirds. You'll never find different birds that live together – yet" (353). Dreadfulwater's interpretation, perhaps troublesome to some in the racially diverse Cherokee Nation, stems from the belief of Cherokees as the Real People who were created to maintain the vitality of the universe as opposed to other groups of people. See Dreadfulwater, "We'll Have Feathers in Our Hats, But We Won't Be No Indians," *A Good Cherokee, A Good Anthropologist*, 353-354.

⁴⁰ Steve Russell (Cherokee Nation) describes the importance of Cherokees' choosing to participate in Cherokee life and contribute to other Cherokees. He writes of Cherokees who have more distant tribal ties, specifically unenrolled Cherokees: "Could they reestablish themselves with their tribal nations? Absolutely. But it would require significant effort beyond sucking air. Indian is not something you 'are' but rather something you 'practice.' It's not about whom you claim but about who claims you. Being more or less Indian is not about blood quantum but about the strength of your tribal ties" (152). See Russell "A Word to the Wanabi Nation," *Sequoyah Rising: Problems in Post-Colonial Tribal Governance*, 151-157.

⁴¹ Specifically, Sturm writes: "For most Cherokees, speaking the Cherokee language represents a symbolic and practical marker of social connections with and commitment to Cherokee community life. Fluency stands for time shared. After all, to become a fluent Cherokee speaker one has to be raised in a Cherokee-speaking household or community or spend a large portion of time with other Cherokee speakers. The inverse of time shared is time apart from Euroamerican society, a realization of which causes many Cherokees to tie language to a sense of cultural difference" (121). See Sturm, *Blood Politics*, (2002), 120-123.

⁴² For an analysis of Thomas' Peoplehood Matrix in relation to the experience of the Cherokee Freedmen, see Chapter 3 of this study. For more about the Peoplehood Matrix in general, see Thomas "The Taproots of Peoplehood" (1982) and Tom Holm (Cherokee Nation), Diane Pearson and Ben Chavis (Lumbbee) "Peoplehood: A Model for the Extension of Sovereignty in American Indian Studies" *Wicazo Sa Review* 18.1 (2003): 7-24.

⁴³ Just as Thomas sought to define strict boundaries of what constituted "Cherokee" apart from "non-Cherokee," so too do Cherokees today. While Cherokees continually create, challenge and change the terms that define "Cherokee" at any given moment, the idea that there exists a distinctly Cherokee identity always remains. For example, Daniel Heath Justice (Cherokee Nation) writes: "[A]lthough I believe Cherokee nationhood to be necessarily adaptive, I don't believe that it's amorphous to the point of absolute inclusiveness" (14). Indeed, just as Cherokee identity can and must change and adapt, as it always has, to different situations, the idea of something or someone being distinctly Cherokee at those moments must remain. See Justice *Our Fire Survives the Storm: A Cherokee Literary History* (Minneapolis: U of Minnesota P, 2006).

⁴⁴ While in this essay Thomas focuses on the values of Cherokees sticking together, maintaining harmonious relationships and remaining culturally Cherokee, especially through language, in other works of his he discusses the value of recognizing the value of having ties to tribal land, having a connection to sacred history and living tribally. See for example Thomas "The Tribe as an Ideal Type." *Varieties of Man and Society, Journal of University Studies* 2.14 (1975): 1-10. <http://works.bepress.com/robert_thomas/34> and "The Tap Roots of Peoplehood" *Getting to the Heart of the Matter: Collected Letters and Papers* (Vancouver: Native Ministries Consortium, 1990), 17-23. <http://works.bepress.com/robert_thomas/50>.

⁴⁵ For more about the Keetoowah Society and Redbird Smith, see Patrick Mingos *Slavery in the Cherokee Nation: The Keetoowah Society and the Defining of a People, 1855-1867* (New York: Routledge, 2003); Howard Q. Tyner, *The Keetoowah Society in Cherokee History*, (1949); Benny Smith (UKB), *The Keetoowah Society of the Cherokee Indians*, (1967); Janey B. Hendrix, *Redbird Smith and the Nighthawk Keetoowahs*, (1983); Robert J. Conley (UKB) "The Dawes Commission and Redbird Smith" *The Cherokee Nation: A History* (Albuquerque: U of New Mexico P, 2005), Ch. 24.

⁴⁶ For more on this history as it pertains specifically to the Keetoowahs, see Mingos, *Slavery in the Cherokee Nation: The Keetoowah Society and the Defining of a People, 1855-1867*, (2003), esp. Chs. 3-4.

⁴⁷ Before the Cherokee Nation adopted a centralized, constitutional government in the 1820s, Cherokee towns were autonomous, loosely confederated and led by a White Chief and a Red Chief. The White Chief led the town in times of peace, and the Red Chief took over in times of war. The White Path, therefore, is that of passive resistance in order to maintain peace. Redbird Smith's charge to uphold the White Path

informed the non-violent element of his resistance to Euroamerican encroachment. For more about Cherokee town structure before the Nation's centralizations, see Tyler Boulware *Deconstructing the Cherokee Nation: Town, Region, and Nation among Eighteenth-Century Cherokees* (Gainesville: UP of Florida, 2011). See also Raymond D. Fogelson "Cherokee Notions of Power" *The Anthropology of Power: Ethnographic Studies from Asia, Oceania, and the New World*. Fogelson and Richard N. Adams, eds. (New York: Academic Press, 1977), 185-194.

⁴⁸ Despite Redbird Smith's designation as a leader of the movement, he did not unilaterally make decisions. In recovering Cherokee epistemologies, especially clan rule, the Keetoowahs of the Redbird Smith movement operated on communal governance in which everyone discussed and had equal say in the movement's matters. Raymond D. Fogelson writes: "Red Bird Smith was an appointed leader who approximated the Cherokee ideal of a moral and sagacious elder rather than a divinely inspired prophet. All major decisions, doctrinal innovations, and even the authenticity of decoded dream messages had to be approved by a committee. If Red Bird Smith possessed charisma or 'power,' it was a fully domesticated and socialized type of power that bound him closely to his constituency, rather than differentiating him from it" (189). See Fogelson "Cherokee Notions of Power" *The Anthropology of Power: Ethnographic Studies from Asia, Oceania, and the New World*. Fogelson and Richard N. Adams, eds. (New York: Academic Press, 1977), 185-194. More broadly on the demise of communal governance and the clan system, see Rennard Strickland, *Fire and the Spirits: Cherokee Law from Clan to Court*, (1975) and Tyler Boulware, *Deconstructing the Cherokee Nation*, 2011.

⁴⁹ Gadugi refers to the cooperative labor that Cherokees traditionally undertook to provide sustenance for their communities. The labor included tending to crops, hunting, fishing and caring for those in the community who were ill or elderly. As Thomas notes, when the need for surplus good increased as Cherokees transitioned to a European-style market economy, these labor cooperatives often had to break up, so they could spread out and acquire more goods to sell. Dismantling the labor cooperatives often resulted in making the protections they provided more tenuous. Wilma Dunaway argues that while the gadugi system rapidly declined in the early 1800s, some traces of it were still in effect as late as 1930. See Dunaway "Rethinking Cherokee Acculturation: Agrarian Capitalism and Women's Resistance to the Cult of Domesticity, 1800-1838" *American Indian Research and Culture Journal* 21 (1997): 156-182 and Tamrala Swafford *The Gadugi Spirit: Community Development Strategies Among the Eastern Band of Cherokee Indians, 1934-1984* Dissertation. Arizona State University. Ann Arbor: ProQuest/UMI Dissertations Publishing, 2009. (Publication No. 3354467).

⁵⁰ Thomas specified that as the burgeoning Euroamerican market demanded more surplus goods for sale, Cherokees communities had to separate to farm and hunt a wider swath of land to meet those demands. David M. Wishart argues that according to the 1835 Cherokee census, around 75 percent of Cherokee families in the areas that later became Tennessee and Alabama were producing surplus goods, namely corn, while surplus-producing families in the Nation as a whole numbered around 56 percent. See Wishart "Evidence of Surplus Production in the Cherokee Nation Prior to Removal" *The Journal of Economic History* 55.1 (1995): 120-138.

⁵¹ While Thomas himself does not use the term "whiteness," he refers to the Euroamerican values and the racial hierarchy in the U.S. that have historically allowed white people in the country to rationalize white racial superiority and to justify the marginalization of non-whites, concepts associated with the academic use of "whiteness." For more about whiteness in general, see Toni Morrison, *Playing the in the Dark: Whiteness and the Literary Imagination*, (1992); David Roediger, *The Wages of Whiteness: Race and the Making of the American Working Class*, (1991); George Lipsitz, *The Possessive Investment in Whiteness:*

How White People Profit from Identity Politics, (1998); and the two volumes of Theodore W. Allen, *The Invention of the White Race*, (1994, 1997).

⁵² In his decision to allow the UKB to hold land in trust, Larry Echo Hawk (Pawnee) argued that because Congress had closed the Cherokee rolls in 1907 during allotment, Congress had put in place a sunset provision on the federal government's relationship with the historic Cherokee Nation. A sunset provision implies that a law will simply cease to remain in effect after a specified date, in this case the laws establishing the sovereign nation-to-nation relationship between the U.S. and the Cherokee Nation would expire. I use the term "sunset" here as opposed to "terminate" to differentiate between the government's allowing this relationship to lapse and the U.S. writing legislation to specifically terminate the Cherokee Nation. "Termination" implies an immediate withdrawal of the federal government's trust relationship with tribal nations. By "sunsetting," however, I'm describing the action Congress took to create and close a final roll of Cherokee Nation citizens and the fact that the trust relationship with the historic Cherokee Nation would expire after the last original enrollee died.

⁵³ Though Thomas writes that many mixedblood Cherokees simply gave up or effectively "sold out" by agreeing to allotment, Tom Holm adds more nuance and suggests that many Cherokees, mixedbloods and traditionals, wanted more regulation from the federal government because they feared that they would lose more if the U.S. abnegated its trust relationship with the Cherokees through the Curtis Act (1898). He writes: "[A] number of 'full-blood' members of the tribes had petitioned the federal government to continue in its role as the guardian of Indian lands and, specifically, to deny them American citizenship. Not only did these traditional Creek, Cherokee, Choctaw, and Chickasaw believe that they would be swindled if the trust relationship with the government was canceled, but they also rejected American citizenship in the belief that it would destroy them as a people" (163). Here, Holm demonstrates that not all traditionals wanted the Cherokee Nation to sever its relationship with the U.S., but more importantly he shows that those who did want to maintain that relationship weren't just selling out. Holm does, however, suggest, as does Thomas, that many mixedbloods only agreed to petition for a stronger trust relationship after they had already lost much of their property through allotment. He writes: "'Mixed-blood' members of the same tribes, considered more 'civilized' by the federal government, had apparently succumbed to the land speculators as well. D.W.C. Duncan, a Cherokee lawyer, stated that, prior to the allotment policy, the Cherokee had 'more than enough to fill up the cup of our enjoyment.' Duncan argued effectively for more regulation, for he, an educated man, had lost the major portion of his family estate" (163). See Holm *The Great Confusion in Indian Affairs: Native Americans and Whites in the Progressive Era* (Austin: U of Texas P, 2005), 163. In Duncan's 1906 statement to the U.S. Senate, he mentions that he had a 300-acre farm that was whittled down to a mere 60 acres during allotment. He compared the destruction brought by allotment to the Cherokees to the hurricane in 1900 that hit Galveston, Texas, killing nearly 8,000 people. Of his day-to-day experience post allotment, he says: "Under the inexorable law of allotment enforced upon us Cherokees, I had to relinquish every inch of my premises outside of that little 60 acres. What is the result? There is a great scramble of persons to find land . . . to file upon. Some of the friends in here, especially a white intermarried citizen, goes up and files upon a part of my farm. . . . Away went my crop. . . . Now, that is what has been done to these Cherokees" (186) See Duncan's statement in U.S. Senate, *Senate Reports*, serial 5013, 59th Cong., 2nd sess., Pt. I, 180-90.

⁵⁴ For more about European influences on the Cherokee market and how the market affected the way Cherokees lived on and attended to the land, see David M. Wishart "Evidence of Surplus Production in the Cherokee Nation Prior to Removal" *The Journal of Economic History* 55.1 (1995): 120-138 and Douglas C.

Wilms "Cherokee Land Use in Georgia Before Removal" *Cherokee Removal: Before and After*. William L. Anderson, ed. (Athens: U of Georgia P, 1991), 1-28.

⁵⁵ Cherokee culture was largely changed early on by missionaries who came to proselytize to Cherokee communities, specifically introducing the values and norms of Christianity, and with the transition from a clan system of law to a system based on Euroamerican legal practices. Mary Young, for example, writes: "In the early nineteenth century, church and state collaborated to present the Cherokee with a unitary vision of republican, Christian, capitalist civilization. Their model American lived under written laws framed by chosen representatives and enforced by impartial public authority. Law protected property, and industrious males strove to increase their property by honest labor at the plow, the forge, or the mill, while industrious females kept the family clothed, and the home neatly groomed and governed. All worshipped a stern, transcendent, but benevolent God Whose Will was known through His written Word" (504). See Young "The Cherokee Nation: Mirror of the Republic" *American Quarterly* 33.5 (1981): 502-524. For more on this topic, see William G. McLoughlin *Cherokees and Missionaries, 1789-1893* (Norman: U of Oklahoma P, 1995) and Rennard Strickland *Fire and the Spirit: Cherokee Law from Clan to Court* (Norman: U of Oklahoma P, 1975).

⁵⁶ Robert Conley (UKB) offers four explanations for the seemingly large number of Cherokee "outlaws" who appear throughout history. He contends, first, that the lawlessness in Indian Territory at this time has its roots in early European contact, and he argues that several of the white people who married into the Cherokee Nation early on were social misfits who could not adjust to mainstream life in the states. Walter L. Williams agrees that alongside missionaries, the majority of whites in Cherokee communities sought to escape restrictions of white society, such as the law. See Williams, *Spirit and the Flesh: Sexual Diversity in American Indian Culture*, (1992), 181. Second, Conley attributes growing lawlessness to a transition from a communal clan system, in which behavior and order are structured around maintaining harmony, to a Euroamerican system of laws and punishment of individuals, eroding community members' accountability to one another. Third, he points to the rifts that occurred between communities during the Civil War as a catalyst of increased violence in the Cherokee Nation, and, finally, he points to the confusing jurisdiction over crimes committed in Indian Territory.

Conley, like myself, differentiates between those Cherokees who were legitimate outlaws and Cherokees who are only recorded as outlaws in American history. Cherokee outlaws such as Tom Starr and his son Sam and Sam's wife, Belle Starr, indeed were bank robbers and horse thieves, as were Tom's grandson, Henry Starr, and other outlaws like Bill and Jim Cook, Bob Rogers and "Cherokee Bill" Crawford Goldsby. Conley problematically fingers these individuals' mixedblood status and attributes their lawlessness to their European heritage or, more broadly, to the values of the growing mixedblood Cherokee community. While I disagree with Conley on this point, I do agree with his portrayal of other Cherokee "outlaws" who can be more productively read as Cherokee freedom fighters but who were vilified in white courts and American legend. "Outlaws" such as Ned Christie, Bill Pigeon, Zeke Proctor, Mose Miller and Charlie Wickliffe were Nighthawk Keetoowahs who resisted white encroachment into Cherokee communities and allotment of Cherokee land. Conley writes: "Is it not possible, or even probable, that the same government that had created within the borders of the Cherokee Nation a lawless territory by denying that nation the right to police its own lands, . . . used that very lawlessness as an excuse for imposing its own jurisdiction in that territory? . . . Is it not possible and even probable that same government would find a way to destroy its opposition's most vocal and influential leaders? I believe . . . the so-called full-blood Cherokee outlaws, were not outlaws at all. I believe they were Cherokee patriots dedicated to the preservation of the Cherokee Nation. I further believe they were victims – singled out, labeled as outlaws, and pursued as outlaws in order to silence their political interference with the process of fulfilling what the U.S. government viewed as its manifest destiny" (65).

See Conley "Cherokee Outlaws" *Cherokee Thoughts, Honest & Uncensored* (Norman: U of Oklahoma P, 2008), 49-65. For more about Henry Starr, see his autobiography *Thrilling Events: The Life of Henry Starr, by Himself*, (1914). For more about Ned Christie, see a study done by one of his descendants Roy J. Hamilton (Cherokee Nation) *Ned Christie, Cherokee Warrior* (Stillwell, OK: Sugartree Press, 2004). For a fictionalized account of Ned Christie's life, see Conley, *Ned Christie's War*, (1990).

⁵⁷ Baptists were one of the most successful Christian denominations to proselytize to the Cherokees because the practice of baptism resembled the Cherokee ritual cleansing, going to water. Additionally, Baptists also allowed Cherokees and even some slaves to serve as deacons and lay ministers. Several of the Cherokees who would make up the Keetoowah Society were Baptists, including Redbird Smith and his father, Pig Smith. Budd Gritts, likewise, was a Cherokee Baptist preacher who drafted the Keetoowah Society's constitution. In fact many of the teachings of the revived Keetoowah Society were informed by black Baptist ministers in the Cherokee Nation, many of whom were Freedmen. For more on the role of black Baptist ministers in Keetoowah thought, see Chapter 3. See also William G. McLoughlin *After the Trail of Tears: The Struggle for Sovereignty, 1839-1880* (Chapel Hill: U of North Carolina P, 1994), 147-151.

⁵⁸ Though the term "wampum" is often used to refer to one or more than one of the belts, Thomas uses the singular and plural interchangeably.

⁵⁹ Thomas compares the Redbird Smith Movement to the 1890 Ghost Dance movement inspired by Wovoka and practiced primarily by Plains Indians. However, scholars such as William G. McLoughlin and Russell Thornton (Cherokee Nation) have referred to early Cherokee revitalization movements as ghost dances. McLoughlin distinguishes between what he refers to as "true" and "false" ghost dances. A "true ghost dance" occurs when practitioners seek spiritual intervention, and a "false ghost dance," according to McLoughlin, is invoked when practitioners want to effect political change. Thornton argues that Cherokees have historically initiated such ghost dances, or revitalization movements, when "group boundaries are in danger of dissolution in ways that are perceived negatively by the people involved" (361). See McLoughlin *The Cherokee Ghost Dance and Other Essays on the Southern Indians, 1789-1861* (Mercer, GA: Mercer UP, 1984) and "Ghost Dance Movements: Some Thoughts on Definition Based on Cherokee History" *Ethnohistory* 37.1 (1990): 25-44; Thornton "Boundary Dissolution and Revitalization Movements: The Case of Nineteenth-Century Cherokees" *Ethnohistory* 40.3 (1993): 359-383; Gail Landsman "The Ghost Dance and the Policy of Land Allotment" *American Sociological Review* 44.1 (1979): 162-166.

⁶⁰ The Oklahoma Indian Welfare Act (1936) extended the provisions of the Indian Reorganization Act (1934) to tribal nations in Oklahoma who were originally exempted from the legislation. Wary of the terms of the Act, the Cherokee Nation did not reorganize under the OIWA.

⁶¹ The Keetoowah Society split in 1901 after they held a meeting in which several influential Keetoowah leaders agreed to enroll with the Dawes Commission and accept allotments, believing that cooperation would ultimately lead to better legislation for the Keetoowahs later on. All Keetoowah leaders except for Redbird Smith voted in favor of enrollment. Smith was later jailed and forced to enroll; however, he and his followers had by then established a religious faction of the Keetoowah Society who were subsequently called the "Nighthawk Keetoowahs" as a result of their vigilance and their practice of meeting at night. See Tyner, *Keetoowah Society*, 68-70. Of allotment, Smith stated: "I can't stand and live and breathe if I take this allotment. Under the allotment rules I would see all around me – I see now all around me and all the Indians – people who are ready to grab from under us my living and my home. If I would accept such a

plan I would be going in starvation. To take a put the Indians on the land in severalty would be just the same as burying them, for they could not live” (qtd. in Tyner 74) See Tyner, *Keetoowah Society*, (1949).

⁶² Tyner’s suggestion that the Nighthawks were indifferent to the political effort to establish a Keetoowah land base is problematic. The Nighthawks weren’t complacent, as Tyner concludes; they simply disagreed with how Keetoowah Society, Inc. wished to proceed. Indeed, the Nighthawks were politically active and even attempted, per Redbird Smith’s charge upon his death, to reconcile the Cherokee factions that had developed. Tyner, in fact, notes this effort himself when he recounts the formation of the Cherokee Executive Council in 1920 that incorporated the Eastern and Western Cherokee Councils, a group of Cherokees who lived near Tulsa who called themselves the “Cherokee Executive Committee,” Keetoowah Society, Inc., and the Nighthawk Keetoowahs. Though ultimately little was accomplished in this group endeavor, it does demonstrate the Nighthawks’ interest in politics and, more importantly, that they were not simply withdrawn and indifferent to the thought of securing a Keetoowah land base. See Tyner, *Keetoowah Society in Cherokee History*, 81, 88-89.

⁶³ There are seven Cherokee clans, and clan membership is based either on matrilineal descent or clan adoption. The Cherokee clans are: Anitsisqua (Bird Clan), Aniwaya (Wolf Clan), Anikawi (Deer Clan), Aniwodi (Paint Clan), Anisakoni (Blue Clan), Anigatagewi (Wild Potato Clan) and Anigilohi (Long Hair Clan). Before Cherokees adopted a constitutional government that allowed Cherokee males to bestow Cherokee citizenship to their children, Cherokee belonging was determined solely by matrilineal clan affiliation. The clans also were responsible for imparting justice in cases of interclan crime before the development of a tribal state police force in the early 1800s. The roles that clans played, and by extension the power women wielded in Cherokee communities, deteriorated as the Cherokee Nation moved to a centralized government and relied more on legislative law as opposed to clan traditions. Part of the Redbird Smith movement entailed restoring the clan system in the traditional communities as a way to supplant Euroamerican laws, which are based on policing and punishment, by re-creating clan law that is based on maintaining communal harmony. See Conley, “Cherokee Women and the Clan System,” *Cherokee Thoughts*, 75-80 and Carolyn Ross Johnston *Cherokee Women in Crisis: Trail of Tears, Civil War, and Allotment, 1838-1907* (Tuscaloosa: U of Alabama P, 2003), 54-55.

⁶⁴ The Keetoowahs tried on multiple occasions to establish a tribal community in Mexico and Colombia. Robert Conley writes that in 1896 Bird Harris proposed selling Cherokee land and using the money to move to Mexico. See Conley, *The Cherokee Nation: A History*, 196. Daniel F. Littlefield, Jr., discusses the long precedent of Cherokees seeking refuge in Mexico. He writes: “The lands of Spain and later Mexico to the south and southwest of the United States had long been regarded as a place of refuge by the Indians. The first Cherokees of note to take refuge there were followers of Bowl who, dissatisfied with the treaty between the Cherokees and the United States in 1817, removed to the Spanish territory of Texas where, with scattered members of other tribes, they settled along the Angelina, Neches, and Trinity Rivers. They were later joined by Tahchee and other Cherokee chiefs, including Richard Fields” (407). For more on this history between the Cherokees and Mexico, see Littlefield “Utopian Dream of the Cherokee Fullbloods, 1890-1934” *Journal of the West* 10.3 (1971): 404-427.

⁶⁵ For a history of the United Keetoowah Band, see Georgia Rae Leeds *The United Keetoowah Band of Cherokee Indians in Oklahoma* (New York: Peter Lang, 2000).

⁶⁶ Echo Hawk further contends that because the contemporary Cherokee Nation and the UKB are joint successors, the historic Cherokee Nation is no more. For the text in which Echo Hawk explains his decision, see <<http://www.cornsilks.com/aDecision.pdf>>.

⁶⁷ Though the BIA affirmed the UKB's right to put land into trust, the Cherokee Nation, under Principal Chief Bill John Baker, in July 2013 petitioned to block the move. In August 2013, the UKB agreed to move their casino onto land that the Cherokee Nation has in trust. See Teddye Snell "Chief proposes solution after CN petitions to block UKB land trust" *TahlequahDailyPress.org*. Tahlequah Daily Press, 24 July 2013. Web. 24 July 2013 <<http://tahlequahdailypress.com/local/x541281295/Chief-proposes-solution-after-CN-petitions-to-block-UKB-land-trust/print>>.

“Faith in ourselves is necessary”: Functional Integration as Resistance and Critical Nationhood in Natachee Momaday’s *Owl in the Cedar Tree*

In her book *Indians Are People, Too* (1944), Cherokee writer and activist Ruth Muskrat Bronson states that in order for American Indians to thrive in a world that requires contact with mainstream white America, “faith in ourselves is necessary” (92). She adds that for Indian children, especially, retaining knowledge of and pride in their tribal heritage, amid pressure to assimilate, can often be a daunting endeavor. Describing the interaction between Indians and whites as a “personal humiliation,” she adds that Indian children too often bear the burden of trying to see value in their tribal lifeways while having to learn how to operate in a world outside that does not. She writes: “Pressures from all sides are exerted on Indian youth, pressures that cannot fail to injure his pride in his racial heritage and, by implication, weaken his confidence in his own ability. He sees his people almost universally overwhelmed by the most grievous poverty and pauperized by enforced dependency” (92). These pressures, often economic as Bronson notes, can erode Indian children’s faith, as it were, in their ability to thrive on their own tribal lifeways and make standing at the crossroads of tribal life and life on mainstream America’s terms seem almost paralytic.

This struggle to maintain a foothold as an Indian in an Indian world during a time when the federal government was enacting policies to erode such a world took various forms, and the tactics used in the struggle were many. The methods of resistance were varied, but each laid the groundwork toward achieving a goal of survival and

perseverance as Indian on Indian terms. However, under some circumstances it is more fruitful to change the terms rather than adhere strictly to ideas of the past that, while still valuable in other contexts, might not speak to a volatile present that demands adaptation and integration. The 1950s, the era of Termination and Relocation, was one of those times in which Indians had to make choices ranging from outright assimilation to spirited defiance in defense of tribal values and autonomy.

It is in this range of options within the context of postwar Indian policy that Cherokee writers of the era explored with regard to how best to assert a tribal identity and re-imagine critical nationhood, resisting cultural and political encroachment from a federal government that, as seen earlier, was growing more patriotic and narcissistic in the years after its victory in World War II.¹ As the United States was dissolving its treaty obligations with several tribal nations² and imposing economic arm-twisting to effect its mission of Indian assimilation through the dismantling of tribal bodies, Cherokee writers, among other Indian writers³, sought to tell different stories, stories of tribal resistance and triumph. While one narrative strategy was to assert a traditional, nativist tribal identity to combat the assimilation imperative, as seen in Robert K. Thomas' early writings, another option was to identify ways to incorporate elements of the interloping culture – a culture that unfortunately wasn't going anywhere anytime soon – while maintaining a distinct tribal identity. Cree-Salish writer and activist D'Arcy McNickle famously accounted for this possibility of retaining tribal ties and values while integrating into the dominant economy in *Native American Tribalism: Indian Survivals and Renewals* (1973) in which he articulates that while tradition is valuable, Indians also have a tradition of adapting to

changing social, political and economic environments. He points out that at a time when the United States, again, was enacting colonial pressure on Indian nations, Indians would have to invoke this traditional practice and redefine and renew themselves as a way to ensure further survival.⁴ When the federal government robbed Indian nations of their status as political sovereigns,⁵ McNickle argues, it became incumbent on Indians to recast themselves as culturally distinct, even if unable to do so politically, and find ways to functionally integrate into the dominant economy on their own terms so they would not assimilate, but rather thrive distinctly still as Indians.

McNickle articulates this theory of functional integration in 1973, but almost a decade earlier Cherokee writer Mayme Natachee Scott Momaday explored this option of tribal survivance⁶ in her young adult novel *Owl in the Cedar Tree* (1965). The novel takes place in the Navajo Nation⁷ and centers on Haske, a young Navajo boy who is pulled between adhering to tribal traditions and the need to account for and confront the increasing influence of white society on his circumstances to figure out how he fits into the world that is taking shape around him. Scholars have written very little about *Owl in the Cedar Tree*, which is unfortunate because the novel has much to say about ways to ensure the integrity of tribal identity while being in some ways surrounded by a dominant society that wishes to erase it. The novel is of particular value generically speaking because it is an account of an adolescent Indian being proud of where he comes from and affirming his tribal identity amid great tension both at home and in the world outside, and few can deny that our youth need more stories such as these. Still, as of now, only Jace Weaver (Cherokee) has written a useful, albeit brief, analysis of the novel in his study

That the People Might Live (1997). In the three-page analysis, Weaver describes the book as narrating the “tensions . . . between progressives and pullbacks, all of whom, to varying degrees, are traditional practitioners” (118). While Weaver is correct in identifying the generational tensions between tradition and “progress,”⁸ concluding the analysis at that level is premature and forecloses on a more nuanced reading of a book that is only deceptively simple and has much more to offer readers than a simple pointing out of a binary conflict. When we delve deeper into these tensions and consider the period in which the novel was written, it becomes clear that Momaday crafts a narrative of tribal resistance through a re-imagining of critical nationhood. It is a novel that, if read through the lens of McNickle’s functional integration theory, lends essential insight into how some Indians at the time allayed this tension by redefining themselves against tradition and change and emerged, still, as Indians.

I juxtapose my analysis of *Owl in the Cedar Tree* against Thomas’ early writings in this section of the study because both Cherokee writers are arguing for ways to re-imagine the tribal unit in a cultural sense at a time when the federal government was threatening to make tribal nations politically impotent by unilaterally relinquishing their mutual sovereign relationship. Both of these Cherokee writers of this era who I study here argue that rallying around the tribe culturally was a way to strengthen the tribe and to assuage pressure to assimilate via tribal disintegration through relocation. However, where Thomas takes a strict separatist approach, Momaday accounts for the ability to integrate, especially economically, without having to assimilate and in the end retain the integrity of tribal identity. Momaday creates a narrative in which tradition still holds a

revered place while tribes adapt to and integrate into a dominant society on terms that can ensure their continued survival.

Re-reading and recovering *Owl in the Cedar Tree*

Such a reading of *Owl in the Cedar Tree* is necessary now because in addition to Weaver's short analysis of the novel, only two other scholars in nearly two decades have approached this text, both relying on the theme of authenticity, or what they wrongly assume as a lack thereof, as the foundation for their analyses.⁹ Because such a simplistic focus on authenticity detracts from the novel's primary value – the recognition of Indians' ability and periodic need, not to mention intrinsic right, to strategically redefine themselves – I will take a moment to address these two scholars' work and demonstrate how the novel has been read in the past and how my approach differs by offering an analysis that empowers a novel that is aimed at young Indian readers.

Agnes Grant reviewed *Owl in the Cedar Tree* in 1995 alongside two titles by Paul Goble,¹⁰ a British children's author who has made a career from writing about Indians. In her short review, Grant addresses teachers and indicates that they might want to double check for accuracy the depiction of Navajo life in Momaday's book, a book written by a Cherokee woman who spent several years as a teacher in the Navajo Nation. Likewise, Grant implies that the novel's temporal setting cannot be determined and would be inessential anyway. She writes: "The uninitiated reader cannot . . . place the story in an historic context. Though this in no way detracts from the story, a teacher concerned with historic accuracy will question whether Navahos still live this way" (111). I question why

the latter is even a concern to begin with and what a non-Navajo reader would find in a search for “historical accuracy” that could make him or her certain that the way Navajos live today is somehow divorced from the history that Grant implies lends authenticity to a preconceived aesthetic of how Navajos should live. And if Navajos’ lives are different today from how Momaday depicts them, both are still “accurately” Navajo.¹¹ I also argue that it is possible to place *Owl in the Cedar Tree* in a historical context and that by placing the story in its proper historical context, in this case the rapid change of the mid-1960s when it was written, lends much needed social and historical insight into the narrative and makes the narrative useful for Indian readers. A properly contextualized reading of Momaday’s novel illustrates that whether Navajos still live in a traditional way, depending on who is defining “traditional,” that it is inconsequential because what is ultimately important is that Navajos be depicted as living on their own terms, regardless of whether outsiders recognize it as accurately or authentically Navajo.

In addition to Grant, Jim Charles likewise published a brief analysis of *Owl in the Cedar Tree* in 2001 in which he, like Weaver, describes the narrative as being focused on the conflict between the traditional Old Grandfather and Haske’s more progressive parents, with Haske being caught in the middle. While Weaver rightly forgoes the value judgments of choosing one side over the other, Charles goes so far as to say that Haske does indeed choose a side and that, fortunately for Haske, it’s the “right” choice, the choice that indicates that Haske values tradition, which by default insinuates that his parents do not. He writes that Haske’s parents,

represent contemporary American Indians, educated in the white man's science, art, and lifeways. Haske's parents are skeptical of many of the traditional beliefs of the Navaho. While they are accurate depictions of a significant segment of the American Indian population, to a degree they serve as foils to Old Grandfather who is grounded absolutely in the traditional ways of the Navaho. (60)

Haske's relationship with his parents and the parents' relationship to Old Grandfather are more complex than their simply existing as a foil to what is ostensibly the "right" way to be Navajo. Furthermore, this description re-inscribes the binary of the real Indian who is "traditional" and uncontaminated by white influence while implicitly suggesting that those Indians who did get a "white education," which often was forced on them,¹² are somehow less Indian and are deficient for lacking a connection to tradition, whether by choice or not. The term "foil" implies contrast, and if the parents are to be read as foils to Old Grandfather, the implication is that these two communities they represent are necessarily at odds, which, again, establishes a right-wrong binary in which Haske must choose with whom to align.

Lost in such an analysis is the fact that Indians of varying connections to tradition contribute to the lasting strength of their communities. To view various Indian demographics with regard to degree of tradition as somehow in conflict with one another, though it does at times occur on some local levels, not only elides the great diversity in Indian Country, but ignores how contemporary Indian communities view themselves. This perspective also dismisses the social and historical elements that influence a group's make-up with regard to *one* aspect of Indian life, in this case the degree to which one

practices tradition. It again sets up a binary that there exists a right or wrong (or authentic/inauthentic) way to be Indian at any given time and that if one makes the wrong choice, he or she is no longer a “real” Indian.¹³

The make-up of some contemporary Indian communities – including the mixedblood, English-speaking, landless Indians – was influenced as much, arguably more, by circumstances imposed earlier on sovereign Indian nations than simply by choice on the part of their individual citizens. That said, a Navajo or Cherokee today might not be the same as a Navajo or Cherokee a century ago – and that person is still a Navajo or Cherokee. By contextualizing *Owl in the Cedar Tree* with regard to the time Momaday wrote it and the social and historical realities Indians faced then and now, I recover the novel as a narrative of resistance and of critical, ethical nationhood in which its lead character is not stretched on a rack of mutually exclusive identities, but rather free to cut his own path in a way to ensure the continued survivance of his community.

Furthermore, Charles implies that one lesson that readers, ostensibly Indian adolescents, should take away from Momaday’s novel, in addition to strict adherence to tradition that might not function the same for them as it did in their elders’ generations, is how to romantically die with dignity. He writes: “Having chosen Old Grandfather’s path of Navajo traditions and spirituality, Haske must next cope with the old man’s death From Old Grandfather he learns about death, death with dignity on one’s own terms, and the spiritual strength required in death” (61). Charles’ romanticizing of Indian death¹⁴ in a novel that Indian parents are supposed to read to their children is as much viscerally disturbing as it is logically problematic. Contrary to learning how to die with dignity,

however, I find that Momaday's novel functions as a primer for how Indian children can live with dignity in a world that frequently attempts to undermine it.

To escape the tradition-versus-assimilation binary with regard to *Owl in the Cedar Tree* requires a thorough analysis of the novel that is useful to Indian readers and that accounts for the time period in which it was written. By examining the economic landscape of Indian communities in the 1960s, we can see how Momaday creates a narrative in which Haske reconciles Navajo tradition to his own experience and how he is able to resist through functional integration. In doing so, Momaday re-examines a path to critical tribal nationhood that has purchase in an increasingly blended Indian and non-Indian society. Such an analysis demonstrates Haske's agency, and by extension an agency that Momaday, as a Cherokee author, implies Indians all possess, in a way that has yet to be accounted for in scholarship about her book.¹⁵

A look into history and economics surrounding *Owl in the Cedar Tree*

To understand *Owl in the Cedar Tree* through an economic lens, some background into the economic climate of the time is necessary. My aim is not to voyeuristically focus on Indian poverty as a condition that plagues Indians and from which there is little hope for escape. That focus has been exhausted and forecloses on possibilities for Indian communities to extricate themselves from poverty and is, thus, useless.¹⁶ My aim is to show how the novel offers alternatives to a forgone life by showing how characters can compete in a dominant economic system and retain a tribal identity.

Owl in the Cedar Tree was published shortly after the American Indian Capital Conference on Poverty, an event in which Indian leaders argued for Indian inclusion in the Economic Opportunity Act (1964).¹⁷ During the conference, Melvin Thom (Northern Paiute)¹⁸ addressed Indian youth and urged them and the federal government to cooperate to find ways to alleviate poverty in Indian Country without Indians having to sacrifice their way of life and assimilate into mainstream white America. Thom describes the presence and effect of poverty in Indian communities of the time. He argues: “Poverty is nothing new to us. Many of us grew up in this condition. This condition continues to eat at us” (144). He further argues the need for Indians to be allowed to fight poverty on their own terms and to function in the U.S. economy in such a way that does not first require an abnegation of one’s tribal ties and identity. He adds that the fear of tribal termination must be removed before Indians can successfully and safely enter the U.S. economy. He states: “We must recognize and point out to others that we do want to live under better conditions, but we want to remember that we are Indians. We want to remain Indian people . . . the Indian cannot be pushed into the mainstream of American life. Our recognition as Indian people and Indian tribes is very dear to us” (144-45). Marjane Ambler likewise argues for the possibility and need for culturally-informed economic independence in order for tribal nations to be truly sovereign. She argues that economic self-sufficiency need not force a tribal nation to “become an economic island, consuming only what it produces on the reservation. A tribe will have reached self-sufficiency when it can provide for the needs of community members and determine its own social and economic goals for the future without violating its cultural heritage” (8). By taking *Owl*

in the Cedar Tree out of the historic context in which it was written, one misses the possible connection between events in the narrative and events that occurred in Indian Country just a year before. Where Thom exhorts young Indians to endeavor to find ways to combat poverty without losing ties to Indian culture, Momaday outlines a possible course of action.

The role of traditional crafts in Navajo culture and economy

To understand how economic functional integration through art operates in *Owl in the Cedar Tree*, some context into how traditional crafts operate cosmologically and aesthetically, in the text and in Navajo culture, is necessary.¹⁹ Haske's parents subsist on weaving and silverwork, two of the most common crafts in Navajo communities. Erika Bsumek notes that the act of weaving itself, in particular, holds important cosmological significance for craftspeople and their Navajo consumers in addition to yielding a finished product that can be sold. She writes that Spider Woman, one of the Navajos' Holy People, taught women to weave as a means to ensure their survival. Gladys Reichard adds that Spider Woman built the women a loom and instructed them to hold beautiful thoughts as they weave in order to distribute cosmological beauty to the world. Bsumek further notes that the practice of weaving spread among Navajo women as women began teaching one another the craft, emulating Spider Woman's generosity among themselves. Weaving, then, is not only a practice that Navajo artisans undertake to create items that can keep them warm and also be sold for income, but it is also a way of connecting to their past and recognizing their place in tribal cosmology. Like weaving,

silversmithing also is a medium through which Navajo artisans express culture and live out cosmological obligations such as the sharing of hozho, or beauty. Hozho, as Gary Witherspoon notes, is a “unity of experience” on which Navajo life is based in which artisans seek to express themselves spiritually and intellectually through the creation of their crafts (151). Given the role of crafts in Navajo cosmology, it is evident that the work that Haske’s family undertakes is imbued with spiritual significance and obligation that extend beyond securing an income.

However, while traditional crafts historically have held cosmological significance for Navajos and provided Navajo artisans a source of income, for Euroamerican consumers, Navajo rugs, jewelry and pottery often served more superficial purposes that, in the end, ultimately consigned the tribal craftsmen to further marginalization. For the non-Indian consumer, Navajo crafts and their production frequently – and quite paradoxically – allowed white Americans who were disenchanted with the trappings of urban life to reject modernization in favor of what they romanticized as Navajos’ simpler, more pristine life, all the while simultaneously allowing them to feel as if they were more “evolved” than the craftspeople whose works they purchased for their homes.

One effect that white consumption of tribal crafts had on Navajos was that the wares themselves and the methods of production allowed white buyers to cast Navajos as “primitives” who they imagined occupied a simpler, ostensibly better, time. Leah Dilworth notes that at a time when society was becoming more urbanized and mechanized,²⁰ many white travelers to the American Southwest saw in Navajo products evidence that their creators had an organic, tangible connection to nature. She writes:

Primitive cultures were authentic, primitivist reasoning went, because primitive people enjoyed a relatively unmediated relationship with the ultimate reality of nature and the universe. Whereas the civilized mind was capable of mental abstraction (as well as alienation and neurosis), Indians were understood to have a more direct – a literally hands-on – relationship with the world. (151)

As Dilworth mentions, the idea that Navajo crafts signified – that their creators were in tune with the land in a way their consumers were not – was as much appealing to prospective buyers as the items themselves.²¹ Dealers and traders of Navajo wares capitalized on this notion by trading on false dichotomies between Navajos and “Americans” such as “frontier and civilization, primitive and modern, Indian and white, and handmade and machine made” (Bsumek 111).²² Indeed, art dealers made the production of the crafts part of the experience of owning Navajo items. Dealers often retained Navajo artisans in their shops and had them work on-site, often in a room decorated to reflect stereotypical “primitive” dwellings, as a way to re-inscribe the idea that buyers were purchasing items made by people who were denizens of a lost era. Bsumek notes that the conditions of several of these working arrangements mirror those of modern-day “sweat shops,” with Navajo artisans earning .28 cents an hour.²³ The conditions in some shops were so atrocious, Oliver LaFarge stated that Navajos “work[ed] as if the devil himself were standing over them” (qtd. in Bsumek 35).

Nonetheless, the image of “primitives” at work was so powerful – and profitable – that dealers and consumers even rejected some Navajos’ use of “non-traditional” tools like blowtorches and even scissors. Bsumek notes that writers such as Mary Austin,

Mabel Dodge Luhan, Elizabeth De Huff and D.H. Lawrence railed against Navajos' use of modern tools, contending that expensive, hand-made Navajo crafts were a status symbol for art buyers.²⁴ The narrative of production, often fetishized, indeed contributed to the value of the piece and was part of the thrill of acquiring it. For example, of Navajo silversmiths, Charles Lummis²⁵ wrote in 1896: "Some of these men, absolutely untutored except by tradition, almost without faculties, show remarkable taste and skill. A little mud forge, a hammer, a simple punch, a three-cornered file, a stone or a bit of iron for an anvil, a little clay for a crucible and some solder, and brains – and there is your aboriginal smith" (58). The methods of production, however, also reinstated white consumers' belief that they were further "evolved" than Indians. Note, for instance, Lummis' condescending inclusion of "brains" in the list of tools that Navajo silversmiths use in their craft as well as his assertion that they work "almost without faculties." Because Indians worked with their hands and not their heads, the thinking went,²⁶ the creative process was more evident and natural, a trait that white consumers felt they lacked in their urbanized spaces.

This belief that Navajos' lives as "primitives" were more natural than their own appealed to white consumers at a time, especially after World War II, when material abundance and consumerism had increased.²⁷ Consumers who exoticized tribal life often contended with existential, albeit shallow, questions in their own postwar urban lives. David Shi argues that despite the everyday comforts that some postwar Americans experienced (and I would further specify those individuals who could afford to travel to the Southwest), several of these would-be naturalists felt their consumer lives were

empty. He writes: “Those caught up in the glow of unprecedented national abundance also frequently ignored the social, psychic, and environmental costs of rapid urban-industrial growth. Could a society be defined by its goods? Could the individual and the national character really find meaning in plastics, chrome, and neon?” (250). The solution to this imagined artifice of postwar American life, according to some consumers of Navajo art at the time, was to procure art made by “primitive” hands out of natural materials that they felt would connect them to their more natural, national roots. Navajo goods also allowed white consumers to simultaneously assuage their postwar ennui while also eliding the violent history between Americans and Indians. Erik Trump, for example, argues that consumer habits tended to be appropriative in that part of the pleasure of attaining Navajo rugs, pot and jewelry was that their white owners could enjoy them without guilt. Trump writes: “[T]he Indian arts appealed to white Americans’ concerns about labor, modernity, and lost values: Modern America’s ills might be cured by contemplating lessons from the primitive past. Such images erased historical conflict and ignored present political realities” (160). And while the politics of white consumption of Navajo goods might have enlivened modern artifice and let consumers partake in Navajo culture on their own ahistorical terms, it also allowed consumers to experience “contact” while remaining secure in their positions of privilege. As Bsumek observes, for example: “Navajo rugs became emblematic of contact, however distanced it might have been, with a uniquely American and supposedly primitive society” (91). The distance Bsumek mentions is crucial in understanding non-Indian consumption of Navajo goods because

while disenchanted postwar Americans wanted their idea of “primitive” Navajo life, they didn’t exactly want to internalize it in their own lives.

This American desire to straddle the divide between white notions of “savage” and “civilized” has a long history in the nation’s literature and national culture.²⁸ Henry David Thoreau, for example, describes in *Walden* (1854) the need for Americans to periodically step away from “civilization,” but to always remain tethered to it. He advises that the man who can best steel himself against the ennui of urban American life is one who “combine[s] the hardiness of the savages with the intellectualness of the civilized man” (114). Shi adds that the “simple life” in the American national imaginary, such as that expressed by Thoreau and sought by urban whites, operated as a fulcrum between notions of savagery and civilization on which American men, especially, strived to balance. He writes: “Ideally, then, the simple life could best be led not in the wild or in the city. . . . Periodic excursions into the wilderness would provide necessary raw materials for the soul, and civilization would provide necessary finished products. Total immersion in either, however, was dangerous” (148). White consumption of Navajo wares often exemplified this dual characteristic of American men in the Modern and post-WWII eras to want to connect with an imagined rugged, natural past but remain fully ensconced in the comforts of mainstream, bourgeois society. Bsumek argues that non-Indians’ possession of Navajo goods in their urban American homes served as “proof” of the owner’s contact with a supposedly less mechanized, urbanized world. But because that contact was always brief, possession of Navajo crafts also reminded non-Indian buyers of their imagined higher standing in the hierarchy of social evolution. She

writes: “Handmade, preindustrial, frontier, or seemingly ‘primitive’ goods reminded contemporary buyers that they had evolved from producers to consumers of handmade wares, fortifying popular beliefs about work, progress, and civilization” (117). So while the production of traditional Navajo crafts functions in part as an embodiment of tribal cosmology for their creators, such as Haske’s parents, for non-Indian consumers, the crafts are often tokens of a “primitive” American past that they imagine they’ve evolved beyond, further crystallizing the image of Navajos in the amber of arrested evolution.

‘the sheep is our mother’: Sheep in Navajo cosmology and economy

The proliferation of Navajo crafting increased during the aftermath of one of the most devastating economic downturns the Navajos experienced – the decimation of Navajo sheep herds as part of a federal livestock-reduction program of the 1930s. The massive loss of sheep and goats led to a greater dependence on wage labor, often in the form of craft-making. Though several Navajos had already been earning a living through wage labor by working on the railroad²⁹ and in coal mines,³⁰ the immediate decline in the traditional shepherding economy resulted in more widespread poverty in Navajo communities. Steve Pavlik, for example, writes that economic shift occurred “quickly and dramatically” and that “the shift to a wage economy now meant the existence of unemployment and poverty, concepts unknown in traditional Navajo society” (193). Indeed, poverty and unemployment were only two resulting factors of the forced livestock reduction program that engendered further mistrust and resentment of the federal government on the part of the Navajo Nation.

Shepherding has a long history as a viable economic vocation that also functions culturally in some Navajo communities. Edward Spicer argues that Navajos likely learned the practice from neighboring Pueblo nations, who themselves adopted shepherding from the Spanish. Regardless of the origin of sheep in Navajo culture, Navajos integrated the animal into their epistemologies of family. Peter Iverson demonstrates this integration by citing Percy Deal (Navajo) who said: ““My mother taught us that the sheep is our mother. They will care for you”” and that another Navajo person, from an older generation, who he interviewed said: ““Dibé wolyéii nimá át’é; dibé iiná nilíinii át’é’ (“Those called sheep are your mother; sheep are life”)” (qtd. in Iverson 23). This connection between sheep and motherhood in Navajo epistemology, Gary Witherspoon observes, reflects the security and life-giving qualities that shepherding provides Navajo families. He writes: “The central symbol of Navajo organization is motherhood. . . . It is not surprising, therefore, that the Navajo[s] find a conceptual relationship between sheep and motherhood” (1442). Now that Navajos have an even more diverse economy, livestock might make only a nominal contribution to a family’s overall income. Nonetheless, Colleen O’Neill contends that, “Navajos still invest them (sheep) with emotional and spiritual significance,” and she adds that one of her Navajo interviewees said straightforwardly: ““the sheep are our culture”” (39). Needless to say, forced livestock reduction was emotionally devastating over the long term and economically crippling in the immediate time after.

The livestock-reduction program was conceived of and carried out by John Collier,³¹ Commissioner of Indian Affairs who later drafted the provisions of the Indian

Reorganization Act (1934). Collier sought to reduce the number of sheep on Navajo land on the premise that the animals were overgrazing and actually harming the Navajo economy. Scholars such as Iverson and Lawrence C. Kelly, however, argue that the federal government and local white ranchers have had a long interest in Navajo sheep, usually to satisfy their own financial agendas. Kelly mentions, for example, that the federal government sought to profit from scientifically crossbreeding Navajo sheep with other varieties of sheep.³² Iverson also argues for the existence of a double standard with regard to Navajos and their herds in which, in his words, they were “damned if they did, damned if they didn’t” when it came to how they managed their livestock. He writes: “Had they reduced their livestock holdings substantially they would have been criticized for not being sufficiently productive. On the other hand, by obtaining maximum yield from their land, they were charged with overgrazing their livestock” (101).³³ Here, we see how non-Navajos’ attitudes toward Navajo livestock management put Navajo shepherds in a quandary. However, even some Navajos at the time recognized the long-term benefits of the livestock-reduction program, but were nonetheless appalled at how the program was administered. Tom Dodge (Navajo) observed land erosion in his community and appealed to Collier to leave the issue to Navajos to handle themselves. He stated: ““We Navajos should organize in some way or other to at least stop the process of erosion. We ourselves should take the lead . . . We should not be driven to it by outside people”” (qtd. in Iverson 149). Despite Dodge’s appeal, however, Collier forged ahead and imposed the livestock reduction efforts on Navajo families, leading to confusion and resentment that would not soon subside.³⁴

Much of the aforementioned resentment resulted from how Collier's agents managed the actual reduction of Navajo livestock herds. Marilyn Help (Navajo) described the callous method by which families' sheep, which, remember, have a familial role themselves, were disposed of. She recalls: "The government came and took the cattle and the sheep and they just shot them. They threw them into a pit and burned them. They burned the carcasses. Our people cried. My people, they cried. They thought that this was another Hwééldi, Long Walk³⁵" (qtd. in Iverson 153). Likewise, Howard Gorman (Navajo) reflected on the long resentment that resulted from the program. He states: "The cruel way our stock is handled was something that never should have happened. . . . What John Collier did in livestock reduction is something the people will never forget" (qtd. in Iverson 153). In addition to the cruel way that agents handled Navajo families' sheep, the economic devastation was equally unforgiveable. Edward T. Hall³⁶ notes that the bureaucrats who drafted the livestock-reduction program, which also included a nominal payout to Navajo shepherds for their terminated livestock, failed to consider the different ways Navajos and whites viewed sheep. He writes: "Sheep and money were not interchangeable. Sheep were not a commodity as they were for us. Each sheep was known individually. Any Navajo with a herd could tell you how many lambs each ewe had dropped and could identify every lamb's mother" (131). Hall's insight illuminates the disconnect between Navajo ranchers and their white counterparts regarding the role of sheep in Navajo communities. However, a statement made by Henry Tailman (Navajo) in 1934, in which he pleaded with the federal government against the livestock-reduction program, puts the economic effects of the program into startling

perspective. He stated: “Without livestock we cannot be individuals. . . . With livestock we can make a living under the most adverse circumstances” (qtd. in Iverson 150-51). In short, in addition to income and security, sheep provided Navajos autonomy and an economy that operated on their terms. With a growing reliance on wage labor and craft-making for tourists in the aftermath of forced livestock reduction, Navajos would have to devise ways to integrate economically in a manner to not only secure income but also to reassert tribal autonomy.

Recasting tradition in the narration of critical tribal nationhood

Considering both Thom’s charge and that *Owl in the Cedar Tree* was published a year later gives insight into the economic climate of the day and allows readers to imagine alternatives to staying statically chained to tradition and to think instead of how Momaday’s novel can be an empowering assertion of tribal identity, even if it means adapting to the demands of the time. Momaday opens the novel with an image of Haske’s family working tirelessly in traditional agriculture and crafts for little money. She writes:

During the long winter months food was scarce. There were no prickly pears on the desert and no fat pine nuts in the mountains. All of the stored corn was used up long before the winter was over. In winter, more than any other time, they all looked to Riding Woman, the mother. The sheep belonged to her, and she used the wool to weave into rugs. These she sold or traded for food and clothing at the Trading Post. It took weeks, sometimes months, to weave a rug. She worked very hard, but each winter there was little food. Often the family went hungry. (6-8)

Momaday adds that Night Singer, Haske's father, finds periodic work as a silversmith when he can afford materials, and he spends much of his time hauling wood and water from afar. I quote this passage at length because it demonstrates that both Haske's mother and father work in traditional roles, but are often barely able to scrape by during the freezing winters. While Momaday paints a bleak picture of Haske's home life, it is important to note that she indicates that Haske loves his family and wouldn't trade his family for a supposed better life. She ends a chapter that describes the family's poverty in depth with the line: "Haske would not have traded his home for any other in all the world" (Momaday 9). This line might well be the most important in the chapter. Just as Thom, in his speech at the AICCP, admonishes some young Indians for leaving home and not helping kin when needed,³⁷ Momaday points out that the hard toil and immense poverty notwithstanding, Haske loves his family. Haske does not make plans to one day leave the Navajo Nation and leave his family in a tedious loop of seasonal labor with little hope of financial wellbeing. By interpreting Haske's upcoming actions through a lens of his love for his family, it becomes clear that Haske is not trying to choose one path at the expense of some of his family members, but rather he seeks a path that allows him to honor tradition while integrating himself into the economy and supporting the family he loves.

To establish the scenario in which Haske seemingly must choose a path of tradition or one of assimilation, Momaday, on the surface, appears to cast Old Grandfather and Haske's parents as polar opposites. She also sets the stage for a possible critique of some of the traditional practices in Haske's community, which highlights the

rigidity and potential danger that uncritically following tradition can impose. By demonstrating how some traditions negatively impact individuals, Momaday asserts the need to periodically examine the efficacy of following tradition in the context of contemporary needs and the tangible outcomes of adhering to tradition. While she and Thomas both argue for reconciling to the tribal body through tradition and other cultural practices, Momaday differs from Thomas' approach in that she argues that sometimes tradition should be altered or discarded to ensure tribal efficacy, and she does not necessarily value following tradition simply for tradition's sake.³⁸

One point in the novel where Momaday calls tradition into question is when she depicts Old Grandfather's life as a pariah as a result of his community's insistence on a particular tradition that ostracizes him. Momaday writes:

Haske saw a tin cup tied to the old man's belt. It was for water when he became thirsty . . . It was the only piece of property the old man had. His relatives gave him cast-off clothing once in a while, but he did not feel like the clothing was really his own. Haske was very sorry for his Old Grandfather. Some of his relatives did not treat the old man kindly. They were afraid that he might die in their hogan. They believed that when a person dies in a hogan it must be burned . . . He understood how many of his relatives felt, and he did not want to cause them any trouble. So he wandered around most of the time. (19)

In this passage, Momaday depicts the end result of adhering to some traditions. Whether the spiritual belief that informs this tradition and the outcome are real is not a point of argument. Such matters of faith can neither be proved nor disproved. However, we can

objectively quantify the end result of Old Grandfather's choice to follow this particular worldview: an elderly man, who we later learn was once a warrior, is forced to wander alone, rejected by his family with nothing but a tin cup to his name.

Of particular interest in this section is that Old Grandfather chooses to wander because he feels he will burden his loved ones. Old Grandfather, however, does have the option of living with his son because Night Singer does not believe in what he considers a superstition, having abandoned the idea at boarding school. Momaday writes: "Night Singer and Riding Woman did not believe in this old custom. They had each attended a Government Boarding School when they were young and had lived away from their people. . . . They knew that much of their way of life was good, and they were proud of being Navaho. But they would not hold to the old superstitions" (20). Here, it is apparent that the dynamic between Old Grandfather and Haske's parents where tradition is concerned is much more nuanced than a simplistic traditional-versus-progressive binary provides latitude for. Haske's parents do not reject their Navajo community or identity outright nor does Old Grandfather necessarily stand for a valorized adherence to the old ways. Momaday shows that following tradition can be threatening in some circumstances and that, like Haske's parents, it is possible – necessary even – to practice tradition in a way that ensures communal continuity.

Specifically, Momaday shows how one can rework tradition to integrate economically and build tribal autonomy outside the confines of a colonizer state. This reworking of tribal tradition to assert oneself as Indian in a time of a federal narrative of Indian erasure, written through economic pressure, is perhaps most apparent in *Owl in the*

Cedar Tree in the passages that detail Haske's growth as an artist. In these areas of the novel, Momaday maps out Haske's artistic trajectory from his desire to become a traditional Navajo sand painter to his developing interest and talent in European-style painting. Beneath the surface of this transition, though not necessarily explicit, is the economic element and the possibility of imagining oneself as Navajo outside of the model of a paternalistic colonizer state through achieving economic autonomy. Such an interpretation has the power to reclaim *Owl in the Cedar Tree*, a Cherokee novel, from its previous handlings as a story of tradition against assimilation and to recognize it as a narrative of resistance and critical nationhood that demonstrates how one can still be Indian when a settler state aims to erase the narrative by fighting the economic pressure to assimilate and redoubling efforts to stay Indian.

One way Haske seeks to reconcile himself to his Navajo roots is by inquiring of his grandfather how to become a sand painter. Haske visits Old Grandfather and reveals his plan to learn to become a sand painter, and Old Grandfather tells him he must reject his white schooling and learn traditional practices only. Momaday writes: "To become a sand painter, you must become a singer. This will require many years of study in the Navajo religion and medicine. You will have to live and work with one who knows these things" (69). Haske tells Old Grandfather that when school ends for the summer he will spend the time off learning traditional ways in his endeavor to become a sand painter. Old Grandfather then asserts that Haske can only choose one path. He says: "My grandson, you will have to give up the white man's school. You cannot follow the two trails at the same time. The Indian trail goes one way. The white man's trail goes another. You will

have to decide which of the two ways to follow.’ The words trouble Haske deeply” (Momaday 69). That Old Grandfather’s conception of following the old ways includes Haske’s becoming a sand painter cannot be overlooked. Nancy J. Parezo contends that working as a sand painter has historically allowed Navajos to stay close to home and gives artists a medium through which to practice and maintain tradition. She writes:

Sandpainting also allows many people to remain with relatives and friends in the area where they grew up and not have to compete in the Anglo-dominated world by themselves. . . . Sandpainters felt it an advantage not to have to face the hardships, discrimination, and lack of respect for their cultural values which living within Anglo communities often seems to entail. (147)

Adding to his charge that Haske must follow traditional ways, including working as a sand painter, Old Grandfather later admonishes Haske for failing to choose only the old ways and says he has offended the Navajo gods, rendering much guilt in Haske.

Momaday writes:

‘My grandson, you do not know what’s best. You hear my words, but there is fear in your heart. The white man’s teaching is making you sick. Already it has power over you. It is a bad thing to mock the gods. Navaho gods are powerful and will send evil to those who turn from them. When you choose the white man’s trail, you offend the Navaho gods.’ (77)

Old Grandfather advises Haske to go to the mountains and fast for four days to discover what he should do. When Haske tells his parents that he’ll miss four days of school, they insist that he attend school and not trouble himself with Old Grandfather’s exhortation.

Night Singer assures a frightened Haske that he has not offended the gods and tells him to go to school to be able to learn about and strategically engage the changing world.

Momaday writes: “You must go to school every day and learn the new ways. The world is changing fast and we must change with it. Haske felt that a rope was being tied to either arm and that he was being pulled both ways at once” (82). Later, at dinner, and after Old Grandfather has left the hogan, Riding Woman tells Haske that his future is more nuanced than choosing a right or wrong way. Specifically, she tells him:

‘My son, you have made an anthill look like a mountain. You have worried about which trail to follow. There is only one trail. You have come to believe that some things are all good and some things are all bad. This is not true . . . There is only one trail’ she continued. ‘Follow it and keep the best of the old ways while learning the best of the new ways.’ (84)

In these passages, Momaday frees Haske from the simplistic binary of retaining tradition or succumbing to assimilation and later demonstrates how Haske, through art, is able to begin to reconcile both extremes and find his place in his community while also earning money for them.

Haske’s functional integration through education

Momaday, herself a teacher, shows that the schools, especially those run under the auspices of the tribe like Momaday’s, do not necessarily have to be a site of assimilation, but rather can offer students tools to assert their tribal identity and ties while still negotiating a changing world.³⁹ One way she displays this dynamic is through

Haske's development as an artist. In the following passage, Momaday describes the fervor with which Haske paints images from a story he remembered Old Grandfather telling him about a war with Kiowas and Comanches. Momaday writes:

Thoughtfully he began to sketch the things he remembered. It was as if he and Old Grandfather were on the mountain. Together they fought the Kiowas and Comanches and chased them off the high bluff. His pencil recorded the details of the battle. When the picture was finished, Haske knew it was the best work he had ever done. (86-87)

Here, Haske exemplifies the idea of incorporating traditional tribal cultural elements, in this case his grandfather's story, and elements of mainstream Euroamerican culture, in this case painting on paper in art class at school. Haske eventually learns to paint at school and appropriates what is described in the novel as a non-Native medium as a way to record one of Old Grandfather's stories. In addition to Haske's taking up a Euroamerican medium to express his family's story, the story itself, which before was passed down orally, is now recorded, ensuring the story remains even after Old Grandfather is gone. Even while alive Old Grandfather frequently forgot the stories. One could read Haske's relinquishing his dream of becoming a sand painter and taking up Euroamerican-style painting as a form of assimilation, artistically speaking, but such a reading accounts for only half of the equation – the medium. Indians throughout history have recorded their stories in various European-derived media such as sermons, letters and political tracts since the 1600s,⁴⁰ and more contemporary artistic media such as painting,⁴¹ sculpture,⁴² photography,⁴³ and animation.⁴⁴ To argue that Haske's use of a

European-derived medium is a form of assimilation would be like saying his art would only be truly Indian if it were scratched in the side of a rock. Though the aforementioned media might have originated in Europe, Indians have appropriated them and used them artistically, legally and politically to ensure their survival against the onslaught of European settlement for centuries.⁴⁵ In an era when the federal government was aggressively pursuing an assimilationist angle in its Indian policy, Momaday demonstrates through Haske how Indians can use European-derived media to create a record of their stories and traditions, a record that can last and be rediscovered by subsequent generations who can then re-tell the story should the story ever be suppressed or forgotten. Far from assimilation, Haske's incorporation of Euroamerican art is an adaptive strategy that he can use to reconcile his place as Navajo by his being able to record and re-tell Navajo stories, and it is a form of resistance in that Haske creates what could be a permanent record of the story in a social and political environment that seeks to make communities such as his forget.

Haske's art as economic integration

Another way to read Haske's adoption of a European-derived medium to record tribal history is through an economic lens in the context of the poverty his family struggles with, and the real poverty that afflicts parts of Indian Country today that Thom speaks of. By reading Haske's use of European-derived art as an adaptive strategy economically, we can see another form of McNickle's functional integration that helps to break the economic stranglehold the federal government imposed on Indian communities

as a way to force tribal dismantling as seen in Thomas' narrative of the Redbird Smith Movement. Where Thomas advocates a cultural separatist strategy to develop economic independence, Momaday demonstrates how integration on Indian terms can also lead to economic independence without necessarily compromising ties to land, family and culture.

Momaday begins to demonstrate these economic possibilities in the exchange between Haske and his teacher, Miss Smith, over Haske's painting. Haske gives his painting to Miss Smith as a Christmas present and, unbeknownst to Haske, Miss Smith enters his painting in a contest. She later travels to Haske's family's hogan to deliver the news about the contest. Miss Smith tells Haske:

'Do you remember the painting which you gave me for Christmas? It is because of that painting that I came today. A friend of mine works in a museum in New York. Each year in late spring the museum has an exhibit of children's paintings. The paintings are judged, the best one is given a prize of one hundred dollars . . . Haske your painting won the prize!' (104)

Miss Smith assures Haske that she did not give away his painting and that he'll have it back soon. She then asks Haske to recount the story depicted in the painting, which he is able to do with great detail. Miss Smith then suggests that Haske paint pictures of all of Old Grandfather's stories. In this moment, Haske finally realizes that he can use a European-derived medium/tradition to record and celebrate Navajo tradition. Momaday writes: "Haske thought, 'Now I can keep the old ways which Old Grandfather loved so much by painting all those things he told me about. They will never change. That is better

than being a sand painter”” (106). Here Momaday demonstrates that not only is Haske able to discover a way to use non-Navajo means, of which he is shown to possess a deft talent, to participate tribally and pass on stories, but he is also able to use that skill to earn money. Granted, he only earns \$100 in an art contest,⁴⁶ but we can read this scene as a microcosm of larger economic possibilities and an affirmation of the possibility to integrate tradition with European culture for the economic benefit of the tribe and, ultimately, the continual thriving of the tribal culture and identity outside the machination of a colonizer state.

Integrating while maintaining tribal lifeways

To elaborate on the above reading, it is helpful to consider the history of how Indians in the 1960s, as they always have since European contact, found ways to maintain their cultural and communal cores of what it is to be Indian in a tribal-specific context while also incorporating element from their European neighbors on tribal terms. Furthermore, to view Haske’s choice to use European-style art to record and tell tribal stories as potential for economic independence on a larger scale, it is necessary to examine ways that tribal communities have – and continue to – engage with Euroamerican culture for the purpose of economic development but in a way that maintains and promotes tribal integrity. Reading the exchange between Haske and Miss Smith with these ideas in mind helps to establish Momaday’s narrative as more than a young-adult story of tradition against assimilation. It becomes a narrative of the possibility of simply reconciling oneself as a tribal individual amid the pressure to

acculturate and to resist that pressure using tribally-based strategies, leading to re-imagined nationhood.

One way to examine Haske's exchange on a cultural level is through McNickle's work on tribalism. In *Native American Tribalism*, McNickle details how Indians of the 1960s and 1970s forged intertribal connections and alliances, but it also describes how Indian identity has always been mutable but still Indian, changing as necessary. Such analysis undermines the static either/or misconceptions of Indian identity that mainstream U.S. takes for granted as true, believing that if an Indian deviates even a millimeter from the confines of preconceived, poorly informed stereotypes of "Indianness," he is no longer truly Indian. This either/or binary is not confined to non-Natives. Haske's grandfather throughout the narrative has a vision of how Navajos should live based on the experience of his own generation. Haske's parents and Miss Smith, however, give Haske space to find his own way to be Navajo in the context of his generation and his community's current needs. Ideas such as these are articulated throughout McNickle's work. McNickle cites from a talk given by Thomas in 1961 at the American Indian Chicago Conference in which Thomas outlines how Indian communities, even if they have an outward appearance that looks European, are still Indian if they preserve their tribal core values. Thomas argues:

After 'long, intensive contact with Euro-American society, the common acculturation pattern is for these small societies to take over, possibly, a great many Euro-American traits and institutions, but to fit them into a context of the older covert Indian patterns of life. More than tentatively, one can say that

American Indian communities, as a whole, are distinct growing communities that still preserve the core of their native style of life.’ (qtd. in McNickle 7)

Thomas argues that as long as Indians maintain their tribal core values and lifeways, European traits they have appropriated are only superficial and serve as tools to negotiate a blended world as Indians, not as a means through which Indians can acculturate into it. Likewise, where outsiders might see the presence of Euroamerican traits as evidence of an abnegation of their Indian counterparts, the decision of which Euroamerican traits, if any, to integrate is calculated and made by Indian communities themselves, not necessarily imposed by Euroamerican intruders. McNickle writes: “Indians remain Indians not by refusing to accept change or to adapt to a changing environment, but by selecting out of available choices those alternatives that do not impose and substitute identity” (10). Here, both Thomas and McNickle engage ideas that describe how amid radical change and Euroamerican encroachment, Indians can and do redefine themselves and maintain the integrity of the tribal core while finding ways to integrate as a means not of assuaging the conflict but rather of negotiating the conflict on their terms. While these ideas demonstrate how individuals recognize themselves as part of their tribal core, resistance occurs when that renewed or redefined connection to the tribal core becomes a catalyst for fighting further attempts of acculturation and erasure. Resistance historically is as much psychological as it is tangible.⁴⁷ Successful resistance to encroachment and the maintenance of Indian lifeways during Termination, then, had little to do with the supposed benefits of federal government programs that resulted in federal

constructs of tribal nationhood, showing that Indian identity and culture can persist outside the purview of the federal government. McNickle elaborates:

Resistance went deeper. It had to do with psychological readiness and the realities of the inner life which Indians share among themselves . . . This was one of the realities of Indian existence. It had nothing to do with government subsidies or government control over tribal resources. The termination of trusteeship would add to the difficulties of maintaining a community intact . . . but the reality would continue to influence response. (113-14)

Through McNickle's recounting of the history of how Indians resisted psychologically, we can read Haske's decision to learn Euroamerican art in a U.S. government school simply as his learning another way to share Navajo stories. Contrary to his grandfather's predictions, Haske's passion for Euroamerican-style painting actually serves to augment Haske's position as Navajo and secures for him a potential role as a Navajo storyteller, in essence showing how Haske ultimately appropriates the "white school" – a historic tool of "civilization" and Indian erasure – and finds a way to grow as an artist and as a Navajo.

Economic independence and sovereignty outside the federally-recognized state

While Indians have historically integrated and resisted culturally to combat colonization, the cultural element is only half of the analysis. As Haske finds a way to participate further as a Navajo through his art, the fact that his art earns him money, however little at first, necessitates an analysis that engages the economic elements at play

in the novel. Considering too that economic pressure replaced bullets and bayonets during the Termination and Relocation era, to fully understand how Haske's art could be read as a form of tribal resistance it is necessary to consider the role of economics in tribal life. Several scholars such as Taiaiake Alfred (Mohawk) have argued that for Indians to truly be sovereign, they must first possess, among other things, economic independence. Dean Howard Smith (Mohawk) has argued likewise that economic development with cultural integrity at the forefront is the key to furthering tribal sovereignty and self-determination. He writes:

Only when the individual tribe has control of its resources and sustains its identity as a distinct civilization does economic development make sense. A common misconception sees conflict between maintaining a tribe's cultural heritage and pursuing increased economic activity on the reservation. However, . . . economic development increases the potential for strengthening and developing tribal culture. (2)

Smith highlights U.S. Indian policy from one of maintaining peace under Ulysses S. Grant, to violence under the likes of Andrew Jackson, followed by "civilizing" efforts to the framework that was revisited in the 1950s – the Melting Pot.⁴⁸ While the United States has sought to assimilate immigrants and Indians to uphold the idea of the American Dream, what truly makes the nation successful economically is the multicultural presence. Smith explains that some Texan families still speak German and make traditional German breads and sausages, and he notes the number of Chinatowns in the country. Like Europeans and Asian groups that have immigrated to the United States,

Indian communities, Smith argues, must also be allowed to be distinct, not absorbed into the mainstream idea of “American.” He adds that much of the foundation of what is considered “American” today has its roots in tribal communities and practices. He argues:

Native American cultures . . . made positive transitions of technology and crops to early European invaders, and the Constitution is based on a Native American form of government. Without Benjamin Franklin’s recognition of the power of separate states (based on the Iroquois Confederacy), the United States would not have succeeded. (61)

In his book *Modern Tribal Development: Paths to Self-Sufficiency and Cultural Integrity in Indian Country* (2000), Smith outlines a plan for how Indians can develop economic resources and break from a dependence on the colonizer state. He does add that economic development must be grounded in aims to uphold cultural integrity, otherwise “economic development” just becomes a synonym for consumerism. Economic development based on tribal values and practice ultimately leads to greater tribal participation while helping tribal communities to be competitive in a global market. Considering Smith’s theory, Haske’s engagement with the American museum and his willingness to paint more of his grandfather’s stories, coupled with his ability to earn money off of his talent, can be read as a way that Haske can start earning income that does not compromise his being Navajo but rather strengthens it.

The Seminoles as a case study for understanding *Owl in the Cedar Tree*

Outside the text we see how tribal economic development frees tribal communities to participate more fully in traditional cultural practices. One nation that has had much success with a variety of economic ventures and that has experienced much cultural revitalization is the Florida Seminoles.⁴⁹ Jessica Cattelino researched how economic development in the Florida Seminole nation has spurred a growth in Seminoles taking up cultural practices they had previously set aside because they had to work in wage labor. She also discusses how profits have been invested in a Seminole museum and language programs among others. I engage Cattelino's work here to point out only one of several real-world examples of how economic development has facilitated cultural growth after centuries of the federal government trying to undermine it. Analyzing Cattelino's work alongside *Owl in the Cedar Tree*, then, will lend some insight into ways that we can read Haske's decision to become a painter in a European style as a similar move toward economic freedom, though on a much smaller scale, and how his art acts a way for him to recognize himself as a functioning part of the tribal body.

Cattelino discusses Indian gaming in particular and challenges accusations by non-Indians that Indian gaming, and by extension any other form of economic development deemed "not traditional" by outsiders, leads ultimately to a breakdown of the tribe's cultural core. She cites from a 1999 report by the National Gambling Impact Commission that reads: "[A] common theme among many opposed to Indian gambling is a concern that gambling may undermine the 'cultural integrity' of Indian communities'" (60). She adds that because poverty has become so attached to the

aesthetic of Indianness invented by non-Indians and disseminated in the U.S. imagination, outsiders conceived of tribal economic success as antithetical to Indian cultural authenticity, the terms of which non-Indians frequently have neither the hesitation nor the compunction in defining to suit their own purposes. Compounding this belief is another belief by several non-Indians that being Indian, like being Italian-American for example, is simply a matter ethnicity, ignoring the political element that often informs Indian identity in terms of tribal citizenship and the federal government's responsibility to tribal nations. Cattelino touches on the double standard at play in the expectation by outsiders that Indians preserve only what outsiders identify as legitimately "Indian," however uninformed, in the name of maintaining an arbitrarily defined sense of authenticity that caters to outsiders' cultural fetishes. While other communities in the U.S. are free to practice or participate culturally as much or as little as they desire and still be identified with the core culture, Indians are forced to tiptoe along the high wire of "authenticity" often based on stereotypes. To some, something as common as speaking English primarily or even getting an education is enough of a misstep that can have disastrous results on tribal sovereignty. Cattelino contends: "For American Indians, the question of culture is pressing, in part because their political status in practice often relies on maintaining cultural difference that is observable to outsiders and, more important, because cultural distinctiveness establishes a meaningful present and ensures a collective future for indigenous peoples" (63). With this idea in mind, the need of "cultural integrity," defined by tribal people, alongside economic development is even more urgent.

Cattelino interviewed several Florida Seminoles who have noted how economic development has led to a renewal of traditional cultural practices. This renewal is facilitated by the fact that many Seminoles earn enough money from per capita dividends that they have more time to take up such activities like beading and doll making to even purchasing chickees, traditional housing. Richard Bowers, a Seminole from the Panther clan, says: ““You have the ability and the economics to do what you want to do . . . We have culture classes for people who don’t know, maybe, some of the stories that we heard . . . Once we have the economics, I think we can get back our culture”” (63). It is important to note that culture does not have to depend on money. While money can certainly help tribal communities shift their focus to culture from worrying about finding wage work or paying the bills, the culture and traditions always exist. Money and cultural practice are not mutually exclusive, but neither is culture unilaterally dependent on the inflow of money.

In addition to partially facilitating cultural practice, responsible economic development can also lead to the financial independence that can make a tribal nation truly sovereign outside the purview of the federal government. As the Seminoles earned more wealth, they were able to take up more of the administrative duties of their nation from the BIA. Cattelino discusses this transition with Greg Maddox who headed the BIA Seminole Agency in 2000. Maddox explains that apart from land-trust issues and a few grants, the Seminoles took over administration of several social-service programs previously directed by the BIA such as job training, housing and education and recast those programs with tribal priorities in mind. He noted that the transition represented a

step toward true sovereignty and even caused the local BIA presence to dwindle as tribal power increased. As he lamented to Cattelino: ““You kind of feel unwanted”” (Cattelino 134). By pursuing economic development on tribal terms, either through separatism or integration, tribal nations are able to truly write their own path to cultural renewal and full sovereignty, regardless of what economic pressure might impose on them to write its own narrative of assimilation.

One way to combat the narrative of assimilation is to write one’s own narrative of resistance and critical nationhood. Indian expression, especially through the arts, is an essential vehicle through which Indians can assert their presence and values. Such art, as we can read in Haske’s own growth as an artist, can assert the tribal ties of the artist, which also establishes a boundary between those outside and those within. McNickle adds that such expression creates a collective sense of identity, a force to be reckoned with. He writes: “If the Indian race is to be destroyed, the new voices avow, the destroying agent will have to contend with an integrating tribal people, not with isolated individuals lost in anonymity” (178). Integration, both intertribally as well as with the dominant society, is not always at odds with maintaining tribal identity and lifeways. As long as the core of those values and expression is distinctly tribal, the assimilation imperative imposed from outside stays outside, even if traits visible on the surface seem to indicate otherwise. This scenario plays out at the end of *Owl in the Cedar Tree* after Haske has spent the prize money on a horse he has had his eye on for a while. Momaday points out how Haske’s earning money in this scene both benefits his family and does not undermine his sense of self as a Navajo. Haske pays \$75 for the horse and offers Store

Sitter, the Navajo trading post proprietor,⁵⁰ the other \$25 for a saddle and bridle. Store Sitter, instead, requests a painting in exchange for the saddle and bridle, giving Haske another opportunity to paint for a fellow Navajo and demonstrates his newfound acceptance as a tribal artist. Furthermore, another element in this scene that must not be overlooked is the fact that Haske's art has purchase locally too. Store Sitter is willing to trade a painting for a saddle and bridle. Even if Miss Smith has white friends in the New York art scene who are interested in Haske's work, his work, which he learned at the "white school," already is economically viable in his local trade economy with or without Miss Smith's friends.

Additionally, Haske's work creates opportunities for him to contribute materially to his family and community. After Haske initially offers the prize money to his family, his mother mentions how having the horse will help the family. Momaday writes: "'You need a horse when you herd my sheep. We first thought of this when Old Grandfather was hurt on the mountain. You needed a horse then'" (110).⁵¹ Momaday creates a space where Haske's purchase can help his family, and she leaves the story with a focus on Haske as an individual proclaiming his Navajo ties. As Haske rides off on the horse, "a smile curved on his lips as, in time with the horse's hoof-beats, Haske began to sing the Navajo Happiness Song" (Momaday 116).⁵² This end is key because it demonstrates how Haske, though superficially pulled between assimilation and tradition, chooses instead to integrate artistically and economically. As such, he is able to help provide for his family, and the story ends with him singing a Navajo song, showing the possibility for him integrate without assimilating and, in fact, more strongly celebrate his tribal ties.

As the wave of postwar American patriotism tried to splash down in Indian Country, Indians struggled against being pulled back in the undertow. Generations of legislative measures, fueled by economic pressure, to rewrite Indians as a race vanishing into mainstream America threatened to erase Indian culture, tradition and agency from the landscape, not to mention facilitated the abrogation of the federal government's treaty obligations to its tribal nations. A system exists that asserts that in the absence of the apparatus of a federally recognized state, Indian political sovereignty becomes a fiction and Indian culture becomes yet one more ingredient to stir into the Melting Pot. Thomas' and Momaday's narratives demonstrate that cultural and economic separatism at times and integration at others can function strategically in a way that allows Indian communities to break from the stymying tether to the federal government and truly live on their own terms without the threat of erasure. In these narratives, resistance comes in the form of reclaiming culture and redefining economic practice, and the potential for narrative critical nationhood comes in the form of Cherokee voices bravely articulating the fact that such a break is possible.

¹ George McKenna argues that uncritical patriotism has always been prominent as the United States developed, and it reached a peak after World War II before being challenged during the 1960s. He writes: “Of all peoples in the world, Americans have the highest expectations of their country – and the keenest disappointment when their expectations are not met” (260). Moreover, McKenna notes the role of pop culture in promoting the United States’ narcissistic patriotism, citing, for example, a film commissioned by the War Department starring Frank Sinatra in which the crooner breaks up a fight between a Jewish boy and his attackers, sits them down and explains that even American Jews are fighting “the Japs” (250). The film was geared toward promoting tolerance among Americans of different ethnicities and religions, coalescing into white, mainstream “American” identity. See McKenna *The Puritan Origins of American Patriotism* (New Haven: Yale UP, 2007). For an earlier history of the development of U.S. patriotism, see Cecilia Elizabeth O’Leary *To Die For: The Paradox of American Patriotism* (Princeton: Princeton UP, 1999).

² Congress officially ended treaty-making between the President and tribal nations through the Indian Appropriations Act (1871), challenging tribal nations’ status as independent sovereigns for the purpose of drafting new treaties. Additionally, in the cases *Cherokee Nation v. Hitchcock* (1902) and *Lone Wolf v. Hitchcock* (1903), the Supreme Court ruled that the federal government could unilaterally withdraw from treaty agreements. *Lone Wolf v. Hitchcock* (1903) was a case in which a Kiowa leader, Lone Wolf, filed suit against the federal government, alleging that the federal government had violated the Medicine Lodge Treaty (1867) and cheated tribal nations out of their land. The Medicine Lodge Treaty is a collection of three treaties in which the U.S. assigned several Plains nations reservations, ostensibly to “protect” them from white encroachment. Lone Wolf brought the case to court, arguing that the Dawes Allotment Act (1887) violated the treaty. The Supreme Court invoked plenary power and ruled that the federal government had the right to unilaterally pull out of treaty obligations with tribal nations. See Blue Clark *Lone Wolf v. Hitchcock: Treaty Rights and Indian Law at the End of the Nineteenth Century* (Lincoln: U of Nebraska P, 1999).

Maureen Konkle argues that the presence of treaties legitimates the idea that tribal nations are, in fact, real, sovereign nations. She writes: “Despite the historically prevailing view in U.S. society that Native governments are not really governments because Native peoples are essentially different from Europeans and their societies represent an earlier, primitive moment in the history of mankind, the existence of treaties continues to counter that prevailing view” (8). See Konkle *Writing Indian Nations: Native Intellectual and Politics of Historiography, 1827-1863* (Chapel Hill: U of North Carolina P, 2005). However, as Deloria notes, the treaties themselves are only as good as their enforcement. He writes: “What has happened is that the federal government has stalled for so many years that it now considers the treaty promises obsolete and nullified by time. When we look at the problems of other tribes or consider almost any aspect of Indian existence, we find the same situation. Violations have been allowed to continue for so long that the clearly articulated rights of Indians are regarded as nullified by the change of conditions” (60-61). See Deloria, *The Indian Affair*, (1974).

³ See, for example, Ruth Muskrat Bronson (Cherokee Nation), *Indians Are People, Too*, (1944); Ella Deloria, (Lakota) *Speaking of Indians*, (1944).

⁴ Specifically, McNickle writes: “By mid-century most Indians of the United States and Canada had had extended contact with the society beyond their traditional boundaries, and this experience had been varied. Some adjusted to the dominant society in a positive and useful way. Others, by far the greater number, were satisfied with a mixed participant-observer relationship and limited their contacts to the traders, missionaries, teachers, government people, and casual visitors who came across their horizon. Even among the few who succeeded in making the transition to urban life, only rarely was the tie of relatedness completely and finally severed. They tended to commute between the traditional world and

the impersonal urban world. This was one of the realities of Indian existence" (114). See McNickle, *Native American Tribalism: Indians Survivals and Renewals*, (1973).

⁵ While other tribal nations were being terminated, Cherokees at least had a façade of a tribal government during the Termination period. The presence of that government existed as the result of federal legislation, legislation that can be undone with the stroke of a pen. It's easy to write off the Cherokees' provisional government during this period. After all, Cherokees did not elect their leadership, and the government was not a representative one; it was a political apparatus that allowed the U.S. to conduct business with the Cherokees and maintain a semblance of legitimacy. Such dismissal, however, is premature. However limited the Cherokees' political sovereignty was within this skeletal government, its existence facilitated the transition in the 1970s to the more sovereign government Cherokees have today in which they vote for their Principal Chief (as opposed to the federal government appointing a leader), write a national constitution and outline citizenship criteria. Without this provisional government to function as a foot in the door, so to speak, the Cherokee Nation would have been terminated after allotment, making the transition to the Cherokee Nation we know today much more difficult, if not impossible.

⁶ "Survivance" is a term coined by Gerald Vizenor (White Earth Anishinaabe) that combines "survival" and "resistance." For more about this concept, see Vizenor, *Manifest Manners: Postindian Warriors of Survivance*, (1994).

⁷ While the rest of the chapters in this study examine Cherokee writers who are writing in a specifically Cherokee context, this chapter departs from this analytical thread by featuring a Cherokee writer who is writing specifically in a Navajo historical and cultural context. Though the inclusion of a Cherokee who writes about Navajos might appear out of place in a Cherokee-specific study, given the time in which Momaday is writing, this shift is apropos. First, Momaday, though Cherokee, spent very little time in Cherokee communities and spent the majority of her adult life with her Kiowa husband teaching in the Navajo Nation and Jemez Pueblo. Second, while Robert K. Thomas, in the 1950s, advocated for a return to Cherokee-specific epistemologies, Momaday's narrative of integration with both the U.S. and with other tribal nations reflects the intertribalism that was developing in Indian Country at the time as a strategy for resisting U.S. narratives of assimilation and denationalization. Momaday's novel, though not Cherokee specific in a cultural context, demonstrates the value of Cherokees and members of other tribal communities working across national and cultural boundaries, ultimately to re-narrate and reinforce tribal nationhood. For more on the development of intertribalism in this era, see Bradley G. Shreve and Shirley Hill Witt (Mohawk) *Red Power Rising: The National Indian Youth Council and the Origins of Native Activism* (Norman: U of Oklahoma P, 2011) and Troy Johnson and Paul C. Rosier *Red Power: The Native American Civil Rights Movement* (New York: Chelsea House, 2007) and Paul Chaat Smith (Comanche) and Robert Warrior (Osage) *Like a Hurricane: The Indian Movement from Alcatraz to Wounded Knee* (New York: The New Press, 1997). For another work of young-adult fiction that explains the value of intertribalism, see D'Arcy McNickle (Salish), *Runner in the Sun*, (1954).

⁸ This dichotomy of traditional versus assimilated, fullbloods against mixedbloods or of "progressives and pullbacks," is common in scholarship of Cherokee history and culture. Despite its ubiquity, however, this imagined divide between Cherokees throughout history is false. As Tom Holm (Cherokee Nation) argues, Cherokees have long been a diverse group in areas of racial or ethnic make-up, values and class. In one of the clearest, most concise essays I've encountered that challenges the aforementioned dichotomy, Holm writes: "Acculturation was not necessarily coerced. It was accepted more or less on a piecemeal basis by most Cherokees in the early nineteenth century. To a Cherokee in that period, whether of mixed ancestry

or not, being 'civilized' did not mean being 'Europeanized' or 'Americanized.' Being civilized to a Cherokee of that period was simply living according to the rule of law. Because of the intricacies of Cherokee kinship, the society itself remained quite egalitarian. The wealthy Cherokees, the so-called elite, continued to interact with their less well-off relatives and continue to contribute to the local communities. Despite acculturation, nearly every factor of the Cherokee group identity remained intact: The language was preserved; what was left of Cherokee territory was still in Cherokee hands; the elders passed along their unique sacred history; and the Cherokee people had formulated a religious system particular to themselves. In other words, civilization had not meant social disintegration, marginalization, or individual alienation. Again, kinship was the glue that held the Cherokees together as Cherokees" (45). See Holm "Politics Came First: A Reflection on Robert K. Thomas and Cherokee History" *A Good Cherokee, A Good Anthropologist: Papers in Honor of Robert K. Thomas*. Steve Pavlik, ed. (Los Angeles: American Indian Studies Center, 1998), 41-56.

⁹ Scholars like Elizabeth Cook-Lynn (Crow Creek Sioux), Robert Warrior (Osage) and Craig Womack (Creek), among others, have challenged the canard of Indian authenticity as irrelevant to contemporary concerns in Indian Country. However, Joanne Barker (Lenape) notes that "authenticity," specifically notions of origin, serve both tribal communities and the federal government. She writes: "I would like to suggest two contradictory things about the significance of Native peoples' pursuit for the culturally authentic: (1) The pursuit for the authentic (original) is constructed within U.S. national narrations to further Native domination; and (2) there is relevance and importance in Native traditions and teachings (origin points) for providing other viable understandings of society, relationships, and social responsibilities" (219-220). Barker's passage speaks to the challenges and realities of national narratives between the U.S. and tribal communities that I address throughout this study: a narrative derived by the U.S. as a way to exert dominance over tribal communities can be re-imagined in ways that are productive for the pursuit of ethical tribal nationhood. See Barker *Native Acts: Law, Recognition, and Cultural Authenticity* (Durham, NC: Duke UP, 2011).

¹⁰ Paul Goble is a British writer of children's books, mostly about American Indian stories and life, who immigrated to the U.S. While Goble indeed writes primarily about American Indians, he is nonetheless an outsider. Grant's choice to review Momaday's work alongside Goble's and to challenge the narrative's authenticity is problematic in that while Goble is an outsider, Momaday is Cherokee and worked extensively with the Navajos as a teacher in their school system.

¹¹ See Robert F. Berkhofer, *The White Man's Indian: Images of the American Indian from Columbus to the Present*, (1979) for more about the fixed, often negative, images situated in a "primitive" past that non-Indians frequently invoke when they imagine "real" Indians.

¹² As U.S. Indian policy transitioned from one of war and forced removal to one of assimilation in the late 1800s, one apparatus through which this newfound policy was enacted was the Indian boarding school. Richard Pratt founded the first boarding school, Carlisle Industrial Indian School, in 1879. The schools were intended to strip Indian children of their tribal identities and supplant them with "American" identities that included English language and Christianity, and children were often forced to attend. Often these assimilation attempts were carried out through acts of violence and humiliation. However, though the atrocities imposed on Indian children in boarding schools are undeniable, in some cases the ability to attend school, especially if it was tribally run, provided opportunities for children to navigate the changing circumstances they experienced that they might not otherwise gain. In fact, in his study of boarding school experiences, Michael Coleman notes that some of his interviewees were resentful that their parents withheld them from school. Ashie Tsosie (Navajo), for example, stated: "If I had been permitted

to go to school and to have been well educated I might have been a teacher or a person sitting in an executive's chair as a director. . . . I would teach my children at home along with their regular class work. I always will blame my father for [my] being held down in life. Many times when I go to the store or the Demonstration School the traders and teachers try to talk to me but I can only stand dumb because I do not understand them. The best I can do is just smile.” (qtd. in Coleman 71). See Coleman *American Indian Children at School, 1850-1930* (Jackson: U of Mississippi P, 1993). For other studies on Indian boarding school experiences, see David Wallace Adams *Education for Extinction: American Indians and the Boarding School Experience, 1875-1928* (Lawrence: U of Kansas P, 1995), esp. 95-206 and Margaret Archuleta, Brenda J. Child and K. Tianina Lomawaima, eds. *Away from Home: American Indian Boarding School Experiences, 1879-2000* (Phoenix: Heard Museum, 2000) for images and excerpts from letter and interviews with boarding-school students.

¹³ Robert Thomas (Cherokee), tsigesv, makes similar judgments about who is considered fully Indian or not, defined along lines of tradition, in some of his early work. See Chapter 1 and Thomas, “Cherokee Values and World View,” (1953). Similarly, Eva Garrouette (Cherokee Nation) discusses the role that culture plays in evaluating Indian identity. She writes: “A cultural definition, like the other available definitions of Indian identity, functions to exclude at least certain claimants to Indianness. There are a variety of reasons why people who can easily negotiate a legitimate identity within a definition based on law or biology may fail to do so when measured against a cultural standard. Many of those reasons have more to do with the characteristics of the definition than with characteristics of the individual and groups that are its objects” (66). Given the complexity of Indian experience and identity, singling out tradition or any other singular factor as the one true marker of “real” Indianness, a problematic construct itself, is unproductive and ultimately irrelevant. See Garrouette *Real Indians: Identity and the Survival of Native America* (Berkeley: U of California P, 2003), Ch. 3.

¹⁴ American literature too has a long history of romanticizing Indian death and absence, in essence arguing that American Indians have to either die or assimilate in order for the nation to continue to grow across the continent. Examples of American authors whose work exemplifies this problematic treatment of its indigenous characters include, but are by no means limited to, Lydia Maria Child, James Fenimore Cooper, Jack London, Herman Melville, Frank Norris and Catharine Maria Sedgwick. For an analysis of how these authors narrate the demise of American Indians, see James Cox *Muting White Noise* (Norman: U of Oklahoma P, 2006), especially Ch. 5.

¹⁵ *Owl in the Cedar Tree* (1965) is Natachee Scott Momaday's only novel. She also published a collection of poetry, *Woodland Princess: A Book of 24 Poems* (1931) and edited a collection called *American Indian Authors* (1976).

¹⁶ Images of poverty are common in depictions of American Indians, so much so that Indians who are financially secure, even well off, are often seen as not being “real” Indians or having relinquished their “culture,” as if poverty is inextricable from being Indian. While poverty in tribal communities certainly existed at the time Momaday was writing, as it still does in many areas, my aim is to show how, despite popular belief, that a viable tribal economy is not evidence of lost culture or inauthenticity. For more about the association of Indians with poverty and on “rich Indian racism,” see Renee Ann Cramer *Cash, Color, and Colonialism: The Politics of Tribal Acknowledgement* (Norman: U of Oklahoma P, 2008).

¹⁷ The Economic Opportunity Act (1964) was part of Lyndon B. Johnson's War on Poverty that sought to limit poverty, improve access to education, help the elderly with health concerns and to create a social safety net for those who are unemployed or working poor. Inclusion of Indians under the act, however,

would require Indian identity to be framed in terms of an underserved race rather than political sovereigns. For more about the act, see G. Davis Garson, "Economic Opportunity Act of 1964," <http://wps.prenhall.com/wps/media/objects/751/769950/Documents_Library/eoa1964.htm>.

¹⁸ Melvin Thom (Northern Paiute) was born in 1938 and was one of the founders of the National Indian Youth Council, an intertribal civil rights organization focusing on the needs of American Indians. For more about the NIYC, see Bradley G. Shreve and Shirley Hill Witt (Mohawk) *Red Power Rising: The National Indian Youth Council and the Origins of Native Activism* (Norman: U of Oklahoma P, 2011).

¹⁹ For more studies about the role and significance of Navajo crafts see Alice Kaufman and Christopher Selzer, eds. *The Navajo Weaving Tradition, 1650 to the Present* (New York: E.P. Hutton, 1985); Kate Peck Kent *Navajo Weaving: Three Centuries of Change* (Santa Fe: SAR Press, 1985); Kathy M'Closkey *Swept Under the Rug: A Hidden History of Navajo Weaving* (Albuquerque: U of New Mexico P, 2002); Robert A. Roessel, Jr. (Navajo) *Navajo Arts and Crafts* (Rough Rock, Ariz: Navajo Curriculum Center, Rough Rock Demonstration School, 1983); Gary Witherspoon and Glen Peterson *Dynamic Symmetry and Holistic Asymmetry in Navajo and Western Art and Cosmology* (New York: Peter Lang, 1985); Arthur Woodward *Navajo Silver: A Brief History of Navajo Silversmithing* (Flagstaff, Ariz: Northland, 1971); Paul Zolbrod and Roseann S. Willink *Weaving a World: Textiles and the Navajo Way of Seeing* (Santa Fe: Museum of New Mexico Press, 1996).

²⁰ While some areas of the U.S., notably New York and other northeastern states, had developed an urban majority by the turn of the 20th century, the U.S. as a whole did not become an urban majority until after WWI.

²¹ For more on the semiotics of objects and the abstract concepts they signify, see Roland Barthes, *Mythologies*, (1957).

²² While white traders used a narrative of Navajo tradition, isolation and vanishing as a marketing strategy to peddle their wares, in reality Navajos had long been employed in "non-traditional" jobs since the late 1880s such as working on the railroad and in coal mines. In fact, Navajo wares often featured railroad scenes such as one described by anthropologist Gladys Reichard. She writes: "One blanket, for example, bore on its surface the evolution of transportation in the West. At its top was a pair of oxen, next two mules, then two automobiles and finally two aeroplanes," and another Navajo woman wove "a fearful and wonderful combination of designs of a railroad scene" (153). See Reichard *Weaving a Navajo Blanket* (New York: Dover, 1974). Likewise, the isolation narrative is easily undermined when we consider, for example, Navajo participation in the World Wars. Several Navajos, and citizens of other tribal nations such as Choctaw and Comanche, served as code talkers who facilitated coded communication between the U.S. and Allies. See Tom Holm *Code Talkers and Warriors: Native Americans and World War II* (New York: Infobase, 2007) and Nathan Aesang *Navajo Code Talkers: America's Secret Weapon in World War II* (New York: Walker & Co., 1992). Additionally, while traders played on the Vanishing Indian narrative as a way to market their items as rare, Bsumek notes that the Navajo population since the 1890s has actually been increasing. See Bsumek, *Indian Made*, 93. For more about the Vanishing Indian narrative in general, see Brian Dippie *The Vanishing American: White Attitudes and U.S. Indian Policy* (Lawrence: U of Kansas P, 1982).

²³ The equivalent of .28 cents from the 1930s, the period to which Bsumek refers in her analysis of Navajos working in Julius Gans' Southwest Arts and Crafts Store, is about \$3.90 in the 2010s, or roughly half of the present-day minimum wage.

²⁴ Bsumek mentions that Mary Austin, for example, “believed that people derived their status from their role as connoisseurs of ‘Indian-made’ goods” and that people who selected lower-quality souvenirs demonstrated their “unimportance.” See Bsumek, *Indian Made*, 38. See specifically Mary Austin, *Taos Pueblo*, (1930). For more about the value that white buyers placed on “traditional” Navajo art, see Molly H. Mullin *Culture in the Marketplace: Gender, Art, and Value in the American Southwest* (Durham, N.C.: Duke UP, 2001).

²⁵ Charles Lummis (1859-1928) was a journalist and freelance writer from Massachusetts who, after working as the editor of the Los Angeles Times while the city was being founded, eventually settled with the Ysleta Pueblo in New Mexico and focused his writing on the New Mexico landscape and the tribal communities who lived there. He also supported Indian rights, especially in the area of boarding schools, and was instrumental in getting the boarding schools in his area to allow Indian children to leave to visit their families. After years of poor health, job losses and divorce, Lummis died mostly destitute in his Los Angeles home. Despite being well-meaning in his writing and activism, Lummis is largely responsible for the overly romanticized image of New Mexico and the tribal nations within that appears today and often was paternalistic toward tribal communities in some of his writings. See for example Lummis, *Some Strange Corners of Our Country: The Wonderland of the Southwest*, (1892) and *The Land of Poco Tiempo*, (1893).

²⁶ Frank Hamilton Cushing, for instance, studied Zuni pottery and ultimately argued that there existed three stages of intellectual development: the biotic, in which early humans had first developed hands to climb and fight; the manual, in which humans reacted upon, rather than to, their environment; and the mental, in which humans had developed the ability to seek abstract truth. Indian craft-makers, according to Cushing’s arbitrary hierarchy, would fall into the “manual” stage while ostensibly “more evolved” Euroamericans, who no longer needed to make crafts themselves, would occupy the “mental” stage. For more on this theory, see Cushing “Manual Concepts: A Study of the Influence of Hand Usage on Culture Growth” *American Anthropologist* 5 (1892): 289-325. For more about Cushing’s theory and the development of “primitivism” as it pertains to Indian artisan crafts, see Dilworth, *Imagining Indians in the Southwest*, 151-57.

²⁷ For a general history of the immediate post-WWII era, see Landon Y. Jones *Great Expectations: America & the Baby Boom Generation* (New York: Ballantine Books, 1980). For a news article giving historical context surrounding the idea of the increase in abundance and wealth during this time, see Henry Hazlitt “Myth of a Perpetual Boom” *Newsweek*. Vol. 9 (9 Nov 1953), 77.

²⁸ For a groundbreaking study of Americans’ affinity with nature, see Roderick Nash *Wilderness and the American Mind* (New Haven: Yale UP, 1967).

²⁹ While Navajos had been employed by working on the railroad since the railroad first entered the Southwest in the late 1800s, livestock reduction made the wage labor of the railroad a greater necessity for Navajo families. Colleen O’Neill notes that those families who were most devastated by the livestock-reduction program were families with small herds who depended more on their livestock for economic sustenance than other families who could afford to lose a few head of sheep. She adds: “It was wage work that provided the family with the resources they needed to maintain their small flock and remain on the reservation” and that such Navajos became a new working class who “pooled their income from a variety of sources, including wages they earned working on the railroad, herding others’ sheep, or selling rugs and other craft items.” See O’Neill *Working the Navajo Way: Labor and Culture in the Twentieth Century*

(Lawrence, U of Kansas P, 2004), 82. For more about Navajo railroad work, specifically how Navajos incorporated railroad labor into their spiritual epistemologies, see Jay Youngdhal *Working on the Railroad, Walking in Beauty: Navajos, Hozho, and Track Work* (Logan: Utah State UP, 2011). To read about some of the dangers of working on the railroad, see "Ex-Rail Workers Sue BNSF Over Illness." *ABQJournal.com*. *ABQ Journal*, 22 Mar 2012. Web. 17 May 2013. <<http://www.abqjournal.com/main/95652/abqnewsseeker/ex-rail-workers-sue-bnsf-over-illness.html>>. This article tells the story of four Navajo men who sued the Burlington Northern Santa Fe Railway, alleging that exposure to toxic ballast rock and coal dust caused them to develop lung disease.

³⁰ Navajos also have a long history of working in coal mines on their land. Colleen O'Neill notes that while some archeological evidence suggests that Navajos worked in the coal mines as early as the 1880s, the industry grew rapidly in the 1920s and 1930s when more Navajo households started using coal stoves. See O'Neill, *Working the Navajo Way: Labor and Culture in the Twentieth Century*, Ch. 2.

³¹ John Collier (1884-1968) headed the BIA from 1933-1945 and is largely responsible for crafting the provisions of the Indian Reorganization Act (1934), legislation that sought to stop allotment of tribal lands and to restore tribal governments. Collier, having rejected earlier U.S. Indian policy of forced assimilation, worked for Congress to commission the Meriam Report (1928), a study that demonstrated the adverse effects of assimilation policy on tribal economy, education and health. The provisions of the IRA aimed to attend to the needs of tribal nations as reflected in the Meriam Report. For a list of these provisions, see Lawrence C. Kelly *The Navajo Indians and Federal Indian Policy, 1900-1935* (Tucson: U of Arizona P, 1968), 163-164. Though many tribal nations supported the IRA, others, then and now, have been skeptical of some of its policy points. For example, Dean Howard Smith (Mohawk) argues that the program likewise allowed the federal government to oversee the drafting of what he calls "cookie-cutter" tribal constitutions that established tribal governments that were in many ways circumscribed per the federal government's terms. For more on Collier's life and policies, see Collier *The Indians of the Americas* (New York: New American Library, 1961) and *From Every Zenith: A Memoir* (Denver: Sage Books, 1963). See also Kelly *The Assault on Assimilation: John Collier and the Origins of Indian Policy Reform* (Albuquerque: U of New Mexico P, 1963) and K. R. Philp *John Collier and the American Indian, 1920-1945* (Lansing: Michigan State UP, 1968).

³² Kelly notes that since 1900 the federal government has experimented with breeding Navajo sheep, one such experiment resulting in "a runty sheep with very greasy wool which the Navajos found completely unsatisfactory for weaving" (111). Likewise, Kelly adds that Navajos were not interested in the federal government's breeding program and did not appreciate the government's attempt to interfere with their traditional methods. See Kelly, *The Navajo Indians*, 111. The federal government also had an interest in livestock reduction as it pertained to the Taylor Grazing Act (1934) and the Navajo boundary-extension bill. The Taylor Grazing Act allowed the federal government to regulate public land with regard to grazing and improving rangeland. The act allowed ranchers to purchase a 10-year permit to graze their livestock on unreserved, vacant land. Failure of the Navajo boundary extension to pass combined with the passing of the Taylor Grazing Act allowed white ranchers to occupy land claimed by Navajos before allotment, and the permit fees also went into the federal government's coffers. See *Ibid.*, 168-169.

³³ Navajos have long been accused of having too many sheep, mostly by white ranchers with sheep interests who wanted access to contested Navajo land. Even before Collier's livestock-reduction program, Indian Agent Dennis Riordan, in the 1880s, tried unsuccessfully to have Navajo livestock reduced by up to two-thirds. See Iverson, *Diné*, 101.

³⁴ While more than two-thirds of tribal nations accepted the provisions of Collier's plan as outlined in the IRA, the Navajos rejected it by a 8,214-to-7,795 vote. Rejection of the IRA by the largest tribal nation in the U.S. embarrassed Collier who, in his annual report, blamed the bill's failure to pass on outside interests who allegedly concocted a connection between the IRA and the livestock-reduction program. Nonetheless, the bill's failure was likely the result of timing as well with the bill being voted on during the second phase of the livestock-reduction program and when white ranchers, under the protection of the Taylor Grazing Act, were beginning to occupy Navajo land. See Kelly, *The Navajo Indians*, 167-170.

³⁵ The Long Walk refers to the federal government's 1864 removal program in which the Army forced Navajos at gunpoint to relocate from their homelands in what is now Arizona to land in what is now New Mexico, specifically the Bosque Redondo area. More than 200 people died during the forced removal. See Ruth Roessel, ed. *Navajo Stories of the Long Walk Period* (Tsaile, Ariz: Navajo Community College Press, 1973) and Gerald Thompson *The Army and the Navajo: The Bosque Redondo Reservation Experiment, 1863-1868* (Tucson: U of Arizona P, 1976).

³⁶ Edward T. Hall (1914-2009) was an American anthropologist who lived with the Navajos and Hopis for four years in the 1930s. He is most known for his research on how people are defined by their cultural spaces.

³⁷ Specifically, Thom implores Indian youth to use their familiarity with contemporary political realities and their access to urban areas to lend a voice to their elders who might not otherwise be listened to by federal policymakers. He says: "The Indian youth have got to take this upon themselves because in many cases our older people do not have the means to communicate . . . and too many of our young people have drifted off and gone into American cities and not served the Indians where they are needed" (146). See Thom, *Statement Made for the Young People*, 146.

³⁸ Garroutte notes that among several tribal communities, following tradition, however the community defines it, in and of itself, is a marker of being Indian or belonging to a community. See Garroutte, *Real Indians*, Ch. 3. Robert Thomas, however, sees following tribal tradition (or a return to tribal tradition) as inherently political and argues that adhering to tradition has psychological, material and political benefits for communities that are fighting colonial incursion. See Ch. 1 of this study.

³⁹ Through the Treaty of 1868, the U.S. established compulsory education in the Navajo Nation for children ages 6-16. While the U.S. promised to build one school in the Navajo Nation for every 30 children, the federal government only established a handful of boarding schools that required Navajo children to leave their families for long periods of time. In the short term, the absence of children from their families meant fewer hands to help around the home. In the long term, however, the fear of forced assimilation existed as is evidenced in Momaday's novel through Old Grandfather's attitudes toward his family. As early as the 1920s, Navajos demanded agency over educational efforts in their nation. Speaking in 1925, Hosteen Nez expressed concern regarding the federal government's handling of Navajo children through the school system. She said: "'With a baby in your arms you kiss that baby a lot. We feel the same way about our children. But you want to come in and take the children and rush these poor children off to school. . . . We want fair and square treatment. We don't want our children taken by force. About all the children we have left now is one year old, two year old, three year old [sic] – you have all the others'" (qtd. in Kelly 177-178). Eventually Navajos adopted the day-school model, which allowed children to stay with their families. See Kelly, *The Navajo Indians*, 171-181. Additionally, Iverson notes that Navajos began to take more control over local education, including hiring more Navajo teachers, in the 1960s. See Iverson, *Dine*, 254-257. For more studies about schooling in the Navajo Nation, see Broderick Johnson

Navaho Education at Rough Rock (Rough Rock, AZ: Rough Rock Demonstration School, 1968); Hildegard Thompson *The Navahos' Long Walk for Education: A History of Navaho Education* (Tsaile, AZ: Navajo Community College Press, 1975).

⁴⁰ See for example Samson Occom *The Collected Writings of Samson Occom, Mohegan: Literature and Leadership in the Eighteenth-Century Native America*. Joanna Brooks, ed. (Oxford: Oxford UP, 2006); William Apess *On Our Own Ground: The Complete Writings of William Apess, a Pequot*. Barry O'Connell, ed. (Amherst: U of Massachusetts P, 1992); Elias Boudinot *Cherokee Editor: The Writings of Elias Boudinot*. Theda Perdue, ed. (Athens, GA: U of Georgia P, 1996); Sarah Winnemucca Hopkins, *Life Among the Paiutes: Their Wrongs and Claims*, (1883).

⁴¹ Donald Vann, for example, is one of the Cherokee Nation's most well-known contemporary painters. A story about his life and art can be found here: "CN honors artist, veteran's service to country" *Cherokee Phoenix.org*. Cherokee Phoenix, 18 June 2013. Web. 18 June 2013 <<http://www.cherokeephoenix.org/Article/Index/7361>>. Other Cherokee Nation painters include Jamison Chas Banks, Verna Bates, Roy Boney, Jr., Talmadge Davis (1962-2005), tsigesv; Cecil Dick (1915-1992), tsigesv; Franklin Gritts (1915-1996), tsigesv; John Guthrie, J. Houston-Emerson, Lara Evans, Tom Farris, Yatika Starr Fields, Brooks Henson, Jesse Hummingbird, Sharon Irla, America Meredith, Rom Mitchell, Mary Beth Nelson, Sallyann Milam Paschal, Bill Rabbit, Tracy Rabbit, Janet Lamon Smith, Ryan Lee Smith, Dorothy Sullivan, Dianna LaFerry Thomas, Kay Walkingstick and Sam Watts-Scott. Painters from the Eastern Band of Cherokee Indians include Jenean Hornbuckle, Lynn Lossiah, Lori Reed, Amy Walker and Linda Windell. Virginia Stroud (UKB) is also a Cherokee painter.

⁴² Cherokee Nation sculptors include S. S. Burrus, Roger Cain, Deborah Ann Crossland, Demos Glass and Daniel Horsechief. Eastern Band of Cherokee Indian sculptors include David Arch, Goingback Chiltosky (1907-2000), tsigesv; Amanda Crowe (1928-2004), tsigesv; Bill Crowe, George Goings, John Grant, Ernie Lossiah, Harry Oosahwee, Freeman Owle, and Joel Queen. Virginia Stroud is a sculptor from the United Keetoowah Band of Cherokee Indians.

⁴³ Cherokee photographers include Christina Berry, Lara Evans, Tom Fields, Stephen McClure; and Shan Goshorn (EBCI).

⁴⁴ Joseph Erb is a well-known Cherokee animator. He produced the first Cherokee-language animations that tell Cherokee stories such as *The Beginning They Told* (2003), *How the Redbird Got His Color* (2003) and *How the Rabbit Lost His Tail* (2003). Erb's work disseminates Cherokee language and stories to Cherokee youth in a contemporary medium they can relate to. Erb also works with fellow Cherokee animators Roy Boney, Jr., and Matt Mason. See Kade Twist (Cherokee Nation) "Brave New Worlds: Indian Animation Movement" *NativePeoples.com*. Native Peoples Magazine, Nov 2007. Web. 14 Dec 2007.

⁴⁵ Arnold Krupat, for example, has previously argued that only oral forms are truly Native American since written forms, such as autobiography and fiction, originated in Europe. In fact, he suggests that even those works written by American Indians are inherently a form of orality. He writes, for example: "Of course, the texts of Native American literatures are not only theoretically but also in practice what we may call *oral texts*, an oxymoronic rather than self-contradictory appellation" (124). See Krupat "Post-Structuralism and Oral Literature" *Recovering the Word: Essays on Native American Literature*. Brian Swann and Arnold Krupat, eds. (Berkeley: U of California P, 1987), 113-128. Krupat likewise states: "So far as the category of an Indian literature – and along with it the general category of local literature – may be useful, it would seem necessary to define it pretty exclusively by reference to the ongoing oral

performances of Native peoples" (290). See Krupat *The Voice in the Margin: Native American Literature and the Canon* (Berkeley: U of California P, 1989). The problem with this line of thinking, in addition to having little basis in the lived experience of tribal communities, is that it establishes arbitrary boundaries of what constitutes true Indian expression. Regardless of whether a text is written and in a traditional European form, if an Indian writer uses it to express his or her views, it's a truly Indian text, oral or not. Simon Ortiz (Acoma Pueblo), for example, writes: "This is the crucial item that has to be understood, that it is entirely possible for a people to retain and maintain their lives through the use of language. There is not a question of authenticity here; rather it is the way that Indian people have creatively responded to forced colonization" (10). See Ortiz "Towards a National Indian Literature: Cultural Authenticity in Nationalism" *MELUS* 8.2 (1981): 7-12.

⁴⁶ While \$100 does not sound like a lot of money by contemporary standards, to put this dollar amount into context it's important to know how much Navajo artisans were earning for their crafts at the time. For example, Bsumek notes that Navajo silversmiths in the 1940s earned between \$360 and \$750 a year with some earning as little as \$25 a year. Considering the cost of supplies and labor involved in silversmithing alongside the average annual income it brings in, Haske's ability to make \$100 from a painting that he produced during one class period, using only paper and paint, which are inexpensive compared to raw silver, demonstrates the success of functional integration. Haske is able to find a way to operate economically such that he can still practice and maintain his tribal traditions but do so in a manner that earns him more money with less labor.

⁴⁷ Dominique Schnapper, for instance, argues that the oppressed can gradually weaken the narratives of domination imposed on them that marginalize them by "ceas[ing] to participate in the values, practices, and institutions" that the dominant group represents (41). See Schnapper *Community of Citizens: On the Modern Idea of Nationality* Severine Rosee, trans. (New Brunswick, NJ: Transaction Publishers, 1998). Likewise, Rogers Smith adds that "unwilling subjects can usually resist . . . while sustaining some quite distinct, alternative conceptions of the 'people' to whom they inwardly profess their allegiance, and for whom they seek to act" (36). See Smith *Stories of Peoplehood: The Politics and Morals of Political Membership* (Cambridge: Cambridge UP, 2003).

⁴⁸ The "Melting Pot" as a metaphor for the homogenizing of immigrants into American society, which often meant mainstream white society, has existed since the late 1700s. For example, in *Letter from an American Farmer* (1782), Hector St. John de Crevecoeur, a French traveler to the U.S., writes: "leaving behind him all his ancient prejudices and manners, receives new ones from the new mode of life he has embraced. . . . Here individuals of all nations are *meltd* into a new race of men, whose labors and posterity will one day cause great changes in the world" (46). For white Western European immigrants, being brought into the Melting Pot meant assimilation into the white mainstream, which often necessitated learning English or changing one's surname to appear more Anglo-Saxon. For those people of African descent, Asians, Latinos and others whose phenotypes precluded them from "melting" into white America, participating in the Melting Pot meant being situated into (and not challenging) mainstream America's institutions, often in a subordinate position. These institutions included those of labor such as slavery and exploited farm and railway work, Protestant Christianity and being subject to segregation and anti-miscegenation laws. After World War II, a return to a Melting Pot national ideology was a way to bring non-Anglo-Saxon immigrant such as the Irish, Italians, Eastern Europeans and Jews into the category of "white" in America, and for American Indians, it was an attempt to reintroduce assimilation attempts so the federal government could terminate tribal nations and their legal responsibilities to them. See Thomas J. Archdeacon *Becoming American: An Ethnic History* (New York: Free Press, 1984); Gordon Milton *Assimilation in American Life: The Role of Race, Religion and National Origins* (New York: Oxford

UP, 1964) and David A. Hollinger "Amalgamation and Hypodescent: The Question of Ethnoracial Mixture in the History of the United States" *American Historical Review* 108.5 (Dec 2003): 1363-1390.

⁴⁹ I use the Seminole Tribe of Florida in this analysis for two reasons. The first reason is in keeping with this chapter's theme of intertribalism, a strategy that gained strength as Momaday was writing her novel, and one that is established through Momaday's literary and educational work itself with her being a Cherokee writing about Navajos and working with Navajos and Pueblo communities. The second reason is that the Seminole Tribe of Florida has been one of the tribal nations that has been enormously successful with gaming, and Cattellino's study of the Seminoles in Florida demonstrates a wide breadth of potential that functional economic integration, specifically though gaming, can provide tribal nations materially, culturally and politically. That said, the Cherokee Nation's own gaming industry has led to similar beneficial outcomes for the Nation. Cherokee Nation Entertainment has created thousands of jobs, more than 70 percent of which are held by Cherokee and other tribal citizens. Likewise, casino earnings helped develop Cherokee Services Group and Cherokee Nation Technologies, which provide information-technology services to, respectively, public-sector and commercial organizations. These Cherokee companies employ about 250 people, and revenue in 2010 exceeded \$24 million. Similarly, the Nation has also contributed revenue from gaming and the tribal businesses that have grown from casino earnings to the Cherokee Nation's education programs, in particular to fund language-revitalization programs and to develop community centers in Cherokee towns. Additionally, the Nation also donates money outside of the Nation to agencies such as the Community Food Bank of Eastern Oklahoma, which provides food to more than 460 partner agencies in 24 Oklahoma counties; provided dogs and dog training to Oklahoma's Task Force 1, which rescues victims from collapsed buildings, and provided bulletproof vests to local police departments. In all, Cherokee gaming in 2010 brought in more than \$455 million that went toward cultural programs, health and education and in forging relationships with communities outside the Nation. See Cherokee Nation Entertainment *Where the Casino Money Goes* (Tulsa: CNE, 2010).

⁵⁰ The presence of a Navajo proprietor of the trading post is a detail that mustn't be overlooked. Historically, as settlers established trading posts in the Southwest, their white proprietors often, at best, maintained a patriarchal relationship with their Navajo customers and, at worst, cheated and even physically abused Navajos. After World War II, however, Navajos, growing tired of being taken advantage of by white trading-post owners, sought to take control of local trade. Iverson, for example, cites Navajo council delegates Dewey Etsitty and Roger Davis who spoke in 1948 about the need for Navajos to be more directly involved in local trade. Etsitty said, for instance, "The reservation is our home. . . . [W]e should have our own people do the trading business on the reservation" (216). Davis elaborated, saying: "[T]he people want something done about the traders. . . . They pay us but not enough. They get all the money. We pay everything. . . . I feel that twenty-five dollars a year for trading on the Navajo and getting rich on the Navajos, sucking the Navajo life is unfair. I think it's time for the Navajo Tribal Council to get down to business and do something" (216). The Navajo Nation created a trading committee in 1950 and by 1955 were successful in installing regulations that were designed to protect Navajo clients and give more autonomy to Navajos in the trading business. See Iverson, *Dine*, 216-218. See also Bsumek, *Indian Made*, Ch. 2 for more on Navajos in the trading economy, especially pgs. 59-73 that detail how Navajos used bartering, overstocking and pawnbroking as ways to maintain agency in their dealings with white traders. With this information in mind, Momaday's use of a Navajo proprietor who commissions Haske's art is another example of successful economic integration, a move that not only can be read as a promise to protect Haske from what has historically been an exploitative trade relationship between Navajos and whites, but also as evidence of tribal economic agency. For more on traders in Navajo communities, see William Y. Adams, *Shonto: A Study of the Role of the Trader in a Modern Navajo Community*, (1963); Willow Roberts Powers *Navajo Trading: The End of an Era* (Albuquerque: U of New Mexico P, 2001).

⁵¹ Iverson expands on the value of horses in Navajo communities. He writes that while federal agents who implemented the livestock-reduction program were particularly scornful of Navajos' horses, which they called "worthless ponies," the horses' owners felt they had a duty to protect the animals given to them by the Holy People. Horses are used extensively in Navajo ranching communities for transportation, doing chores around the ranch or farm, and for food. See Iverson, *Dine*, 101. Likewise, Spicer notes that among the Navajos he met during his studies, horses represented a standard of wealth. He writes: "[A]n individual's status within his band was often measured in terms of the numbers of horses he possessed. See Spicer, *Cycles of Conquest*, 547.

⁵² The Navajo Song of Happiness is often sung by children and is a way of extending hozho, or cosmological beauty. The song is a way to express appreciation for one's life and community. The translated lyrics are: "Where I am,/ Where I am,/ Where I am,/ There is happiness,/ The land of happiness,/ Where I am." See Willard Rhodes, ed., *Music of the American Indian: Indian Songs of Today*, (1987), 12-13.

“This Nation look[s] like home to me”: Cherokee Freedmen and Writing Ethical Nationhood through the Peoplehood Matrix

While Thomas and Momaday’s literature can challenge the federal government’s narrative circumscription of tribal nationhood, at various points in history Cherokee Freedmen, the former black slaves held by Cherokees, have had to contend with delimiting national narratives from the Cherokee state. When Cherokee Freedman John Rogers made an appeal for citizenship in the Cherokee state, he invoked his connection to tribal land and his lived experience with the Cherokees in arguing that the Cherokee Nation was like home to him. Rogers’ tactic was sound in that Cherokee Freedmen history is Cherokee history, with both groups’ geographical, cultural and temporal experiences being inextricably bound. However, one wouldn’t realize the breadth and depth of this connection by perusing the stacks of Cherokee literature.

Despite the long history that African-descended Cherokees share with their Indian Cherokee counterparts, the presence of black characters in Cherokee literature is limited. While characters who are described as being of African descent occupy major roles in works by Robert J. Conley¹ and William Sanders², they only make small appearances in work by John Oskison³ and Lynn Riggs⁴. Furthermore, some of Riggs’ plays such as “Green Grow the Lilacs” (1930)⁵ and “Roadside” (1930)⁶ feature characters who are ambiguously racialized, though evidence exists that suggests their blackness.

Given the volume of literature, including fiction, written by Cherokees since 1823 when Elias Boudinot wrote *Poor Sarah: or, Religion Exemplified in the Life and Death of*

an Indian Woman,⁷ when we consider Cherokee history alongside the Nation's long literary production, the conspicuous absence of black characters in the narratives of Cherokee experience is glaring. While I cannot argue authorial intent, the elision of the presence of African-descended people who historically suffered alongside Cherokee Indians and who also contributed to the continual survival of the Cherokee Nation reflects the contemporary real-world erasure of Cherokee Freedmen from the Cherokee national narrative as defined through interpretations of Cherokee constitutional law and citizenship in the Cherokee state.

The Cherokee Freedmen have historically shared with their Indian Cherokee counterparts language, land, history and ceremonial cycle, elements that inform my narrative analysis of their belonging in a more ethical Cherokee state. These facts notwithstanding, in 2007 a handful of Cherokee citizens took to the polls to vote in a referendum that stood to redefine what it means to be Cherokee⁸. The vote occurred as a result of a petition⁹ that circulated that asked Cherokees if citizenship in the nation should be determined strictly on the basis of having Cherokee blood.¹⁰ However, the true targets of this inquiry were the descendants of African slaves owned by Cherokees, who are still referred to today as Freedmen. The contemporary struggle for Freedmen to be recognized as citizens in the Cherokee Nation emerged after the Civil War, and the Freedmen and their descendants have at various times been included in and expelled from citizenship in the Cherokee Nation. The major question that informed the vote regarded the Cherokee Nation's sovereign right to determine its own citizenry, in this case to make the Cherokee Nation a strictly Indian nation based on racial definitions of Indianness.¹¹

But a year earlier, Cherokee citizen Darren Buzzard, a supporter of the expulsion of the Freedmen, sent an e-mail message to the tribal council that revealed a far more sinister side to the motive behind reconsidering the Freedmen's place as Cherokee citizens. In a missive reminiscent of a Ku Klux Klan circular, Buzzard accused the Freedmen descendants of simply claiming Cherokee heritage in order to cash in on tribal assets and take advantage of the Nation's social programs.¹² Buzzard writes: "Don't get taken advantage of by these people. They will suck you dry. . . . Don't let black freedmen back you into a corner. PROTECT CHEROKEE CULTURE FOR OUR CHILDREN. FOR OUR DAUGHTER[S] . . . FIGHT AGAINST THE INFILTRATION" (qtd. in Knickmeyer par 9, emphasis original).¹³ Beneath the vitriol of Buzzard's inflammatory message is a narrative that not only pits black Freedmen against their Indian counterparts, but also divorces Freedmen from Cherokee culture, a culture that history indicates they not only are a part of but also helped to protect.¹⁴

The Freedmen's battle to procure and maintain Cherokee citizenship has its roots in early legislation, beginning with the 1827 Cherokee constitution that precluded blacks from citizenship. However, since the Cherokee state was reinstated in the 1970s, their claim to citizenship came under fire in 1983 when then-Principal Chief Ross O. Swimmer, fearing losing re-election, issued an executive order requiring Cherokee voters to show a Certificate of Degree of Indian Blood, which descendants of the Freedmen portion of the Dawes roll do not possess.¹⁵ Throughout these legal attempts to circumscribe Freedmen citizenship and belonging in the Cherokee Nation, the commonality that emerges is a narrative that tells a story that the Freedmen are not

Cherokee and do not belong in the Nation. In a stated attempt to enforce its national sovereignty, the Cherokee Nation has periodically used its sovereign power to narrate a community of Cherokees not only outside the margins of privileged periphery of national history, but completely off the page. The Cherokee Nation does have the sovereign right to re-shape the demographics of its citizenry, just as the U.S., if it wanted to, could decide that its citizens must descend from the Mayflower and retroactively denationalize those who don't. But the more pertinent question remains: just because a nation has those rights, is it always right to exercise those privileges, and how are these assertions of sovereignty justified? In several cases, such assertions – and in some cases excesses – of sovereignty are justified by their supporters by crafting a national narrative that not only facilitates decisions that adversely affect entire communities, but also normalizes their marginalization.

One way to critically challenge these privileged national narratives is to develop counter-narratives that, even if they don't ultimately change or at the very least add nuance to the privileged national narrative, at least undermine the assertion that the national narrative is absolutely true. In this chapter I examine the Freedmen WPA narratives as counter-narratives that re-imagine critical, ethical Cherokee nationhood by recognizing that the Freedmen are part of the tribal body and, in doing so, resisting the Cherokee national narrative that claims they have neither history nor a future in the Cherokee Nation.¹⁶ Work from other Cherokee scholars such as Steve Russell, Alan Ray and Eva Garrouette inform this study of Cherokee law and identity as I use it to interpret the Freedmen's counter-narrative of nationhood. Specifically, I read the WPA narratives

alongside Robert K. Thomas (Cherokee) and Tom Holm's (Cherokee Nation)

Peoplehood Matrix that identifies four Cherokee epistemologies of peoplehood and show how, based on this matrix, the Freedmen are Cherokee.

Straddling the Black and the Red: The Literary Peoplehood of Cherokee Freedmen

Leslie Ross¹⁷ likes to regale people he meets with facts about his great-grandfather, Stick Ross, a former slave and rumored illegitimate grandson of Cherokee chief John Ross. In an article called "Blood Feud," Leslie Ross describes how his ancestor served as sheriff¹⁸ of Tahlequah and as a diplomat for the Cherokee Nation in its dealings with neighboring Indian nations, a position for which the Nation chose him because of his language skills. Stick Ross also served on the Cherokee tribal council in 1893.¹⁹ Despite this history, however, Ross found the Cherokee citizenship he claims through his ancestor in a state of contestation as the Nation's administration under then Principal Chief Chad Smith worked to redefine who counts as Cherokee.²⁰ As the Smith administration attempted to codify into a revised law the definition of Cherokee as a discourse of blood ancestry, Leslie Ross reminds readers that his great-grandfather's work was essential to the creation of the very nation that recently sought to oust him. He asserts: "There wouldn't be a Cherokee Nation if it weren't for my great-grandfather. . . . Jesus, he was more Indian than the Indians!" (qtd. in Koerner 1).²¹

Not everyone agrees, however. In his State of the Nation address in 2006, then Cherokee Nation Principal Chief Chad Smith made a statement that exemplifies the anxiety and tension surrounding the Freedmen debate. Smith said: "Some Cherokees

believe the Freedmen who did not help rebuild the Cherokee Nation in the last 100 years should not reap the benefits that the Cherokees have earned” (“Cherokee chief” par 7). While Smith qualified his statement by saying “some Cherokees” and distanced himself from that assertion, subsequent action his administration took closely connects him to such sentiments. This action included an amendment to the Cherokee Constitution to specify Cherokee-blood descent as the basis of citizenship, which led to the ousting of citizens of Freedmen descent.

Naturally, this decision sparked heated debate regarding Cherokee citizenship between both opponents and supporters of the Freedmen. Though Freedmen descendants’ citizenship and voting rights were temporarily reinstated in 2011 and remain in effect²², the question of Freedmen citizenship remains in limbo under current Principal Chief Bill John Baker’s administration, and the debate continues.²³ Opponents argue that the Nation fulfilled its moral obligation to the Freedmen descendants by granting their ancestors allotments in the early part of the last century. They also argue that the Treaty of 1866 does not explicitly mention rights to citizenship²⁴ and further argue that Cherokees were coerced into agreeing to the terms of the post-Civil War treaty.²⁵ Freedmen supporters, however, argue that the Treaty of 1866 does explicitly state that former slaves and their descendants are afforded *all* the rights of native Cherokees.²⁶ Additionally, they argue on the grounds of ethically including Freedmen descendants based on the service of their ancestors, as Leslie Ross mentions in his great-grandfather’s case. The discourse of blood as a single indicator of belonging and, by extension, Cherokee citizenship as amended to the Cherokee Constitution by the Smith administration elides the relationship the

Cherokee Freedmen have shared with Indian Cherokees while ultimately attempting to erase the Freedmen from Cherokee history and write them out of a Cherokee future.

Because belonging and citizenship under Smith were based on one type of peoplehood²⁷ – blood descent²⁸ – one argument for Freedmen belonging is to examine ways of devising an alternative system that defines Freedmen descendants as Cherokee people based on the generations of intersection between them and Cherokees. Most Freedmen descendants do in fact have Cherokee blood. And while citizenship under Smith was based on tracing ancestors to the “By Blood” portion of the Dawes Roll, the Dawes commissioners erroneously placed several of the Freedmen’s ancestors on the Freedmen portion of the roll, which, under Smith’s amendment, would strike their descendants from Cherokee citizenship.²⁹

However, Freedmen could likewise be viewed as Cherokee through alternative reckonings of belonging framed by the elements of Cherokee scholars Robert Thomas and Tom Holm’s Peoplehood Matrix – shared language, ceremony/religion, place/land, and sacred history. The Matrix demonstrates how critical relationships are forged through the interdependence of these elements. One way to demonstrate an intersection of peoplehood between Freedmen and Cherokees is to use the Peoplehood Matrix as a tool to illuminate how Freedmen are Cherokee through the framework of epistemologies identified by Cherokees such as Thomas and Holm, instead of relying on Euroamerican concepts of political theory and racialized blood to establish belonging and nationhood. Cherokee slave narratives, for example, illuminate how the two groups interacted and supported each other through the elements of peoplehood. One of the stakes of this

approach to defining Cherokee peoplehood is that it could lend weight to the argument of including Freedmen based on the generations of contributions to the Cherokee Nation. Conceiving of critical, ethical nationhood through a lens of peoplehood and reading Cherokee slave narratives through the Peoplehood Matrix opens a space to claim the Freedmen and their descendants as unequivocally Cherokee.

“Blood be damned”: Some grievances against blood identity

In a post on his blog regarding unenrolled Cherokee and Freedmen descendants, John Cornsilk (Cherokee Nation/UKB) insisted that only the law, not blood, makes one Cherokee. He writes: “Blood be damned. So it be for the Delaware, Loyal Shawnee, some Nachez [sp], some Creek, some Caucasian, yep fullblood white folks, Negro, yep fullblood African, including degrees of mixtures of all these ethnicities and the Freedmen. We are Cherokee by law” (Cornsilk).³⁰ Though a controversial figure among some Cherokees, Cornsilk’s comment about blood being second to the law as a single identifier of Cherokee identity and belonging, alongside the list of various tribes and races he includes under the legal definition, speaks to the ways that blood can be limiting in that it racializes American Indians, a group that continues to struggle to have its position as a sovereign polities respected by the United States. For Cornsilk, an identity based on blood discourse shifts the focus of the settler state away from Cherokees’ being a political entity to their being a race, which creates the possibility of the federal government disregarding their sovereign political status and perhaps dissolving the Nation.

Yet, Cornsilk's statement is also paradoxical in that while he believes Cherokees are defined not by blood but by tribal law, Cherokee identity in terms of citizenship and the political rights of Cherokees in the Nation under Smith's tenure was based on blood ancestry that was enshrined in the very law that Cornsilk upholds. Having amended the Cherokee Constitution to specify that citizens must trace to an ancestor on the By-Blood portion of the Dawes Roll, the Smith administration and a handful of voters wrote Freedmen descendants out of the legal definition of Cherokee. The Nation has phenotypically black citizens, but by adding this blood specification where one did not exist before, being Cherokee in the political sense had become purely a matter of blood kinship to a collection of Cherokees who enrolled with the Dawes Commission between 1898-1906.

The paradox of Cornsilk's disdain for the use of racialized blood in determining Cherokee identity coupled with his support of Cherokee citizenship law that, under Smith's tenure as Principal Chief, happened to be based on the same racial ideology of blood descent reflects the conflation of blood and law that Circe Sturm identifies as having first appeared in 1840.³¹ Sturm writes that the Cherokee Nation made it illegal for "any free negro or mulatto, *not of Cherokee blood*, to hold or own any improvements within the limits of this Nation" (*Blood Politics* 71, original emphasis). This law indicated that only blacks with Cherokee blood could own property in the Nation, and those who did not have Cherokee blood could not. Such a scenario must have made living in the Nation nearly impossible for free blacks of no Cherokee blood if they could not own a home or a business, meaning that the only non-Cherokee blacks who could live

there within the law were slaves. Sturm adds that this is the first time the Cherokee Nation explicitly conflated ideas of racialized blood with the formulation and execution of tribal law. We can go back further, however, and consider voting law as it was laid out in the 1827 constitution, which indicates that, “All free male Citizens (excepting negroes & descendants of white & Indian men by Negro women who may have been set free) who shall have attained the age of 18 years shall be equally entitled to vote” (“1827 Constitution”). Here, we see that Cherokees were already adopting Euroamerican racial ideologies in which being racially mixed with black automatically conferred total blackness on an individual and that the tribal government as early as the 1820s was codifying in law this racial designation to marginalize their black constituents.

This historical analysis of the Cherokee government’s use of racialized blood and adopted ideas of blackness in its laws, read alongside Cornsilk’s rejection of the construct of Cherokee identity developed through similar ideologies of blood, denotes a contradiction that Sturm observes exists in many Cherokee communities. Cherokees, she notes, have at once been subjected to racist ideas of blood, but also use a discourse of blood to establish Cherokeeness and maintain Cherokee social and legal boundaries. She writes: “Cherokees express contradictory consciousness, because they resent discrimination on the basis of race and yet use racially hegemonic concepts to legitimize their social identities and police their political boundaries” (Sturm “Blood Politics, Racial Classification” 231). This contradiction appears throughout Cherokee history in examples such as the U.S. forcing Removal and assimilation policies that were legitimized by a discourse of Indians being racially inferior and the Dawes Commission putting the

allotments of fullbloods and halfbloods into trust because they determined that being “too Indian” in a sense of blood meant they were incapable of handling their affairs. However, Cherokees also protected their borders from intruders who were frequently distinguished from “native Cherokees” in terms of blood or race.³²

With the history of Cherokees’ simultaneous acceptance and rejection of blood discourse established, it is important to consider what this duality means today with regard to the Freedmen and how Cherokee identity is constructed legally in a technical sense and racially in an applied sense. Furthermore, problematizing the racial construct of Cherokee identity and how it is disseminated legally through the use of the Dawes roll to determine citizenship opens avenues for discussing alternative means of inclusion such as the Peoplehood Matrix. Steve Russell (Cherokee Nation), a retired law professor and trial lawyer, argues that determining Cherokee citizenship by direct descent based on blood is a path to the disappearance of Cherokee culture, a culture that Leslie Ross’ Freedmen ancestors practiced and that differentiates Cherokees from others.³³ However, Russell also argues that basing Cherokee identity on blood creates race privilege in a nation that has historically included a variety of communities, including Catawbas, Creeks, Natchez, Yuchis, Europeans and Africans. He writes: “Citizenship by direct descent alone is a guarantee of cultural extinction. In what sense is someone who has the blood but no knowledge of language, religion, or culture Indian? Answer: in a racist sense. What do you preserve when you define such people as Indian? Answer: racial privilege” (172). Here, Russell describes a shift from belonging based on community culture and norms to one of a construct of race that a Cherokee is supposedly born with.

This set-up creates racial privilege in that, for example, while many Freedmen were culturally Cherokee – more so than many mixed-blood Cherokees, as Leslie Ross points out – they get shunted to the margins in a narrative that privileges a Cherokee “race” that was carved out of the same ideologies that Europeans used to effect and to rationalize Cherokees’ own marginalization. Russell further reminds us that trading on race theory in terms of biological blood in the context of nation-building has a violent and dangerous history. He adds that accepting individuals as Cherokee based on outdated and debunked ideas of race only legitimizes those ideas. Cherokees who are citizens by blood and not much else, he asserts, are “Cherokees in a racist sense” (173). He clarifies: “I don’t mean ‘racist’ as a bloody red shirt, or as an all-purpose pejorative. I mean a logical corollary of Trofim Denisovich Lysenko’s idea that behavior can be imprinted on the genes” (173).³⁴ Here Russell refers to Lysenko’s debunked ideas of racial inheritance, but he also adds that racialized categories of belonging are not only imbecilic but also violent and damage real people, a concern I take up throughout this study with regard to how we can read Cherokee literature in ways that have a positive impact on the marginalized communities it emerges from. Russell writes:

Everywhere we find race theory in its short violent history, it is traveling in disreputable company. Tribal governments are unlikely to have better luck building on this foundation of sand and blood than the colonial governments have, and therefore might want to reexamine the idea of blood in any amounts as an infallible proxy for culture. (173)³⁵

Russell asserts here the inherent flaw (and irony) of tribal governments' use of racialized blood to determine citizenship in that it simply re-inscribes colonial race ideologies and legitimizes their deployment against tribal citizens by their elected leaders.

While the use of race and blood is problematic in determining Cherokee citizenship, Cherokee leaders who oppose including the Freedmen have used legal definitions of citizenship in an ahistorical way that attempts to elide race in the conversation about the Freedmen. In the Nation's 2006 official statement on the Freedmen, Principal Chief Chad Smith insisted that Cherokee citizenship is not based on race, but rather it is a matter of the law that mandates that prospective citizens trace to an ancestor on the Dawes roll. Smith writes: “[T]he Cherokee Nation Constitution is not based on race. People of many different ethnic backgrounds, African Americans, [W]hite Americans and Hispanic Americans, *have Cherokee ancestors on the Dawes Roll*; and they are unquestionably entitled to Cherokee Nation citizenship” (qtd. in Ray 445 original emphasis). Here, Smith insists that Cherokee law regarding citizenship is colorblind, or at least does not consider race. He goes on to assume that “someone will undoubtedly play the race card” with regard to the Freedmen (qtd. in Ray 445). In this statement, Smith attempts to divorce race from Cherokee law in ways that are impossible, given how race and Cherokee law have been historically conflated. While Smith correctly states that some Cherokee citizens happen to also have ancestry from non-Cherokee parentage, his statement that what makes them citizens is having a Cherokee ancestor – and this is important – *based on the Dawes roll*, by its nature, imposes race into the equation. Making prospective citizens trace to the Dawes roll amplifies the element of

race, given that the Dawes Commission's definition and ultimate decision of who was Cherokee and who was a Freedmen was informed by 19th-century race ideologies such as those constructed by Samuel Morton and Lewis Henry Morgan.³⁶

The use of the Dawes roll in determining citizenship is itself an act of determining citizenship by race because the document was constructed in an environment of 19th-century race ideology. The Dawes Commission determined a tribal citizen's ability to maintain his or her allotment based on the amount of Indian blood he or she had – the less, the supposedly more competent. However, the commission also employed race to distinguish Cherokees of any blood quantum from black Freedmen, creating separate rolls, only one from which the Smith administration would recognize Cherokee descent. The use of the Dawes roll is problematic in determining Cherokee ancestry because several Afro-Cherokees who had Cherokee ancestry failed to have it recognized by the commission and were listed instead as Freedmen. If Smith's desire is that prospective citizens all have a Cherokee ancestor, several Freedmen descendants who do have Cherokee ancestry but had that ancestry erased by the Dawes Commission fail to meet Smith's revised criteria. The separate rolls for Cherokees "by blood" and Freedmen reflect the separate status that the Nation assigned to the two groups and tried to maintain legally through anti-miscegenation laws. However, by the time of allotment, a sizeable Afro-Cherokee population had developed.³⁷ As Theda Perdue notes, despite the existence of several harsh anti-miscegenation laws, these laws were seldom enforced, which led to a growth of the Afro-Cherokee population.³⁸ Cherokee legal scholar S. Alan Ray notes that as a result of the race ideologies that permeated the decision-making process of the

commission with regard to who was Cherokee at the time the Dawes roll was drafted, several Afro-Cherokees were erroneously placed on the Freedmen portion. This placement on the Freedmen rolls recorded for posterity the mistaken assumption that these Afro-Cherokees had no Cherokee blood, which, by Smith's revised definition means their descendants are not Cherokee. Ray adds that because the Dawes roll was created in this historical context, using the Dawes roll to determine Cherokee citizenship is fallacious, especially with regard to the Freedmen. He writes: "Because the Freedmen's roll systematically omits proof of Cherokee ancestry where such ancestry could be established by independent evidence, and because there is no other Dawes roll on which such ancestry can appear, the Dawes Rolls are incomplete and therefore cannot serve as an accurate resource for identifying all Cherokees by 'blood'" (438). In this passage, Ray notes the need for devising another method of determining Cherokee citizenship, or for simply identifying Cherokees in ways that transcend the racial – and racist – history that burdens the Dawes roll.

The issue of determining Cherokeeness or blackness based on blood, on the part of the Dawes Commission, is not the only questionable element of tracing to the roll to decide Cherokee citizenship. Ray calls the accuracy and completeness of the Dawes roll into question because of its construction at a time when now-imbecilic race beliefs were accepted as truth. However, he notes that on the Cherokees' end, some traditionalists refused to participate in allotment and enrollment, and though "biologically-eligible," as Ray puts it, they might not appear on the roll. He writes that, "biology is limited in its ability to establish citizenship when otherwise-eligible persons choose not to participate

in the legal process by which biology-based citizenship is established” (439). Ray notes that these “otherwise-eligible” individuals were mostly traditionalists, such as those who participated in the Redbird Smith Movement, who tended to be “fullblooded” and refused to cooperate with the federal government because they did not wish to see their homeland parceled out and, thus, violated.³⁹ He later cites Cherokee sociologist Eva Garrouette who adds that the descendants of these traditionalists cannot become tribal citizens today if their ancestor who resisted did not enroll, thus there are Cherokees “by blood” today who do not meet the legal criteria for Cherokee citizenship. While this scenario is different from that of the Freedmen in that the traditionalists weren’t being forced on the Freedmen roll based on blood ideology, it does point to the need for a method of reckoning Cherokee belonging in a way that Cherokees deem legitimate. Ray re-inserts biology into this problem of legitimacy of the legal framework of citizenship. He writes: “The plight of the ‘irreconcilables’ shows that biology is a problematic predicate for Cherokee citizenship when the legal regime establishing citizenship faces a legitimacy-crisis in the eyes of a significant number of biologically-eligible Cherokees” (439). Both of the above scenarios highlight how, despite Smith’s assertions to the contrary, citizenship by tracing to the Dawes roll, while technically a legal construct, is in actuality citizenship defined by race.

The presence of Cherokees “by blood” who can’t become citizens because their ancestors refused to cooperate and the presence of Freedmen descendants who do have Cherokee blood that is unaccounted for is a reality to contend with when considering how to use the Dawes roll. As a record created at a time of quotidian deployment of now-

debunked blood and race ideologies, the Dawes roll encapsulates and preserves for all time the names of peoples' ancestors whose identities were defined and legally crystalized through such beliefs. By couching Cherokee identity in terms of racialized blood as it's recorded on the Dawes roll, the Cherokee Nation, however inadvertently, resurrects that same pseudoscience that much of the world has moved on from. However, it also deploys ideologies for reckoning Cherokeeeness that some Cherokees themselves such as Russell, Ray, Garrouette, Thomas and Holm question the legitimacy of as well as their efficacy in creating an ethical, enduring nation.

“It's what we do for family”: Kinship and peoplehood between Cherokees and Freedmen

In an essay on revisiting kinship in literary criticism, Daniel Heath Justice (Cherokee Nation), scholar and author of the *Way of Thorn and Thunder* trilogy that I analyze in Chapter 4, reflects on how he once believed there existed one way of being Cherokee. He concedes that such an idea is “naïve” and “impossible, especially given the long tangled realities of Cherokee history” (135). From this complex history, Justice argues, emerge several ways one can interpret the Cherokee past and the lived experience today with the goal of preserving and upholding nationhood and community at their core. He writes: “Though there are many different ways of understanding what it is to be Cherokee . . . each way is still an attempt to give shape to an idea of what it is to be, think, and live Cherokee” (153). Out of this realization, Justice states that kinship extends beyond what a person *is* and into what he or she *does*, requiring a strident effort on the

part of individuals in a community to uphold that community and work to ensure that it flourishes. Kinship, he writes, “requires its members to maintain it through their willingness to perform the necessary rituals – spiritual, physical, emotional, intellectual, and familial – to keep the kinship network in balance” (152). While blood ancestry is one form of peoplehood and has its roots in tribal cosmology and in reckoning of familial and clan belonging, conceiving of blood ancestry as the only means of belonging can be delimiting in that it risks disregarding shared epistemologies between groups that have historically been interdependent on each other. It also allows for the marginalization of individuals who through shared history and experience can be regarded as kin but who do not fit within the confines of one kinship system that is privileged over possible alternative models of peoplehood.

Such shared history and experience are elements of peoplehood that go unaccounted for in a discourse of racialized blood, leaving one to wonder why choose such a delimiting method when others are more flexible and rooted in tribal epistemologies. Writing of her own nation’s use of blood quantum, at 50 percent no less, Mohawk scholar Audra Simpson points out that more important elements like commitment to the community cannot be quantified in terms of race. She does note that Mohawk epistemologies can account for communal duty. Still, she asks, “Why even use blood when there are traditional Iroquois practices . . . such as adoption and the clan system reckoning of descent? Should rights to membership be given to anyone who does not have a clan or a commitment to Mohawk culture and community” (129). Simpson likewise adds that even if seen as a sign of kinship, choosing blood over other

relationships is political and problematic. She writes: “The question of membership rights in any cultural or state context has always been a politicized kinship game, recognizing some blood or kin ties and not others” (24). Alternatives to a singular blood kinship are necessary because relying on one form of peoplehood not only limits ways that groups can articulate their presence against colonizers who would undermine that community, but it also erases the relationships that have proven crucial in the survival of that community, be they relationships among Mohawks or a relationship as the one between Cherokees and Freedmen.

One alternative system of peoplehood that could exist alongside blood relations that accounts for these social histories is the Peoplehood Matrix developed by Cherokee scholars Robert K. Thomas (Cherokee) and Tom Holm (Cherokee Nation). Thomas and Holm’s matrix centers the idea of peoplehood on four shared elements: shared language, shared ceremony/religion, shared place/territory, and shared history. These four elements interrelate to form a matrix that demonstrates a nucleus of a peoplehood through shared experience and offers another avenue of communal belonging.⁴⁰ Holm, along with Ben Chavis (Lumbee) and Diane Pearson, argues that this matrix is inclusive in that it accounts for a wider scope of interpreting such belonging that makes up the relationships between people. He writes: “The factors of peoplehood make up a complete system that accounts for particular social, cultural, political, economic, and ecological behaviors exhibited by groups of people indigenous to particular territories” (12). Key to the matrix is the interdependence of each element on the others that combine to constitute a people’s mutually shared experience. Holm elaborates on how the four elements function in

relation to one another. He adds: “A group-particular language . . . gives a sacred history a meaning of its own, particularly if origin, creation, migration and other stories are spoken rather than written. Language defines place and vice versa. Place names essentially . . . describe an area within the context of a group’s sacred history and culture” (13). Peoplehood, then, emerges from the network of linguistic, ceremonial, historical and territorial relationships among people within a group. Analyzing the Cherokee Freedmen narratives through the Peoplehood Matrix demonstrates this shared relationship and rewrites the Freedmen into a Cherokee history that a discourse of kinship linked solely through blood ostensibly erases.

Reclaiming and asserting these relationships between Cherokees and Freedmen based on shared peoplehood challenges the idea that communal belonging is based on race.⁴¹ It also reaffirms the Cherokee Nation’s position of being a political, not racial,⁴² entity that historically sought to include allies through various relationships, such as those mentioned in the previous section, as the federal government encroached further on those communities. Peoplehood, Holm adds, “goes beyond the notion of race and even nationality. Historically Native American peoples adopted captives of several races. Adoption meant that the captive, regardless of race, became a member of a kin group. His or her new relatives were obligated to assimilate the new family member in terms of the four aspects of peoplehood” (16). Additionally, as Holm points out, engaging peoplehood creates an onus for both individuals and communities to reckon belonging through tribally specific epistemologies that the federal government tried to erase, which simultaneously keeps those cultural aspects alive. That said, it becomes clear that when

their stories are examined through the peoplehood matrix, Cherokee Freedmen re-emerge as kin who struggled alongside Cherokees to ensure their mutual sovereignty and survival. These relationships are ones that Justice argues ought to be re-claimed and re-embraced. He writes: “There can be no higher ethical purpose than to . . . tend to those kin-fires; it’s a sacred trust. It’s what we do for family” (166-7). This conceiving of one another as family and dedication, then, to family is another reason to develop ideas of Cherokee belonging and nationhood on strictly Cherokee terms. Such terms derived from strictly Cherokee epistemologies can speak to the “sacred trust” among Cherokees that Justice refers to, a sanctity that is unaccounted for in a discourse of Western law and concepts of race.

“The minute you say that you’re Cherokee, I’m going to expect something out of you”: The shared language of Cherokee Indians and Freedmen

Bo Taylor (Eastern Band of Cherokee Indians), archivist and Cherokee-language instructor at the Museum of the Cherokee Indian in Cherokee, North Carolina, leaned forward and told Choctaw writer LeAnne Howe what being Cherokee really means for him. “The minute you say that you’re Cherokee, I’m going to expect something out of you,” Taylor says,

I’m going to expect that you know something. Being Cherokee is about that culture, the language and the history. . . . If, one of these days if, you know, my great-great-great-grandkids are 1/1000 Cherokee and they’re whatever color – I

don't know what color they'll be – but, you know, I would hope that somewhere down the line they're still singing the Cherokee songs. And they're still speaking the Cherokee language. And the Cherokee is always there, and that spiritual fire will always burn inside of them. That's what will make them Cherokee. (*Spiral of Fire* 19)

Taylor's assertion of the importance of Cherokee language comes from the film *Spiral of Fire* (2009), a documentary that traces Howe's journey through Eastern Band Cherokee territory. She visits Eastern Band territory not only to learn about her roots as the daughter of a Cherokee man about whom she knew little, but also to delve into issues that affect the community such as tourism, diabetes, cultural revitalization and, most poignantly and, contentiously, what it means to be Cherokee today. Language is one subject the film focuses on, and it maintains a place in the Peoplehood Matrix as another shared element that signifies belonging within a community.⁴³

Several of the Cherokee slave narratives demonstrate that the individuals learned and used the Cherokee language throughout their lives in daily tasks such as their labor obligations as slaves and in their shared religious ceremonies. However, in addition to communicating with Cherokees and fellow slaves in the Cherokee language during their everyday lives, the slaves engaged in another essential component of shared language that carves out a place of belonging for them in Cherokee Nation history – their fluency in multiple languages. Because the slave experience included being bought and sold with little notice throughout the southeastern region of what is now the United States, slaves

learned to adapt to various communities and geographies, which often resulted in their developing a command of several languages, including English and other Indian languages. It is essential, therefore, that any analysis of belonging of Cherokee slaves and their descendants to a wider Cherokee community through the Peoplehood Matrix' element of shared language take into consideration both slaves' use of Cherokee and the ways that slaves used English and the languages of neighboring Indian nations to effect Cherokee diplomacy and ultimately resistance to the encroaching settler state in an effort to build and defend the Cherokee Nation.

The role of language in the lives of Indian slaves within their communities and the place of it as a cornerstone of their identities within those communities frequently emerges in the slaves' narratives of their experience in Indian Territory during a time when several Indian nations were rebuilding after Removal. One example occurs in Spence Johnson's account of his Afro-Choctaw mother having been kidnapped near a creek by "nigger stealers" and being sold to a slave master in Louisiana. Johnson says: "When Marse Riley bought her, she couldn' speak nothin' but de Choctaw words. Mammy's folks was all Choctaw Indians . . . Dey was all known in de Territory in de ole days" (Minges 160). This example indicates that while some Indian slaves acquired an ability to communicate in several languages, for many of them their first language was the one of their respective Indian communities.

Likewise, other narratives demonstrate that having the ability to converse in an Indian language was sometimes attributed to having an Indian parent or having grown up in an Indian family alongside Indian children and their parents and having been treated as

one of the family. In her narrative, Cherokee Freedwoman Patsy Perryman recounts her mother's connection to a Cherokee family that resulted in her mother's possessing shared language with that family. Perryman recalls: "The Taylor family was Cherokees, and the mistress and master always treated us mighty good. We didn't know what whippings were. My mother had always been with Mistress Judy Taylor, and she was the only mother my mama ever had, least the only one she could remember . . . She was raised by the Indians, and could talk Cherokee" (74-5). Here, Perryman singles out her mother's ability to speak Cherokee as an indication not of simply having been a slave who toiled on Cherokee land. Rather, Perryman attributes that language ability to the fact that the Taylors treated her mother not as a lowly slave, but as a surrogate daughter who the Taylors brought in and raised alongside their own children.⁴⁴ Perryman indicates further in the narrative that the kinship connection between her biological family and the Taylors was so intense that she "[cried] to stay with her, even when the peace come that set us free" (75). While certainly not all Cherokee slaves had such an endearing experience with their owners, Perryman demonstrates that in some instances Cherokee families conceived of slaves as surrogate kin and that shared language is a verbal extension of that kinship.⁴⁵ Similarly Johnson's narrative, though Choctaw, indicates that some slaves' primary language, in some cases only language, was that which they shared with their Indian owners, the Indian language being the only linguistic tool they had through which to communicate and express themselves.

Though these two passages focus on the immediate relationship between slaves and Indians through shared language, for other slaves who relocated after abolition, the

Cherokee language is a medium that transports them to a place of fondness and belonging. Chaney Richardson, a Cherokee Freedwoman who was born near Caney Creek, southeast of Tahlequah, recounts in her narrative how the Cherokee language is at once a medium of her spirituality and the gentle nudge that wakes dormant memories of her childhood with her parents in Indian Territory. Richardson recalls:

We had a church made out of brush arbor, and we would sing good songs in Cherokee sometimes. I've been a good churchgoer all my life, until I git too feeble. I still understand and talk the Cherokee language, and love to hear songs and parts of the Bible in it, because it make me think of the time when I was a little girl, before my mammy and pappy leave me. (53)

This passage demonstrates how the Cherokee language among some former slaves was so ingrained as part of their identities that it served as vehicle through which they expressed their connections in the most intimate arenas such as family and faith. Similarly, the Cherokee language is their connection not only to a past lived in Indian Territory, but also to a promise of deliverance and a place in the Christian afterlife.

While the language carries different means to the same end of shared peoplehood between Indians and their slaves and Freedmen, one global commonality that evinces itself in the ways both groups use the language is that of Cherokees – meaning Indian, white and black Cherokees – distinguishing themselves from settlers through shared language. Sturm argues that among Cherokees today, fluency in the Cherokee language is a manifestation of a commitment to Cherokee community and a temporal boundary between Cherokees and the colonizer. She writes:

For most Cherokees, speaking the Cherokee language represents a symbolic and practical marker of social connections with and commitment to Cherokee community life. Fluency stands for time shared. After all, to become a fluent Cherokee speaker one has to be raised in a Cherokee-speaking household or community or spend a large portion of time with other Cherokee speakers. The inverse of time shared is time apart from Euroamerican society. (*Blood Politics* 121)

Applying this analysis of contemporary Cherokee communities to the aforementioned Cherokee slave narratives, it becomes clear that slaves and Freedmen who developed a command of Cherokee, whether by embracing the language through familial relationships or learning it as a means of survival, also dwelled in the temporal space of the “time shared.” The Freedmen’s place within this shared time designates a linguistic peoplehood in terms of constructing a Cherokee identity in opposition to that of the settlers on two fronts, both indicating where Freedmen’s allegiances lay. Learning Cherokee to fluency indicates Afro-Cherokees not only spent time *apart* from the settlers, but that they spent that time *with* Cherokees.

This time apart from Euroamerican communities might be evident through Freedmen’s command of Cherokee language, but the Freedmen also used language to create a shared national identity with Cherokees in opposition to the United States. Another example of Freedmen’s use of shared language to build the Cherokee Nation against the settler state appears in their use of English. While Thomas and Holm’s

Peoplehood Matrix accounts for language shared among members of a kin community, in the case of Freedmen and Cherokees this singular approach neglects to tell the whole story of how Freedmen used English to develop connections to Cherokees by helping them forge political resistance against the federal government.

Leslie Ross likewise demonstrates Freedmen's linguistic acumen when he describes his great-grandfather, Joseph "Stick" Ross, who served as both a sheriff and tribal councilman in the Cherokee Nation. Ross says: "'He knew sign language and spoke Cherokee and Seminole,' . . . 'He was pretty renown in Tahlequah'" (1). Because slaves often had white masters before being sold to Cherokees, several of them spoke English. Tiya Miles argues that Cherokees relied on their slaves to serve as both translators and teachers of English as the interactions between the Nation and the United States grew more frequent and more contentious. She writes: "Without skills in English, Cherokees had little hope of negotiating with white invaders with clarity and confidence. And without negotiations, Cherokees had no chance of staking a claim that white Americans might respect . . . For Cherokees who only spoke their native tongue, slaves would have been indispensable" (95). Just as Cherokee slaves and Freedmen often used Cherokee language to voice a shared peoplehood with Cherokees, they also forged another linguistic connection by interpreting English for Cherokees and teaching some of them English, giving Cherokees a voice through which to articulate Cherokee rights and sovereignty in their interactions with white interlopers, using language to help Cherokees even the political playing field.

The Cherokee Freedmen's history with Cherokee language and their use of English for the benefit of Cherokees is evidence of the transformative quality of language in forging connections in a peoplehood system, lending urgency to Taylor's earlier claim that revitalizing and maintaining the language should be regarded as nothing less than an "expectation" on the part of people who claim to be Cherokee. Adding to the conversation of the importance of language is a Cherokee man cited in Sturm's book who articulates the role of the language in determining who is in fact Cherokee and why it is an integral part of communal relationships. He asserts: "'When the language ceases to exist, then we cease to exist.' . . . 'When Cherokee becomes a dead language, then we may as well throw in the towel'" (121).

"I wants to go where Jesus lives!": Shared religion between Cherokees and Freedmen

In her narrative, Cherokee Freedwoman Victoria Taylor Thompson recounts the occasions when Cherokee slave masters would take their slaves to witness public hangings. While discussing her experience as a Christian, she recalls one hanging during which she shared a brief spiritual moment with a Cherokee as he reclined against his own casket, waiting to be taken up to the gallows. Thompson recounts: "I thinks everybody should obey the Master. He died, and I wants to go where Jesus lives. Like the poor Indian I saw one time waiting to be hung. Dere he was, setting on his own coffin box, singing over and over the words I just said: 'I wants to go where Jesus lives!'" (Baker 424). Thompson's account details a single, ephemeral moment in which she connected to

an Indian Cherokee through a line of a Christian hymn just before his execution, but the connection shared between Cherokees and their slaves and Freedmen extends deeper into a history of shared resistance through religion.

Before describing how some communities of Freedmen and Cherokees eventually came together through shared religion to fight mutual oppression in a form of liberation theology,⁴⁶ it is necessary to briefly point out how Christianity and its role in the federal government's "civilizing" project cleared the way for Cherokees to adopt a practice of slavery in the first place. In *Slavery in the Cherokee Nation: The Keetoowah Society and the Defining of a People, 1855-1867* (2003), Patrick N. Mingos describes the process through which white missionaries brought Protestant Christianity into Indian Country as a civilizing tool and how Cherokee Baptists eventually used this theology shared with the Freedmen to help create the Keetoowah Society, a group dedicated to preserving and returning to traditional Cherokee ways after generations of Euroamerican encroachment. Mingos describes Andrew Jackson's civilization plan that involved Christianity and a focus on agriculture. Jackson believed that Euroamerican ideas of civilization would "put into [Indians'] children the primer and the hoe, and they will naturally, in time, take hold of the plow; and, as their minds become enlightened and expand, the Bible will be their book, and they will grow in the habits of morality and industry" (qtd. in Mingos 35).⁴⁷ Mingos further states that the Christian value of industry and the increase in Cherokee exogamy led to Cherokees' adopting a plantation society similar to those emerging in the United States.⁴⁸ Miles, however, adds that Cherokees engaged in slavery not as a means to assimilate, but rather as a way to stave off further transgression on the

part of federal government and its civilizing program. She writes: “In a painful irony, the Cherokee Nation borrowed political systems of racial ideologies from the United States to avoid becoming more fully American,” . . . Cherokees “participated in antiblack racism, not because they admired Americans but because they wanted to be rid of them” (113). Though Cherokees did exercise agency in the introduction and perpetuation of slavery in the Nation, the complicit role of Christian missionaries in the practice of slavery, supported by their religious teachings, is too great to be overlooked.

Though some early Cherokees recognized the potential for stemming colonial oppression by adopting Christianity, Cherokees and Freedmen also share a history of oppression through that religion. While scholars have written volumes on the ways that Christianity was used as a “civilizing” framework on the part of the federal government and missionaries in Indian Country,⁴⁹ detailing the shared oppression via religion of Cherokees and their slaves requires that we examine how missionaries used religion to encourage Cherokees to oppress Africans and Afro-Cherokees while Cherokees themselves were often victims of religious subjugation. Though some individual pastors might have been opposed to slavery, few would preach against the practice in Cherokee communities because whites in the region considered slavery a sign of Indians embracing so-called civilization, and these Cherokees were some of the preachers’ most eager converts. Likewise, Minges mentions that slaves also were keen to convert, and missionaries coveted slaves’ multilingual talent and sought them to translate the Gospel into Cherokee. More insidious, however, was the fact that the missionaries would use this inroad against both Cherokees and slaves by re-writing Cherokee origin stories in such a

way that condoned slavery. Minges writes: “A new creation myth arose among the Cherokee that spoke of a common origin for humanity but a specific curse upon the black race that ordained ‘that the negro must work for the red and white man, and it has been so ever since’” (36).⁵⁰ Just as missionaries used Christianity to vilify and erase Cherokee spiritual practices and other cultural epistemologies, the religion also was a method of facilitating the oppression of Cherokee slaves as well as a racialized discourse that furthered the rift between Cherokees and their African and Afro-Cherokee counterparts.⁵¹

This rift continued to build post-Removal as debates over slavery and abolition emerged in the Nation. The source of both support and opposition to slavery in these debates was often the Bible, and black Baptist ministers influenced their traditionalist Cherokee counterparts who later formed the Keetoowah Society as a way to undermine Euroamerican beliefs and to reclaim traditional Cherokee ways of viewing community.⁵² While some missionaries and Cherokees claimed to be “neutral” about slavery because the Bible contains no explicit directive against the practice, black Baptist ministers in Indian Territory such as Uncle Rueben, one of Jesse Bushyhead’s slaves, preached a message of freedom and equality that reached both African-descent and Indian Cherokee audiences. Minges indicates that Baptist congregations were made up primarily of former slaves and their descendants, both black and Indian. Within the arbors of makeshift churches, black ministers used the invaders’ religion to preach a message of fraternity and freedom, a veil for a deeper resistance that surfaced later. Minges writes:

At the heart of the Baptist gospel message within the Indian Territory was the universal language of freedom that arose within the prophetic religion of

Aframerindian Baptist churches. This folk community practiced an ‘art of resistance’ that constituted the core of their religious beliefs and practices, and it was a community whose very existence constituted resistance to the ideology of racial supremacy. (66)

After years of white, Christian incursion into Cherokee communities augmented the racial stratification between blacks and Indians, Cherokee Freedmen ministers were able to appropriate the faith and spread a message of racial equality. And as the divide between pro-slavery and abolitionist Cherokees widened, one group of Cherokees in particular was listening closely.

Angered by the growth of slavery and the subsequent erosion of pre-Contact ways of reckoning communal belonging, a group of Cherokee Baptist ministers gathered in Peavine Baptist Church in 1859 and formed the Keetoowah Society, a group that sought to reconcile Christianity and traditional religious practices and one that extended itself into the social and political arenas. Ministers like Lewis Downing, Budd Gritts, and Thomas Pegg, whose religious beliefs were framed largely in the black-influenced Baptist church, endeavored to recover the Kituwah⁵³ Spirit. The Keetoowah Laws⁵⁴ characterize the Spirit as the belief that “Indians believe in a Great Spirit who cared for his people and who desired that they care for each other” (qtd. in Minges 76). Though the Baptists and Keetoowahs eventually split, the Society’s origin was rooted in a blend of the liberation theology of the indigenized Baptist church and elements of traditional spirituality such as stomp dances, ingesting black drink,⁵⁵ and engaging in ball play.⁵⁶ Additionally, this sharing of ceremonial traditions allowed for the inclusion of both

Cherokees and African descendants⁵⁷ as part of the Keetoowah Society in a mission of undermining the mutual oppression imposed on Indians and African descendants partially through the medium of Christianity.

Just as the Baptist churches included both Indian and African-descended congregants, the Keetoowah Society mirrored this inclusion, though its bylaws would appear otherwise. Chapter II, section 6, of the Keetoowah Laws outline who can become a member of the society. It reads: “Only fullblood Cherokees uneducated, and no mixed-blood friends shall be allowed to become a member” (qtd. in Minges 78). Minges argues that the designation “fullblood” here refers not to parentage but rather to the cultural definition of one who is committed to the practice and perpetuation of traditional Cherokee ways, regardless of what the individual’s actual ancestry is.⁵⁸ He adds that “uneducated” refers to members’ not having been culturally or communally usurped by Euroamerican ideas. Minges writes: “If one were literate in the Cherokee language and knowledgeable of Cherokee culture, as many African-Americans were, then these were the universal bonds of the ‘Kituwah Spirit’ that made one a member of the beloved community,” (79). As the previous section notes, several slaves and Freedmen were fluent in Cherokee and in some cases spoke only Cherokee. Additionally, as evidenced by the missionaries’ teachings regarding race, blacks in the Nation were often unable to assimilate into Euroamerican ways owing to their position in the Euroamerican racial hierarchy, most prominently displayed through their inescapable phenotypes. The Keetoowahs, however, believe all races descend from a common one. Minges argues: “Thus, the Cherokee Nation, as understood by the Keetoowah in the ‘old ways,’ would be

open to all people regardless of race. It is antithetical to those . . . who believed that the ‘Great Spirit who cared for his people and desired that they care for each other’ would exclude ones whose history and destiny were so linked to their own” (79). The Indian and black members of the Keetoowah Society extended their influence into politics with a goal of emphasizing the voices of traditional Cherokees and of upholding Cherokee sovereignty against a federal government that failed to recognize it. While the group’s political endeavors were significant at a time when the Nation was factionalizing on a traditional-progressive line, the Keetoowah Society’s early mission of bringing together traditional Cherokees, blacks included, through shared religion solidified the fact that just as both groups were marginalized and dispossessed at the hand of Euroamerican invaders, it is incumbent on both groups to resist it by crafting and disseminating the message that all humans are equal. Doing so positioned the group to live out their creed outlined in Keetoowah Law that the society “should be like one family. It should be the intention that we must abide with each other in love” (qtd. in Minges 89).

Thompson’s narrative is unique in that while several Freedmen talk about being Christian, and some describe the similarities between baptism and going to water,⁵⁹ hers is one of the few accounts in which a Freedman describes a lived moment of shared religion with an Indian. One line – “I wants to go where Jesus lives” – uttered by a condemned Indian and lingering in the memory of a Cherokee Freedwoman, is a spoken manifestation of a shared religion tethered to a kinship of resistance to those who would break up a community that insists that all its members be treated as family.

“The green hills and blooming prairies of this Nation look like home to me”: Shared land and Cherokee-Freedmen peoplehood

Another element of the Peoplehood Matrix through which we can read the Freedmen narratives and establish them as Cherokee outside of a racial-political context is that of shared land. Land plays a major role in establishing Cherokee identity in that defining the boundaries of Cherokee land was the first article in each Cherokee constitution. Likewise, in the early days of the centralized Cherokee Nation, citizenship was contingent on Cherokees continuing to live within Cherokee borders. Land and belonging through shared land also figures historically when we consider Removal and that thousands of Cherokees, including Freedmen, had to rebuild the Nation west of the Mississippi. Some Cherokees, however, did remain in the traditional homeland, including those who today make up the Eastern Band of Cherokee Indians in North Carolina as well as those Cherokees who stayed in what became parts of Georgia, Alabama and Tennessee. Because these Cherokees did not move with the Nation, and in essence no longer inhabited Cherokee land, they lost their citizenship⁶⁰ in the Cherokee Nation.⁶¹ This fact demonstrates the importance of land in defining Cherokee belonging. When we consider how the Freedmen not only lived in the homeland, removed with other Cherokees to what is now eastern Oklahoma, and helped to rebuild the Nation on the new landscape, we can identify ways that they, too, retain their sense of being Cherokee through the Peoplehood Matrix epistemology of shared land.

One example of a Freedmen narrative that invokes this connection to shared land is that of Cherokee Freedwoman Chaney McNair. McNair’s narrative demonstrates how

growing up on Cherokee land, as did their Indian counterparts, taught some Freedmen all they knew and that life outside of that shared space could prove difficult. In her narrative, McNair jokes that she was practically useless as a slave when her Cherokee master, William Penn Adair,⁶² sent her to work for a white family in Kansas during the Civil War. Underneath her self-deprecating quip, however, is a statement of her shared connection with Cherokees to the land that comprises the Cherokee Nation. McNair recalls: “I didn’t know nothin’ ‘cept what I’d learned on Marster William’s plantation. First place I went, the woman say, ‘You make a fire in the stove.’ . . . There was no wood to make a fire. All I could see was piles of black rocks ‘I can’t make no white folks’ fire. I can’t make no fire with rocks” (Minges 43). This passage from McNair’s narrative is based on her labor as a slave, but her admitted inability to function in a white world, or outside of a distinctly Cherokee world, evokes a connection to a space shared with Cherokees.

Outside of their life and labor on Cherokee land, we can also conceive of Cherokee Freedmen as Cherokee through the framework of shared land and how, by sharing that land, they are indigenous to the Cherokee Nation as a state. It would be too simplistic to dismiss the Freedmen’s indigenous claim to the Cherokee state by pointing out their ancestors’ African origins, assuming of course a Freedmen of singular African descent of which there are few. Though the ancestors of African-descended Cherokees might not be indigenous to the land, generations of sharing that land with Indian Cherokees before the existence of the centralized Cherokee state makes the Freedmen indigenous to the Nation regardless of their ancestors’ geographic origin.

One way of understanding the argument of the Freedmen being indigenous to the Cherokee Nation through shared land with other Cherokees is by looking at another black community that has struggled to gain recognition as indigenous alongside other Indian groups – the Garifunas in Honduras. This departure from Indian County to Honduras is relevant in that as Honduras seeks to position itself as a multicultural nation, various arguments have emerged about how to situate the black population that had existed there for centuries and is part of the state’s political and historical imaginaries. One argument for Garifunas’ indigenous claim to the land that could be applied to the Cherokee Freedmen comes from Eduardo Villanueva whose position as *fiscalía de etnias y patrimonio cultural* of the Honduran government charged him with handling the Garifuna claims. He argues: “‘It doesn’t seem just to me to say that negros are not indígenas because their primordial ancestors are in Africa. When I say indígena I mean to include the Garifuna in the concept because they were here when the state was organized’” (qtd. in Anderson 397). Villanueva’s argument poses an interesting question regarding how to view indigenous connections to land. He asserts that though the Garifunas were not indigenous to the land itself, they were present before the state of Honduras was created and are, therefore, indigenous to the nation of Honduras. Extended to Cherokee slaves and their descendants, one could argue that because Cherokees and their slaves were simultaneously removed to a new space in Indian Territory, both groups are indigenous not only to the Nation that rebuilt itself west of the Mississippi but also to the actual landscape, sharing a peoplehood connection through shared land described in Thomas and Holm’s Peoplehood Matrix.

This shared connection to the land, however, extends long before Removal. Celia E. Naylor notes that while some older Cherokee slaves could recall Africa, the generations of slaves born on Cherokee land had no other physical reference of origin beyond those borders. She writes: “Although their parents or grandparents might have recalled an African home far away, the central ideas of home for these enslaved African-descended individuals, having been born in the Americas, were primarily grounded in Indian-dominated spaces and nations” (4). This sharing of land emerged from a shared history of Euroamerican invasion, forced removal, and nation rebuilding, but the sheer affinity for the land is probably best demonstrated in the choice freed slaves made after the Civil War to either stay in Indian Territory or to migrate again to the East. Naylor indicates that many “crossland slaves,” those who were removed with Cherokees to Indian Territory, were more likely to return to their kin communities from the eastern states after abolition than were their children who were born in Indian Territory simply because they had a lived experience in a geography away from the Territory. The generations of slaves born in the Territory, however, stayed because it was the only space and community they ever knew. Older generations of slaves, according to Naylor, also tended to experience the brunt of the brutality of chattel more than younger slaves, which gave them even more incentive to leave their former Cherokee masters and to start over in a more familiar geography.

This difference between the generations in their preferences to stay or leave the land is exemplified in the narrative of Cherokee Freedman Milton Starr. Starr was born in Indian Territory to his slave mother, Jane Coursey, and, Naylor suggests, her Cherokee

owner Jerry Starr. Milton Starr mentions that the other Starrs treated him like family, so he chose to stay in Indian Territory after abolition whereas Coursey returned to Tennessee. Naylor gives several reasons why Coursey might have left the Territory, each based on her having had a point of origin pre-Removal and owing to how the Starrs likely treated her. She writes: “For Coursey, the removal and resettlement processes could have represented a dreadful cycle beginning with the forced separation from kin in Tennessee and continuing with sexual victimization by Jerry Starr, and possibly others, in Indian Territory” (81). For some slaves of this older generation, Indian Territory was a site of abuse and a tearing apart of families, while for the younger generation who opted to remain, Indian Territory and the Cherokees were the only geographic and communal contexts in which they ever existed. Naylor adds that it is this connection to the land, and disconnection in Coursey’s case, and subsequent experiences with Cherokees that eventually led to Coursey’s leaving for Tennessee and Milton Starr’s remaining tethered to the land he shared with his Cherokee surrogate family. Naylor writes: “The longing Coursey must have experienced for her kin and friends left behind in Tennessee could not be replaced by the birth of her son. Milton Starr’s connection to . . . Indian Territory extinguished any ideas about leaving Indian Territory and relocating to Tennessee with his mother” (82). Here, Naylor emphasizes that a blood relationship to his biological mother did not suffice to supplant his relationship to the land and to Cherokees who treated him like family and who, Naylor believes, might actually have been his family.

For those Cherokee Freedmen like Milton Starr who chose to stay in Indian Territory, that connection to the shared land lent itself to a chance at citizenship in the

Nation that was grounded partially in their residing in Cherokee territory, another marker of belonging rooted in shared land. Shared land and Cherokee citizenship is outlined in the Treaty of 1866 that states that “all free colored persons who were in the country at the commencement of the rebellion, and are now residents therein, or who may return within six months, and their descendants, shall have *all the rights of native Cherokees*” (qtd. in Naylor 225, emphasis mine). The treaty specifically grounds Cherokee citizenship in geography by emphasizing residency in or return to Cherokee territory. This provision of the treaty is another articulation of belonging through shared place and, incidentally, is a point of contention regarding the contemporary debate of Freedmen’s status in the Nation. However, though one could argue for a peoplehood model based in part on shared land and framed in nationhood like Villanueva does, the fact that the group’s shared physical space pre-dates the Nation means that it also pre-dates the law. Cherokee Freedmen Joseph Rogers makes exactly this point in his appeal for citizenship, and subsequent communal belonging, by framing his argument in a rhetoric of shared land, stating that Indian Territory is the only land he knows. In his appeal, he stated:

‘Born and raised among these people, I don’t want to know any other. The green hills and blooming prairies of this Nation look like home to me. The rippling of its pebbly bottom brooks made a music that delighted my infancy, and in my ear it has not lost its sweetness. 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?’ (qtd. in Naylor 176)

Rogers' appeal encapsulates the depth of the Freedmen's connection with Cherokees through shared land. In addition to poetically describing the Cherokee landscape as an idyllic scene, he asserts a lifelong affinity to the land by mentioning both his birth on that land and his desire to die in that space, forever rooting himself, as are many Cherokee slaves, in that shared land. Rogers failed to return within the specified six months so his claim for citizenship failed to meet national legal criteria. However, by invoking a connection to shared land, he based his appeal for citizenship on a history of shared space with the only people he cares to know.

“My father and grandfather helped to tow them over”: History shared between Cherokees and Freedmen

The final element of the Peoplehood Matrix to consider in the analysis of the Freedmen as Cherokee is the history that the Freedmen share with their Indian counterparts. Just as how the history of Removal shaped subsequent articulations of identity among Indian Cherokees that they pass through the generations, Indian Cherokees weren't alone in that violent upheaval. As the Freedmen narratives demonstrate, the devastation surrounding Removal that Freedmen shared with Indians informs Freedmen identity for generations as well, showing that Cherokee Freedmen history and that of Indian Cherokees are one and the same.

In her narrative, for example, Nannie Gordon recounts the story of how her ancestors helped bring removed Cherokees across the river and into Indian Territory.

Gordon recounts: “They said that when the Georgia (Cherokee) Indians come out to this country where I’m living at now, that lots of them Indians was ferried across the river at the master’s place. My father and grandfather helped to tow them over” (qtd. in Baker 170). Gordon’s ancestors physically ferried displaced Cherokees into the land that became their new home and the site of the new Nation, but this account is only a single incident of a larger shared history of removal and rebuilding between Cherokees and their slaves and Freedmen.

The history created between these groups is a broad topic, so for the purpose of analyzing peoplehood through their shared history, this section will focus on a couple of close readings of Cherokee slave narratives that demonstrate the shared experience of Removal and the Freedmen’s hand in revitalizing the Cherokee Nation. These narratives exemplify the Keetoowah Society’s position that Freedmen history and destiny are intertwined with Indian Cherokees’ own.

Several of the narratives describe the slaves’ own experiences during Removal alongside Cherokees. Freedwoman Eliza Whitmire, who states she was five during her family’s Removal from Georgia, recounts in vivid detail the way U.S. soldiers forced Cherokees and their slaves from their homes in preparation for a march to unfamiliar land. Whitmire remembers: “The women and children were driven from their homes, sometimes with blows, and close on the heels of the retreating Indians came greedy whites to pillage the Indians’ homes. They even rifled the graves for any jewelry or other ornaments that might have been buried with the dead” (qtd. in Minges 34). Whitmire goes on to explain the journey itself through the chilling winter and how it is a shared

memory between Cherokees and their former slaves. She recalls: “The trip was made in the dead of winter, and many died of exposure from the sleet and snow, and all who lived to make this trip, or had parents who made it, will long remember it as a bitter memory” (34). Whitmire’s experience indicates that the slaves and Cherokees all shared in the resulting destruction of Removal, but another Freedwoman demonstrates that the politics among Cherokees surrounding Removal carried over into Indian Territory and led to more baneful experiences between the groups.

Chaney Richardson, the Freedwoman for whom the Cherokee language brought back memories of her parents, recalls how the history of Removal and the belligerent politics that underlay it between the Ross and Treaty Parties extended into her own family. She recounts: “That feud got so bad that the Indians wan [sic] always talking about getting their horses and cattle killed, and their slaves harmed. I was too little to know how bad it was until one morning my mammy wont off somewhere down the road . . . and she didn’t come back” (50). The “feud” Richardson mentions refers to the conflict between the Ross and Treaty Parties that erupted over Removal, the Treaty Party having signed away Cherokee land in the Treaty of New Echota (1835) and the Ross Party opposing removal from the ancestral homeland. This conflict carried over in Indian Territory over the issue of slavery during the Civil War, which is how this history extends to slave communities in addition to their having both undergone Removal. This Cherokee feud resulted in the murder of Richardson’s mother, demonstrating how Cherokee history affected individual slaves. The details memorably illustrate how this history adversely

affected slaves who shared in the animosity and violence between the two Cherokee factions. Richardson says:

‘It was about a week later that two Indian men rid up and ast [sic] Old Master wesn’t [sic] his gal Ruth gone. He says yes. . . . They find her in some bushes . . . and she been dead all the time. Somebody done hit her in the head with a club, and shot her through and through with a bullet, too. She was so swole up, they couldn’t lift her up and jest had to make a deep hole right alongside of her and roll her in it, she was so bad mortified.’ (qtd. in Minges 50-1)

With this detail in mind, it is interesting to note that just as Cherokee history and the subsequent politics resulted in Richardson’s mother’s brutal death, it is Cherokee language that Richardson find comforting and through which she remembers happier times with her parents, an indication of the interrelatedness of these two markers of peoplehood in Thomas and Holm’s Peoplehood Matrix.

While the shared experiential and political histories of Removal affected both Cherokees and their Freedmen in abominable ways, the groups also rebuilt the Nation together. Whitmire describes the settling of Tahlequah and how she and her mother provided material support through their labor during the reconstruction of the Nation and formation of intertribal alliances in Indian Territory. She recalls: “I remember, too, the great Inter-Tribal Council, which was held in Tahlequah in 1843, under the leadership of Chief John Ross. My mother assisted with the cooking at that gathering, while my duty was to carry water to those at the meeting, from the nearby springs” (35). While feeding Cherokees in power was a duty of indentured labor, it is impossible to overlook how this

labor laid the groundwork for the reconstitution and growth of the Cherokee Nation, further demonstrating that shared history of Removal and nation rebuilding that Cherokees and Freedmen possess is a relationship rooted in the very existence and survival of Cherokees. Lewis Rough, a former Cherokee slave, thought as much when he wrote to President Ulysses S. Grant in 1872, asking him to help Chief Lewis Downing, a Keetoowah who supported the Freedmen, secure rights for Freedmen who did not make it back to the Cherokee Nation in time to be eligible for citizenship per the Treaty of 1866. In his letter, Rough invokes the shared history, including the slaves' labor, that developed as they built the Cherokee Nation. Rough writes:

'Mr. Grant most of the Cherykees is down on the darkys. The Cherykees says they aint in favour of the black man havin any claim, that they had rather have any body else have a rite than us poor blacks [Lewis] downing, is for us, Chelater [Oochalata], and mr. Six killer, them tree [sic] is in our favour, and what can they doo with so many [on the other side]? . . . [We] all think it rite too, *after we have made them rich and built their land, doo you [?]*' (qtd. in McLoughlin *After the Trail of Tears* 254, emphasis mine)

In advocating for his rights in the Cherokee Nation, Rough argues for the invaluable role that slave labor, such as that of Whitmire as well, played in creating the nation that Cherokees then and today hold dear.

This shared history between Cherokees and former slaves did not always go unnoticed in the Nation. The Keetoowahs and other advocates for Freedmen recognized the contributions, especially the value of their long-unpaid labor, of former Cherokee

slaves in the success of the Cherokee Nation. When Lewis Downing⁶³ was elected as Principal Chief, one of his first acts in office was to propose a bill to the Cherokee Senate to grant citizenship to former slaves who did not return to the Nation within six months as stipulated in the Treaty of 1866. As Rough mentions in his letter to President Grant, Keetoowah politicians Oochelata and Sixkiller likewise supported the bill; however, the Senate defeated the bill twice. In explaining why the Cherokee Senate voted to deny the Freedmen “too late” citizenship, William Boudinot wrote:

‘We admire the generous feelings which must have actuated the Principal Chief in recommending such a measure. . . . We share [his] sympathy with the unfortunate colored persons whom accident or inability prevented from realizing the greatest boon ever given to any of the Race. But there is one consolation for us. It is the reflection that what land these persons missed accepting still belongs to those who owned it before, and that their shares, already too small, are not further reduced.’
(qtd. in McLoughlin *After the Trail* 283)

Through Boudinot’s statement, we learn that the decision to bar the late-coming Freedmen from Cherokee citizenship was informed by a fear that Freedmen would have access to Cherokee Nation assets, namely land, leaving less for their Indian and white citizens. Boudinot’s sentiment that, despite their unremunerated labor and their long history with their Indian Cherokee counterparts, the Freedmen were undeserving of a share of the Cherokee estate that they helped to build echoes today in Smith’s words that the Freedmen “did not help” and in Buzzard’s more vitriolic assertion that the Freedmen will “suck (Cherokees) dry.” However, the Senate’s decision did not remain

unchallenged, and in an 1872 letter to the Commissioner of Indian Affairs, John B. Jones, a longtime missionary and advocate for Cherokees, issued a sentiment as pertinent today as it was back then. In recognizing the Freedmen's history and contributions to the Cherokee Nation, Jones wrote:

‘[The Senate] did not take into account the fact that these colored people and their ancestors have labored for Cherokees unpaid for many years, and that the fruits of such unpaid toil have afforded the means of defraying the expenses of educating many of the most highly cultivated Cherokees. As far as I am concerned, the class thus educated are the loudest and most influential in opposing the adoption as citizens of their former slaves. (qtd. in Minges *The Keetoowah Society* par 17)

Jones points out in no uncertain terms that the Cherokees who benefitted most from exploited slave labor are the ones who most vociferously opposed their inclusion in the Nation. And back then, as during Smith's tenure, they also were in a position to use the law to craft a national narrative that elided the Freedmen's contribution to the Nation and left the Freedmen denationalized. By invoking the shared history element of the Peoplehood Matrix in the Freedmen narratives, today's Freedmen can invoke their ancestors' voices in their own narrative of critical, ethical Cherokee nationhood. Such a narrative not only can secure them the rights for which the Freedmen have fought for generations, but it also restores their ancestors' place as the foundation of the very Nation they build upon today.

The protean quality of peoplehood and the Matrix as an equitable framework of belonging

Cherokees such as those I mentioned earlier have articulated the need for an alternative reckoning of belonging and construction of Cherokee identity that goes beyond the confines of race theory. As Russell and Ray point out, tethering the criteria for citizenship and by extension belonging in a discourse of racialized blood or a historicized (and flawed) legal definition creates a static framework through which the people can in essence effect their own demise. As I have demonstrated through the Freedmen WPA narratives, the Peoplehood Matrix, developed by Cherokees, can incorporate those individuals who are written out of the national narrative on the basis of racism masquerading as objective law. Defining belonging through a concept of peoplehood first and crafting a nation out of that framework – instead of the other way around – creates a more equitable and ultimately enduring nation. The fluidity of peoplehood allows the nation to morph as needed and responds to the reality of its constituents' lives instead of its constituents trying to force their lives into a national framework that might not reflect their lived reality.

However, the fear exists still that defining belonging through the lens of peoplehood, more specifically the Peoplehood Matrix, risks re-inscribing the same restrictive and confining boundaries of belonging and nationhood that the Matrix aims to destabilize. For example, Ojibwe scholar Scott Lyons argues that one can define the terms of the Matrix such as shared culture, land and language so rigidly that the People effect their own demise. He draws on an essay by Apache scholar Bernadette Adley-

Santa Maria who recounts her grandmother telling her that if she ceases to sing Apache songs, to tell Apache stories or to speak Apache, she then, in effect, ceases to be Apache.⁶⁴ Lyons writes: “That is precisely the ‘problematic’ part of the peoplehood paradigm. If you do not conform to the model . . . if you happen to live away from your homeland, speak English, practice Christianity, or know more songs by the Dave Matthews Band than by the ancestors, you effectively ‘cease to exist’ as one of the People” (139). While Lyons’ assertion here, one of a people defining themselves out of existence, is certainly a possibility, it is only one of many possibilities that include defining the people with broader terms as times change and with it peoples’ lived experience. As John Lie mentions in his study on modern peoplehood, the reality of one’s lived experience, let alone those of an entire community, are far too complicated to define in the absolute terms that Lyons fears will be used through a strict interpretation of the Peoplehood Matrix. Lie writes: “Modern life is too complex and the modern self is too inscrutable to provide credible but concise narratives of self. One is – one has been and may well become – hundreds and thousands of predicates, with innumerable belongings and longings” (9). The flexibility of the Peoplehood Matrix accounts for this complexity of human experience that Lie describes. While Lyons points out that one can manipulate the Matrix in restrictive ways, the Matrix is still one of the few frameworks of identity that can also be broadened as needed and still maintain necessary boundaries. The worst-case scenario of employing the Peoplehood Matrix is that which Lyons constructs, the re-inscription of rigid terms of belonging and, by extension, nationhood. However, this worst-case scenario is no worse than the restrictive terms of nationhood that are already

in circulation such as racialized blood, blood quantum or descent from a historic tribal role to name a few. The difference is that while racialized blood, blood quantum and descent from historic rolls, for example, can only exclude, the Peoplehood Matrix has the potential to move in the opposite direction and be inclusive based on interpretations of the tribally-derived elements. The present terms do not allow for the latitude that might become necessary to reflect the reality of lived experience while upholding national boundaries. If tribal nations determine belonging and citizenship by blood quantum, the individual either meets the arbitrary cut-off (and with it possesses the supposed and debunked racialized characteristics of Indian blood) or he or she doesn't. If nationhood is defined by descent from a tribal roll, either an individual traces to an ancestor who was documented on a particular roll, in a particular place, at a particular point in history, or he or she doesn't. Circumscribing belonging and nationhood through strict interpretations of the terms sketched out in the Peoplehood Matrix leaves a community no worse off than it already is if it's using other delimiting terms to begin with. The Peoplehood Matrix, however, allows communities to keep the frameworks of language, land, ceremonial cycle and history, but define the substance of these categories differently based on the contemporary needs of that community. The Matrix allows tribal communities to do exactly what Lyons argues they should, require what they wish to reproduce in terms of national make-up. In the end, while some current terms of nationhood such as blood quantum and descent from a historic roll foreclose on the possibility of adapting to the reality of changing times, the protean nature of the Peoplehood Matrix is designed to

adapt and to function on more complicated terms and as such operates not on preclusion but on possibility.

The Peoplehood Matrix is based on cultural elements that a people ostensibly shares, and as the Freedmen narratives demonstrate, are not defined by biological assumptions, but rather learned. Because the elements of the Peoplehood Matrix are learned, they can be revitalized and reconfigured as needed outside of a settler-colonial relationship that privileges colonial epistemologies such as oppressive race theory and European-derived political theory. As a result, belonging, and in a political sense citizenship, based on peoplehood actually upholds political sovereignty because it prevents the group from being reduced to a denationalized race that can be defined out of existence.⁶⁵ Russell elaborates on the potential of peoplehood. He writes: “All culture is learned. No exceptions. Language, religion, customs – all are learned. Leaving aside that the idea of inherited behavior is nonsense, it is dangerous because it leads to the conflation of Indian blood with Indian citizenship. It makes a ‘racial’ classification out of a political classification” (175-176). As Russell points out here, crafting a nation based on cultural elements – such as those that comprise the Peoplehood Matrix – enhances political sovereignty and avoids the peril inherent in building a nation out of a blood discourse.

As does Lyons, however, Russell too notes that while peoplehood might be a serviceable framework of citizenship and belonging in theory, pragmatic concerns could impede any potential implementation of it. Indeed, he adds that administering “culture tests” can be problematic though he does analogize such a practice with that of the United

States making naturalized citizens pass a test through which they demonstrate basic knowledge of U.S. history and government.⁶⁶ However, if we maintain the structures of the Peoplehood Matrix elements while being flexible with regard to the substance therein, the Peoplehood Matrix can accommodate historical and present realities, including the presence of people themselves such as the Freedmen, and create a narrative of critical nationhood that lives up to an ethical standard of including everyone who has had a hand in the endurance of the nation, even at a time when that nation attempts to write them out. For example, though one element of the Peoplehood Matrix is “shared language,” that term is loose enough that it doesn’t necessarily have to imply that all Cherokees must speak Cherokee. The elements of the Peoplehood Matrix and their relationship in defining tribal peoplehood, as demonstrated in the Freedmen example, seem straightforward enough. However, as I’ve argued throughout that our concepts of tribal nationhood need to be critically examined and at times remodeled, even this model must be problematized and occasionally reconfigured to account for the ways that peoplehood shifts to reflect social and historical events.

While the Peoplehood Matrix was intended to be inclusive and to demonstrate the elements that all members of a people ostensibly share, the way it has been configured risks creating an idealized and confining frame to which all who identify as a member of that group must adhere, thereby being no better than the “terminal creeds”⁶⁷ established through racial and legal definitions. Such a rendering of peoplehood could undermine Thomas’ goal that the matrix transcend labels and essentializing ideas of Indian peoplehood. With regard to Cherokees, for example, one could use the Matrix to argue

that only those people who speak Cherokee as their primary language in Cherokee communities in Oklahoma, North Carolina or the rest of the Southeast United States, and who are Keetoowahs or members of a stomp grounds, are truly Cherokee. Compelling arguments can be made in support of such a reckoning of Cherokee peoplehood; however, like any other framework of peoplehood, this approach does not account for social, historical and political realities that inform tribal peoplehood today or in the future.

The elements of the Peoplehood Matrix, though built on a foundation of indigenous epistemologies, must continue to change to reflect present states of indigenous peoplehood. Just as the Peoplehood Matrix could be analyzed in such a way to reinforce a singular frame of Indian peoplehood, when applied to contemporary realities of tribal individuals and communities and considering how Indians are using new epistemologies for political advocacy, the Matrix can expand and be the inclusive model of peoplehood reckoning that Thomas set out to create. One example is the element of shared language and how Cherokee peoplehood must now account for the fact that most Cherokees today speak English as their primary language, and few still speak Cherokee.

While I absolutely advocate for Indian people to reclaim their tribal languages and pass them down in their families and extended communities, the use of English in the Cherokee works I examine and in Indian peoples' everyday lives – and how Indians have turned English into a medium through which to challenge social and political onslaughts – deserves inclusion in the concept of shared language. This is not to say that just anyone who speaks English then “shares language” with Cherokees or any other Indian

community. Rather, that Indians have indigenized English in a way to serve their contemporary political needs. Having used English as a trade language for centuries, individuals have also used English to argue for political sovereignty, most notably perhaps in Cherokee court cases, the Cherokee Phoenix and other tribal newspapers, and in various treaties and other political documents. Likewise, Indian people today still use English to share their stories and assert their rights, actions that lend English-speaking Indians a place in the shared language quadrant of the Peoplehood Matrix. In *Reinventing the Enemy's Language* (1998) Joy Harjo (Muscogee Nation) memorably argues how she and other Indian writers use English to assert their tribal identities and to counter a history of assimilation and violent encroachment. “We are coming out of one or two centuries of war, a war that hasn’t ended,” she writes:

Many of us at the end of the century are using the ‘enemy’s language’ with which to tell our truths, to sing, to remember ourselves during these troubled times. . . . But to speak, at whatever the cost, is to become empowered rather than victimized by destruction. In our tribal cultures the power of language to heal, to regenerate, and to create is understood. These colonizers’ languages, which often usurped our own tribal languages or diminished them, now hand back emblems of our cultures. . . . We’ve transformed these enemy languages. (21-2)

Here, Harjo champions the possibility that the “enemy’s language” can be usurped and serve the needs of tribal communities, but Spokane writer Gloria Bird, who co-edited *Reinventing the Enemy's Language* with Harjo, argues that English itself is not an indigenous language. Rather, the way English is used in tribal communities and in Indian

cultural production is what connects Indian people through the English language. So while not all Cherokees speak Cherokee, and the Freedmen narratives, as well as other works in this study, are in English, the writers' use of English to assert Cherokee peoplehood and political rights is in itself an expression of Cherokee peoplehood through shared language of resistance.

Like shared language, the element of shared land and tribal peoples' relationship to it in the Peoplehood Matrix warrants further examination to account for not only forced removals, but also voluntary migrations that result in a more complex situating of Indian people to either their ancestral homeland or a land that they later adopted, either by choice or out of necessity. Sean Teuton (Cherokee Nation) describes the multitude of ways through which Indians connect to tribal lands through a "tribal realist" approach to situating Indian knowledge and experience based on the idea of normative centers. The centers are plural because they are many, but normative because the experiences that inform those centers are confined to those that a tribal community agrees on, meaning one cannot simply create a relationship to tribal land that the tribal community itself does not recognize. Cherokees live in places as close to the Nation as Tahlequah, Oklahoma, and as far away as Canada⁶⁸ and the Philippines.⁶⁹ Teuton argues, however, that people can maintain a connection to "shared land" even if they don't physically inhabit their tribal landscape, a concept we can reconcile with the Peoplehood Matrix through an expanded definition of "shared land."

While ideally, perhaps, Cherokees would live in Cherokee communities on the tribal lands they have always inhabited, Cherokees' contemporary relationship to shared

land must account for removal, relocation and for an individual's connection to an ancestral land he or she might never have visited. Thomas and Holm argue that connection to shared land is necessary because a proximity to communities on the landscape keeps the communities together, and land informs other elements of peoplehood such as the use of local flora and fauna in certain ceremonial practices. They also argue, however, that land and shared history inform each other through story. Teuton elaborates on story as a way to make the connection to tribal land more inclusive in terms of defining tribal communities and grounding tribal experience. He writes: "We might remember that while the bones of our families form the earth under our feet, it is the stories of their lives that inform the land" (48). Teuton further argues that tribal communities who have been displaced from their ancestral homelands, even for several generations, maintain a connection to that shared land because the stories of that lived experience on that land still inform behavior in those removed communities today. He adds: "Native sacred sites are not such only because ancient cultural events transpired on them, but also because stories of those places continue to guide moral behavior and sustain culture" (49). Additionally, much like the way Harjo conceives of Indian people using English to counter colonization, Teuton adds that through stories of sacred tribal landscapes, Indian people can reclaim those landscapes in an attempt to effect change by maintaining a sense of tribal identity. "Denied their homelands," he writes, Indian people "risk disintegration. To displace Native people to unknown lands is thus an attempt to destroy them. . . . Because American Indian placemaking practices are socially-constructed, however, they can be reconstructed [and] regained in the wake of colonial

displacement” (50-1). Furthermore, considering that religions in Cherokee communities range from traditional Keetoowah groups to conservative Southern Baptist churches, like shared language and land, shared ceremonial cycle, or even spirituality, could also be expanded when conceiving of Cherokee peoplehood.

The flexible boundaries of the Peoplehood Matrix function, as Thomas intended, to transcend the often fractious ideas, such as those of race, gender, nationality and sexuality, but the reality, for better or worse, is that when we reckon peoplehood we often consciously or unconsciously situate individuals and communities based on these notions. Viewing people through these lenses, however, does not necessarily have to be divisive and can, in fact, enrich ideas of Indian peoplehood and lend a vocabulary of advocacy to smaller groups within the larger tribal community that might be limited, or even silenced, in an otherwise circumscribed configuration of nationhood and subsequently citizenship as evinced by the Freedmen case.

While this analysis demonstrates the flexibility of the Peoplehood Matrix, interpreting the Freedmen narratives through the theory illuminates another quality of defining peoplehood and nationhood through the Matrix – the value of “doing” over simply “being.” Much of this analysis of the Freedmen narratives highlights “being,” or how we can conceive of the Freedmen as Cherokee outside of the arbitrary and indefensible confines of race. However, the analysis also demonstrates “doing,” or action, on the part of the Freedmen to contribute to the overall well-being of Cherokees and the Nation. For example, per the Matrix, Freedmen aren’t only Cherokee just because they happen to share the same religious beliefs, but also because the Freedmen worked as

preachers, sharing their vision of the Gospel as one of resistance and liberation that in part informed and inspired the Keetoowah Society's beliefs. The Freedmen aren't only Cherokee just because they happen to exist on the same land, but because they worked the land and had a role in rebuilding the Nation after the upheaval of Removal and the devastation of the Civil War. And the Freedmen didn't just speak Cherokee like other Cherokees, but they also used their language acumen to teach English to Cherokees to facilitate treaty negotiations and try to level the political playing field between the Cherokee Nation and the federal government as well as use language to foster diplomacy between neighboring tribal nations. Race, for whatever it means to those who cling to the idea, is static and determined, and it emphasizes "being" in a way over which the individual has little agency. It doesn't actively aid the well-being of the Nation. At worst, it is oppressive and exclusionary and, as Russell mentions, has a history of violence in several cases. At best, race creates citizens that Russell refers to as being Cherokee in a "racist sense" – citizens with the race, minus the responsibility. The Peoplehood Matrix allows for "doing" – or "participation in kinship," as Christopher Jocks (Mohawk) writes.⁷⁰ Jocks specifies: "Generosity of time and spirit, respect and politeness, willingness to help out, and openness to learn, are what our elders seem to value most" (172). None of these traits that Jocks outlines are not bound by race or blood relations. Rather, they demonstrate that true kinship is at once an act and a duty – and above all, a choice. Far from being deterministic, the Matrix allows people to choose to take an active role in creating a better nation – and creating an identity from that participation. The Cherokee Freedmen have much to teach about the power of peoplehood because they

remained Cherokee outside of strict racial and political definitions, definitions that have been usurped in the past by the federal government. Russell, a lawyer by training, invokes the U.S. Supreme Court's decision on the importance of religion when he cites from their opinion that religion exists in the "inviolable citadel of the individual heart and mind. We have come to recognize through bitter experience that it is not within the power of government to invade that citadel'" (qtd. in Russell 179). Just as the Supreme Court rules here that religion dwells inside the people and not the state, so too do the elements of the Peoplehood Matrix. The elements of the Peoplehood Matrix are developed and performed not by tribal states that are tethered to the BIA nor are they informed by race ideologies imposed from the outside. Peoplehood cannot be taken – only surrendered. If we employ the Peoplehood Matrix, the people themselves become that "inviolable citadel," as evinced by the Cherokee Freedmen, who, despite two centuries of attacks on their Cherokee peoplehood, have played a role in maintaining that peoplehood for Cherokees today.

The counter-narrative and its ultimate stakes

While the purpose of this project is not to undermine Indian nations' sovereign right to self-determination, it is written with Simpson's claim in mind regarding some systems of kinship being privileged over other forms of peoplehood in determining who belongs. When one system takes precedence in a group that has historically employed multiple ways of belonging, the question emerges of who makes the cut and who gets left on the outside when the definition of who belongs becomes more exclusive. Naturally,

real, tangible stakes exist when a nation seeks to purge itself of a community that has proven itself in the past as loyal compatriots in the continuing existence of that nation as the Freedmen have.

In some cases the stakes are political in that they involve respecting treaty obligations and rights inherent in them as noted by David Cornsilk, John Cornsilk's son and a Cherokee lay advocate for the Freedman, in a 2007 letter to the editor in the *Cherokee Observer*. He writes: "I am a Cherokee by blood and I want the Freedmen to be members. I want to honor the promise made by my ancestors to the Freedmen. If the United States does not enforce the Treaty, it will be violating my rights along with the rights of all Cherokee citizens to enjoy the benefits of the Treaty of 1866" (8). One also has to wonder what the consequences will be of severing a relationship that has been so vital in the past as the Nation seeks to further establish itself and grow in the future. As relationships between indigenous nations and settler states continue to be antagonistic, the Cherokee Nation might have to plan for a future without the allies they relied on in the past, simply because that demographic of the tribal community is erroneously perceived as having "not helped" build the Nation. Reading Cherokee slave narratives through the model of a peoplehood alternative to blood discourse in building a critical, ethical nation impresses on us the value of the Freedmen contribution and their relationship to Cherokees and allows us to claim them through peoplehood. By offering another method of reckoning belonging, we perform a gesture that has its roots in our ancestral practice of accepting others. This gesture might be essential again as Cherokees

continue to exercise sovereignty and build community against a history of shared oppression to ensure for posterity a history of Cherokees continuing to overcome it.

¹ Black slaves appear throughout Conley's *Real People* series of novels based on Cherokee history. For example, in *The Way South* (2000), a Cherokee named Carrier ventures to Florida to trade with the Spanish and discovers their cruelty, quickly learning that they haven't only come to trade but also to conquer. He then sides with Timucua and Calusa Indians and African slaves against the Spanish. Additionally, a character named Asquani (Cherokee for "Spanish"), who is the child of a black slave who was raped by a Spaniard, appears in a couple of the novels. In *The Dark Island* (2000), the reader discovers that Asquani has escaped the Spanish settlement in Florida where he is from and has been adopted by the Cherokees. As he comes of age, he finds himself quarreling with his identity and has to decide if he will stay with the Cherokees or return to the Spanish. Asquani decides to return to Spanish, but is treated cruelly because of his slave heritage and yearns to return to the Cherokees. In *The Peace Chief* (2001), Asquani appears again, this time as an adopted member of the Wolf Clan who is accidentally killed by his best friend, Young Puppy, a member of the Long Hair clan, in a fight with the Ofos.

² William Sanders introduces a character named Tyrone in his novel *The Wild Blue and the Gray* (1991) in which he re-imagines the fate of the sovereign Cherokee Nation had the South won the Civil War. Tyrone, a non-Cherokee African-American, is an aide to Major Culpepper, and his position resembles that of a slave though the Confederacy of Sanders' novel has abolished slavery by the time of the narrative. From Tyrone, Cherokee protagonist Amos Ninekiller learns how to wield a straight razor, which he uses to save his own life and, ultimately, kill Hitler, and he learns a new strategy of resistance on a smaller scale by imagining Indians and blacks in a shared struggle against the state, which is controlled by Euroamericans. Invoking this same idea, Steve Russell (Cherokee Nation) argues that, in the light of the Cherokee Freedmen controversy, blacks and Indians could more productively resist by working together. He notes that the animosity such as that informing the Freedmen controversy is a tool by the colonizer to oppress both groups. He writes: "This was American prosperity. Labor stolen from Africans bringing wealth from land stolen from Indians, peoples who were taught to hate each other by their exploiters and kept at the bottom of the education and economic ladders with the easy metric of color prejudice" (par. 16). It's worth noting, too, that Russell claims blacks as indigenous. He writes: "While blacks and Indians were marked for similar roles as victims, blacks had certain disadvantages that did not burden Indians. African-Americans are tribal peoples completely ripped from their roots. If they escaped, they had nowhere to go, no allies" (par. 7). See Russell, "Blacks and Indians Should Stand Together Against a Common Oppressor." *Indiancountrytodaymedianetwork.com*. Indian Country Today Media Network, 20 Aug. 2013. Web. 21 Aug 2013.

³ John Oskison's novel *Black Jack Davy* (1926) features a brief scene in which a black man who works as a singer for a snake-oil salesman performs a song advertising the salesman's longevity tonic called Wizard Oil during the opening day of the Indian Payment, or enrollment for allotment, in Big Grove, Indian Territory. The man, who Oskison describes as a "negro with a glistening face and rolling eyes," sings: "'Mah ol' massa promis' me/ When he die' he set me free;/ But mah massa nevah die' at all/ Bekase he use' dat Wiza'd Oil!'" (172-73). Here, the black man is singing a song about being a slave who has no recourse when it comes to the possibility of breaking free from his bondage. While the Cherokee Nation officially abolished slavery in 1863 and amended the Cherokee constitution in 1866 to incorporate Freedmen as citizens, several "Black Codes" existed, such as those mentioned in this chapter, that imposed legal strictures against blacks in the Nation, though after abolition they were frequently enforced on an ad hoc basis. Likewise, abolition and the franchise didn't erase the racism that continued to exist in the Nation. I find it interesting that Oskison's snake-oil minstrel is singing about freedom, or the perpetual lack thereof, on the opening day of the allotment of tribal land. The goal of allotment was to terminate the Cherokee Nation and create a U.S. state out of Indian Territory. However, though U.S. and Oklahoma state governments were to supplant the Cherokee national government, the changing of governments

would not improve conditions for black Cherokees. In fact, Oklahoma statehood made life for African-Americans worse because they were now subject to Jim Crow laws that created a “separate but equal” policy of black segregation, which affected their lives in the realms of voting, housing, education and even marriage. For more about the history and implementation of Jim Crow, see Jane Dailey, Glenda Elizabeth Gilmore and Bryant Simon, eds. *Jumpin’ Jim Crow: Southern Politics from the Civil War to Civil Rights* (Princeton: Princeton UP, 2000) and Leon Litwack *Trouble in Mind: Black Southerners in the Age of Jim Crow* (New York: Knopf, 1998). More locally, the intensified and legally sanctioned racism brought about by the imposition of Oklahoma statehood in 1907 led to the Tulsa Race Riots in 1921 in which the Greenwood District of Tulsa, which was then the wealthiest black community in the U.S., was burned in retaliation of an alleged assault of a white woman by a black shoe shiner in an elevator, leaving hundreds dead or wounded and thousands homeless. Tulsa, being just outside the boundary of the Cherokee Nation, is home to several Cherokee citizens and descendants, including Freedmen. Some informative studies of the Tulsa Race Riots include James S. Hirsch *Riot and Remembrance: The Tulsa Race War and its Legacy* (Boston: Houghton Mifflin, 2002) and Scott Ellsworth *Death in a Promised Land: The Tulsa Race Riot of 1921* (Baton Rouge: Louisiana State UP, 2002). For a historical study about the development and renewal of the Greenwood District specifically, see Hannibal B. Johnson *Black Wall Street: From Riot to Renaissance in Tulsa’s Historic Greenwood District* (Austin, TX: Eakin Press, 2007).

⁴ Scene 4 of Riggs’ play “The Cherokee Night” features mixed-blood Cherokee kids talking about a black man who was murdered during a card game and who supposedly haunts Claremore Mound. They also fear that the murderer, another black man, might still be lurking in the area. The kids fetishize black men, who they refer to with prodigious use of the word “nigger,” and suggest their supernatural ability to not feel pain when they get shot. While the Cherokee kids talk about the black man in his absence, Riggs only has the man appear at the end in the background, written in the stage directions. Riggs describes the black man with hypermasculine and eroticized terms, describing him as “naked to the waist” with a “black body [that] glistens,” and he is also described as a tremendous “dark hulk” (164). Riggs also writes that the black man’s “eyes follow the boys; one hand moves itself forward to a blackberry spray, in an uncalculated reflex, gathers two berries and lifts them idly to his mouth,” a passage that can be read as homoerotic (164-165). Craig Womack suggests that the black man in *The Cherokee Night* plays the role of eroticized Other in a way that equates blackness with queerness, a queerness that Womack argues Riggs tries to communicate through coded language. See Womack’s analysis of “The Cherokee Night” in *Red on Red: Native American Literary Separatism* (Minneapolis: U of Minnesota P, 1999), 289-290. For Riggs’ play, see *The Cherokee Night and Other Plays* (Norman: U of Oklahoma P, 2003), 106-211.

⁵ In Riggs’ 1930 play “Green Grow the Lilacs,” which takes place in Indian Territory as Oklahoma statehood is looming, Riggs describes the character Jeeter as being “bullet-colored” (17, 18) Jeeter’s skin color, which Riggs also describes as “curious earth-colored” (40) is one of the first traits we learn about him. Riggs’ description itself doesn’t lend much explicit insight into Jeeter’s race, but if we consider the color of bullets and examine Jeeter’s relationship with the rest of the characters, we can argue the possibility that he is of African admixture. Bullets are often made with lead, which gives the bullet a gray appearance, or with copper alloy, a mix of copper with gray metals such as nickel, tin or zinc. If we go with the “gray” appearance, we can argue that Riggs directs us to imagine Jeeter’s skin color as a mix of black and white. If we go with the “copper alloy” interpretation, we can argue that his skin color reflects a mix of bronze and gray. Given these possibilities, one could argue that Jeeter’s phenotype reflects a black-white admixture, or possibly an Afro-Cherokee admixture. Either case would denote the existence of blackness in Jeeter. Likewise, one of the first actions we see Jeeter perform is carrying firewood into the house. After he leaves, Curly asks if the man is Jeeter and wants to know why he isn’t working. Curly adds that Jeeter has gone to the smokehouse, which Aunt Eller adds used to be a doghouse. Curly then indicates

that the doghouse is where Jeeter belongs (18-19). In Scene 3, Riggs describes the smokehouse, Jeeter's home, as dark and dirty with holes in the floor and infested with mice (40). Likewise, in a conversation between Curly and Jeeter, Curly comments on a rope Jeeter has and suggests that the rafters in Jeeter's home are sturdy enough for Jeeter to hang himself on. Finally, he adds that while some people would sing sad songs after Jeeter's death, others would accuse him of being a pig stealer, suggesting he should've been incarcerated long before (42-43). The image of hanging or lynching and baseless associations with crime often accompany depictions of blacks in the segregated South. From these bits of evidence, we can gather that Jeeter is a laborer and that he has a low social position among the other characters who make up the McLain family. This fact coupled with his "bullet-colored" phenotype could support an argument that Jeeter is a Freedman with a black and white, or a black and Indian admixture. Because the Cherokee Nation abolished slavery in 1863 and "Green Grow the Lilacs" takes place on the eve of Oklahoma statehood in 1907, Jeeter could not have been a slave in a legal sense, but he could have been a Freedman who continued his labor with the McLain family. See Riggs "Green Grows the Lilacs," *The Cherokee Night and Other Plays*, 3-105. For more on the manufacturing of bullets and the metals that give them their various colors, see James Smyth Wallace *Chemical Analysis of Firearms, Ammunition, and Gunshot Residue* (New York: CRC Press, 2008), Ch. 4.

⁶ Riggs' play *Roadside* is set in 1905, the year that the Five Tribes (Cherokee, Choctaw, Chickasaw, Creek and Seminole) tried to negotiate with the United States to create an Indian state called Sequoyah. Representatives of the five nations drafted a constitution for the state and selected delegates to visit Congress, but then-President Theodore Roosevelt said he would not consider a separate state for tribal nations. The plot of *Roadside* involves a Cherokee named Buzzey who is chasing after his wayward wife, Hannie. Hannie and her father, Pap, are leaving in a covered wagon when Buzzey and his hired hands, Red Ike and Black Ike, who are named after the color of their hair, intercept them. A runaway outlaw named Texas encounters the group on the side of the road as he is fleeing from the Verdigris marshal for having escaped from jail. The marshal captures Texas again, and again Texas escapes, this time with Buzzey also in pursuit. Buzzey turned on Texas and joined the marshal because he was jealous that Hannie fancies him. In the end, Texas, Hannie, Pap and the two Ikes escape in a covered wagon, leaving behind a world dominated by white settler law and sellout Indians like Buzzey. This passel of five runaways leaves because they cannot operate within the confines of a settler law that they neither understand nor acknowledge the legitimacy of. Texas is angry because he finds himself breaking laws for previously innocent actions such as spitting and having a little too much to drink. Riggs writes: "If I don't have the damndest time! Seems like I'm always breaking some law or other 'thout knowin' it. Must be nigh a thousand laws in yere country. Why, I break one ever time I turn around to spit!" (89). In another scene, Texas absconds with the judge's gavel – a symbol of settler law – and throws it in the campfire. During their second encounter, Texas tells the marshal, "I'm one kind of thing – and you and yer law is another'n" (152). While Riggs does not explicitly identify the race of Texas, the play's larger-than-life hero, textual evidence suggests that Texas might in fact be black. In scenes in which Texas and the marshal are about to fight, the two Ikes chant, "Fight, fight – nigger and a white." In another scene in which Texas squares off against the marshal; Buzzey and Ned, a jail guard, Texas tells the marshal: "You're the only white man in this whole shootin' match" (148). In this scene, Texas indicates that the marshal is white, and it is revealed that Buzzey has an Indian allotment, and Ned is likely Indian, having not been identified as white along with the marshal. Likewise, Texas explicitly indicates through that statement that he is, in fact, not white. These two passages combined suggest Texas' blackness.

Texas' blackness also would support an anti-assimilation message in *Roadside* that gets lost with an all-white cast, which was used in the handful of times the play was produced. Texas' blackness works in two ways to drive home Riggs' anti-assimilation message against Oklahoma statehood. One way race operates in the play is visually. If *Roadside* were staged with a black man playing Texas and a white man

playing the marshal, then Texas, the character who stands for complete opposition to settler law, would stand out in stark contrast to the marshal who embodies American law and westward expansion into Indian Territory. Texas' blackness also works in a second way in that even if the character wanted to assimilate, his skin color would preclude him from completely assimilating because he would always stand out as an Other, a feat that a mixed-blood Indian who might be phenotypically white would not be able to pull off onstage. This essential detail, Texas' skin color, however, was lost when directors cast Robert Bellamy, a white man, in the role of Texas, effectively stripping *Roadside* of one of its most dramatic claims of Indian sovereignty. See Riggs *Roadside* (New York: Samuel French, 1930.) With regard to the casting of Texas as white and what I see as a loss of meaning in Riggs' text as a result, in particular how the black body is used, I refer to Erika Fischer-Lichte's study of onstage semiotics in which she argues that visual representations on stage can affect the interpretation of dramatic works as texts. She writes: "Whereas the literary text consists exclusively of linguistic signs, the actor's body-text is necessarily a synthesis of gestural, proxemic, and paralinguistic signs. The drama's literary text is not, in other words, merely transferred into another medium" (192). See Fischer-Lichte *The Semiotics of Theater*. Trans. Jeremy Gains and Doris L. Jones. (Indianapolis: Indiana UP, 1992).

⁷ John Rollin Ridge's *The Life and Adventures of Joaquin Murrieta, the Celebrated California Bandit* (1854) is often designated as the first Cherokee novel though Elias Boudinot began to publish *Poor Sarah* serially in 1820. While there is some debate as to whether *Poor Sarah*, at a mere 14 pages, constitutes a novel and, therefore, the first Cherokee novel, I consider it more of a tract, as it was used to promote Christianity. Regardless, it is a Cherokee work of fiction that pre-dates Ridge's. A thorough study of Ridge's life and literary work can be found in James W. Parin *John Rollin Ridge: His Life & Works* (Lincoln: U of Nebraska P, 1991). For more about Boudinot's life and contribution to Cherokee literature and journalism, see Theda Perdue, ed. *Cherokee Editor: The Writings of Elias Boudinot* (Athens: U of Georgia P, 1996) as well as Parin's *Elias Cornelius Boudinot: A Life on the Cherokee Border* (Lincoln: U of Nebraska P, 2006).

⁸ The history of Cherokees and their slaves is long, dating back to the 1500s when Europeans first encountered tribal communities that held other Indians into the era when Europeans began to trade slaves in the Americas. Likewise, the story gets more complicated with regard to the centralization of the Cherokee Nation, the Civil War and the Dawes allotment era. Because my interest in the Freedmen and their narratives deals more with the present conflict with the Cherokee Nation, my focus remains in this time period though I periodically highlight historical points in cases where they are relevant to illuminating my argument for how we understand the Freedmen situation today. For a general history of slavery in Indian Country in the early days of the United States, see Christina Snyder *Slavery in Indian Country* (Cambridge: Harvard UP, 2010). For a history of slavery in Cherokee communities, see Theda Purdue *Slavery and the Evolution of Cherokee Society* (Knoxville: U of Tennessee P, 1987) and Michael Roethler *Negro Slavery among the Cherokee Indians, 1540-1866*. Diss. Fordham, 1964. For a study that engages Indian slavery during the Civil War, see Annie Heloise Abel *The American Indian as Slaveholder and Secessionist* (1915); for studies on Civil War- to Dawes-era slavery specific to Cherokees, see Rudi Halliburton *Red Over Black: Black Slavery Among the Cherokee Indians* (Westport, CT: Greenwood Press, 1977); Daniel F. Littlefield *The Cherokee Freedmen: From Emancipation to American Citizenship* (Westport, CT: Praeger, 1978); Celia E. Naylor *African Cherokees in Indian Territory: From Chattel to Citizens* (Chapel Hill: U of North Carolina P, 2008). For more information on the contemporary Freedmen issue, see Circe Sturm *Blood Politics: Race, Culture, and Identity in the Cherokee Nation of Oklahoma* (Berkeley: U of California P, 2002) as well as Sturm "Blood Politics, Racial Classification, and Cherokee National Identity: The Trials and Tribulations of the Cherokee Freedmen." *American Indian Quarterly* 22.1/2 (Winter-Spring 1998): 230-258, which is one of the most concise, yet thorough analyses of the history that informs the present Freedmen debate I have come across. See also Robert Conley's chapter on the Freedmen in his

collection of essays *Cherokee Thoughts: Honest and Uncensored* (Norman: U of Oklahoma P, 2008) for a perspective on the topic from one of the most well-known Cherokee writers.

⁹ The text of the final ballot that resulted from the petition reads:

"This measure amends the Cherokee Nation Constitution section which deals with who can be a citizen of the Cherokee Nation.

"A vote 'yes' for this amendment would mean that citizenship would be limited to those who are original enrollees or descendants of Cherokees by blood, Delawares by blood, or Shawnees by blood as listed on the Final Rolls of the Cherokee Nation commonly referred to as the Dawes Commission Rolls closed in 1906. This amendment would take away citizenship of current citizens and deny citizenship to future applicants who are solely descendants of those on either the Dawes Commission Intermarried Whites or Freedmen Rolls.

"A vote 'no' would mean that Intermarried Whites and Freedmen original enrollees and their descendants would continue to be eligible for citizenship. Neither a 'yes' nor a 'no' vote will affect the citizenship rights of those individuals who are original enrollees or descendants of Cherokees by blood, Delawares by blood, or Shawnees by blood as listed on the Final Rolls of the Dawes Commission Rolls closed in 1906.

"SHALL THE MEASURE BE APPROVED?
FOR THE MEASURE-YES
AGAINST THE MEASURE-NO"

¹⁰ More than 6,600 Cherokees voted against the Freedmen while only 2,040 voted in their favor, which calculates to roughly 77 percent of the Cherokees who voted approving the amendment to define Cherokee citizenship on the basis of tracing an ancestor to the By Blood portion of the Dawes Roll. Though the percentage of Cherokees who disapprove of the Freedmen being citizens appears high, out of more than 300,000 Cherokee citizens, fewer than 8,700 actually voted, which is less than 3 percent of the Nation's citizenry. See Cherokee Nation Special Election Results at <<http://www.cherokee.org/Government/Election/2007Special/Default.aspx>>.

¹¹ For more information on how race becomes complicated in the United States, and particularly how racialized Indianness has intersected with notions that inform the racial constructs of other groups in the United States, see Jack D. Forbes *Africans and Native Americans: The Language of Race and the Evolution of a Red-Black People* (Champaign: U of Illinois P, 1993); Martha Menchaca *Recovering History, Constructing Race: The Indian, Black, and White Roots of Mexican Americans* (Austin: U of Texas P, 2002.) See also Claudio Saunt *Black, White, and Indian: Race and the Unmaking of an American Family* (New York: Oxford UP, 2006); Fay A. Yarbrough *Race and the Cherokee Nation: Sovereignty in the Nineteenth Century* (Philadelphia: U of Pennsylvania P, 2007). For more on race in the nineteenth century pertaining to constructs of whiteness and blackness, see Reginald Horsman *Race and Manifest Destiny: The Origin of American Racial Anglo-Saxonism* (Cambridge, MA: Harvard UP, 1981) and Scott L. Malcolmson *One Drop of Blood: The American Misadventure of Race* (New York: Farrar, Straus and Giroux, 2001).

¹² While Buzzard attributes financial gain to the phenotypically black Freedmen's claim of Indian heritage, some scholars have argued that African-Americans also gain psychological benefits by siding more with their Indian heritage than with their black heritage. Henry Louis Gates, Jr.'s project *African American Lives* examines the ancestry of several African-American celebrities using genealogy and DNA testing in an attempt to demonstrate, as Gates argues, that only about one in 20 African Americans have Native American ancestry. In one episode, comedian Chris Rock, who had heard all his life that he had Indian ancestry, learned that his admixture was in fact African and European. He demonstrated one psychological benefit of African Americans claiming Indian heritage when he quipped that a family story of Indian ancestry is more comfortable than having to admit that "grandma got raped" by a white man.

However, Gates' use of DNA is controversial and fails to tell the whole story. In another episode, he tells actor Don Cheadle that based on his DNA test, which is limited in scope, he has no Chickasaw blood as he had been told growing up; however, tribal and genealogical records indicate that Cheadle's ancestors were in fact Chickasaw Freedmen. This is one example of how DNA tests fail to account for non-racial markers of identity such as adoption, political citizenship, or cultural and historic connection. For more information on the controversy over DNA testing and Indian identity, see Kimberly Tallbear "DNA, Blood, and Racializing the Tribe." *Wicazo Sa Review*. 18.1 (Spring) 2003: 81-107. For a more general study of the failure of "genetic markers" to determine ancestry, see Brett Lee Shelton and Jonathan Marks "Genetic 'Markers' – Not a Valid Test of Native Identity," <<http://www.ipcb.org>>.

Likewise, Laura L. Lovett has claimed that African-Americans have historically claimed their real or imagined Indian ancestry as a way to empower themselves in a segregated society that deems black people inferior. She writes: "Claiming kinship with Native Americans provided African Americans in the late nineteenth and early twentieth century a way of rebelling against a system of segregation, discrimination, and 'civilization' imposed on them by White society. This can be considered a route of resistance, because White and Black Americans with the aid of cultural images, science, and governmental policy, defined Indians as living outside of White society. They perceived Indians to be dangerous for having fought the encroachment of society at virtually every step. Native American ancestors could thus be empowering insofar as the Native American ancestors embodied the potential in Blacks themselves to disrupt social order and White civilization" (209). See Lovett "'African and Cherokee by Choice': Race and Resistance under Legalized Segregation." *American Indian Quarterly* 22.1/2 (1998): 203-229.

¹³ Buzzard's depiction of black presence in Indian communities as an "infiltration" has a long history. Creek resistance leader Chitto Harjo, angered at the thought of Creek Freedmen receiving allotments, said: "'I hear that the Government is cutting up my land and is giving it away to black people. . . . These black people, who are they? They are negros [sic] that came in here as slaves. They have no right to this land'" (Grindle and Taylor 221). See Donald A. Grindle, Jr. and Quintard Taylor "Red vs. Black: Conflict and Accommodation in the Post Civil War Indian Territory, 1865-1907." *American Indian Quarterly* 8.3 (1984): 211-229.

As another example, in 1986 then Cherokee Principal Chief Wilma Mankiller was criticized by some Cherokees for petitioning to save the Talking Leaves Job Corps program that provided job training for underprivileged Indians, whites, African Americans and Latinos around Tahlequah. Objections to the program included fears from Cherokees that blacks and Latinos would come into the community and commit crime and that the presence of these groups would lead to more intermarriages. See Sarah Eppler Janda *Beloved Women: The Political Lives of LaDonna Harris and Wilma Mankiller* (DeKalb: Northern Illinois UP, 2007), 116-17.

Also, in an op-ed in *News from Indian Country*, Robert Warrior (Osage) notes the deeper psychological and moral implications inherent in the dominant class of Cherokees' decision to oust black Freedmen. He writes: "More, though, is going on here, which is the sometimes heart-stopping recognition on the part of leaders of a slave-owning nation that many of those slaves who are so easy to think of as

being THEM are in fact US. To be blunt, a history of modern slavery is also a history of rape. To be a slave among the Cherokees was to be sexually available to those who controlled your life. By the 1890s, a legal distinction between the Freedmen and those who were Cherokee 'by blood' emerged, but in the moral universe such a distinction was hard to make, and even today the claim of those in the Cherokee majority who say they are primarily interested in maintaining their nation for those who can verify that they have Cherokee lineage rings hollow alongside the murky history of violence that Cherokee slaves and their descendants have inhabited." See Robert Warrior. "Cherokees flee the moral high ground over Freedmen." *IndianCountryNews.net*. News from Indian Country, 2007. Web. 3 April 2009. <http://indiancountrynews.net/index.php?option=com_content&task=view&id=1106&Itemid=74>.

¹⁴ Theda Perdue argues that Cherokees likely first encountered Africans in the 1500s. She notes one incident when the African slaves of Lucas Vasquez de Ayllon's colony on the Pedee River revolted in 1526 and many fled into Cherokee land. She adds that because Cherokees tended to see African slaves alongside Europeans, that Cherokees likely equated the two, having no concept of race. Having seen how Europeans treated their slaves, however, Perdue argues that Cherokees began to see the racial dynamic between the two and how Europeans regarded their slaves as inferior beings. See Perdue, *Slavery and the Evolution of Cherokee Society*, 36. William McLoughlin, however, traces one of the earliest instances of Cherokee race consciousness to 1793 when Chief Little Turkey explained that he would never side with the Spanish because he felt they weren't "real white people," owing to their olive complexions. Little Turkey adds: "[W]hat few I have seen of them looked like mulattoes, and I would never have anything to say to them" (339). See McLoughlin *Cherokee Renaissance in the New Republic* (Princeton, NJ: Princeton UP, 1992).

¹⁵ Prior to 1983, Cherokee voters only had to have Cherokee Nation voter cards that had been issued since 1971 when the Cherokee Nation was again allowed to popularly select its leader per the Principal Chiefs Act (1971). Scholars such as Circe Sturm have suggested that Swimmer might have issued the executive order because he feared losing re-election to challenger Perry Wheeler, who the Freedmen supported. Though Swimmer won re-election and Perry petitioned the BIA to investigate the election and disenfranchisement of the Freedmen, the case was defeated. For more on the history of the disenfranchisement of the Freedmen, and specifically during the Swimmer administration, see Sturm "Blood Politics, Racial Classification, and Cherokee National Identity: The Trials and Tribulations of the Cherokee Freedmen." *American Indian Quarterly* 22.1/2 (1998): 230-258. For an examination of how the Creek and Seminole Nations have addressed Freedmen voting, see Claudio Saunt "Jim Crow and the Indians." *Salon.com*. Salon, 21 Feb 2006. Web. 17 Sept 2009. <<http://www.salon.com/2006/02/21/choerokee/>>.

¹⁶ Linda W. Reese, who pored over several WPA narratives in her study on Cherokee Freedwomen, mentions that the narratives should be used with caution, citing a presumed decline in the memory of the participants who tended to range in age from their 70s to their early 90s. While age might certainly blur the facts, it is too easy and presumptuous to dismiss what the Freedmen and Freedwomen elders have to say about their lives by assuming they had poor memories. See Reese "Cherokee Freedwomen in Indian Territory, 1863-1890." *The Western Historical Quarterly*. 33.3 (2002): 273-296. My choice to use the WPA narratives as they are takes into consideration Christopher Clausen's idea that "what matters most is not whether historical recollection is accurate, but whether it liberates or imprisons" (24). See Clausen "Living Memory." *The Wilson Quarterly (1976-)* 28.4 (2004): 24-30. By using the WPA narratives as they appear, my aim is to allow the Freedmen participants the freedom to narrate their own lives as they deem fit without my interference or my challenging their factual accuracy by making ageist assumptions about their mental faculties, something I, nor Reese for that matter, can prove or disprove. I'm more interested

in how the narratives function as a challenge to the Cherokee Nation's narrative of the Freedmen. My other desire is to empower voices that have historically been denied consideration let alone privilege. For more information on how anthropologists have deployed European concepts of time, especially its supposed linearity, on communities whose concepts of memory and storytelling differ, see Johannes Fabian's groundbreaking work *Time and the Other: How Anthropology Makes its Object* (New York: Columbia UP, 1983).

¹⁷ Leslie Ross, 63, is a retired civil servant from Suisun City, California, whose family is originally from Muscogee, Oklahoma, a town with a large Freedmen population that used to be the capital of the Creek Nation. A Cherokee citizen, Ross is also one of 25,000 Freedmen descendants whose legal status as Cherokee was challenged during the 2007 referendum to change the Cherokee citizenship requirements to denationalize Cherokees who trace their ancestors to the Freedmen portion of the Dawes Roll.

¹⁸ Stick Ross' profession as a lawman in the Cherokee Nation also speaks to a connection of peoplehood in that Freedmen were often chosen as tribal lawmen because they were familiar with Indian Territory and they were familiar with the people of their respective tribes. Because some had also been slaves to white masters, they also had experience interacting with white people. This trust from locals in Indian Territory and their familiarity with the white world led tribal nations to appoint Freedmen as lawmen to counter the corrupt behaviors of white lawmen who worked for the U.S. Marshall's Office.

Because Article 13 of the Treaty of 1866 gives the Cherokee courts jurisdiction only over crimes involving Cherokee citizens, the federal authorities took jurisdiction over crimes committed in Indian Territory involving only U.S. citizens or if a U.S. citizen was a party to a crime with a tribal citizen. Daniel Littlefield, Jr., and Lonnie E. Underhill write that because white lawmen were paid in fee for each capture instead of a salary, many of them ignored the boundaries between their jurisdiction and the tribes'. They write: "The long-time abuse of the fee system and the lack of available courts had made the Indian distrust the white officers. [The Indians] liked the Negroes better; that fact, in part, explains the success of most Negro officers. Too having lived all or most of their lives among Indians and Indian Freedmen, the Negro marshals understood their ways" (79). Littlefield and Underhill elaborate by detailing the stories of two Creek Freedmen marshals, Bass Reeves and Grant Johnson, though they also mention Cherokee Freedmen marshals such as Isaac Rogers. See Littlefield, Jr., and Underhill "Negro Marshals in Indian Territory." *Journal of Negro History*. LVI, No. 2 (1971): 77-87. See also W. Sherman Savage "The Role of Negro Soldiers in Protecting the Indian Territory from Intruders." *The Journal of Negro History* 36.1 (Jan. 1951): 25-34. On the other side of the law, an interesting study of black and Indian outlaws in Indian Territory can be found in Art Burton's *Black, Red, and Deadly: Black and Indian Gunfighters of the Indian Territory, 1870-1907* (Austin, TX: Eakin Press, 1991)

¹⁹ Several African-descended Cherokees also served on the tribal council through the years. In addition to Stick Ross, who served on the Cherokee Nation council in 1893, other black Cherokee councilmen included Joseph Brown, who served in 1875, Frank Vann (1887); Jerry Alberty (1889); Ned Irons and Samuel Stidham (both 1895). See Starr, *History of the Cherokee Indians and Their Legends and Folklore*, (1921).

²⁰ For a detailed account of the Cherokee Nation's 1999 rewriting of its constitution, including its redefining of tribal citizenship, see Eric Lemont "Overcoming the Politics of Reform: The Story of the Cherokee Nation of Oklahoma Constitutional Convention." *American Indian Law Review*. 28.1 (2003/2004): 1-34. Because the 1999 Cherokee constitution was never approved by the BIA, it is not considered legal. The BIA recognizes the 1975 constitution in which citizenship is defined by tracing only

to the Dawes Roll, not just the By-Blood portion. This method of determining citizenship includes Freedmen within its scope.

²¹ Leslie Ross does not elaborate on what he means by Stick Ross being “more Indian than the Indians.” However, because he describes his great-grandfather’s ability to speak Cherokee and other Indian languages and his service and dedication to the Cherokee Nation as a diplomat and councilman, I interpret this line to mean that Stick Ross was culturally and socially more “Indian” than were his mixedblood counterparts. Though Cherokee by blood (as was Stick Ross incidentally) and technically Indian, many mixedbloods tended to align more with Southern white cultural values than with traditional Cherokee culture. Cherokee anthropologist Robert K. Thomas, tsigesv, describes how conservative Cherokees define someone as being truly Cherokee, or “Indian,” as opposed to those who might have Cherokee ancestry, but are not considered Indian. He writes: “To the conservative Cherokee a Cherokee or an ‘Indian’ (Yunwiya) is one who had at least one parent who was a functioning member of conservative society and who is himself a functioning member of that society. By a ‘functioning member of that society’ I mean one who interacted with other conservative Cherokees, is a real part of the community, and who is linguistically and culturally a Cherokee If a non-Cherokee speaker is the offspring of two Cherokee speakers he will grudgingly be called an Indian, but certainly rarely a ‘full Indian.’ And in many contexts these people are spoken of as white Indians because of their white cultural orientations and thus, are not really conceived to be true members of Cherokee society” (15-16). See Thomas, “Cherokee Values and World View,” Unpublished MS (1958), <http://works.bepress.com/robert_thomas/40>. Similarly, Circe Sturm notes that in several Cherokee communities, the term “fullblood” often refers not to one’s race or ancestry, but to his or her cultural knowledge as well as engagement with and dedication to the community, another example of how Stick Ross’ language acumen and service to Cherokees would indicate he belonged or was more identifiably “Indian” than other Cherokees who were more culturally white. See Sturm, *Blood Politics*, 140-141.

²² Though the 2,800 Freedmen descendants who had their voting rights stripped in 2011 just before the Smith-Baker election retain their citizenship today, the Cherokee Nation’s present citizenship criteria reads: “To be eligible for a federal Certificate Degree of Indian Blood and Cherokee Nation tribal citizenship, you must be able to provide documents that connect you to a direct ancestor listed on the Dawes Final Rolls of Citizens of the Cherokee Nation *with a blood degree*” (par 2, emphasis mine). Because the criteria specifies that prospective citizens must trace to a Cherokee Dawes enrollee with a blood degree, Freedmen descendants, at the moment, are ineligible for citizenship as their ancestors were not listed with a blood degree. See Cherokee Nation “Citizenship.” *Cherokee.org*. <<http://www.cherokee.org/Services/TribalCitizenship/Citizenship.aspx>>.

²³ Much of the current legal battles surrounding the Freedmen controversy stem from *Vann v. Salazar*, a case filed in 2003 by Freedmen descendant Marilyn Vann after she was denied the ability to vote in the Cherokee Nation’s 2003 election. For the past decade, the case has taken several turns as it has been variously challenged, dismissed and reinstated in federal court. After the Smith administration proposed the 2007 amendment to the Cherokee Constitution that would determine Cherokee citizenship by tracing only to the “By Blood” portion of the Dawes roll, Freedmen descendants and their advocates took another case to court. After years of lengthy court battles, in the case of *Raymond Nash v. Cherokee Nation Registrar* (2011), Cherokee District Court Judge John Cripps ruled in favor of the Freedmen, reinstating their citizenship on the grounds that the 2007 amendment violated the Freedmen’s citizenship rights as outlined in the Treaty of 1866. Today, about 2,800 Freedmen descendants retain Cherokee citizenship and voting rights as *Vann v. Salazar* (2003) plays out in federal court after the District of Columbia Circuit Court ruled in March 2013 that the Freedmen’s case against the Cherokee Nation could continue. The full

brief of the decision in *Nash v. Cherokee Nation Registrar* can be found at <<http://www.cornsilks.com/ralphkeenbrief.pdf>>. See also Will Chavez (Cherokee Nation) "Federal court denies tribe's Vann v. Salazar motion" *CherokeePhoenix.org*. Cherokee Phoenix, 15 March 2013. Web. 17 March 2013. <<http://www.cherokeephoenix.org/Article/Index/7101>>. Other important cases in the Freedmen controversy include *Nero et. al v. Cherokee Nation of Oklahoma* (1986); *Riggs v. Ummerteskee* (2001); *Allen v. Cherokee Nation Tribal Council* (2004). While my own study focuses on making the narrative case for the Freedmen as Cherokees, details about the legal cases can be found in Sturm, "Blood Politics," (1998) and Ray, "A Race or a Nation?," (2006).

²⁴ While the treaty and subsequent amendment to the 1866 Cherokee Constitution do explicitly say that the Freedmen and their descendants shall enjoy *all* the rights of native Cherokees, Freedmen opponents like Chad Smith have speculated that the drafters of the treaty intended for Freedmen to have rights to soil, but not of blood, or rather they have the right to live in the Nation and own property, but not the franchise. This dialectic between civil and political rights of the Freedmen is one on which Freedmen detractors go back and forth. During allotment, some Cherokees fought the Dawes Commission's decision to allot land to the Freedmen on the basis that while they had rights as citizens, they didn't have rights to Cherokee land. Today, Freedmen detractors argue that while Freedmen are free to live in the Nation's jurisdiction, work and attend school among other things, they don't have rights as citizens. See Ray, "Race or Nation," 403-414. In a July 2011 op-ed in the *Cherokee Phoenix*, former tribal councilman John Ketcher argues that the Treaty of 1866, despite guaranteeing Freedmen and their descendants "all rights of native Cherokees," does not recognize Freedmen's right to tribal citizenship. He writes: "The 150th anniversary of the Civil War between the United States has come and gone. Yet the attorney for Cherokee Freedmen, John Velie, continues to hammer away at every venue and opportunity to muddy the good name of the Cherokees and cause some of our citizens to call us racist, all because our people voted not to accept Freedmen who could not prove Cherokee blood ties. Slaves and ex-slaves who chose to mate with Cherokees are citizens now, just as other tribal citizens of mixed heritage are part of the tribe from other races and nationalities. The Freedmen and their leader, Marilyn Vann, still believe the words at the bottom of Article 9 of the 1866 Treaty gave them citizenship in the Cherokee Nation. 'They further agree that all freedmen who have been liberated by voluntary act of their former owners or by law, as well as all free colored persons who were in the country at the commencement of the rebellion, and are now residents therein, or who may return within six months, and their descendants, shall have all rights of Native Cherokees.' Please tell me or explain how that passage denotes citizenship." See Ketcher "1866 Treaty doesn't mean citizenship." Letter to the Editor. *CherokeePhoenix.org*. Cherokee Phoenix, 1 July 2011. Web. 2 July 2011. <<http://www.cherokeephoenix.org/Article/Index/5031>>. In a legal irony, in a case filed during allotment, Cherokee Daniel Redbird tried to argue that intermarried whites and the Freedmen had no claim to Cherokee land. The U.S. Supreme Court, however, ultimately ruled that they did by reaffirming their Cherokee citizenship per the Treaty of 1866, which granted them rights of soil and of suffrage, establishing a legal precedent in favor of Freedmen tribal citizenship. The full ruling in *Redbird v. U.S.* (1906) can be found at <http://www.cornsilks.com/1906redbird.html>.

²⁵ One interpretation of the Freedmen not being granted citizenship in the Cherokee Nation by their detractors is that the Cherokees were coerced into accepting the Freedmen as citizens. Cherokee Nation At-Large councilwoman Julia Coats, who also developed the Nation's original history course that is taught to Nation employees and at-large citizens, reiterated this idea that the Cherokees were forced to accept the Freedmen in 1866 to an audience of Cherokee citizens and descendants at a meeting of the Central Texas Cherokee Township that I attended in 2011. Additionally, an editorial about the Cherokee Freedmen appeared in *Indian Country Today* in January 2012, one year after the Freedmen won back their citizenship rights after a dispute during the Smith-Baker election. In this editorial, Julianne Jennings

revisits the argument of coerced acceptance of the Freedmen in the Treaty of 1866. She writes: "The Cherokee are as much a victim in this travesty of status as are the Freedmen. Most wanted neutrality, but were forced to adopt a people they otherwise would never have considered as eligible members of their Nation" (par. 8). See Jennings "Cherokee Freedmen: One Year Later."

IndianCountryTodayMediaNetwork.com. Indian Country Today, 31 Jan. 2012. Web. 3 Feb. 2012.

<<http://indiancountrytodaymedianetwork.com/opinion/cherokee-freedmen%3A-one-year-later-78777>>. Finally then-Cherokee Nation Deputy Chief John Ketcher, tsigesv, toured Cherokee communities to collect signatures for the petition to oust the Freedmen and said: "[W]e've always been people with Native American blood. People now want to come in because in the past some Cherokees held slaves. After the Civil War, as part of a treaty, we were forced to accept the Freedmen. It was done by the government to punish us. We are trying to rectify this and allow Cherokee people to vote on Cherokee membership." See Ray, "A Race of a Nation?," 397.

While this belief of "forced acceptance" of the Freedmen abounds, its absurdity is quickly apparent when one examines how the Creeks, Seminoles, Choctaws and Chickasaws dealt with their Freedmen in their own post-Civil War treaties with the United States. With regard to incorporating the Freedmen, the Cherokees fell in the middle between the Creeks and Seminoles who accepted their Freedmen and even allowed them to hold public office and the Choctaws and Chickasaws who paid their Freedmen back wages and promptly dismissed them. The Choctaws and Chickasaws enforced "Black Codes" through which they forced their Freedmen who stayed to find employment in the nation or go to jail. The Choctaws and Chickasaws also made no provision in their 1866 treaties to allow for the return of slaves who had fled during the Civil War, unlike the Cherokees who gave their Freedmen six months to return. Choctaw and Chickasaw Freedmen were also barred from voting and holding office. The Choctaws eventually recognized their Freedmen more than 20 years after their 1866 treaty, but the Chickasaws adamantly refused to do the same. Among the Five Tribes, the vitriol against the Freedmen was at its highest in the Chickasaw Nation. In fact, during allotment Chickasaw governor Douglas H. Johnston, in his desire to have the Chickasaw Freedmen barred from enrolling with the Dawes Commission, stated: "The African race is prolific. The Indian race, under present conditions, is not. . . . It will be but a few generations until the full blood Indian will be no more, but as the Indian citizen vanished, the Negro 'Chickasaw,' if such be, is made by Congress, will multiply, and the time will not be far distant, if this iniquity is visited upon us, when the name of Chickasaw will carry with it approbrium [sic] and reproach instead of honor." See Grinde and Taylor, "Red vs Black," 212-213, 223. Given that the Chickasaws were allowed to pay off their Freedmen and that they never recognized them in their 1866 treaty, and yet the Creeks and Seminoles opted to give their Freedmen citizenship and allowed their political participation, there is little evidence to credibly support any claim that the Cherokees – and somehow *only* the Cherokees – were ever "forced" to accept their Freedmen as citizens in the Treaty of 1866. For more on the Chickasaws' history with their Freedmen, see Angie Debo *The Road to Disappearance* (Norman: U of Oklahoma P, 1967); Arell M. Gibson *The Chickasaws* (Norman: U of Oklahoma P, 1971); Daniel F. Littlefield *The Chickasaw Freedmen: A People Without a Country* (Westport, Conn: Greenwood P, 1980) and Wyatt F. Jeltz "The Relations of Negroes and Choctaws and Chickasaw Indians." *Journal of Negro History*. 33.1 (1948): 24-37. For more on how Cherokee Freedmen, women in particular, occupied a space among Cherokees between the acceptance of Freedmen shown by the Creeks and Seminoles and the exclusion of the Freedmen shown by Choctaws and Chickasaws, see Reese, "Cherokee Freedwomen in Indian Territory, 1863-1890," 273-296. For more on the Treaty of 1866, see "Treaty with the Cherokee, 1866." *Indian Treaties, 1778-1883*. Charles J. Kappler, ed. (New York: Amereon Ltd., 1996) and Morris L. Wardell, *Political History of the Cherokee Nation, 1838-1907*, (1938).

²⁶ Article IX of the Treaty of 1866 states: "The Cherokee Nation having, voluntarily, in February, eighteen hundred and sixty-three, by an act of the national council, forever abolished slavery, hereby covenant and

agree that never hereafter shall either slavery or involuntary servitude exist in their nation otherwise than in the punishment of crime, whereof the party shall have been duly convicted, in accordance with laws applicable to all the members of said tribe alike. They further agree that all freedmen who have been liberated by voluntary act of their former owners or by law, as well as all free colored persons who were in the country at the commencement of the rebellion, and are now residents therein, or who may return within six months, and their descendants, shall have *all the rights of native Cherokees*" (emphasis mine). See "Treaty with the Cherokee, 1866." *Indian Treaties, 1778-1883*. Charles J. Kappler, ed. (New York, Amereon Ltd., 1996).

Similarly, an 1866 amendment to Article 3, section 5 of the Cherokee Constitution (1839) reads: "All native born Cherokees, all Indians, and whites legally members of the Nation by adoption, and all freedmen who have been liberated by voluntary act of their former owners or by law, as well as free colored persons who were in the country at the commencement of the rebellion, and are now residents therein, or who may return within six months from the 19th day of July, 1866, and their descendants, who reside within the limits of the Cherokee Nation, shall be taken and deemed to be, citizens of the Cherokee Nation." See <<http://digital.library.okstate.edu/Chronicles/v011/v011p1056.html>>.

²⁷ I use "peoplehood" with a little "p" to refer to the broader anthropological concept of individuals belonging to a distinct group based on any number of identifiers shared within that group. I use the term Peoplehood Matrix, or the Matrix, when referring specifically to Robert Thomas, tsigesv, and Tom Holm's framework that incorporates the interdependent concepts of shared land, language, history and ceremonial cycle.

²⁸ In the debate regarding Cherokee Freedmen, race and the epistemology of inherited "blood" often get conflated in the concept of blood descent as it pertains to contemporary definitions of Cherokee citizenship. I believe this conflation is the result of how race and blood were accounted for in the construction of the Dawes Roll, the document on which the Cherokee Nation bases citizenship. While Cherokees have a traditional epistemology of belonging through blood, specifically as it pertains to belonging in a maternal clan, "blood" as it is recorded on the Dawes Roll was informed by Western pseudoscience of the time, namely the theories put forth by Samuel Morton and Lewis Henry Morgan who posited that different races had different bloods. As a result, Dawes enrollees, including Freedmen and Indian Cherokees, were placed on separate portions of the roll based on race, despite that many enrollees, on both portions of the roll, had mixed black and Indian heritage. Because "blood descent" today refers to tracing to the By-Blood portion of the Dawes Roll, Cherokee "blood" in the context of determining citizenship in the Cherokee state is already conflated with Western concepts of race by default, whereas Cherokees' traditional concept of inherited blood did not include race.

²⁹ The Dawes Commission's effort to enroll tribal citizens during allotment was hardly consistent. Several Freedmen descendants tell stories about how their mixed Cherokee-African ancestors were placed on the Freedmen portion of the roll because the registrar mistook them for black based strictly on phenotype. Marilyn Vann, a Cherokee Freedmen descendant and leader of Freedmen-rights efforts, recounts that because Freedmen received unrestricted allotments, Congress had incentive to list as many Freedmen as they could on the final roll. To further illustrate the carelessness with which the Dawes Commission undertook enrollment, Vann mentions the case of Perry Ross who was listed on the Drennan Roll (1852) as a native Cherokee and received a Guion-Miller payment in 1908 as a Cherokee, but who was listed as a Freedman on the Dawes Roll (1907). See Vann <<http://www.freedmen5tribes.com/cherokee%20freedmen%20facts.doc.pdf>>.

Circe Sturm cites a memorable incident involving Mary Walker, a woman who was 1/8 black, 3/8 Cherokee and half white trying to enroll as a Cherokee with the Dawes Commission. She writes: "When

she went to the Cherokee citizenship commission [Dawes] to enroll, they looked at her face and they saw a Cherokee woman and said, "through whom do you claim," you know, what are your parents' names and what is your degree of Indian blood. They put it all down, then somebody comes in and says, "She ain't no Cherokee. She's a nigger. That woman is a nigger and you're going to put her down as a nigger." . . . So the Dawes Commission had to go back and research her family and get all the documentation and tell this poor woman that not only are you going to be on the freedmen rolls but so are your children." Sturm attributes the registrar's attitude to beliefs about black hypodescent and to Walker's embodiment of a taboo, having been the product of miscegenation, which had been outlawed in the Cherokee Nation. See Sturm, "Blood Politics," (1998), 248.

Likewise, in an online post about the Cherokee Latta family, Cherokee genealogist David Cornsilk (UKB-Cherokee Nation) mentions that the Latta patriarch was listed as white intruder in 1870, a native Cherokee in the 1880 Cherokee census and a Freedman in the 1896 census. See Cornsilk, "Think you know a freedmen when you meet one?" Facebook. 4 Nov 2011. Finally, to further complicate matters with regard to the Dawes Roll, Cherokee sociologist Eva Garrouette writes about "\$5 Indians," or those white people who bribed the Dawes Commission to be included as Cherokee by blood to receive an allotment. She writes: "It is impossible to estimate the number of modern-day descendants of those numerous non-Indian 'Indians,' but one might suppose that it could be fairly large. It seems probable that at least some descendants have maintained tribal enrollment and the privileges attendant on a legally legitimated identity, even while many people of actual Indian descent were and are unable to acquire the same." See Garrouette, *Real Indians*, 234.

³⁰ John Cornsilk's observation of the legal definition of Cherokee citizenship including Delawares, Shawnees, Natchez and adopted whites, among others, speaks again to the trouble (and irony) of defining Cherokee citizenship based in terms of Cherokee blood. According to the Treaty of 1866, the Delawares and Shawnees are legally Cherokees, with or without Cherokee blood, and when these two nations sought to remove themselves from the Cherokee Nation and regain their own autonomous nations, Chad Smith argued that they could not leave because they were Cherokees per the Treaty of 1866. However, when the issue turned to Freedmen, who are mentioned in the same line as the Shawnees and Delawares as citizens, Smith argued that the Five Civilized Tribes Act (1906) made the Treaty of 1866 obsolete. This observation is to highlight that when the Shawnees and Delawares tried to leave the Cherokee Nation, which threatened to reduce federal money to the Cherokee Nation, Smith argued for their inclusion as citizens based in law of the Treaty of 1866, whether they had Cherokee blood or not. However, when the issue of Freedmen citizenship arose, he argued the Treaty of 1866 was obsolete and insisted on a blood definition of Cherokee citizenship for this demographic. The Shawnees were granted federal recognition as a separate nation under the Shawnee Tribe Status Act (2000) and the Delawares reorganized under the Oklahoma Indian Welfare Act in 2009 after a lengthy legal battle against the Cherokee Nation.

³¹ The 1840s in the Cherokee Nation was a time when laws against slaves grew both in number and severity. The Cherokee Nation adopted slave codes similar to those in the American South, but after a series of slave rebellions, the Nation imposed added strictures against their slaves that were progressively harsh. These laws included barring slaves from carrying weapons (1841), punishing free blacks or slaves who aided fugitive slaves with 100 lashes and expulsion from the Nation (1842), expulsion from the Nation of anyone caught teaching slaves to read or write (1848), expulsion from the Nation of any teacher "suspected of entertaining sentiments favorable to abolitionism" (1855) and requiring all free blacks to leave the Nation (1859). This last law passed the Cherokee legislature but was vetoed by John Ross. See McLoughlin "Red Indians, Black Slavery, White Racism," *The Cherokees Ghost Dance: Essays on the Southeastern Indians, 1789-1861* (Macon, GA: Mercer UP, 1894), 278-279.

³² One case that demonstrates the roll of “blood” and how Cherokees deployed it legally to confer rights on some and not others is that of Joseph Hardin Bennett. According to David Cornsilk (UKB-Cherokee Nation), Bennett is the only white man who was ever allowed to purchase “by-blood rights,” which is the right to own land and vote in the Cherokee Nation. Bennett was a young white man from Kentucky who fell in love with a woman who his parents forbade him to marry. The woman was disabled, and Bennett’s parents determined that she would not make a suitable wife for their son. Angered at his parents’ prohibition of their relationship, Bennett left home, headed west and never returned. When he arrived in St. Louis, he informed an innkeeper that he was interested in meeting and living with the Indians in Indian Territory. The innkeeper told him that a team of Cherokees had just docked a barge on the riverbank to sell their wares, and Bennett rushed over to make their acquaintance. At the riverbank, Bennett met Joel Mayes Bryan, an intermarried white man who was leading the group of Cherokees. Bryan and Bennett took an instant liking to each other, and Bryan hired the young man to work with the team on their return trip to Indian Territory. Bennett followed the team into the Cherokee Nation and never left.

Bennett worked at Bryan’s trading post and gained a reputation for being a savvy businessman and for his fairness to his Cherokee clientele. He eventually married one of Bryan’s Cherokee daughters and fathered two Cherokee daughters of his own. Bennett’s wife died in the early 1870s. Because he was now a single parent to a Cherokee girl (his other daughter had died), the tribal council, recognizing his familial ties, agreed to let Bennett keep his business. Because Cherokee law forbade white ownership of property, Bennett risked losing his business when his Cherokee wife died. He was, however, allowed to retain his citizenship status he had acquired through marriage so long as he either remained a widower or married another Cherokee woman through whom he could claim citizenship.

Fate had different plans, and after years of remaining single, Bennett met and fell in love with a white woman named Hulda Ringold, who was living in an intruder community outside of Nowata. Bennett was determined to marry Hulda despite his Cherokee friends’ warning him that he would lose his status and land holdings in the Nation. Torn between his love for Hulda and his love for his Cherokee community and kin, Bennett appealed to his friends on the tribal council for help in the matter. Eager to help Bennett, the council crafted a law that allowed for the purchase of “by-blood rights,” which constituted an administrative form of tribal adoption. The price was \$500 and the endorsement of 10 upstanding Cherokees. Bennett also had to agree to permanently stay in the Cherokee Nation. Bennett agreed and was able to negotiate a deal that allowed him to marry Hulda and still be a Cherokee citizen. The couple married in 1878 and raised a family of Cherokee-by-adoption children. These children and the couple’s grandchildren were registered with the Dawes Commission as adopted whites. While both Bennett and Hulda were initially registered with the Dawes Commission, Bennett was later stricken from the record because he died before the rolls were closed. Hulda was later removed from the roll as an intermarried white because the law, per *Redbird v. the U.S.* (1906), indicated that only whites who intermarried into the Cherokee Nation before November 1875 could claim a part of the tribal estate. Bennett’s descendants are Cherokee citizens today.

³³ One could argue that culture isn’t necessary to the survival of a people as long as those people maintain their sovereign rights. However, in the context of the relationship between the federal government and tribal governments, demonstrating a distinct culture and being recognized as a distinct entity informs the criteria for federal recognition. Since 1978 the Bureau of Indian Affairs Federal Acknowledgement Process (FAP) through which Indian nations must navigate to gain “recognized” status as political sovereigns has included criteria similar to Edward Spicer’s theory that Indians are only distinct people when viewed in contrast to Euroamericans. See also Renee Ann Cramer *Cash, Color, and Colonialism: The Politics of Tribal Acknowledgement* (Norman: U of Oklahoma P, 2005); Amy Den Ouden and Jean M. O’Brien (White Earth Anishinaabe), eds. *Recognition, Sovereignty Struggles and Indigenous Rights: A Sourcebook* (Chapel Hill: U

of North Carolina P, 2013); Mark Edwin Miller *Forgotten Tribes: Unrecognized Indians and the Federal Recognition Process* (Lincoln: U of Nebraska P, 2008), Ch. 1.

³⁴ Trofim Lysenko was a pseudo-scientist who worked under Josef Stalin who rejected scientifically proven theories of genetics and promoted the idea of “environmentally acquired inheritance,” which argues that physiological traits that one develops over time can be passed on to that person’s offspring. With the reference to a Soviet scientist whose work has been thoroughly debunked, Russell challenges, and subsequently debunks, the notion of “Cherokee-ness” being passed on through the blood. For more about the pseudoscience that was popular during the Stalin regime, see Nikolai Kremenstov *Stalinist Science* (Princeton, NJ: Princeton UP, 1997) and David Joravsky *The Lysenko Affair* (Chicago: U of Chicago P, 1986). I also read Russell’s mention of a “bloody red shirt” as a reference to an opinion piece written by Lakota professor Delphine Red Shirt in which she describes that she is offended by Connecticut’s definition of “Indian” because she believes, in a racial sense, that the blood of eastern tribes is too diluted to be truly Indian. For Red Shirt’s opinion piece and a rebuttal by Assistant Secretary of Indian Affairs Kevin Gover (Pawnee), see Russell, “Paradox,” 167-168. Daniel Heath Justice (Cherokee Nation) further critiques Red Shirt’s racial assessment of Indianness. See Justice, “Go Away, Water!,” 156-159. For more about the stereotypes of Indianness that Red Shirt engages and that appear in race-based notions of being Indian, see Robert F. Berkhofer, Jr. *The White Man’s Indian: Images of the American Indian from Columbus to the Present* (New York: Vintage, 1979).

³⁵ By “disreputable company” Russell refers to Hitler and his use of race ideologies to class Jews as a race, complete with stereotypical behaviors that they supposedly pass on through blood, as a way justify their eradication. Normally a *reductio ad Hitlerum* argument is a sure concession of rhetorical defeat, but Russell’s Hitler reference notwithstanding, his point that a focus on the ideologies of race and blood can lead to actual systematic destruction of entire groups of people still stands in that a people can define themselves out of existence based on how restrictive they choose to define their race or blood. While some scholars like Ward Churchill have tossed around the word “genocide” freely in terms of Indian blood and its dilution, being mixed-blood myself, I hate to think of myself or my children as the end result of genocide. Because race and ideologies of blood have been debunked, we have no factual incentive to continue adhering to them. As such, blood possesses as much or as little meaning as we assign to it, even if that’s no meaning at all. I point to what Bo Taylor (Eastern Band of Cherokee Indians) says in this chapter about the thought of his descendants being 1/1000th Cherokee and possibly a different color than he. He asserts that as long as they’re speaking Cherokee (shared language) and dancing and singing the songs (shared ceremony), they’ll still be Cherokee. These are elements of the Peoplehood Matrix that bypass ideologies of race and blood that some people insist on clinging to, and as such the matrix offers a viable alternative in determining belonging and forging a more equitable nation. While the U.S.’s killing of Indians and forced removals in the early days of the republic certainly can be summed up as genocidal, because culture and peoplehood can always be reconfigured and relearned – resurrected in ways that bodies cannot – I hesitate to define cultural loss with the same terms. Words like “genocide,” “Holocaust,” and references to Hitler actually mean something and should not be deadened through repeated gratuitous use; therefore, I’ll refrain from hyperbolic overreaching by not referring to the Cherokee Nation’s Freedmen controversy in such terms. See Churchill *Kill the Indian, Save the Man: The Genocidal Impact of American Indian Residential Schools* (San Francisco: City Lights, 2004) and *A Little Matter of Genocide: Holocaust and Denial in the Americas, 1492 to the Present* (San Francisco: City Lights, 2001). See also Marijo Moore, ed. *Genocide of the Mind: New Native American Writing* (New York: Thunder’s Mouth Press, 2003).

³⁶ Ray notes that Samuel Morton's theories of race form the root of 19th-century race and blood ideology that partially informed the Dawes Commission's concept of who was a Cherokee or a Freedman. Morton worked from 1831-1851 and rejected "monogenesis" in favor of the idea that different races in fact possessed different bloods on which racial traits, behavior and intelligence (or lack of) were inescapably imprinted. Lewis Henry Morgan, whose work influenced the Dawes Commission, introduced a Darwinian element to race theory, adding that Indian blood and black blood were inferior to that of whites. He also believed that because of this inferior quality, Indians were doomed and could only be saved through assimilation, which included intermarriage and the "mixing" of bloods. Because Morton and Morgan believed that bloods were separate and carried racial traits, they argued that blood could be quantified, meaning Indian blood could eventually be "bred out" by continual intermarriage with whites. For more about Morgan's theories and how they influenced 19th-century race ideology, see respectively Morgan *Ancient Society* (1877) (New York: Gordon Press, 1977. Reprint) and Yael Ben-Zvi "Where Did Red Go? Lewis Henry Morgan's Evolutionary Inheritance and U.S. Racial Imagination" *CR: The New Centennial Review* 7.2 (2007): 201-229.

As opposed to Indian blood, however, black blood was considered a permanent taint, an idea that led to the One-Drop Rule in which a phenotypically white person with a black ancestor from long ago would still legally be considered black. See Ray, "A Race or Nation?," 445. One of the more famous cases of the One Drop Rule being applied to a phenotypically white man with black ancestry is that of Homer Plessy, a man of 1/8 African ancestry, who bought a ticket to ride in the "white car" of a train in defiance of Louisiana's Separate Car Act (1890). After he took a seat in the white car, Plessy was arrested by a private detective. In court Plessy tried to argue that segregation was in violation of his rights guaranteed by the Thirteenth Amendment; however, Supreme Court Justice John Ferguson upheld Louisiana's law. See William James Hull Hoffer *Plessy v. Ferguson: Race and Inequality in Jim Crow America* (Lawrence: U of Kansas P, 2012).

³⁷ The Final Dawes Roll lists 4,305 Freedmen and 619 Freedmen minors. Slavery as an institution in the Cherokee Nation grew rapidly between the early 1800s and its official abolition in 1863. Between 1809 and 1860, the number of slaves in the Cherokee Nation rose from 583 to 4,000, which made slaves at the time 23.5 percent of the population in the Nation. See Ray, "A Race or a Nation?," 425.

³⁸ See Perdue, *Slavery*, 85.

³⁹ Though several traditionalists such as Redbird Smith and Chitto Harjo (Creek) refused to cooperate with the Dawes Commission, they were jailed until they acquiesced to pressure to enroll. Other people who refused to enroll were sometimes surreptitiously added by neighbors and family members who the Dawes Commission paid as informants.

⁴⁰ Thomas borrows the elements of language, ceremonial cycle and territory from Edward Spicer, an anthropologist of the American Indian Southwest with whom Thomas trained. In his own essay "Tap-Roots of Peoplehood," Thomas adds the element of shared history. While Spicer takes the three abovementioned elements and identifies indigenous groups *against* the dominant white group, Thomas and Holm display how they are interrelated and how they function on their own outside of a binary context that depends on the presence of a dominant group against which to define the existence of an indigenous group. See Spicer *Cycles of Conquest: The Impact of Spain, Mexico, and the United States on the Indians of the Southwest, 1533-1960* (Tucson: U of Arizona P, 1967), Ch. 15-17, 19-20.

⁴¹ Several studies have documented a genealogy of race formation in the U.S., including Ruth Benedict *Race: Science and Politics* (New York: Viking Press, 1940); Bruce Dain *A Hideous Monster: American Race*

Theory in the Early Republic (Cambridge: Harvard UP, 2002); Michael Omi and Howard Winant *Racial Formation in the United States: From the 1960s to the 1990s* (New York: Routledge, 1994). Though early Indian policy was largely based on the racial ideas of anthropologists at the time, including Morgan who introduced Darwinist ideas of blood and Samuel Morton who believed in polygenism, the notion of race as a product of biology has been long debunked. On race and belonging, Eva Garrouette (Cherokee Nation) writes: "The act of using science (to determine identity) is a technological manifestation of sociopolitical ideas of race. Such ideas assert that cultural identity can be conclusively established in an individual's biology. Science cannot prove an individual's identity as a member of a cultural entity such as a tribe; it can only reveal one individual's genetic inheritance or partial inheritance. The two are not synonymous." See Garrouette, *Real Indians*, 84. For more studies that debunk the race myth, see Ashley Montagu *Man's Most Dangerous Myth: The Fallacy of Race*, 6 ed. (New York: Columbia UP, 2008); Joseph Graves, Jr. *The Race Myth: Why We Pretend Race Exists in America* (New York: Plume, 2005) and *The Emperor's New Clothes: Biological Theories of Race at the Millennium* (Piscataway, NJ: Rutgers UP, 2003). For an analysis of race as a social construct, see Part I of Elizabeth Higginbottom and Margaret L. Anderson *Race and Ethnicity in Society: The Changing Landscape* (Belmont, CA: Wadsworth Publishing, 2011). See also Stephen Steinberg *The Ethnic Myth: Race, Ethnicity, and Class in America* (Boston: Beacon Press, 2001) for a study of institutionalized discrimination and the myth of cultural ethnicity as it pertains to lived experience in the U.S. For a succinct study of how race figures in Indian Country, see Ann McMullen "Blood and Culture: Negotiating Race in Twentieth-Century Native New England." *Confounding the Color Line: The Indian-Black Experience in North America*. James F. Brooks, ed. (Lincoln: U of Nebraska P, 2002), 261-292.

⁴² Academics have indeed debunked the idea of race as biology, or anything tangible and quantifiable for that matter. However, I invoke the discussion of race in this chapter because to people like Darren Buzzard and other Cherokee Indians who would begrudgingly accept a white son- or daughter-in-law but believe "'you don't marry black people and you don't marry Mexicans'" or that Cherokees are "'just as good as the white people'" (Sturm, *Blood Politics*, 163) race evidently is real or at least means something. People such as these have a political voice and can determine the fate of the Freedmen based on their notions of race, however indefensible. Because of this reality, I engage race in this analysis, specifically with regard to how the Peoplehood Matrix transcends race and can inform a more equitable nation. For more on how some Cherokees view race in terms of maintaining a "pure" Cherokee bloodline and on Cherokee racial hierarchies with regard to exogamy, see Sturm, *Blood Politics*, 150-53 and 161-65, respectively.

⁴³ For studies on how language functions as an element of identity formation, see John Edwards *Language and Identity: An Introduction* (Cambridge: Cambridge UP, 2009), Ch. 8-10 and John E. Joseph *Language and Identity: National, Ethnic, Religious* (New York: Palgrave Macmillan, 2004), Ch. 1-2 and 5. For a general study on language as an adaptive strategy with regard to identity, see Pierre Bordieu *Language and Symbolic Power* (Cambridge, MA: Harvard UP, 1999). For a study specific to the United States, see Walt Wolfram *American English: Dialects and Variation*, 2 ed. (Malden, MA: Blackwell Publishing, 2005), Ch. 2.1, 6.

⁴⁴ While one could argue that Perryman is romanticizing her mother's experience with the Taylor family in her retelling, in keeping with my commitment to respect the Freedmen descendants' stories, I defer to Perryman as the expert of her family members' lives, especially if the story is one that comforts someone whose mother might otherwise have lived an unpleasant life.

⁴⁵ On a historical note, scholars disagree with regard to how Cherokees treated their slaves. Theda Perdue argues that Cherokee slaveholders “probably treated their slaves much better on the average than did their white counterparts” while Carla D. Pratt asserts that slavery in the Cherokee Nation differed little from slavery in the U.S. South and that sometimes “Cherokee masters could be as cruel and vicious as their white counterparts” (81). See Perdue, *Slavery*, 98; Pratt “Tribes and Tribulations: Beyond Sovereign Immunity and Toward Reparation and Reconciliation for the Estelusti.” *Washington and Lee Journal of Civil Rights and Social Justice* 11.1 (2005): 61-132. McLoughlin, however, argues that life as a slave in the Cherokee Nation was neither worse nor better than living in bondage in the U.S. South. He writes: “Among these slaveholding Indians we do not know to what extent black slaves had an easier life than among white slaveholders. Many slaves did run away from white masters because they thought they would have an easier life among the Indians . . . Nevertheless, there are scattered accounts that tell of Indian slaveowners who whipped, maimed, hung, and burned slaves as late as the 1850s in Indian Territory (now Oklahoma),” though he does note that the Seminoles were known for their kindness toward their slaves. See McLoughlin, “Red Indians, Black Slavery, and White Racism,” *Cherokee Ghost Dance*, 263-264.

⁴⁶ The term “liberation theology” wasn’t coined until 1966 when a group of African American pastors challenged black Civil Rights leaders such as Malcolm X on the idea that Christianity was a white man’s religion that supported slavery and oppression. While some Christian pastors at the time of slavery did, at best, ignore the slavery issue and, at worst, rationalized its acceptance, black pastors during the Civil Rights era renewed their effort to use Christianity in a way that preached tolerance, equality and care for the poor and the oppressed. This approach that black pastors took to re-appropriate Christianity in the 1960s, however, wasn’t new as black and Freedmen preachers in Indian Territory had been preaching this version of Christianity from the pulpit since slaves were introduced to the religion. Thus, I use the term “liberation theology” not to refer to the Civil Rights era, but rather to describe the content of the sermons of black and Freedmen preachers in the nineteenth century in Indian Territory. However, some background in 1960s liberation theology and the slave history that informed it could approximate what black and Freedmen preachers were discussing in Indian Territory. See Dwight N. Hopkins *Down, Up, and Over: Slave Religion and Black Theology* (Minneapolis: Fortress Press, 2000), Part II especially on theology; C. Eric Lincoln and Lawrence H. Mamiya *The Black Church in the African American Experience* (Durham, NC: Duke UP, 1990), Chs. 2-3, 5, 7-8 ; E. Franklin Frazier *The Negro Church in America* (New York: Schocken Books, 1964); Albert J. Raboteau *Slave Religion: The “Invisible Institution” in the Antebellum South* (New York: Oxford UP, 2004), Ch. 5-6.

⁴⁷ In addition to spreading Christianity, the missionaries taught the Cherokees how to farm in ways that produced excess in order sell to traders, which was a boon to the Cherokee economy. After several years of the missionaries’ presence, however, some traditionalist Cherokees felt the missionaries had done their job in integrating the Cherokee Nation into the U.S. economy and that they should leave. They feared that Cherokees were becoming too acculturated as evinced in the Nation’s new laws with regard to inheritance, property and marriage that contradicted the ways that had worked for traditionalists for generations. Additionally, these traditionalists were noting how missionaries were investing more time in the wealthy mixed-blood elite. McLoughlin writes: “The missionaries, who in 1819 had been heroes to the rich and poor in the nation for helping to stave off compulsory removal and for bringing free education to all, had within a decade become villains to the traditionalists by dividing the nation. Mission schools trained the sons of the rich to rise to power but failed to serve the sons of the poor. The missionaries preached self-reliance and ‘God helps those who help themselves,’ but the new political and economic order enabled the rich to pass laws to help them get rich while leaving the poor to pay taxes and help each other” (219). These shifts in culture and divisions of the people spurred the White Path rebellion

(1827) in which White Path, a traditionalist leader, gathered with fellow traditionalists and worked to restore Cherokee culture that they viewed as being systematically chipped away. For more about the anti-missionary sentiment by Cherokee traditionalists and the White Path rebellion, see McLoughlin, *Cherokees and Missionaries*, Ch. 9.

⁴⁸ On Christianity and missionaries as “civilizers,” McLoughlin writes: “When George Washington inaugurated the nation’s policy of Indian assimilation in 1789, he expected all of the Indians east of the Mississippi (roughly 125,000 in eighty-five different tribes) to be acculturated within fifty years. His goal was to teach them English, make them farmers, divide their land among them in ‘severalty’ (that is, as individuals). Once they could support themselves individually as farmers, they were to be admitted into the republic as full and equal citizens. The Indian nations would then be denationalized and their land not actually under cultivation would be ceded to the federal or state governments. The missionaries were an integral part of the government’s civilization and Christianization program.” See McLoughlin, *Cherokees and Missionaries*, 1.

⁴⁹ William G. McLoughlin has written several volumes about the role of Christianity in Cherokee history. See, for example, *Cherokees and Missionaries, 1789-1839* (1984), *Champions of the Cherokees: Evan and John B. Jones* (1990) and *Cherokees and Christianity, 1794-1870* (1994). More generally, see George E. Tinker (Osage), *Missionary Conquest: The Gospel and Native American Cultural Genocide*, (1993); Robert F. Berkhofer, Jr., *Salvation and the Savage: An Analysis of Protestant Missions and American Indian Response, 1787-1862*, (1965); Francis P. Prucha, *American Indian Policy in Crisis: Christian Reformers and the Indian, 1865-1900*, (1976); R. Pierce Beaver, *Church, State, and the American Indians: Two and a Half Centuries of Partnership in Missions between Protestant Churches and Government*, (1966); Henry Warner Bowden, *American Indians and Christian Missions: Studies in Cultural Conflict*, (1981); Gustavus E. E. Lindquist, *Indians in Transition: A Study of Protestant Missions to Indians in the United States*, (1951); Peter Rahill, *The Catholic Indian Missions and Grant’s Peace Policy, 1870-1884*, (1953). See Ch. 5 of this study for a discussion of the role of Christianity in “civilizing” Indian gender and sexual norms. For a look at how tribal communities have incorporated Christianity in ways that are useful to them, see Tinker, *American Indian Liberation: A Theology of Sovereignty*, (2008) and *Spirit and Resistance: Political Theory and American Indian Liberation*, (2004); Tinker, Homer Noley (Choctaw) and Clara Sue Kidwell (Choctaw), *A Native American Theology*, (2001); Noley, *First White Frost: Native Americans and United Methodism*, (1991); Craig Stephen Smith (Leech Lake Anishinaabe), *Whiteman’s Gospel*, (1998).

⁵⁰ McLoughlin notes that missionaries in the Cherokee Nation tended to take one of three stances on the issue of slavery: “(1) [they] could hold that slavery was the law of the land and hence a political question in which the church could not, or should not, meddle; (2) [they] could take a proslavery position and argue that since it was the law of the land and since the Redeemer and his apostles never openly condemned the institution, it was not only justifiable by Old Testament example but also beneficial to the slaves and to the nation and a blessing to be supported and expanded; or (3) [they] could advocate opposition to slavery as a sin against the injunction to love one’s neighbor as oneself.” See McLoughlin, *The Cherokees and Christianity*, 45. Northern Baptists such as Evan and John Jones opposed slavery, but after Removal, as slavery became more institutionalized in the Cherokee Nation, the Nation started to invite Southern Baptists who did support slavery. See McLoughlin, *After the Trail of Tears*, 147.

⁵¹ While this analysis focuses on how white missionaries in Cherokee communities preached what they saw as the virtues of slavery, it is important to remember that not all missionaries in Cherokee country took this approach, and many missionaries proved valuable to Cherokees. While Welsh-born Baptist missionary Evan Jones favored Cherokee religious acculturation, he disapproved of slavery and adamantly

fought against Removal. Likewise in Indian Territory, Evan and John Jones helped traditionalists such as Creek Sam and Pig Smith, Redbird Smith's mentor and father, respectively, organize the Keetoowah Society in 1859 as a way to empower fullbloods who had been marginalized politically by the growing mixedblood Cherokee planter population. The Joneses, like the Keetoowah Society and most of the traditional Cherokees, were abolitionists and supported the Union during the Civil War. See McLoughlin *Champions of the Cherokees: Evan and John B. Jones* (Princeton, NJ: Princeton UP, 1990).

⁵² While Moravians and Presbyterians also proselytized to Cherokees, the Baptists and Methodists were more accessible to Cherokees because they preached from a position of egalitarianism and were willing to take as members (and even ordain as ministers) Cherokees who were poor, illiterate, and who were "of good heart". They also did not remain neutral in politics and sided with Cherokees in their fight against Removal. Because their missionaries came from the north, early Baptists especially were anti-slavery. See McLoughlin, *Cherokee and Missionaries*, 150-151.

⁵³ Because Cherokee has its own written language, spellings of Cherokee words sometimes vary when transliterated into English. For example, one spelling is "Kituwah" as in Kituwah mound, the place of origin of Cherokees and the site of the mother town in present-day Bryson County, North Carolina. Others such as the Keetoowah Society and the United Keetoowah Band use the "Keetoowah" spelling. Some Cherokee speakers will write "gaduwa" or "giduwa," depending on the pronunciation in the various regional dialects of Cherokee. I use these spellings interchangeably as they appear in the documents I'm using or in the names of the groups I refer to.

⁵⁴ The Keetoowah Laws can be found in Appendix A of Howard Q. Tyner, *The Keetoowah Society in Cherokee History*, (1940).

⁵⁵ "Black drink" is a tea made from a mixture of various roots and leaves that induces vomiting. The beverage is usually ingested before religious ceremonies for the purpose of purifying the body. Cherokees are among several tribal communities, including the Creeks, Natchez and Timucuas who incorporate black drink into their ceremonial practices. For more on black drink, see Charles M. Hudson *Black Drink: A Native American Tea* (Athens, GA: U of Georgia P, 1979).

⁵⁶ "Ball play," which is also called "stickball," is a ceremonial game that is played before stomp dances that resembles lacrosse. Using hickory sticks and a ball made of deer hair and hide, players attempt to strike a wooden fish placed on top of a pole. Teams are awarded seven points for hitting the fish and two points for hitting the pole. In some variations, players must run through a goal and run back onto the field in order to score points. While men use sticks, female players use their hands. The game also was historically used for settling disputes between communities. Though the game maintains ritual significance as a prelude to stomp dances, secular stick ball teams also play for recreation. In addition to Cherokees, other tribal nations such the Choctaws and Creeks have a stickball tradition and play different versions of the game. For more on stickball, called anejodi in Cherokee, as it is played among Cherokees in North Carolina, see Michael J. Zogry *Anetso, the Cherokee Ball Game: At the Center of Ceremony and Identity* (Chapel Hill: U of North Carolina P, 2010). More generally, see James Mooney "The Cherokee Ball Play." *American Anthropologist* 3.2 (1890): 105-132.

⁵⁷ It should be noted that not everyone agrees on whether the Keetoowahs included among their membership Afro-Cherokees or African slaves. For example, Katja May argues in her book on Cherokee and Creek nativist movements that one difference between the two groups' strategies was that Creeks included blacks in their traditionalist movements while the Cherokees supposedly did not. Specifically, she

writes: "The term Keetoowah was also an umbrella term for several competing groups known by that name. Keetoowah groups did not have African American members, unlike 'traditionalist' or 'nativist' movements in the Muskogee Nation" (79). See May *African Americans and Native Americans in the Creek and Cherokee Nations 1830's to 1920's: Collision and Collusion* (New York: Garland Publishing, 1996). In her analysis of the Keetoowah Society, May refers to "competing groups" of Keetoowahs, but the Keetoowah Society did not split until the late 19th-century, well after the Civil War. In fact, according to David Cornsilk (UKB), after Redbird Smith's death in 1919, as many as 22 Keetoowah organizations operated in fullblood communities. May's analysis invokes a much later period in Cherokee history, and about the Nation as a whole, to issue a blanket claim about the Keetoowah Society as it existed more than half a century earlier. Minges also points out that May asserts that the Keetoowahs only supported abolition insofar as their traditional Cherokee lifeways were safeguarded from encroachment. What Mays fails to account for, however, is that human bondage was an affront to the Keetoowahs' lifeways, meaning that their support for the abolition of black slavery actually is an assertion of their traditional beliefs. Finally, May's assertion that blacks had no part in the Keetoowah movement, for which she provides no historical evidence, overlooks the preponderance of evidence that they in fact did play an important role. We know that the Keetoowah movement was informed by the largely black Baptist church, and we know that Keetoowahs after the Civil War agitated for Freedmen to gain Cherokee citizenship. We also know that many slaves were Cherokee speakers and, by their phenotypes, could not assimilate into mixedblood Cherokee society, meaning per the Keetoowah by-laws they were eligible for membership. Overall, however, as Minges points out, Mays' assertion that blacks had no part in the Keetoowah movement elides the documented history of Freedmen and traditionalist Cherokees working together to protect the Nation. He writes that May's claim "den[ies] the common struggle and the horrendous losses of African Americans and Native Americans during the struggle to end slavery and reunite a people fought during the years 1861-1865. We can rest assured that just as there were blacks protecting the people on the Trail of Tears, there were African sentries posted at Caving Banks to ask the question 'Who are you?' and to respond 'I am Keetoowah's Son'" (par 9). Caving Banks was a Civil War battle fought to determine control over that area of Indian Territory, in present-day Tulsa County, Oklahoma. The phrase "I am Keetoowah's Son" that Minges mentions was code used by Pin Indians, Cherokee traditionalists who opposed the Confederacy, as a way of identifying fellow Pins. See Minges *The Keetoowah Society and the Avocation of Religious Nationalism in the Cherokee Nation, 1855-1867*. Diss. Union Theological Seminary, 1999. Web. 8 Sept. 2011 <<http://www.us-data.org/us/minges>>. See also David Cornsilk "Footsteps – Historical Perspective: History of the Keetoowah Cherokees" *CherokeeObserver.org*. The Cherokee Observer, Oct. 1997. Web. 9 June 2011. <<http://www.cherokeeobserver.org/keetoowah/octissue97.html>>.

⁵⁸ Because actual blood quantum wasn't present in the Cherokee Nation until the Dawes Commission began using it, terms such as "fullblood" and "mixedblood" tended to denote not actual racial admixture, but rather cultural connection and commitment to Cherokees, which is how the Keetoowah Society used the term to determine membership and how I use the term in this project. For example, Sturm writes of contemporary Cherokees: "[W]e find the full-blood medicine man with green eyes, a full-blood Keetoowah man with a CDIB (Certificate Degree of Indian Blood) stating he is only one-eighth Cherokee, and a full-blood Cherokee-speaking woman with a white father" (142). See Sturm, *Blood Politics*, 140-142.

⁵⁹ "Going to water" refers to the dawn ritual of going to a river or creek and submerging oneself seven times in the seven directions, sometimes accompanied by prayer or songs depending on the occasion. In *Spiral of Fire*, Bo Taylor (Eastern Band of Cherokee Indians) jokes that because Cherokees have a long tradition of going to water, the Cherokees were "the original Baptists." Cherokee traditionalist Ryan Mackey says there are several ways to go to water, and the method itself can be unique to individuals

though the water must always be “living water,” as in not a manmade body of water such as a tank. For a brief description of going to water, see McLoughlin, *Cherokees and Missionaries*, 163. She also Alan Edwin Kilpatrick “‘Going to the Water’: A Structural Analysis Of Cherokee Purification Rituals.” *American Indian Culture and Research Journal* 15.4 (1991): 49-58.

⁶⁰ Article XII of the Treaty of New Echota (1935) outlines the circumstances under which Cherokees could stay in the Southeast. It reads: “Those individuals and families of the Cherokee nation that are averse to a removal to the Cherokee country west of the Mississippi and are desirous to become citizens of the States where they reside and such as are qualified to take care of themselves and their property shall be entitled to receive their due portion of all the personal benefits accruing under this treaty for their claims, improvements and per capita; as soon as an appropriation is made for this treaty.

“Such heads of Cherokee families as are desirous to reside within the States of No. Carolina, Tennessee, and Alabama subject to the laws of the same; and who are qualified or calculated to become useful citizens shall be entitled, on the certificate of the commissioners to a preemption right to one hundred and sixty acres of land or one quarter section at the minimum Congress price; so as to include the present buildings or improvements of those who now reside there and such as do not live there at present shall be permitted to locate within two years any lands not already occupied by persons entitled to pre-emption privilege under this treaty and if two or more families live on the same quarter section and they desire to continue their residence in these States and are qualified as above specified they shall, on receiving their pre-emption certificate be entitled to the right of pre-emption to such lands as they may select not already taken by any person entitled to them under this treaty.

“It is stipulated and agreed between the United States and the Cherokee people that John Ross, James Starr, George Hicks, John Gunter, George Chambers, John Ridge, Elias Boudinot, George Sanders, John Martin, William Rogers, Roman Nose Situwake, and John Timpson shall be a committee on the part of the Cherokees to recommend such persons for the privilege of pre-emption rights as may be deemed entitled to the same under the above articles and to select the missionaries who shall be removed with the nation; and that they be hereby.” See Kappler, 444. The Cherokees who were allowed to stay were mostly mixed-bloods, especially Cherokee women with white husbands; English speakers; formally educated and slaveholders who could easily be absorbed into Southern white society.

⁶¹ The importance of land is evident in Cherokee constitutions, which frequently begin with an invocation of land and the boundaries of Cherokee territory as well as a statement that a Cherokees will lose their citizenship if they pack up their effects and leave Cherokee borders. For example, Article I, section 1 of the 1827 Cherokee Constitution reads: “The boundaries of this nation embracing the lands solemnly guaranteed and reserved forever to the Cherokee Nation the treaties concluded with the United States is as follows, and which shall forever hereafter remain unalterably the same; To wit: Beginning on the north bank of Tennessee River at the upper [sic] part of the Chickasaw Old Fields thence along the main Channel of said River [added: including] all the islands therein to the mouth of Highwassee River thence up the main channel of said river including Islands to the first Hill which closes in on said river about two miles above highwassee Old Town thence along the ridge which divides the waters of the Highwassee Little Tellico, to the Tennessee river at Tallassee thence along the main channel including Islands to the junction of Cowee & Nonteyalee thence along the ridge in the fork of said river to the top of the blue ridge, thence along the blue ridge to the Unicoy Turnpike road thence a straight line to the nearest main source of the Chestotee; thence along its main channel, including Islands to the Chatahoochie and thence down the same to the Creek boundary at Buzzard roast, thence along the boundary line which separates this and the Creek Nation, to a point on the Coosa river opposite the mouth of Wills Creek thence down along the

South Bank of the same to a point, opposite Fort Strothers thence up the river [added: to] the mouth of Wills Creek, thence up along the east Bank of said Creek to the west branch, thereof and up the same to its source & thence along the ridge which separates [sic] the Tombigby & Tennessee waters, to a point on the top of said ridge thence a due north Course to Camp Coffee, on Tennessee which is opposite the Chickasaw Island, thence to a place of beginning.”

Article I, section 2 on citizenship reads: “The sovereignty [sic] & jurisdiction of this Government shall extend over the Country within the boundaries above described, and the lands therein is & shall remain the Common property of the nation; but the improvements made thereon and in possession of the citizens of the nation, are the exclusive & indefeasible property of the citizens respectively who made or may rightly be in possession of them provided that the Citizens of the nation possessing exclusive and indefeasible [sic] rights to their respective improvements, [unclear] expressed in this article, shall possess no right nor power to dispose of their improvements in any manner whatever to the United States individual states, nor to individual Citizens thereof and that whenever any such Citizen or Citizens shall remove with their effects out of the limits of this nation and become Citizens of any Other government all their rights and privileges [sic] as Citizens of this nation Cease, Provided nevertheless the legislature shall have power to readmit by law, all the rights of Citizen Ship [sic] to any such person or persons who may at any time desire to return to this nation by memorializing the General Council for such readmission.” The text of the 1827 Constitution can be found at <<http://www.cornsilks.com/1827Constitution.html>>.

In several cases, such as those Cherokees who appealed to the military authority to stay in the Southeast U.S. during Removal, Cherokees lost their citizenship if the Nation’s boundaries moved and the people didn’t follow. These Cherokees can be found listed on the Mullay Roll (1848), the Chapman Roll and its addendum the Siler Roll (1851/52), the Act of Congress Roll (1854), the Swetland Roll (169) and the Hester Roll (1883). Several Cherokee descendants who cannot enroll with the Cherokee Nation today because their ancestors are not on the Dawes Roll have ancestors on these documents. Because Cherokees in present-day North Carolina were not required to remove, having bought their own property through Will Holland Thomas, the ancestors of Eastern Band citizens also appear on these records. This connection to land also partially explains why Cherokee Nation citizens and Eastern Band citizens differ and exist under separate governments. For more about Cherokees who remained in the South and the Eastern Band of Cherokees, see Robert Thomas, “Cherokee Communities of the South,” Unpublished article, (1978) <http://works.bepress.com/robert_thomas/24> and John R. Finger *The Eastern Band of Cherokees, 1819-1900* (Knoxville: U of Tennessee P, 1984).

⁶² William Penn Adair (1830-1880) was a Cherokee statesman who served as assistant Principal Chief, justice of the Cherokee Supreme Court and as a delegate to the United States. He was also a colonel in the Civil War under Stand Watie in the Cherokee Mounted Volunteers. Additionally, he was an advocate for the Texas Cherokees who had been forcibly removed from the Republic of Texas under President Mirabeau Lamar though the Texas Cherokees under Chief Bowles had drafted treaties with Mexico and with Texas President and adopted Cherokee Sam Houston. Adair wrote a book addressing the Texas Cherokees’ land claim called *History of the Claim of Texas Cherokees* (1873). Cherokee humorist and political commentator William Penn Adair Rogers, better known simply as Will Rogers, was named after Adair. For more about Adair, see Emmett Starr *History of the Cherokee Indians, their Legends and Folklore* (Oklahoma City: Warden Company, 1921). For a literary account of Sam Houston’s life and connection with the Cherokees, see Cherokee author John Oskison’s *A Texas Titan: The Story of Sam Houston* (Garden City, NY: Doubleday, 1929).

⁶³ Lewis Downing (1823-1872) served as Chief of the Cherokee Nation from 1867, after the death of John Ross, until his own death from pneumonia in 1872. Downing, a Keetoowah, had become a Baptist minister under the guidance of Evan Jones and served with a pro-Union Cherokee regiment during the Civil War.

After the war and Ross' death, Downing, in his roles as Chief, attempted to restore relationships that had been fractured during the Civil War by leading through compromise. After his death, he was succeeded in office by William Potter Ross.

⁶⁴ Adley-Santa Maria's grandmother told her: "If you do not sing the songs – if you do not tell the stories and if you do not speak the language – you will cease to exist as 'Ndee' (Apache)" (62). This passage appears originally in Ines Hernandez-Avila (Nimipu) "The Power of Indigenous Languages and the Performance of Autonomy: The Case of Mexico" in Richard Grounds, George E. Tinker and David E. Wilkins, eds., *Native Voices: American Indian Identity and Resistance* (Lawrence: University Press of Kansas, 2003), 35-76.

⁶⁵ The danger inherent in a view of American Indians as an apolitical race is that non-Indian politicians frequently make racial arguments as a way to rationalize terminating the state and federal governments' responsibility to tribal nations as outlined in historic treaties. For example, Republican senator from Oklahoma Tom Coburn addressed an audience in 2012 and explained that he would not support legislation that would protect Cherokees because he believes Cherokees today are racially no different from other Oklahomans. He stated: "I was a congressman where most of the Indians are in this state. The problem is that most of them aren't Indians. The average Cherokee (blood) quantum is 1/512th. Most people in this room have more Cherokee in them than the Cherokee" (qtd. in Snell par. 4). Out of his belief that his ostensibly white audience is in fact "more Cherokee than the Cherokees," he vowed to them that he would "block every time" and "put on hold forever" the Five Nations Land Reform Act, which would give the remaining restricted allotments in eastern Oklahoma the same level of protection as trust allotments in western Oklahoma. Coburn likewise dismissed the political status of tribal nations by adding that the state should no longer uphold its end of treaty agreements with tribal nations. He states: "I mean, this is a joke. It's one thing for us to keep our obligations to recognize Native Americans, but it's a totally different thing for us to allow a primitive agreement with the Native Americans to undermine Oklahoma's future" (Snell par. 9). It's worth noting that the population of the town in which Coburn delivered this speech – Altus, Oklahoma – is about 75 percent white, while Native American and Pacific Islanders, combined, make up less than 2 percent of the population, according to the 2000 U.S. Census. For a transcript of Coburn's remarks and a rebuttal by Cherokee Phoenix writer Travis Snell (Cherokee Nation), see Snell "Coburn buried the hatchet – in our backs." *CherokeePhoenix.org*. Cherokee Phoenix, 20 Nov. 2012. Web. 22 Nov. 2012. Likewise, Chad Smith remarked about Coburn's speech: "You might have expected Coburn's comments 200 years ago, but not today" (par. 10). See "Tribal leaders dismiss Coburn as radical." *CherokeePhoenix.org*. Cherokee Phoenix, 20 Nov. 2012. Web. 22 Nov. 2012.

⁶⁶ While Russell dismisses the idea of the Cherokee Nation, or other tribal nations, administering "culture tests" for citizenship, the U.S. requires that prospective citizens pass a test for naturalization that includes questions about U.S. geography, government and history. The test, however, is only for those wishing to naturalize, not those who are native born. For more on the U.S. naturalization test, including a self test, see U.S. Citizenship and Immigration Services, "The Naturalization Test," <www.uscis.gov/citizenshiptest>.

⁶⁷ "Terminal creeds" is a term coined by Anishinaabe writer Gerald Vizenor and refers to static ideas of supposed "real" Indianness such as Indians having to live on a reservation or having to look and behave a certain way, ideas that threaten to define tribal communities out of existence if taken too seriously and to an extreme. Vizenor engages this idea in his novel *Darkness in Saint Louis Bearheart* (1978), which was later reprinted in 1990 as *Bearheart: The Hiership Chronicles*. In the novel, character Proude Cedarfair says: "We become our memories and what we believe . . . we become the terminal creeds we speak" (143). When another character, Belladonna, is asked about her tribal values, she asserts that to her being

Indian involves being “connected to mother earth and [that] our minds are part of the clouds” and that Indians are the products of dreams and visions (190). Belladonna’s definition of “tribal values,” a vexed term itself, is constructed on a litany of romantic stereotypes and clichés of Indianness. Belladonna eventually dies as a result of her embracing such “terminal creeds.” See Vizenor *Bearheart: The Hiership Chronicles* (Minneapolis: U of Minnesota P, 1990). I use Vizenor’s term to describe the risk of taking the elements of the People Matrix (shared land, language, history and ceremonial cycle) to a conservative extreme though as I argue these elements can also be broadened to the same extent.

⁶⁸ Daniel Justice and Jeff Corntassel are two Cherokees who live in Canada. Regardless of their current country of residence, however, both of these Cherokees have historical ties to Cherokee landscapes that inform who they are and the work they do for fellow Cherokees. Their historical, if not everyday contemporary, ties to Cherokee land, both in present-day Oklahoma and the Southeast U.S., are connections we could consider when articulating belonging through the framework of “shared land” in the Peoplehood Matrix.

⁶⁹ Descendants of the Cherokee Starr family live in the Philippines. David Cornsilk (UKB/Cherokee Nation), an employee of the Cherokee Nation’s tribal registration office, mentions this Filipino-Cherokee family at <<http://www.network54.com/Forum/237458/message/1272487525/No+proof+of+citizenship--->>.

⁷⁰ This passage from Jocks comes from a rebuttal to religious-studies scholar Sam Gill who wrote that he was leaving the field because it was becoming too racialized and politicized as more Indian scholars entered American Indian religious studies. Specifically Gill writes that Native scholars: “study (Native American religion) primarily because it has religious and political importance to their personal religious, racial, ethnic, or gender connection with it and whose studies are evaluated more on the authority granted by religion, race, gender, or ethnic identity than upon academic performance” (973). Jocks points out, however, that Gill, in thinking that Indian scholars’ connection to their own tribal religions would undermine what he somehow feels is scholarship’s objectivity, fails to recognize that the kinship that elders value is not determined by race but rather demonstrated by act. Jocks adds: “[O]ne really needs not just to reside but to reside as a relative, since there are vast dimensions of meaning that are only acted out in this way. Even this is not a matter of blood, however. There are full-blood Indians who have lost this ability to participate in kinship, and in every Indian community I am aware of there are a few non-Indians who have gained it” (172). Jocks also rightly adds that, contrary to Gill’s claim, Indian scholars are by far underrepresented in the field. See Jocks “American Indian Religious Traditions and the Academic Study of Religion: A Response to Sam Gill.” *Journal of the American Academy of Religion* 65.1 (1997): 169–76. For Gill’s original assessment of how he sees the field of Native American religious studies, see Gill “The Academic Study of Religion.” *Journal of the American Academy of Religion* 62.4 (1994): 965–975.

‘Our memory has returned’: Queer Cherokee Roles as Survival Strategies in Daniel Heath Justice’s *Way of Thorn and Thunder* trilogy

While the early 2000s was an era that saw Cherokee people and the Cherokee state contend with the place of Cherokee Freedmen in tribal history and the role of their descendants in tribal life today, another demographic of the tribe was having its history and role written into the margins by the state – queer Cherokees. However, unlike the Freedmen, who tribal authorities and some lay Cherokees questioned were even Cherokee at all, no doubt existed that the Nation’s queer citizens were in fact Cherokee or that they possessed rights as citizen Cherokees in a sovereign tribal state. The question at hand was whether queer Cherokees’ roles and relationships – marriage in particular – adhered to the state’s narrative of tribal tradition. These questions arose at a time when states across the country, Oklahoma included, were passing laws against same-sex marriage or amending their constitutions to define marriage as “one man, one woman” in the name of a supposed national Christian-informed, heteronormative tradition.¹ The Cherokee Nation, likewise, found itself in a position to contemplate tribal tradition when two lesbian Cherokee citizens attempted to marry within the Nation’s jurisdiction and under its legal purview.²

Kathy Reynolds and Dawn McKinley, two Cherokees who had been together for years and were raising a child together, had experienced homophobia through the law and on a local level in the past when staff at a hospital once barred McKinley from visiting Reynolds in her room because the law failed to recognize them as family. Despite local

attitudes, the couple did not expect their marriage to incite controversy and make national headlines. McKinley said in a *Washington Post* article: ““We were very naïve. We thought we’d get married under Cherokee law and that would be the end of it. We never thought it would turn into this”” (qtd. in Romano par 2). The *Cherokee National Code* (1892) states that “every person who shall have attained the age of eighteen years shall be capable in law of contracting marriage” (qtd. in Jacobi 827). Because Cherokee law did not explicitly outline marriage as an institution between a man and a woman, the couple was given a marriage license and was wed by a Cherokee minister. When the couple attempted to file their marriage license, however, they were told their wedding was not in line with Cherokee law. Legal action ensued when Todd Hembree, a tribal attorney acting as a private citizen, filed papers in the District Court of the Cherokee Nation to place an injunction on the marriage and to formally oppose it on the grounds that same-sex marriage was an affront to Cherokee tradition.³ The court ultimately dismissed Hembree’s suit on the grounds that because he was not personally affected by the couple’s marriage, he could not seek damages in court. After a lengthy exchange in court between the couple and the plaintiff, the Cherokee Nation drafted its own version of the Defense of Marriage Act,⁴ which the tribal council passed in a unanimous 15-0 vote, and Reynolds and McKinley’s marriage license remains unfiled. In essence, the Cherokee Nation codified in law an implicit narrative that singly extols monogamous, heterosexual marriage. The new law casts straight marriage as Cherokee tradition, this marital make-up being an institution privileged by Christians and brought by them to Cherokees.

But it wasn't always this way. Records from the past and reflections from queer Cherokees today indicate that at one time, before the imposition of Christianity, Cherokee gender and sexual norms occupied a wide latitude of construction and expression in the tribal community. And while taboos did exist such as the one forbidding intra-clan marriage, the community made allowances for individuals whose lives didn't play out in a prescribed manner, allowances that began to erode as Christian missionaries and converts circumscribed gender and sexuality. Furthermore, these same records and reflections show that far from being outcasts, queer tribal community members enjoyed a place of reverence as a result of the roles they were responsible for in the community such as healing,⁵ leading some ceremonies⁶ and carrying on tribal tradition and history through storytelling.⁷

One example of this storytelling tradition – and one that reconciles queer Cherokees to the tribal body through traditional roles – is Daniel Heath Justice's *Way of Thorn and Thunder* trilogy.⁸ Justice, a queer-identified⁹ Cherokee, writes a trilogy that conspicuously allegorizes the Cherokee fight for and ultimate removal from their homelands in the Southeast U.S. Unique to his retelling, however, is that the narrative not only makes visible queer Indians and their roles in protecting and preserving the Nation during a time of immense upheaval, but it also privileges those roles and reconciles them to an allegorized Cherokee tradition, a tradition that was heavily influenced by Christianity by the time the narrative takes place in his historic counterpart. Justice's trilogy operates on a generic level as well because the fantasy genre gives him room to craft characters who are explicitly gendered in unconventional ways that might otherwise

be invisible in a traditional historic rendering of the events.¹⁰ Additionally, the genre gives him latitude to create and name characters based on their racial and cultural admixtures and their commitment to, or disdain of, traditional practices and beliefs, contexts that are more frequently implicit rather than explicit as Justice successfully makes them.

However, while Justice's trilogy engages a significant event in Cherokee history through a queer lens and shows readers a history that is unaccounted for, the trilogy possesses great value and potential as a counter-narrative of critical, ethical nationhood for queer Cherokees whose traditional roles and reverence have not only been written off but also vilified through Christian contact. While several historical analyses attribute the split between the Ross and Ridge factions to racial and cultural conflict between traditional "fullbloods" who wanted to fight for the homeland and progressive "mixedbloods" who surreptitiously agreed to removal, Justice attributes the divide to one of the spirit between traditionalists ("Greenwalkers") and Christians ("Celestials"), groups who, respectively, revere and revile queer and ambiguously gendered individuals in the trilogy.¹¹ Scholars have pointed to the spread of Christianity, especially in mixedblood communities, as the root cause for the disintegration across the continent of the value of the roles taken up by queer indigenous people and for leaving in its wake a system of two genders in communities that often recognized more, a system that marginalizes those who don't – or who can't – adhere to European norms of gender and sexuality.¹² Justice's trilogy not only critically examines Christianity's role in the marginalization of queer and Two-Spirit Cherokees, but it also reclaims the group's

traditional roles and functions as a narrative of ethical Cherokee nationhood that resists the national narrative crafted and privileged by Cherokee state law that continues to ostracize queer Cherokees on the premise of Cherokee tradition.

‘We don’t want gay marriages in the Cherokee Nation. It’s that simple.’

Cherokee tribal councilmember Linda O’Leary plainly articulated that the Nation’s decision to prohibit same-sex marriage was a matter of the council simply not approving of it.¹³ And yet when we examine the sentiment behind her statement, and how homophobia¹⁴ developed in Cherokee communities through the spread of Christianity, the evidence suggests that her resentment toward queer Cherokees is anything but simple. It is only natural for any community’s traditions to change and adapt over time. That said, it is easy to lapse into nostalgia and misremember the ways things were and to lionize tradition as incontrovertible truth, much in the way Hembree did when he attempted to rationalize his contempt for same-sex marriage by appealing to what he imagines as a timeless Cherokee tradition.¹⁵ However we choose to construct and practice, and remember and invoke, Cherokee tradition at any point in Cherokee history, the influence of Christianity on how tradition is conceived of today, especially with regard to the place of queer Cherokees, is undeniable.

Several scholars have conducted studies on the way that Christianity dismantled the reverence queer indigenous people experienced in their communities. I will highlight a few key points that will serve as background to my readings of the *Way of Thorn and Thunder* trilogy. Because my focus is how the Cherokee state narrates its queer citizens

into the margins, my analysis in this section returns to the issue of Reynolds and McKinley's marriage and Cherokee constructs of gender and sexuality to provide a Cherokee-specific framework through which to interpret Justice's fiction. Though several records exist that detail the importance of queer indigenous sectors of larger Indian communities and their roles in tribal nations in the American West, scant few records exist that explicitly demonstrate the same for Cherokees.¹⁶ Enough records exist, however, to argue a preponderance of evidence for the presence of queer Cherokees in pre-Christian society and their incorporation in that society. Sarah Hill, for example, notes a historical document from a Spanish explorer who witnessed the incorporation of people in early Cherokee society who we might call queer or Two-Spirit today. She writes:

[Juan] Pardo . . . saw among those subsequently known as Cherokees a man who 'went among the Indian women, wearing an apron like they did.' The startled Spaniard summoned his interpreters . . . to ask the local chief about him. The man was his brother, the chief explained, and not 'a man for war.' With neither elaboration nor scorn for the scribe to record, the chief said his brother 'went about in that manner like a woman,' doing 'all that is given to a woman to do.'

(66)

While history demonstrates the incorporation of gender-diverse Cherokees into their communities, reflections from queer Cherokees today as well as traditionalists add another layer to support the argument of queer Cherokees' traditional reverence in Cherokee communities.

J.C. Lowe, a young Two-Spirit¹⁷ Cherokee and Nighthawk Keetoowah, says that Keetoowah tradition as practiced in his community recognizes multiple genders, and Ryan Mackey, a Cherokee linguist and ceremonial grounds leader, says participants at his grounds can represent as any one of three genders. Likewise, Qwo-Li Driskill (Cherokee) adds that Cherokee Two-Spirits are charged with restoring *duyuktv*, or living on the right path, that colonization has eroded. Zhe writes: “Almost all of the Two-Spirit people I know are deeply committed to carrying on our lifeways, reviving traditions that have gone dormant I’ve become deeply invested in also relearning our language, songs, dances, and arts It is through this work that we rebalance the world” (“Shaking” 129).¹⁸ Adding to the case that Cherokee history recognizes variance in gender and sexuality are the Cherokee terms for what English speakers call “husband” and “wife.” While English genders the terms used for spouses, their Cherokee counterparts simply translate to “companion I live with” and “cooker,” terms that are not necessarily gendered in Cherokee. Someone who is either biologically male or female can adopt either of those marital roles – or shift between them – thus opening the possibility of marriages between two men or two women, either coupling being sufficient to fill those titles.¹⁹

While the above examples demonstrate Cherokees who today account for the presence and acceptance of queer Cherokees in the past, the issue that still exists for some is whether documentation from early Cherokee history demonstrates the same, a possibility that Hembree denied in his litigation. Unfortunately for Cherokees who pretend that the Nation never recognized the role of queer Cherokees, early documents do exist that suggest otherwise. In an 1825 manuscript, C.C. Trowbridge, a white traveler

who visited the Cherokees, writes: ““There were among them *formerly*, men who assumed the dress and performed all the duties of women and who lived their whole life in this manner”” (qtd. in Williams 4, emphasis mine). This passage suggests that by 1825, well into the era of Christian contact, the role of queer Cherokees might have begun to dwindle, which is not to say that the queer population declined with it. This assertion only suggests that Christian values that not only privilege heterosexuality but also, as some interpret the Bible, make an abomination of homosexuality,²⁰ alongside Western gender norms, likely had begun to supplant their traditional Cherokee counterparts by the time of Trowbridge’s visit. Regardless of a decline in the prominence of queer Cherokee roles by 1825, Trowbridge’s account, contrary to Hembree’s assertion, does indicate that a queer population did exist openly in early Cherokee communities.

But though Trowbridge’s manuscript suggests that queer Cherokees’ roles had declined by 1825, a journal entry dated 1835 by John Howard Payne,²¹ a white actor who lived with Principal Chief John Ross to document Cherokee customs, describes union ceremonies that he contends memorialize “perpetual friendship.” He writes: ““While dancing, in the presence of all the people, who looking, they exchanged one garment after another till each had given the other his entire dress . . . and thus each of them publicly received the other as himself, & became thus pledged to regard and treat him as himself while he lived”” (qtd. in Driskill 133). Here, it is important to note that while this passage describes two men exchanging clothing and bonding in what Payne interprets as “friendship,” he adds that the community as a whole attended the ceremony, indicating

communal acceptance of such a pairing. Payne adds that sometimes the couple at the center of this ceremony would be two women or a man and woman.

What makes this Cherokee ceremony pertinent to the readings of Justice's work and to the contemporary issue regarding the status of queer Cherokees in the Nation is that it is proof that at one time Cherokees had a tradition of recognizing relationships and gender identities that today exist outside of the norm established by the national narrative that argues that same-sex marriage violates tradition. Payne adds about this ceremony: "Thus when a young man and woman fell in love with each other but were hindered from marrying, either by relation or by being of the same clan, they bound themselves in perpetual friendship" (133). Driskill, who discovered this passage during his own archival research, adds that such ceremonies institutionalized more than just friendship and has suggested that Payne likely lacked the vocabulary to express what we would identify today as a same-sex marriage. Driskill writes: "The fact that Payne mentions opposite-sex couples in love, but not able to have children because of clan laws, suggests that same-sex couples were likewise in love" ("Shaking" 134). There's no way to historically ascertain whether the same-sex couples who were united in these ceremonies were in fact in love. However, we can be certain that regardless of the couples' gender or sexuality, early Cherokees officially recognized and celebrated these couples through ceremony.

While it's impossible to ascertain if Payne in fact witnessed a same-sex marriage in Cherokee country, Payne's and Driskill's competing interpretations of this event lead us into the territory of what Rogers Smith calls "ethically constitutive stories" of

peoplehood. Smith explains that these are stories about a group of people that can neither be proved nor disproved by concrete evidence; however, the interpretation we choose to privilege leads to an outcome involving a people's ethics. Likewise, these "ethically constitutive stories," factual or not, can inspire action that can create a more equitable nation in ways that other narratives, such as singular political narratives, cannot. One example Smith points to of an "ethically constitutive" story would be when during wartime each group involved in a conflict imagines that God is on their side. Obviously it is impossible to empirically prove or disprove whether a higher power favors one group over any other, or even if such a being exists. However, if a people can imagine that their god is providing for them and supporting them, it can inspire them to keep fighting to protect themselves.

We can likewise use Driskill's account of Payne's testimony in an ethically constitutive way. Based on the work of Walter L. Walters, Sabine Lang, Mark Rifkin and Brian Gilley (Cherokee-Chickasaw), among others, we know for certain that queer communities existed and continue to do so within the larger expanse of tribal communities throughout Indian Country. We also can ascertain that in many of these communities before the imposition of Christianity, the people incorporated their queer kin into the wider community and in many ways revered them.²² We also know that queer individuals were and still are responsible for vital roles within their home communities. Furthermore, from Trowbridge and Payne's accounts, we know for certain that a queer demographic lived in Cherokee communities, and we can verify their queered status based on how they lived by examining Theda Perdue's work in which she describes how

Cherokees gendered their communal labor. Finally, we know from Payne's account that the "friendship ceremony" he witnessed was similar to other ceremonies that Cherokees practiced as a way to make allowances for couples whose relationships were taboo, such as a man and a woman from the same clan wanting to marry.

Given all of these accounts, there is a preponderance of evidence that supports Driskill's interpretation of the ceremony that Payne describes as akin to a contemporary same-sex marriage. I'm willing to go so far as to say that while the above evidence helps, if we consider the ethical effect that Driskill's interpretation can have on queer Cherokees today, the evidence itself is unnecessary. Simply stated, neither Payne's nor Driskill's interpretation of the ceremony is empirically defensible. Did Payne witness two straight Cherokee men who just wanted to have their close, platonic friendship recognized and celebrated by their community? It's possible. But given the aforementioned evidence, it's equally possible that Driskill is correct in his belief that the two men might have been a same-sex couple who were in love and wanted to have their relationship formally recognized by their Cherokee community though their coupling might have violated a communal taboo.

The key to making Driskill's interpretation work per Smith's theory of ethically constitutive stories is determining the potential for Driskill's and Payne's interpretations to function in an ethical and empowering way. If we accept Payne's view, the story ends in the moment he's describing. Two guys who were best friends had their friendship celebrated. The end. However, if we accept Driskill's interpretation, we establish a historical precedent for the existence and acceptance of same-sex marriage, and by

extension respect for queer Cherokees, that has the potential to subvert the Cherokee Nation's oppressive national narrative and lead to the formation of a nation that is more equitable to its queer community. Regardless of whether Payne, unbeknownst to him, witnessed a same-sex marriage, what we can ascertain from his observation is that Cherokees routinely recognized that despite communal taboos,²³ such taboos could not prescribe how one's life would develop. As a result of this recognition, Cherokees traditionally granted concessions in order to fully incorporate such individuals into the tribal body. Because Driskill's interpretation is one that effects positive and necessary change in the Nation, and is supported by a preponderance of evidence, I privilege his interpretation as part of my analysis of *The Way of Thorn and Thunder*.

Ignorance of these documents alone, however, does not account for the vitriol that is communicated by Cherokees who assert that they "don't want gay marriages in the Cherokee Nation" or that same-sex marriage "would fly in the face of the traditional definition and understanding of marriage of Cherokee people" (qtd. in Jacobi 828). After all it's one thing to simply be unaware that one's tribal community might have in fact accepted "gay marriage" at one time and, as such, same-sex marriage as well as other taboo pairings, both in Cherokee and European belief systems, were made traditional. It's another thing entirely to reconceive of tradition in a way that disparages a group who not only is an heir to that tradition but who also at one time played a role in maintaining tribal tradition.

The invention and anxiety of tradition: a brief look at “tradition” and Cherokee identity

The Cherokee Nation’s denial of the civil rights of its queer demographic, by itself, is enough of an affront against its citizenry that warrants a challenge. However, the fact that the Nation attempts to justify its marginalization of its queer citizens through a narrative of tribal tradition makes the legislation against same-sex marriage doubly insidious. The Nation’s invoking of “tradition” and its subsequent dissemination of its narrative of tribal tradition through law gestures at normalizing the legal circumscription of queer relationships and the rights of queer citizens in the community through the implied assertion that to follow Cherokee tradition is to espouse homophobic positions. However, as Eric Hobsbawm argues, what several communities consider traditions that date back to time immemorial are often more recent constructs that frame how a society thinks at the present moment and that shape how that society performs various functions at a given time in its history.²⁴ While academics are quick to critically engage, and subsequently dismiss, the communally assumed validity and steadfastness of “tradition,” it is important to remember that lay communities often extol tradition and ascribe value to it, taking for granted that tradition, as they see it, is in fact real. As a result, communities frequently associate adherence to “tradition” with issues of authenticity and belonging within their social boundaries.²⁵ A battle over tradition fought on the ground (or in the voting booth) won’t be won through semantic cavil, but rather by engaging the participants’ terms of “tradition” then undermining the image it creates through historical scrutiny. Finally, we must consider the anxiety that some Cherokees historically feel with

regard to their own authenticity as “Indians” and that recognizing and respecting – even if not always practicing – an idea of Cherokee tradition often tethers them to their sense of self as Cherokees. As such, challenging the Nation’s narrative of tribal tradition with regard to its stance on queer Cherokees is an obstacle that one must tackle in order to clear the ground for a counter-narrative of queer Cherokee belonging and ethical nationhood to take root.

While engaging ideas of tribal tradition on the community’s terms is paramount, complicating the idea of “tradition” itself is a useful first step into challenging policy for which legislators use tradition as the backbone of legitimacy. As Hembree argued in his case against same-sex marriage in the Cherokee Nation, the detractors of state-sanctioned queer relationships see such partnerships as violating a marital tradition that Cherokees have ostensibly followed since Kanati and Selu brought the tribe into fruition.²⁶ In order to use Justice’s trilogy as a counter-narrative, then, it is useful to understand how tradition is seldom linear and unbroken, but rather fluid, which in turn challenges its frequent overstatement as a marker of authenticity or normalcy in a community.

Hobsbawm memorably demonstrates this ephemeral quality of tradition when he asserts that though traditions often arise out of contemporary needs, those who invoke tradition often attach it to a notion of continuity of time that is often tangential at best. He writes: “[I]nsofar as there is a reference to a historic past, the peculiarity of ‘invented’ traditions is that the continuity with it is largely factitious. In short, they are responses to novel situations which take the form of reference to old situations, or which establish their own past by quasi-obligatory repetition” (2). As Hobsbawm points out, the past that

one imagines through the framework of “tradition” is seldom distant and often in fact created in real-time with the practice of the tradition itself and that, at times, practicing the tradition is a matter of obligation, which only further cements the tradition as part of a people’s re-created past. Indeed, as Hobsbawm adds, the key to tradition maintaining its temporal privilege is its imagined invariance and its ability to “impose fixed (normally formalized) practices” (2). Despite that communities frequently take for granted the long continuity of tradition, the invention of traditions and desire for the aforementioned invariability, or rather the stability of fixed tradition, often emerges within a community at times of rapid change. Hobsbawm further asserts that the invention of tradition “occur[s] more frequently when a rapid transformation of society weakens or destroys the social patterns for which ‘old’ traditions had been designed, producing new ones . . . when such old traditions and their institutional carriers and promulgators no longer prove sufficiently adaptable and flexible, or are otherwise eliminated” (2-3). Hobsbawm’s argument here is applicable to the history of Cherokees, a people who know all too well the upheaval of rapid transformation.

As one of the earliest tribal nations to incorporate Euroamerican epistemologies, definitions of Cherokee “tradition” have been in flux as a result of Cherokees at times welcoming Europeans and at other times being encroached upon by them as well as the multiple removals of countless Cherokee families as the Nation’s territory declined through land cessions in various treaty negotiations. These changes to Cherokee tradition include the adoption of a centralized and constitutional nation,²⁷ the institution of slavery,²⁸ participation in a market economy²⁹ and the acceptance of Christianity,³⁰ a

point I revisit later as it pertains to the rejection of queer-identified Cherokees. As W. David Baird notes, while each of these changes to Cherokee culture, and by extension tradition, gradually entered Cherokee communities over generations, their inclusion as Cherokee “tradition” was crystallized after Removal, when the Nation literally had to rebuild itself from the ground up. Baird writes: “After removal to Indian Territory . . . in the 1830s, these adaptations quickly became ‘traditional’” (7). This new Cherokee “tradition,” however, was by no means accepted across the board, as Cherokees then, as they do today, vary widely in their practices and beliefs. Most notably the Keetoowah Society rejected what they saw as an incursion of white ways into Cherokee life and chose to live apart from the growing mixed-blood population that tended to be Christian and to espouse Euroamerican values.³¹ Nonetheless, because mixed-bloods and intermarried whites had grown rapidly as a sector of the Cherokee Nation, and the Nation at the time was led by John Ross who, though he was backed by Cherokee traditionalists, was part of the developing aristocratic class in the Nation, the new tradition that Baird describes gained purchase as the Nation rebuilt itself west of the Mississippi River. At the time of Removal and rebuilding in Indian Territory, the Cherokee Nation was divided, as Justice’s trilogy alludes to, along lines of those fullbloods who maintained practices and beliefs that pre-dated the arrival of Europeans and the mixed-blood Cherokee contingent for whom the European traits adopted into Cherokee life, including Christianity, formed the only Cherokee tradition they knew. The reconstruction of the Nation after Removal also put the Nation in a position to reconstruct Cherokee tradition, lending a history to what was and is a modern nation. Hobsbawm argues that a nation’s development of a

tradition lends a sense of historical legitimacy to a modern political concept. He writes: “We should not be misled by a curious, but understandable paradox: modern nations and all their impedimenta generally claim to be the opposite of novel, namely rooted in the remotest antiquity, and the opposite of constructed, namely human communities so ‘natural’ as to require no definition other than self-assertion” (14). Tradition, however a nation defines it, lends a sense of historic continuity and legitimacy to a nation, but, as Hobsbawm notes, it also lends a sense of the nation being “natural,” something that wasn’t constructed by man and, therefore, is above reproach. This deployment of tradition makes the Cherokee Nation’s decision to infringe on the civil rights of its queer citizens all the more deplorable because it threatens to make seemingly natural, and thus legitimate, the marginalization of queer Cherokees. The Nation using its sovereign power to disseminate a narrative of a singular “Cherokee tradition” allows the Nation to essentially define what it means to follow Cherokee tradition, namely opposing same-sex marriage, despite that Cherokees have historically accounted for multiple arrangements of marriage.

At this point, it’d be easy to argue that because “tradition” as we know it is a mutable construct, we can abandon the idea altogether. And while in academic circles we can easily cast off the self-imposed shackles of tradition, in the communities that actually have the power to decide the fate of their marginalized kin, following tradition is often a marker of their own authenticity, and as such “tradition” retains a social capital with which one must contend. Indeed, Jocelyn Linnekin asserts that a community’s authenticity to itself and to outsiders, and individuals’ standing as members of a

particular community, often hinges on the existence, however implicit, of a tradition that is “an objectively definable essence or core of customs and beliefs” (446).³² This perspective complicates the application of academically-derived challenges to the concept of “tradition” in a legal conflict such as that over same-sex marriage in the Cherokee Nation because lay communities often hold a deeply ingrained idea of tradition not only as a vital feature of their very existence, but also because the idea of “tradition” itself is loaded with notions of timelessness and authenticity. This issue of authenticity of tradition and the fact that tradition has the ability to normalize practices in a nation makes challenging the Cherokee Nation’s narrative of tradition attached to its ban on same-sex marriage so crucial. Elaborating on the power that authenticity has over communities, Linnekin adds: “However effectively scholars deconstruct authenticity and reveal it to be an intellectual red herring, the concept remains nonetheless entrenched in popular thought and is an emotional, political issue for indigenous peoples, particularly for those who are engaged in a struggle for sovereignty” (447).³³ Because the notion of authenticity as demonstrated through tradition, regardless of its problematic nature, does inform how some tribal members view themselves and one another, the Cherokee Nation’s tacking onto its legislation against same-sex couples an idea of “Cherokee tradition” necessitates challenging “tradition” as the Nation narrates it by engaging the Nation’s own framework of tradition and adding to it a more nuanced narrative of Cherokee history. In effect, the potential for Justice’s trilogy to counter the Nation’s narrative of a heteronormative³⁴ tribal tradition is best enacted when it can challenge that narrative using the terms that the Nation employs to construct it.

In addition to recognizing the Nation's use of tradition to normalize homophobic policy as being truly Cherokee, it is important to note too how this disguising of the policy as Cherokee tradition can play on the anxieties of some Cherokees to be seen as part of the tribe by adhering to, or at least voting in favor of, the Nation's idea of tribal tradition. Because Cherokees have historically been viewed throughout Indian history as assimilationists and remain the unfortunate punch line of many a joke³⁵ in Indian Country, the Nation's couching of its heteronormative policy as tribal tradition has the potential to coerce Cherokees into supporting the marginalization of queer citizens in the name of being identifiably Cherokee. In his defense of the Five Tribes as "real" Indians, Baird argues that the reason Cherokees frequently get challenged by outsiders and even other tribal nations with regard to their indigenous claims arises from the Nation's reputation for accommodating Europeans. He writes:

Nothing set the Five Tribes people apart quite so much as their outspoken advocacy of assimilation with the white majority. Their historic willingness to make alien cultural patterns their own prepared them for this role. And they had the endorsement of reformers and government policy makers who continually exhibited them as proof that assimilation programs worked. (11)³⁶

Given this reputation for the abnegation of tribal lifeways in favor of European customs, one can imagine the allure for some Cherokees to support the Nation's ban on same-sex marriage in the name of upholding and appearing to practice what the Nation tells them is tribal tradition.

This perceived loss of a tribal tradition is only one item in a laundry list of criteria that both Euroamerican detractors to tribal sovereignty and fellow tribal nations often trot out to question Cherokee indigeneity. In her work with Cherokees on the issue of identity, Circe Sturm identifies white phenotypes,³⁷ the espousing of Euroamerican attitudes and behavior,³⁸ inability to speak Cherokee,³⁹ practicing Christianity⁴⁰ and living outside of politically- and socially-drawn boundaries of Cherokee communities⁴¹ as attributes that can raise doubt about a Cherokee's claim of being Indian. Each of these externally- and internally-applied criteria for being a "real" Cherokee is hugely problematic for assigning identity, given Cherokees' long history of change and adaptation, as every other community possesses incidentally. However, Eva Garrouette's (Cherokee Nation) analysis of the criterion of tradition demonstrates that adherence to a set of tribal lifeways, one imagined as "pure" and lacking European influence, is not only paramount to establishing tribal identity but also has the potential of erasing doubt of one's tribal identity that might be invoked with one or more of the items on the list in Sturm's account. Respondents in Garrouette's study elaborated on how they view the knowledge and practice of tradition in relation to one's being Indian and belonging to the community. Cherokee respondent Joyce J. asserted that being raised without tradition makes one weak and likened the experience to a tree without other trees surrounding it to make it grow straight. Joyce J. elaborates: "[W]here you've got a lot of trees around this young tree, and that one tree grows straight up *between* those other trees to reach the sun, then it's going to be strong . . . And that's the way it is with Indian children. . . . Without . . . that *circle* of tradition, to raise that child in, it becomes weaker and weaker"

(Garrouette 74, original emphasis). While Joyce J. sees life without Cherokee tradition as a deficit in a Cherokee child's development, Julie M., a bilingual Cherokee from a traditional community, argues that being Cherokee is to follow tradition. To Julie, Cherokees are “[p]eople who live in Cherokee homes, speak Cherokee, eat Cherokee dishes of food, and plant Cherokee gardens, and look at the world in a Cherokee way. Basically, that’s what it really boils down to: who walks in that way and sees the world in that way” (Garrouette 73). This insistence, from two Cherokee women no less,⁴² that adhering to Cherokee tradition is the determining feature of one’s belonging to the community is an admirable gesture at privileging Cherokee epistemologies of being. However, when examined side-by-side with Sturm’s list of the traits that can mar one as not being authentically Cherokee, Julie M.’s list of those features that make one unequivocally Cherokee, again given the Nation’s complex history, can make being Cherokee by “tradition” seem unattainable and is equally problematic.

Julie M. and Sturm’s lists, respectively, demonstrate how arduous being Cherokee can be for one who isn’t raised traditionally and how easy it is to be derided as not truly Cherokee for the appearance of cultural infractions that are more often than not out of one’s control. However, lest one think that being Indian by tradition is a Sisyphean pursuit, one of Garrouette’s respondents, a Creek-Osage man named Melvin B., asserts that simply making an effort to embrace tribal tradition often suffices to remove doubt of one’s construct of identity and the subsequent anxiety of not being “Indian enough.” Melvin B. states:

I've see some full-blooded Indians, that I *know* are full-blooded Indians, that are *not* Indians. They don't care about the Indian culture, they don't attend Indian functions. They don't care about 'em. . . . So I would say no, even though he's a full blood, he's not a real Indian. . . . I see a blonde-headed person, blue-eyed, that attends ceremonial things and goes to different tribal affairs and things like that. And they try to uphold the Indian tradition. To me, that's a real Indian.'

(Garrouette 76, original emphasis)

Here, Melvin B. argues that "tradition" is defined less by what a person is and more by what he or she chooses to do, specifically in the service of his or her tribal community. This framing of tradition as an action might motivate Cherokees such as Hembree and O'Leary to rationalize homophobia as a performance of tradition. However, it also opens the possibility of casting as tradition the performance of vital roles on the part of queer- and Two-Spirit-identified Cherokees and the recognition of this group's historical reverence on the part of other Cherokees. In essence, Justice's trilogy functions as a site that privileges a narrative of a Cherokee tradition that not only includes but also uplifts queer Cherokees and, as such, is a narrative of ethical Cherokee nationhood.

Christianity's role in the demise of the status of queer and Two-Spirit Indians

Missionaries to Cherokee communities employed a pattern of demonizing traditional epistemologies and supplanting them with Eurowestern, Christian counterparts. Mary Young, for example, writes: "When any church attacked traditional practices – ballplaying, conjuring, or lively and prolonged ceremonial dancing – it

succeeded in relocating some celebrations and in making them disreputable among some of the ‘respectable’ class” (514). Likewise, missionaries subjected traditional epistemologies of gender and sexuality, and their attached social roles, to the same scrutiny. While queer- and Two Spirit-identified Indians are gradually reprising roles unique to their gender status in their communities, Sabine Lang argues this reclamation has as much to do with challenging local homophobia as it does fulfilling the duties that queer Indians identify as their communal obligations. She writes that before the onset of cultural change brought by Europeans, several nations saw their queer kin as possessing supernatural gifts at most and, at the very least, recognized a secular role and institutionalized gender status for them outside of a simple male-female binary. Lang writes: “An increasing number of urban Native American gays and lesbians have come to claim the women-men and men-women as their predecessors in the tribal cultures. Thus, they argue that there highly respected statuses for homosexual, ‘two-spirited’ people . . . and they use that argument to counteract homophobia in the Indian communities” (322). Lang and other scholars such as Wesley Thomas (Navajo), Walter Williams and Sue- Ellen Jacobs have identified the imposition of Christianity as the source of the homophobia that frequently reemerges in their fieldwork with queer Indians.

Though frequently criticized for its focus on “berdache bliss,”⁴³ Walter Williams’ foundational text on sexuality in Indian communities, *The Spirit and the Flesh: Sexual Diversity in American Indian Culture* (1982), goes into great detail of how various tribal nations accounted for queer communities, such as the *nadlehs* among the Navajos and the *winktes* among the Lakotas, and how Christianity eroded these groups’ esteem in the

greater community. As Williams notes, the early days of colonial settlement saw primarily two kinds of Western individuals heading out for indigenous territory: those loners who had grown tired of the hustle and restrictions of American life and who wanted to escape, and missionaries who saw themselves as exemplars of Western culture and Christianity and who felt compelled by God to “enlighten” the continent. Williams argues: “In its most extreme ethnocentric form, everything Western was sanctioned as the will of God, while everything belonging to the indigenous culture was evil” (181). One Western element that missionaries spread early on was patriarchy and the superiority of men, and by contrast the inferiority of women, as interpreted through Scripture such as the Adam and Eve story. This misogynist belief changed the way some tribal communities viewed not only the positions of men and women in relation to each other but the value of those individuals who did not conform to the dichotomous gender norms professed by their Christian interlopers.

In addition to missionaries vilifying sex in general and more specifically sex with someone of the same gender on the ground that it supposedly violates Levitical law, missionaries further spurred the ostracization of queer Indians, male-embodied especially, on the belief that by choosing to appear and live as women, they, by default, were choosing to be inferior. Williams writes:

Since Christianity views men as superior, with a creation story specifying a male god creating a masculine being and only later the female from the rib of the male, then the berdache⁴⁴ is likewise inferior because he is ‘less than a man.’ No longer

is he combining the power of both women and men; in Christianity he is seen as subverting his natural male superiority to take an inferior female form. (189)

As this Christian indoctrination, often facilitated by Western technology and material culture, grew over generations and was bolstered by intermarriage of white Christians into tribal communities, such beliefs became the norm – the tradition, some might say – and queer Indians’ status and roles came to be seen as an abomination, assuming converts chose to see them at all.

Williams cites from stories told by members of various tribal communities that describe the downfall of the status of queer Indians. One Lakota man lamented that ““missionaries condemned the *winktes*, telling families that if something bad happened, it was because of their association with a *winkte*. They would not accept *winktes* into the cemetery, saying ‘their souls were lost’” (183). Another Lakota man described the anguish that queer people in his community felt within themselves after having been made into pariahs by missionaries and some Christian Indians. He said: ““A lot of them (Christianized Indians) forgot the traditional ways and the traditional medicine . . . The missionaries and the government said the *winktes* were no good, and tried to get them to change their ways. Some did, and put on men’s clothing. But others, rather than change, went out and hanged themselves’” (182). Likewise, Jacobs recounts a story that a Tewa man told her in 1992 about a queer teenage boy who was ““carved open” at a party by another man. Fortunately, the boy survived, but she adds: “It will come as no surprise that this beautiful child’s self-esteem is at rock bottom, and he is a serious alcoholic whose life is at risk in many ways” (25). Jacobs writes that among those Tewas who happen to

be homophobic, the story goes that whites brought the “sin” of homosexuality to the community, despite that Tewas have long had a reverent term, kwido, for people who might identify as queer today.

Further complicating the reverence, or lack thereof, with which tribal communities held their queer kin, Akimel O’oodham, a Pima elder, told Jacobs that queer individuals were part of the community. She states: “‘We have always had some of ‘them’ around; nobody really hurt them. Oh, they were always teased . . . but they are just part of life so no one really thinks anything about it. They are just part of the community’” (qtd. In Jacobs et al 15). While people throughout Indian Country argue whether queer and Two-Spirit individuals were revered, reviled or “just part of life,” the consensus in the research appears to be that the vitriol that queer Indians are assailed with today developed from the outside. With this thought in mind, one can conclude that Christianization played a major role in changing how queer Indians were perceived in their communities, and we can extend that into how some tribal nations view their queer citizens today. For this reason, it becomes necessary to first understand how Justice critiques Christianity’s role in the displacement and shaming of queer Indians, in his case Cherokees, through his depiction of the Celestials before examining how his narrative reconciles them to the tribal body.

Celestials and Greenwalkers: Christianity and the *Way of Thorn and Thunder*

Much of the animosity that exists among the Kyn, or Cherokees in Justice’s trilogy, is predicated on individuals’ decision to either keep with the beliefs of the

Greenwalkers or to assimilate and take up the faith of the Celestials. The names of the religious factions allude to the traditional approach to understanding one's existence by finding reverence in the natural world or through the Christian approach of revering a God in Heaven. While in Cherokee history religion was only one of several factors that divided Cherokees into groups of progressives and pullbacks and informed their desire to either remove or stay in the homeland, Justice focuses the conflict in the trilogy on religion and situates it as the catalyst behind the Expulsion and the queering of non-normative Kyn. As evinced earlier, religion was the core of the newfound, assimilated mindset that ostracized queered people in tribal communities. Thus, analyzing the trilogy in a way that demonstrates Justice's recovery of the roles of queered Cherokees through their fictionalized Kyn counterparts requires a focus on how destructive the new religion in the trilogy was on a greater scale.

While the appearance of individuals in the trilogy who have been shamed and marginalized because they retained the Greenwalker faith as opposed to accepting the Celestial route is frequently evident, the conflict between the faiths in determining if all the Kyn should remove is more subtle. In *Kynship* we learn that while the Greenwalkers remain living on their ancestral land in the Kyn Nation, the Celestials inhabit floating cities above the Nation, demonstrating their disconnect not only to the land, but also to the rest of the Kyn. As the two groups are negotiating whether to remove, Neranda, the Celestial lawmaker who stands in for the Ridge Party,⁴⁵ intimates that the Greenwalkers are too naïve to understand why they should remove. Likewise, she argues that all the Kyn should not be forced to stay and face destruction from Men just to preserve the

spiritual beliefs of a few. While Neranda is addressing the Council, she asserts that mutual survival trumps the protection of any one spiritual belief. Justice writes: ““The differing paths of the Celestial and the Greenwalkers have too long divided the Kyn . . . it would be both unfair and unwise to allow the unfortunate divisions among the Kyn to determine the fate of all Folk . . . The survival of everyone must hold precedence over the particular beliefs of any given Kyn”” (*Kynship* 206). In an earlier discussion between Neranda and Garyn, the leader of the Kyn Nation who stands in for Principal Chief John Ross, Neranda again points to the differing belief systems that divide the Kyn and adds condescendingly that the Celestials must make decisions for the Greenwalkers. Justice writes:

The Greenwalkers “are still held by barbarism’s allure. The Celestial path is a difficult and demanding way . . . If they cannot be taught – and I’m afraid that too many of our wayward kindred have proven themselves uneducable – it is our responsibility to make these for their own best benefit . . . This is why we were chosen to lead. Some must follow”” (*Kynship* 168).

Here Justice demonstrates the conflict between Greenwalkers and Celestials and shows how Celestials imagine themselves to be more enlightened than their traditional counterparts. However, the Greenwalkers are the faction that accepts and reveres its queer members. Justice’s linking the Celestials with the Ridge Party, the group that surreptitiously agreed to Cherokee Removal, demonstrates that a nation that accepts its queer contingents is a nation that is ultimately on the right side of history.⁴⁶

One final example of the battle between the Greenwalkers and the Celestials occurs when Neranda absconds and secretly meets with Vald, the leader of the Dreyds who are looking to expel the Kyn, and signs the Oath of Western Sanctuary, an allusion to the Treaty of New Echota (1835) in which the Ridge Party signed away Cherokee land to the federal government. In discussing her decision to sign the Oath with Vald, Neranda again rationalizes that she is acting in the Kyn's best interest, pointing out that the Greenwalkers' belief system, one that privileges queer individuals, undermines Kyn progress and is one she dismisses as superstition. Justice writes:

'Most of the Folk are superstitious and ignorant of the wider world. They are easily influenced, especially by the long discredited conjurors who use the fear of ghosts and spirits to separate the People from their good sense . . . We have come to make the difficult choice for all the People, even if it is against their baser wishes' (*Wyrwood* 73).

Neranda signs the Oath and in doing so initiates the Expulsion, an event that its historical counterpart, Cherokee Removal, led to the deaths of more than a quarter of the population. Though in history several factors informed Removal, in the trilogy Justice isolates religion as the driving force that determines whether the Kyn are saved or whether they'll be destroyed. By shifting the focus squarely to religion, and knowing that the Greenwalkers revere queer individuals where the Celestials don't, Justice highlights the history of how competing religions led not only to the marginalization of queer people in tribal communities, but also how that perspective can be damaging to the whole community in the future.

Social roles and queer and Two-Spirit indigenous communities

To understand how Justice's trilogy functions as a counter-narrative that reclaims queer Cherokees to the tribal body in a narrative of ethical nationhood, one must understand how Cherokees conceived of gender to begin with. To start, early Cherokee society communities constructed ideas of gender in part through communal labor. Theda Perdue, in *Cherokee Women: Gender and Culture Change, 1700-1835* (1998), notes that, "Men hunted because the first man had been responsible for providing his family with meat. Women farmed because Selu first gave birth to corn in the storehouse and then became the source of corn" (17). Here, Perdue touches on the Cherokee story of Kanati and Selu, who are the primordial man and woman in Cherokee cosmology and who are responsible for the origin of wild game and corn, respectively, two staples in the Cherokee diet. Perdue argues that per the story, men assumed responsibility for hunting and women for agriculture, delineating gender roles for the purpose of providing sustenance for the community. She adds that even on the occasions that Cherokee men and women overstepped those boundaries and participated in the work of their gender counterpart, that labor was nonetheless limited to implied gender expectations. Perdue writes: "Men helped clear fields and plant crops, but the primary responsibility for agriculture rested with women. When women accompanied men on the winter hunt, they confined their activities to gathering nuts and firewood, cooking for the hunters, and perhaps preparing the skins" (17). She notes that while such a strict division of labor informed by gender did not lend itself to optimal efficiency, the labor itself was less

about the commodities and more about establishing oneself in the community on the basis of gender. In doing so, Cherokees used labor to maintain balance in the cosmos, a central tenet of Cherokee spirituality. Perdue writes: “A person’s job was an aspect of his or her sexuality, a source of economic and political power, and an affirmation of cosmic order and balance” (17-8). Perdue does, however, mention that on occasion men and women would cross the gendered labor division and perform the work of the opposite gender, but that nonetheless gender notions were firm. She adds: “On occasion, men could be found in fields, the realm of women, and sometimes women went on the winter hunt or even to war, normal pursuits of men. But Cherokees always understood their society in more absolute terms and tried to conform to those expectations” (17). Though Perdue makes a compelling case for Cherokees espousing strict ideas of gender, I have to wonder if this conclusion is ultimately clouded by her reliance on the travel recollections of white visitors to Cherokee communities as historical background.

Further complicating the information derived from European source material, Lang adds that the way non-Indian researchers have treated gender and sexuality in tribal communities relies heavily on European definitions of these terms. She writes that “most ethnographers equated male-bodied ‘berdaches’ with (passive) homosexuals, and did not seem to have inquired about same-sex relationships outside of the ‘berdache’ institution. If ‘berdaches’ existed in a particular group, the topic of homosexuality was usually ticked off as having been dealt with. (323). Here, Lang demonstrates that many of the early studies of gender and sexuality in tribal communities are hobbled by the privileging of strict Western notions of gender. Reliance on these documents as primary sources, then,

only reiterates the Western gender binary that undergirds these studies, evidenced for example by knee-jerk conclusions of homosexuality where a more nuanced account of gender roles and relationships in tribal communities would've been more accurate and useful. Payne's account doesn't account for the possibility of a non-platonic relationship between the two men he observed. Instead, he relies on Western-derived gender assumptions. Just as we can argue that John Howard Payne might have misinterpreted a same-sex marriage as a "friendship" ceremony, we can extend that challenge to those narratives by other European visitors whose writings inform Perdue's study that also lacked the vocabulary to identify queer individuals and imposed a European system of binary gender onto what they observed.

We can also see a lack of strict gender manifest in Cherokee language, especially in verbs, and perhaps use this absence of gender to gain a more nuanced understanding of how queer-identified and Two-Spirit Cherokees see themselves as part of Cherokee tradition, namely through their social roles. Take, for example, the phrase "Ganohalidoha", which means "He/She hunts," or "Adasdayvhvsgi," which translates to "He/She cooks." According to Perdue, hunting and cooking are gendered activities in Cherokee communities, and perhaps more men than women did in fact hunt, and more women than men cooked. However, when describing the action in Cherokee, gender is not explicit in the sentence. If a listener wanted to ascertain the hunter's or cook's gender, he or she would have to specifically ask for clarification. Furthermore, not only is gender not explicit in the language, it also isn't confined to a male-female binary. This feature in the language opens possibilities for alternate genders as the above phrases could just as

easily refer to someone who identifies outside the confines of male/female constructs of gender. In addition to a lack of gender with regard to the subject of a sentence, Cherokee verb conjugations also do not identify the gender of the object. Take, for instance, the phrase “Ageyu’a,” which means simply that one person loves another. This phrase on its own is a complete sentence, and without any added information to ascertain gender can translate to “He loves her,” “She loves him,” “He loves him,” “She loves her” or, again, an alternative gender can be introduced into the sentence as the subject, object or both. Considering that gendered forms don’t exist in Cherokee language, I again wonder if the whites who visited the Cherokees were seeing Cherokee social roles and interaction through a European lens of gender and if Perdue’s conclusion of Cherokees’ absolutist approach to gender is premature and demands further study.

Because the evidence for Cherokees’ strict gender roles is far from conclusive, a path exists to analyze Justice’s trilogy through the gender-queered roles of its central characters and examine it as a narrative that showcases queer Cherokees being central to the Nation’s survival. Indigenous Two-Spirits today are challenging contemporary ideas of binary gender norms and reconciling a place within their respective tribes primarily through social roles they attribute historically to queer communities. Brian Gilley’s (Cherokee-Chickasaw) study of Two-Spirits indicates that Two-Spirits today and in the past presided over ceremonial roles such as healing, leading sweats and blessing newlyweds.⁴⁷ Other roles include conducting transformative ceremonies such as various coming-of-age rites or parenting orphaned children and working in HIV/AIDS education. Gilley notes that guardianship over children who have lost one or both parents is a vital

role that several Two-Spirits carry out. He writes: “Historically, Two-Spirit men were known for caring for children in their kin groups and taking on parental roles for children in their families, as well as to teach children about Indian cultural ways” (171). I elaborate on this role in particular because it is prominent in *Kynship*, in which the protagonist, Tarsa’deshae, is cared for after her mother dies and is forged into a warrior by her aunt and mentor, Unahi, who is a lesbian. Gilley adds that several Two-Spirits see taking responsibility for these roles as a way to not only maintain, and in some cases regain, traditions lost through generations of European contact, but that it also demonstrates that they are useful in their communities, some of which, like the Cherokee Nation, have measures in place that ostracize them. Gilley interviewed a Two-Spirit named “Ben” who elaborated on Two-Spirits’ historic and contemporary roles, roles that appear in Justice’s trilogy. He writes:

Ben: The way I was taught, the men went to hunt, the women took care of the house, family, and the children, we as Two-Spirits were the ones who continued the culture: the spiritualism, the naming, the ceremonies. There was nobody else to do it. It takes a powerful person to be able to deal with both worlds [male and female], to be spiritual for the people and conduct ceremonies. Being Two-Spirit means being very traditional, it means connecting with the tradition of the tribe.
(97-8, italics original)⁴⁸

I quote “Ben’s” passage at length because it touches on several of the roles that zhe identifies as Two-Spirit that appear in Justice’s trilogy, namely maintaining spiritualism and officiating ceremonies, which, in turn, lead to the Nation’s survival during Removal.

By analyzing the trilogy through the Two-Spirit roles, we can see how the trilogy functions as a narrative that ties queer Cherokees to the tribal body and attributes the continued existence of the Nation to its queer people.

The Way of Thorn and Thunder trilogy is a fantasy retelling of Cherokee Removal, the fictitious nature of which allows for an empowering counter-narrative to the tribal national narrative to emerge. While the facts of Removal history as they appear in the narrative are accurately allegorized, an important theme that threads through it is the question of whether the Kyn, or Cherokees, can survive away from the Everland, the allegorical Cherokee homeland in what is now the southeast United States. The land is important in the trilogy because, among other things, it is the place where the Eternity Tree is rooted. In the trilogy, the Eternity Tree is a manifestation of Zhaia, the Kyn's mother goddess, and signifies the Folk's connection to the land. It is also the source of *wyr*, which is "the life source of the Everland, formed from the living voices and embodied memories of the ancestors, the spirits of the Eld Green, and the life-spark of the Folk themselves" (Justice *Dreyd* 258-9). Much of the plot involves who values the *wyr*, who has access to it and, finally, who is able to carry the *wyr* with them once the Kyn are forced to evacuate their land. In addition to the characters' relationship with the *wyr*, the main characters, all of whom are queered in one way or another, also engage in the social roles outlined in Gilley's study. I argue here that by writing characters who practice Two-Spirit roles, including the preservation of the *wyr*, and who live in the margins of binary gender constructs, Justice crafts a narrative that imagines queered Cherokees at the crux of the Cherokee Nation's existence.

Unahi

Instead of analyzing each novel on its own, I am analyzing the trilogy in its entirety by focusing on the characters and the roles they play throughout the collection. This approach allows me to hone in more closely to the characters and follow them through the trilogy as opposed to being restricted to following the sequence of events. The first character analysis deals with Unahi, a queered she-Kyn who exemplifies the roles for which Justice, Driskill, Lang, Williams and Gilley argue that queer and Two-Spirit communities were responsible. Specifically, by raising and mentoring Tarsa in the absence of her parents and other kin, presiding over ceremonies and teaching Tarsa the meaning and value of the *wyr*, Unahi's roles align with those that Gilley describes in which Two-Spirits are responsible for ceremonies, and for raising orphans and teaching them Indian culture.

We are first introduced to Unahi when she is called to Red Cedar Town after the Kyn warriors have battled with Wears-Stones-for-Skin, or Stone Coat as he is referred to in Cherokee stories.⁴⁹ Stone Coat is a man-eating monster whose skin is made of stone, but who can shape-shift as well. In the Cherokee story, Stone Coat introduces death to the Cherokees because of his violent and cannibalistic ways; however, the Cherokees are able to slay him and set him on fire. Before he dies, Stone Coat not only releases the first diseases into the world, but as he burns he also talks with the Cherokees who felled him and teaches them the dances, songs and formulas for how to deal with any incident that emerges in life. In *Kynship*, Downbriar Town is ravaged after the battle with Wears-

Stones-for-Skin, and Unahi is called to return after a decades-long exile. We learn that she has been ousted from her family because they and the rest of Red Cedar Town became Celestial, or converted to Christianity, and Unahi was no longer welcome. This is the first instance that we see Unahi being queered as a result of her insistence on maintaining traditional practices. When Unahi visits her family, her sister Ivida doesn't mince words with her: Justice writes: "Sit down, Unahi, but let's not pretend that you're welcome here" (*Kynship* 22). Unahi explains that despite adhering to her family's desire to disown her, she is compelled to return to Red Cedar Town and is trying to discover why she was called home. Ivida accuses her of witchery. Justice writes: "Witchery! . . . You don't belong here! Your ways will bring nothing but pain and suffering to us again, to the entire town. Look at yourself, Unahi. Your back is bent, your face worn by age and marred with those wicked symbols on your skin. You're a ragged ghost of what you could've been" (*Kynship* 23). Unahi's family disowned her when the youngest daughter fell ill to a disease – brought from the outside by a trader – that Unahi's understanding of the *wyr* could not cure. Much of the town died, including the young daughter, Lan'delar, and Unahi's family blamed her for the death. This introduction to Unahi's circumstances positions her in the margins, and her subsequent actions demonstrate that healing and strategies of survival often emerge from outside the periphery.

Before we get introduced to how Unahi has been queered by her society, we learn the role that Unahi plays among the Kyn. Justice writes that Unahi usually made her spring rounds and "assisted in a few dozen births, numerous marriages and love-bondings, the removal of a handful of minor curses and harmful medicine chants from

meddling gossips and vindictive conjurers” as well as other rituals and ceremonies to ensure a bountiful harvest and cordial relationships among families (22). The reader learns, however, that Unahi returns sooner to preside over the mourning and purification rites at Downbriar Town after the Stone Coat attack. Unahi is singly responsible for all aspects of the lives of her fellow Kyn – from cradle to grave. In *Unahi*, Justice writes a queered character who not only brings life into the world, but also ushers it on its way out. And in the middle, she is responsible for reconciling quarrels between neighbors and healing communities after war, essentially restoring the balance that is vital in Cherokee cosmology. While she doesn’t hunt or have a family to cook for, and as such does not fall into the gendered labor categories that Perdue details, she does take up the work of practicing and preserving ceremonies in a rapidly assimilating community and provides for the community’s spiritual, if not nutritive, sustenance.⁵⁰

In addition to Unahi’s varied responsibilities to the community that show how she, a queered Kyn, holds the community together, Justice also demonstrates how Unahi forges Tarsa, the heroine of the trilogy, through mentorship. More than mentorship, however, the relationship between Unahi and Tarsa in which Unahi instills the beliefs of the Kyn resembles more a mother-daughter dynamic, similar to Gilley’s analysis of Two-Spirits often acting as parents to orphaned children. The reader learns that while Lan’delar was suffering from the pox, she appealed to Unahi to watch after Tarsa and told her that her last words would be for Tarsa. Unahi explains that their family ousted her before she could see Tarsa all those years ago, and when Tarsa asks what her mother’s last words to Unahi were, Unahi replies: ““Tell her to tend to her roots”” (Justice

Kynship 49). Though the family had mostly become Celestial, Lan'delar charged Unahi, the one sister who had remained a Greenwalker, to raise her daughter and instruct her in the ways of the Green, which stand in for traditional Cherokee practices and beliefs. Unahi's primary guidance involves teaching Tarsa about the *wyr*, or Kyn life-force, and how to wield it responsibly. When she and Tarsa are on their journey to Sheynadwiin, the capital of the Kyn Nation, to discuss the threat of Removal at the council, Unahi instructs Tarsa with regard to what exactly she's wielding when she uses the *wyr*. Justice writes: "It's the language of creation, the voiced embodiment of the Ancestrals and their spirits. The words belong to another time and another world, but we continue to speak them, because they continually renew our world. Without the *wyr*, the Folk are rootless" (66). Her explanation of the *wyr* indicates that Unahi is initiating Tarsa into their ancestors' legacy, and she charges Tarsa with the care of the life-force that is the essence of the Kyn. As Tarsa comes into her role as keeper of the *wyr*, Unahi practices her role as her guide, and when Tarsa admits to being confused by the voices she's hearing through the *wyr*, Unahi, again, instructs her on how to develop her own power and fill her social role. Justice writes: "Only those who walk in the Spirit World speak the *wyr* with full grace . . . It will come, with time. But you must be careful, youngling, because words are very powerful. They can hide or reveal truth with equal ease . . . You have a powerful tie to the *wyr*, Tarsa, but it'll demand much" (66). Unahi teaches Tarsa about the power of words and reminds Tarsa of the responsibility that she is tasked with, a duty that is possible because Unahi is mentoring her. But like a parent, Unahi also chastises Tarsa when she gets too aggressive with the *wyr* and abuses it. In one scene in which Men, who

stand in for Europeans, are firing their muskets in the woods and shoot a he-Kyn, Tarsa, in anger, uses the *wyr* in violent retaliation. After shouts of “Defiler,” “Grave Robber” and “Murderer,” Tarsa unleashes the *wyr* and both kills the Men and uproots the land. More poignantly, however, she relishes in the feeling of vengeance. Justice writes: “Tarsa brought the staff down on the Man’s struggling body. He screamed, but it was the satisfying crack of bone and the meaty splut of pulverized muscle that burst through the raging haze in her mind . . . Pain pulsed through the green world, and she could feel the plant people and their roots aching to get away from her” (*Kynship* 124). In a violent rage, Tarsa uses the *wyr* to spill blood when it was not necessary and in a way that poisoned the natural world around her. As Unahi is taking her to task for her abuse of her newfound power, Tarsa snaps back: “I saved our lives, didn’t I?” (133). Unahi lambasts her and points out that fighting out of malice, not self-preservation, goes against her community’s beliefs:

‘Through you the language of the *wyr* has become twisted; you turn it against itself, against the green world that would gladly help you in its own way when your heart and mind are balanced . . . You’ve destroyed many tree-people, warped their spirits out all recognition. You uprooted the little green one, tangled them together into weapons, fed them with the poison of Man-blood. Forcing spirits to your will is Mannish witchery, Tarsa, not the way of a Wielder.’ (*Kynship* 133)

Unahi’s scolding of Tarsa not only demonstrates her parental authority over Tarsa, but this passage also reflects another teaching moment in which Unahi shapes Tarsa’s identity. Here, Unahi simultaneously informs Tarsa about one way that Kyn are different

from Men – that Kyn use their power for good, and Men use theirs for evil. Unahi’s lesson also reiterates to Tarsa the gravity of her role as a warrior and *wyr* keeper.

While Unahi uses her role as guardian of the orphaned Tarsa to forge the young she-Kyn into a warrior and to teach her Kyn lifeways, the fact that Unahi parents⁵¹ Tarsa outside of the strict confines of heteronormative definitions of parenting likewise speaks to the value of queer and Two-Spirit roles and relationships in the Kyn community and by extension Cherokee communities. To understand how Unahi’s role as parent, or her altruistic kinship, underscores the value of her position in the community as a queered Kyn, it is first necessary to understand how those who exclude queer and Two-Spirit individuals often do so on their belief that such relationships lack value because they are supposedly non-reproductive. Republican politician Rick Santorum, for example, told Fox News in 2003 that he believes marriage exists for the sole purpose of procreation and, therefore, should be exclusive to heterosexual couples. He asserts:

Marriage is not about affirming somebody’s love for somebody else. It’s about uniting together to be open to children, to further civilization in our society. And that’s unique. And that’s why civilizations forever have recognized that unique role that needs to be licensed, needs [to be] held up as different than anything else because of its unique nurturing effect on children. (par. 13-14)

Here, Santorum devalues same-sex relationships on the basis of his erroneous assumption that such couplings are non-procreative, and that children cannot be adequately nurtured outside of a heterosexual marriage.⁵² He also invokes the claim that straight marriage is the cornerstone of “civilization,” suggesting that marriage defined outside of

heteronormative confines is the purview of barbarians, loaded language that settlers have historically used to marginalize indigenous communities. Santorum and others⁵³ who support the marginalization of queer individuals often rationalize that by privileging heterosexual, and ostensibly procreative, relationships, they're ensuring the perpetuation of civilized society. Kath Weston challenges this line of faulty reasoning and elaborates on how the assumed non-reproductive element of some same-sex relationships is used as a slippery slope that leads ultimately to the degradation of society as a whole. She writes: "By shifting without signal between reproduction's meaning of physical procreation and its sense of the perpetuation of a society as a whole, the characterization of lesbians and gay men as nonproductive beings links their supposed attacks on 'the family' to attacks on society" (290). As such, according to those leaders such as Santorum, and even Cherokee leaders such as Hembree and O'Leary, support for same-sex marriage leads to a decline in families⁵⁴ and a subsequent decline in society.

However, the reasoning employed by detractors of queer individuals and their relationships fails to take into account that same-sex couples can and do raise children in the "traditional" sense of family. But even if queer and Two-Spirit people choose not to model their relationships or family lives after the heteronormative, nuclear counterparts, the roles they play in societies such as the Kyn society that Justice imagines include child-rearing and mentorship of youth who are not biologically theirs. Such roles are examples of what Robert Trivers refers to as "kin altruism," or more specifically "behavior that benefits another organism, not closely related, while being apparently detrimental to the organism performing the behavior" (35). By "not closely related,"

Trivers refers to individuals who are not related in a biological parent-child relationship because benevolent action between individuals in this relationship, according to Trivers, is an investment in protecting their own genetic material and, therefore, not truly altruistic. These altruistic behaviors that Trivers outlines include “helping in times of danger; sharing food; helping the sick, the wounded, or the very young or old; sharing implements and sharing knowledge” (45). Trivers and other evolutionary biologists like James Weinrich⁵⁵ have suggested that a “gay gene”⁵⁶ has evolved for the purpose of maintaining kin altruism in human societies. They further argue that avuncular relationships, in addition to maternal and paternal relationships, are equally vital to the development of society. For example, research by Paul Vasey and Doug VanderLaan on the Fa’afafines of Samoa, Samoan men who take up women’s roles, indicates that individuals who fall outside the scope of heteronormative identity do in fact participate in the overall wellbeing of their societies.⁵⁷ I interpret Unahi’s care and guidance of Tarsa and other Kyn through this lens of “altruistic kinship,” or what I simply refer to as parenting as I would were the relationship biological and heteronormative.

But Tarsa isn’t the only Kyn who benefits from the roles taken up by Unahi. Tobhi, a Tetawa who is journeying with Tarsa and Unahi to Sheynadwiin, explains that Wielders, or protectors of the Old Ways, are the only ones who can make sense of the chaos with regard to the Shields’ desire to relinquish the Everland to Eromar. Eromar is the industrialized leviathan of a nation that surrounds the Everland on all sides, which stands in for the United States, and the Shields are practitioners of Christianity, some of whose members represent the Ridge Party, who want the Kyn to remove. When Tarsa

asks why the council wants to see Unahi, seeing as she isn't a member of the Assembly, Tobhi explains that they desire her counsel because she is a Wielder. The Wielders are “the most important part of the whole thing, ‘cause they understand the Old Ways better than anyone . . . The Wielders is the only ones who can bring the Folk back to a sensible understandin’ of things – the whole world is out of balance right now” (Justice *Kynship* 74). Here, Justice positions Unahi as one of the few people who have a handle on the conflict between the traditional and assimilated Kyn and who can reconcile the Kyn to the Old Ways of understanding their connection to the Everland. As the trilogy progresses, the reader learns that Unahi maintained an intimate relationship with Biggiabba, another Wielder and the matron of the Gvaerg nation, further queering Unahi on the basis of her sexuality as well as her decision to remain a Wielder despite being banished from her family. Justice writes:

Biggiabba had wept with Unahi when [she was] exiled from her home, separating her from her sisters and [her] young niece . . . Unahi in return nursed her friend through the scourge that mottled her gray skin and killed her only child . . .

They'd gathered medicinals in the mountains together, planted trees and healed wounded animals, driven poachers and other invaders from their homelands, and often just sat beside the other's hearth-fire in silence, content simply to smoke a fragrant pipe and gaze into the fire with a friend close at hand. (*Wyrwood* 142)

At the end of *Wyrwood*, the second novel of the trilogy, Unahi is slain when Neranda, a she-Kyn who represents the Ridge Party, takes an ax to her head as she's protecting the Eternity Tree, the source of the *wyr*. By giving a queer character the responsibility of

forging Tarsa and by making Unahi a martyr of the Kyn Nation, Justice demonstrates both the importance of the roles that queer and Two-Spirit people play in preserving and teaching tradition and displays the sacrifices they make in the survival of the Nation.

Fa'alik and Averyn

Alongside his portrayal of a queer female character, Justice also engages the vital roles upheld by Two-Spirits, those individuals who possess both male and female spirits and operate in both realms. Two-Spirits, or zhe-Kyns as Justice refers to them in the trilogy, are represented by Fa'alik and Averyn. Fa'alik is the first zhe-Kyn the reader encounters in the trilogy, and we learn that the Greenwalkers revere hir as a ceremonial leader and storyteller. Fa'alik makes hir first appearance early in *Kynship* at the end of the war with Stoneskin when zhe is the one who kills the creature after Tarsa and the others warriors have felled him. Justice demonstrates that despite the aptitude of the warriors, Fa'alik was the only one at the scene who knew how to kill the Stoneskin. He writes:

[T]he zhe-Kyn, pox-scarred Fa'alik, stepped toward the Stoneskin's body with a burning cedar branch. The zhe-Kyn straddled the male and female worlds in all things . . . , moving between the blood of war and the blood of the moon without fear. Fa'alik drew the group together and, singing a song of healing and reconciliation, drove the flames into the monster's chest. (18)

In this passage, we learn that the Kyn who follow the Old Ways recognize the immense power associated with one who can traverse male and female worlds as evinced by the fact that Fa'alik is the only one who can kill the Stoneskin.

We later learn that in addition to ending the Stoneskin's life and his rampage, Fa'alik recognizes the value of the Stoneskin's life and ushers it into the Spirit World. After the warriors go to water to cleanse themselves after battle, Fa'alik gathers them and tells them stories of their ancestral past and interprets the meaning behind their encounter with the Stoneskin. Fa'alik "shared stories from the time of the Ancestrals, when it was told that a Stoneskin, though brutal and bloodthirsty, was also one of the wise ones of long ago, and that with his death came great knowledge" (Justice *Kynship* 19). Justice adds that no one was alive who understood the Stoneskin's knowledge because no one who had previously battled the creature lived to share it. He writes: "Those who might have once been able to tell them no longer lived in Red Cedar Town, where the Redthorns and Fa'alik were the last followers of the old ways of the Deep Green" (19). It is interesting to note that in addition to Justice establishing the Two-Spirit Fa'alik as one of the last traditionals and as possessing the aptitude to unpack the knowledge carried by Stoneskin, in this line he makes explicit the fact that Fa'alik is the only one in the community's recent memory to have killed a Stoneskin and lived to tell about it. In this scene in *Kynship*, Justice shows Fa'alik, a zhe-Kyn, as the one who presides over the healing and cleansing at the battleground and interprets the Stoneskin's knowledge. This rendering of Fa'alik, coupled with the fact that zhe was the only one who could slay the Stoneskin and protect the community, paints a powerful portrait of the importance of

Two-Spirits in the novel and, by extension, the world. Through Fa'alik Justice creates a narrative in which Two-Spirits, because of their cosmological position, are the ones who not only sacrifice on behalf of the community and can protect the community from various onslaughts, but who are also the ones who can create meaning from tragedy. The Two-Spirit's roles and marginal position helps hir develop strategies for both contending with oppression and making sense of it in ways that garner knowledge that is necessary for the whole community's further well-being.

In addition to Fa'alik's ability to render meaning from tragedy in a didactic way, Justice also demonstrates Fa'alik's role in forging Tarsa as a warrior when, after the Stoneskin slaying, zhe has sexual relations with Tarsa as part of her transformation. Lang's analysis of male-embodied Two-Spirits supports the idea that Fa'alik's liminality in terms of gender and sexuality functions to transfer power to Tarsa in a way that individuals confined to one gender cannot. She writes: "An aspect of sexual intercourse between women-men and men which has received little attention in the literature to date is the possibility of a transference of latent spiritual power by this means, analogous to a transference of power from one man to another by means of intercourse with the same woman" (255) Here, Lang describes the idea of men possessing spiritual power and women being a conduit of transference of this power. Returning to *Kynship*, we can apply Lang's theory to Fa'alik in that Fa'alik, possessing both male and female spirits, can simultaneously carry the aforementioned spiritual power as well as transfer it to others. This idea is reflected in Lang's research of Two-Spirit roles. She writes: "In accordance with his dual sexuality or dual gender, the woman-man could unite two roles within

himself: that of the donor of supernatural power and the woman functioning as a medium” (255). Though Lang refers specifically to “women-men” here having intercourse with men to transfer power, the same process can apply to the sexual encounter between Fa’alik and Tarsa in which sex with Fa’alik is the final stage in Tarsa’s transformation as a warrior.

In addition to Fa’alik, Justice creates a second zhe-Kyn named Averyn who he describes as a healer and who is also the love interest of Garyn, the leader of the Kyn Nation, whose role in the narrative aligns with that of John Ross, the Principal Chief of the Cherokee Nation at the time of Removal. In one scene after an attack, Averyn communicates with a magpie and learns that the survivors are few. Zhe is determined to assist in the healing, but the reader learns that Averyn’s skill involves healing the spirit, not the body. Justice writes: “The injuries would be grievous, and likely beyond the zhe-Kyn’s strength to heal . . . Although zhe could set broken bones [and] heal burns . . . Averyn’s greatest skills were with aching hearts and wounded minds. There would be plenty of such work with the survivors in the days to come” (*Kynship* 108). Despite Averyn’s limited ability to heal the body, zhe does attend to the wounds that she-Kyn warrior Jitani suffers. However, we later learn that one of Averyn’s most important roles in the narrative involves the counsel and comfort zhe provides to Garyn. Justice writes that part of Averyn’s role involves ameliorating the heartache that Garyn feels with regard to imminent removal and to how factious the Kyn Nation has become. He writes: “Zhe generally tried to bring good news to hir beloved, to lessen his burdens with the mundane pleasures and simple joys of the people who depended upon his strength and

wisdom. But Averyn couldn't keep these unpleasant tidings from Garyn" (*Kynship* 112). Here Justice demonstrates the complexity of the relationship between Garyn and Averyn that extends beyond sex, a feature that could be an important factor in recovering the reverence of non-heteronormative relationships.⁵⁸

This complexity is essential to note because it facilitates reading the relationship between Garyn and Averyn in a way that speaks to the need recognize the importance of non-heteronormative relationships in the trilogy and, by extension, the Cherokee Nation. Garyn and Averyn are the only pair in the trilogy that one might label, at least superficially, as gay. The couple does have a sexual relationship, and Lang points out that such couplings between straight men and men who she refers to as "women-men" were common for a variety of reasons.⁵⁹ However, to think of Garyn and Averyn as gay, or in primarily sexual terms, is shortsighted and overly simplistic, ignoring the cultural context through which such couplings manifested. Lang elaborates:

To classify the relationships between men and women-men as homosexual in the Western sense is not conducive to an understanding of the phenomenon within its own cultural context. The men involved did not perceive themselves to be homosexual, and they led a completely different daily life in general. The women-men likewise did not regard such relationships as homosexual, because they after all did not possess a straightforwardly unambiguous masculine gender identity, and their gender status differed from the masculine gender status of their partners.

(255)

A focus on sexuality also ignores how a relationship like Garyn and Averyn's functions. By pairing Garyn with Averyn, who is explicitly described as a male-embodied zhe-Kyn, instead of another male cis-gendered Kyn, we're compelled to consider their relationship not within the confines of sexuality, but with an emphasis on gender. A focus on gender and the social roles attached to it, such as those mentioned by Perdue and others, shifts the emphasis away from sexuality, the element on which those like Santorum and Cherokees O'Leary and Hembree who oppose non-heteronormative relationships fixate as a way to dismiss them and rationalize away their inclusion in an ethical nationhood. As such, we see how the relationship between Garyn and Averyn operates to effect the goal of Kyn (Cherokee) survival during their impending ousting from the Everland. By not focusing on sexuality, or on Garyn and Averyn as a "gay couple," we can focus on the gendered role that Averyn plays and how Garyn, the leader of the Kyn Nation, reveres and benefits from Averyn's place as a Two-Spirit. As the narrative progresses, we learn that Garyn has become frail with the stress of the chaos occurring in the Kyn Nation and that the Shields, who represent the Cherokee mixedblood, Christian planter class, are usurping more power. Averyn's role as Garyn's lover is to ensure his peace of mind so that Garyn might muster the strength to continue to lead the Kyn Nation and oppose the Folks' removal from Everland.

However, Averyn's relationship with Garyn adds another layer to the idea of Justice's trilogy functioning as a counter-narrative to the Cherokee Nation's narrative that ostracizes queer Cherokees. Another interpretation of Averyn that supports this claim involves not what Averyn does as a Two-Spirit, but rather who zhe is – Garyn's lover. As

I mentioned earlier, Garyn is the stand-in for John Ross in the trilogy. Without delving into elaborate detail of the history of Removal,⁶⁰ John Ross is often viewed, in simple terms, as the “good guy” of Removal history. Ross, with the support of the traditionalists, fought both the United States and his own people, the Treaty Party, to stay in the Cherokee homeland. Having also opposed allying with the South in the Civil War until circumstances forced his hand, Ross is often extolled as a hero of the Cherokee Nation. By pairing Averyn with Garyn in a love relationship, Justice essentially queers Garyn as well and as such queers the legacy of John Ross, the chief who many cite as the Nation’s greatest leader who led the Nation during Removal and presided over the rebuilding of the Nation in Indian Territory. If we accept this narrative queering of Ross’ legacy and analyze it alongside the Smith administration’s decision to marginalize the Nation’s queer citizens, we come away with the idea that a great Cherokee leader is one who recognizes the value of its queer citizens.

But offering emotional succor to Garyn isn’t the only way that Averyn heals in the trilogy. In the final battle against Vald, the prefect of Eromar who has tormented the Kyn throughout the trilogy, Garyn is severely wounded and Averyn comes to his aid. As the violence mounts, Averyn hears Tarsa sing an ancestral song and adds his voice to it. Justice writes: “Zhe gasped as the words wove into his deepest being . . . As the song opened his spirit and zhe began to understand what had so long been forgotten, Averyn added his own voice. . . . Zhe didn’t know what zhe was singing, but zhe knew that the words were right. And as zhe sang, the world changed” (*Dreyd* 219). Justice notes that the screaming stopped and “[m]usket shot fell harmlessly into the mud,” and that

Averyn's song awakened Guraadja, a winged Bear-Snake that guards the Eld-Green, the Folks' homeland, who proceeded to fight Vald. After initially mocking Averyn's song, Vald realizes that "the words are everywhere: in his head, in his bones, in his quivering flesh. They seared him with an unimaginable pain, as though his very organs were aflame" (*Justice Dreyd* 222). As a result of Averyn's song, the Eternity Tree began to re-grow from the land and through Vald's body, ripping him apart. Afterwards, the "air was filled with the smell of fertile earth and wyrwood leaves, the primal flush of life incarnate" (*Justice Dreyd* 222). Averyn's song extinguishes the threat that Vald perpetuated and saves the Folk while also renewing and rebalancing the world.

The placement of the Two-Spirit songs in the narrative is important to note because they bookend the action in trilogy. They also represent the theme of ethical nationhood when we consider how the songs function. The trilogy opens with Fa'alik's song slaying the Stoneskin from which the Kyn reclaim and learn vital songs and dances they had previously lost. The trilogy ends with Averyn's song that destroys Vald and the threat he posed of massacring the Folk entirely. The Kyn reconcile the Old Ways through Fa'alik and are able to use them to resist Vald through Averyn, demonstrating that the role of Two-Spirits in the trilogy are both didactic and transformative. Considering that the trilogy positions Two-Spirits as the ones who carry or re-create essential knowledge and meaning for the community and ultimately rescue the community from seemingly insurmountable threats, Justice crafts a counter-narrative that undermines the Cherokee Nation's narrative that disregards the role queer Cherokees play and relegates them to perish in the margins.

Tarsa'deshae

While Unahi and the zhe-Kyns, Fa'alik and Averyn, play their own roles in shaping and protecting the Kyn, one of the end products of their teachings and ceremonial responsibilities is their forging of Tarsa'deshae, or Tarsa, into a warrior who carries the *wyr* and determines to help the Folk persevere. Throughout the trilogy, we see Tarsa further queered as she develops into a warrior—from the moment she participates in the slaying of the Stoneskin in *Kynship*, to her embodying the *wyr* in *Wyrwood* to her final act of continuing the Kyn Nation through her pregnancy in *Dreyd*. By queering not only secondary characters but also the central heroine, Justice's trilogy asserts the pragmatic use of queering as a survival strategy and further attributes the endurance of the community to its queer contingents.

Tarsa first appears in the narrative with the name Namsheke, or “Storm-in-Her-Eyes.” Namsheke is her youngling name that she goes by before she is formally initiated as Redthorn warrior in a ceremony officiated by Fa'alik, after which she takes the name Tarsa'deshae, or “She-Breaks-the-Spear.” Lisa Tatonetti, in her essay “Outland Cherokees Write Two-Spirit Nations,” identifies Tarsa's queering at the ceremonial stage when Fa'alik transforms her from a youngling to a full-fledged warrior. However, I argue that evidence of Tarsa's queer status appears at the outset of the narrative in that Tarsa, or Namsheke at that point, is fighting the Stoneskin to begin with. Perdue identifies the power ascribed to blood in Cherokee cosmology, and argues that based on gender delineations of labor, both men and women would have contact with blood in the form of

warfare and menstruation, respectively. However, a woman who traversed the gender boundary and went to war became doubly powerful because she now experienced blood in both realms. Perdue writes:

Such a woman was obviously an anomaly. . . . As an anomaly, she possessed extraordinary power: through war and menstruation she had male and female contact with blood. Each experience was singly a source of power and danger; when the two came together, the power was phenomenal and permitted these women to move between the worlds of men and women. (39)

Perdue adds that on the other side, men who elected not to engage in warfare had neither battle nor menstrual experience with blood and, as a result, had no means to obtain similar power as women who crossed gender lines.⁶¹ This dichotomy might explain the conspicuous lack of queer men in the trilogy who are not male-embodied Two-Spirits.⁶² Lang elaborates on the reverence that communities bestowed upon women who took up arms in their defense and asserts that a woman's going to war at all complicated gender boundaries though it did not indicate a gender change. She writes: "To want to make one's mark in the masculine prestige domain of warfare and raiding was regarded as thoroughly honorable for women, and not at all unseemly; their success demonstrated the power of their medicine and their personal bravery. This warlike behavior in women did not, however, involve gender role change" (278). Based on Perdue and Lang's analyses of women at war, we can gather that because women could take up a masculine role without needing to fully subscribe to male gender expectations, fighting, for women, was indeed a queered activity. Lang also adds that women who proved themselves in battle

often maintained a permanent queered status in that while technically female in terms of gender, they could also take up other roles associated with men. She writes: “Once a woman had moved up into the status of a ‘brave,’ other domains of the masculine role were also open to her, depending on her personal inclination and ability. In isolated cases women would seize the opportunity, take up a masculine role, and achieve a quasi-masculine status in their community” (278). If we consider Perdue and Lang’s analyses in a reading of Tarsa, we find that Fa’alik only further integrated Tarsa into the queer identity she already possessed rather than bestowed it on her after the ceremony.

However, Tarsa’s ceremony is important in establishing her queering because it’s transformative in that she receives a new name and she is officially made a warrior. After months of trials and training as a warrior, Fa’alik presides over a ceremony in which zhe sings an honor song and paints Namsheke’s skin. After the ceremony, Fa’alik presents Namsheke, now Tarsa’deshae, as a Redthorn warrior. Justice writes that Tarsa’s initiation into the Redthorns, a group that has been queered and marginalized by the growing Celestials, was the first time Tarsa felt like she belonged somewhere. He adds that the induction also marked the first time Tarsa felt useful to the community, a sentiment echoed by Two-Spirits in Gilley’s study. With the Redthorns, Justice writes, Tarsa’s “presence had been not just welcome, but essential; her strength, courage and cunning made the Redthorns more than they had been before, and they recognized the qualities she brought to them . . . with such gifts as she possessed, they had a chance against a world that was increasingly against their long-guarded skills and wisdom” (*Kynship* 31). Justice notes that after the songs, dances and feasts, Tarsa made love to Fa’alik, which

was also part of the ceremony. This sexual act not only reiterates Fa'alik's role as a Two-Spirit who is responsible for leading the warrior ceremony and, as a Two-Spirit, can use his body to initiate both men and women as Redthorns; it also further queers Tarsa and marks Tarsa's use of her body and sexuality as a tool for survival of the community that we encounter toward the trilogy's end.

This ceremony of Fa'alik's that forges Tarsa into a warrior, coupled with Unahi's teaching Tarsa how to handle the *wyr*, combine when the Folk are being marched westward out of the Everland and Tarsa is able to heal with the *wyr*. While children and the elderly of several Folk nations are perishing during the forced exodus, Tarsa maintains her fortitude and uses her knowledge and possession of the *wyr* to restore hope in the Folk. Early in *Kynship*, we learn about the Eternity Tree, the source of the *wyr*. Though the second installment of the trilogy, *Wyrwood*, deals primarily with the Celestials' signing away the land, it is also the point in the narrative when the Eternity Tree is destroyed. After a fierce and violent exchange between the Greenwalker and Celestials at the novel's end, when Neranda slays Unahi, the Eternity Tree dies and from its remains fly screech owls, an omen of tragedy to come in Cherokee belief. Justice writes: "The Eternity Tree fell. From the lightless depths flew thousands of white-faced owls, as quiet as despair. And in their silent wake came Death" (*Wyrwood* 204). This passage reveals how the Kyn feel that the destruction of the Eternity Tree will lead to the destruction of the *wyr*, the Kyn's life-force. Part of the Kyn's resistance to removal was the Greenwalkers' fear that if they were detached from their land, they would relinquish their source of corporeal and spiritual sustenance, especially if they lost access to the

Eternity Tree. But as Tarsa learned from Unahi, the *wyr* is not confined to the roots and braches of the Eternity Tree; the *wyr* is embodied in the Kyn and, most prominently, in Tarsa.

Justice reveals Tarsa's embodiment of the *wyr* as the Folk are undertaking the arduous journey of Removal, known as The Expulsion in the trilogy. The first indication of the Folk regaining their strength and resolve occurs when the Men who are leading the Removal notice that the Folk are no longer suffering as before. Justice writes: "The soldiers couldn't understand it, but *something* was clearly happening among the prisoners. It might have been the gradual revelation that the creatures weren't walking with their heads bowed and shoulders stooped in despair . . . The troops were worried; the balance of power had shifted . . . Insurrection was inevitable" (*Dreyd* 130). In the above passage, Justice notes that other signs of resolve emerging in the Folk include a woman refusing to accompany a soldier to his tent, ostensibly to be raped; the sound of children's laughter; the declining number of deaths despite a lack of food and clean water and a renewed strength in the Folk despite the increased brutality of whippings and beatings. While the Folk as a whole are beginning to heal psychologically from the trauma of Removal, we also see Tarsa using the *wyr* she embodies to physically heal the travelers. After being healed by Tarsa, Tetawa clan mother Molli Rose says: "I en't never felt nothin' like that before. . . . It's like all of Creation is swimmin' inside me'" (*Dreyd* 133). Tarsa has invoked the *wyr* to heal several travelers, and as she rests to gain strength to heal another group, she realizes that far from just carrying the *wyr*, she is the *wyr*. Justice writes: "The *wyr* is so much a part of me now; I *am* the *wyr*. It's in everything I see,

everything I touch. I can feel its rhythms and songs even in this spirit-hungry land of Men'" (*Dreyd* 135). In this passage, we see that Tarsa is not only singly responsible for physically healing the Folk as they suffer through the Expulsion, but we learn that she is the embodiment of the *wyr*. While the Eternity Tree in the Everland was the source of the life-giving power, after its destruction, and as a result of Tarsa's mentoring by Unahi and Fa'alik, Tarsa herself has become the new source. Tarsa's ability to heal with the *wyr*, with her touch, establishes the idea that the Folk can survive and thrive outside of the Everland because of her power. Tarsa, who is queer and was forged by queer mentors, becomes more or less singly responsible for not only mustering the Folks' resolve, but also by using the *wyr* to attend to their needs.

In addition to healing the sick and weary, Tarsa finds her own path to healing by engaging in a polyamorous relationship with Jitani, a she-Kyn warrior, and Daladir, a he-Kyn ambassador. At this point in the narrative, Tarsa is still developing as a leader, and she reflects on the times when she has felt out of place. She is conflicted between her feelings for Jitani and Daladir until Daladir announces that he wouldn't ask Tarsa to "divide [her] heart" (139). This exchange between the three Kyn adds another layer to the narrative by not only demonstrating the value of queer individuals but also the transformative value of their relationships. Justice writes: "Her love wasn't a finite, limited thing; it expanded and grew with the giving . . . her strangeness was a part of her, and they both loved it, too. They saw beauty when they looked at her, not the monstrous thing she so often saw in herself . . . She felt her passion flow through the world, and she made her choice. She would be whole again" (*Dreyd* 140). The three of them then retire

to make love to which Tarsa says: ““Let there be a healing”” (*Dreyd* 141). Here Justice shows Tarsa finally being made whole again through her sexual relationship with Daladir and Jitani, a wholeness that is essential in strengthening Tarsa, who is central to the well-being of the Folk both as a healer and a warrior. By showing that love transcends gender, their exchange further supports the idea that the relationships between queer characters are just as vital as the individuals alone. If we also consider that part of Tarsa’s development as a warrior was making love to Fa’alik, then we see that queer relationships in the narrative not only impart knowledge but also give the individual the courage to deploy it because, in the end, the individual feels a place of belonging and regains a sense of love and self-respect. Finally, considering character development, Tarsa is further queered by being the only character in the trilogy who engages in sexual encounters with each of the three represented genders: male (Daladir), female (Jitani) and Two-Spirit (Fa’alik). Essentially, in Tarsa, Justice writes a character whose hero status is largely a result of not only being queer but also of being bold enough to engage in love relationships that, in turn, result in her being a central healer and protector – in short, an asset – to her community.

But a renewed sense of self and purpose isn’t all that Tarsa gets from her sexual relationship with Daladir and Jitani. At the end of *Dreyd*, we learn that Tarsa is pregnant and was with child as she battled Vald and helped to restore the Eternity Tree. Her pregnancy and subsequent family structure are another example of the value of queer relationships in the narrative. As the novel winds down, we learn that Daladir is away negotiating a new treaty for the Kyn in Chalimor, the capital of the Reach of Men and

stand-in for Washington, D.C., and that Tarsa will raise her daughter with Jitani. Through Daladir, the generation of Kyn is conceived, and through Jitani and Tarsa it will learn about the Deep Green ways that are important to the Kyn and how to protect them. Each of the individuals with whom Tarsa has sex intersects with her body and combines into the forging of the next generation. From Daladir, Tarsa is physically able to conceive and give birth to the next generation, and Jitani, being a warrior herself, will help mold the child into a warrior alongside Tarsa, whose own training was informed by her exchange with the zhe-Kyn Fa'alik.

Justice demonstrates the importance of this next generation, the first born outside the Everland, when Tarsa and Tobhi engage in a ceremony to simultaneously bless the unborn child and to plant a seedpod from the Forevergreen Tree, the reborn Eternity Tree. As they begin the ceremony, Tarsa announces: “*Our memory has returned . . . We won't forget again. We dance beneath the arbors, sing beneath the moon. The balance endures. Everywhere a seed takes root, the Deep Green will flourish, and so too will we. A healing is taking place at last*” (Dreyd 235, italics original). Because the dual ceremony occurs for Tarsa's child and the seedpod, I interpret “seed” in this passage to refer to both of them. By conflating Tarsa's child and the Forevergreen seedpod, we see that neither knowledge nor people alone can restore balance and ensure the Kyn's continued survival. Success of the next Kyn generation will depend equally on the legacy of the *wyr* and the determination of the people to understand it and fight for it. By assigning the next generation – the very survival of the Kyn – to his most queered character, Justice writes a

narrative that establishes the vitality and inherent value of queer people and their relationship in ensuring that the people continue to thrive.

Queer as a Cherokee survival strategy

Just as the survival of the Kyn Nation depends almost single-handedly on its queer characters and their social roles, Justice notes that for Cherokees centuries-long survival has also depended largely on a malleable and adaptive strategy of queerness, regardless of the vocabulary others might use. In his essay “Two-Spirit Cherokees Reimagining Nation,” Driskill discusses this idea in an interview with Justice as well as Justice’s reservations regarding the term “Two-Spirit.” Justice asserts that he prefers the term “queer” because he feels that “Two-Spirit” normalizes the identity in such a way that it potentially undermines an otherwise useful strategy of adaptation. “Queer works really well for me,” he says. “I like its ambiguity, and I like that it kind of shakes things up a bit . . . I like the idea that whatever roles we may have had in the past are roles today, that we could be really important in shaking up complacency and conservatism” (qtd. in Driskill 99). Part of this challenge to heteronormativity that the Cherokee Nation privileges today serves to remind Cherokees, as Justice puts it, that “being Cherokee is about a lot more than blood and it’s a lot more than breeding” (qtd. in Driskill 100). While privileging heterosexuality can ensure that Cherokees physically exist in the future, respecting queer Cherokees and what they have to offer the Nation ensures that those subsequent generations are equipped with the cultural knowledge that gives that existence meaning.

In addition to maintaining culture for the future, recognizing how Cherokees are already “queered” in various ways and have been for some time lends insight into how far Cherokees have come and provides necessary strategies to engage the future. Justice argues that some of the ways Cherokees have been queered in the past include Cherokees being the only Iroquoian-speaking nation surrounded by Muskogean and, as a result of a long history of intermarriage, charges by other tribal nations and communities that Cherokees aren’t Indian enough. As such, the Nation’s pursuit in narrating itself as a steadfastly unchanging – and pure – nation at the expense of queer Cherokees could result in a devastating backfire. Justice adds:

[I]t’s been our transformative Indian-ness that has made us survive. And I find it really troubling that there are so many people in the nation who would want to take away that transformability out of some sort of weird misguided fear about cultural purity, when we’ve always been inclusive, we’ve always been adaptive. Not always *happily* . . . That’s also about being queer. That’s survival. And not just surviving, but *thriving*. (qtd. in Driskill 106, italics original)

To recognize queerness as a Cherokee survival strategy, then, is simply to recognize reality, a reality that to be Cherokee is to have a history, and likely a legacy, of being queered⁶³ in one way or another. And while the Nation narrates queerness, at least in its sexualized form, as not only an anomaly but anathema to being Cherokee, that Cherokees have survived as a result of queerness indicates that, on the contrary, queerness is at the core of being Cherokee.

This idea of queer Cherokees effecting tribal survival through their social roles is masterfully told in the *Way of Thorn and Thunder* trilogy. When read as a counter-narrative against the Cherokee Nation's narrative that marginalizes its queer constituents, the trilogy does more than simply open an avenue of discussion with regard to their traditional roles. The trilogy serves as a reminder of everything they've given us and as a sobering warning of everything we stand to lose without them. Furthermore, the pairing also critically destabilizes the privileged history and culture that inform the vitriol and the mindset of people who can look their kin in the eye and say: 'We don't want you.' When a nation passes a law, it effectively narrates what it values.⁶⁴ Antonio Gramsci, in fact, states that the law is the tool that the state uses to manipulate, either by privileging or curtailing, behaviors within its borders. He writes: "If every State tends to create and maintain a certain type of civilization and of citizen . . . and to eliminate certain customs and attitudes and to disseminate others, then the Law will be its instrument for this purpose" (246). Indeed, to learn about a community, one can open its law books and see laid out in black and white what that community believes is worth protecting. The Cherokee Nation today believes marriage is worth protecting. But from whom? From queer Cherokees – or, more simply put, Cherokees.

Though the law explicitly addresses marriage, what ends up communicated between the lines is a narrative that says the Cherokee Nation values heterosexuality. And by drafting this law under the pretense of protecting tribal tradition, the Cherokee Nation essentially says: 'We are not only a heteronormative people today, but our tradition – since time immemorial – has been a heteronormative one,' a postulation that utterly fails

when subjected to critical scrutiny. That said, even if some queer-identified Cherokees couldn't care less about marriage as an institution, or whether the Nation ever legally recognizes their relationships, they are still citizens of a nation that today tells them: 'You're not good enough for us. In fact, you never were.' But by reading Justice's trilogy as a recovery of queer Cherokees' presence and role in protecting and building the Nation, the trilogy becomes a site of literary resistance by crafting a counter-narrative of ethical nationhood that tells queer Cherokee readers: 'Yes, you are good enough. In fact, we wouldn't be here today without you.'

Sharing a struggle

The struggles of Freedmen and of queer Cherokees might appear disparate, even worlds apart, but at the core of both is the same endeavor to reconcile themselves to the tribal body and to resist national narratives that marginalize them. And beneath the surface, their battles are entwined. Just as that Nation has attempted to elide the role of the Cherokee Freedmen who built, defended, rebuilt and contributed to the endurance of the Nation, so too are the traditional roles taken up by queer Cherokees who have in part ensured that Cherokees today have a tradition to call their own. Similarly, just as queer Cherokees have been ostracized on the basis of gender and sexuality that the Nation claims is aberrant to tribal tradition, so too have black Freedmen been queered on the basis of their skin color and their ancestors' positions of forced servitude. But their writing offers the potential to undermine the privilege of a nation that was constructed in part as a buffer against U.S. oppression through the adoption of the very same oppressive

sentiments that the U.S. has long held against its own female, queer and minority citizens. Examining the Freedmen WPA narratives and the *Way of Thorn and Thunder* trilogy alongside Cherokee history and cultural epistemologies creates a counter-narrative that not only restores a sense of belonging and need of these oppressed communities; it destabilizes the narrative privilege of those who have simply employed a strategy of marginalization in an effort to wear their own oppression well.

¹ Opponents of same-sex marriage often invoke the Bible in order to rationalize their belief that “traditional” marriage only exists between one man and one woman. The irony, of course, is that the custom of marriage not only pre-dates the Bible, but the Bible also does not privilege any one arrangement of marriage over others. In fact, it accounts for several possible marital arrangements that, if one is making appeals to authority by invoking the Bible, are as “traditional” as marriage between one man and one woman. For example, while Genesis 2:24 does mention marriage between one man and one woman, the marriage is not one of love but rather is arranged, and the wife is not only expected to be subservient but could also be stoned to death if she’s proven to not be a virgin. Genesis 38:6-10 indicates that a woman who is widowed and has not given birth to a son shall be forced to marry her brother-in-law, thereby making “traditional” biblical marriage a coerced arrangement between a woman and her in-laws. Similarly, Numbers 31:1-18 and Deuteronomy 21:11-14 indicate that male soldiers can take female POWs as brides or “spoils of war,” in this case “traditional” marriage, again, being coercive. Deuteronomy 22:28-29 states that a virgin who is raped must marry her rapist, and the rapist must pay her father 50 shekels for “loss of property.” The Bible also indicates that slave owners could force marriage between their slaves, and a man could have one wife and countless concubines (Abraham, Nahor and Solomon to name a few). The Bible also accounts for polygamous arrangements in which one man can have as many wives as he wishes. This “traditional” biblical marriage is found in the stories of Lamech, Esau, Gideon and David among others. The point of this analysis is that if opponents of same-sex marriage insist on using the argument that the appearance of marriage between one man and one woman in the Bible makes heterosexual marriage “traditional,” and therefore privileges it over same-sex marriage, they have to account for and privilege the other elements of “traditional” marriage as outlined by the Bible that the rational among us abhor today, namely rape, coerced marriage and the treatment women as property.

² Though some states and two tribal nations have explicitly recognized the right of same-sex couples to wed, language in section 2 of DOMA indicates that “[n]o State, territory, or possession of the United States, or Indian tribe, shall be required to give effect to any public act, record, or judicial proceeding of any other State, territory, possession, or tribe respecting a relationship between persons of the same sex that is treated as a marriage under the laws of such other State, territory, possession or tribe” (emphasis added). While the federal law indicates that tribal nations can be exempt from recognizing same-sex marriages that are legal elsewhere, the law also undermines the sovereignty of those tribal nations who do allow same-sex marriage by making marriages that take place within their jurisdiction null in the rest of the U.S. where such marriages are illegal. This inclusion of tribal nations within the scope of, and under the protection of, DOMA is problematic considering that John Marshall ruled in *Worcester v. Georgia* (1831) that tribal nations are sovereigns that are not subject to federal laws or to the laws of surrounding states. Specifically, in his decision, Marshall wrote: “The Cherokee nation, then, is a distinct community, occupying its own territory, with boundaries accurately described, in which the laws of Georgia can have no force.” See *Worcester v. Georgia*, 31 U.S. (6 Pet.) 515 (1831).

³ While members of the Smith administration attempted to bar Reynolds and McKinley’s same-sex marriage by making a case for traditional Cherokee marriage being between one man and one woman, it was revealed in 2007 that Principal Chief Chad Smith himself had a secret second family. Though legally married to Bobbi Gail Scott Smith, a Cherokee woman, and being the father of three children, Smith also fathered three other children with a second woman. In a strange irony, Smith attempted to defend his actions by arguing that having multiple partners was Cherokee “tradition.” Smith avoided bigamy charges because he was not married to his mistress. See Donna Hales “Cherokee attorney will run for chief again.” *MuskogeePhoenix.com*. Muskogee Phoenix, 4 Nov. 2007. Web. 10 Oct. 2009.

⁴ The Defense of Marriage Act 1996 (DOMA) was signed into law by President Bill Clinton to limit interstate recognition of marriage and federal benefits associated with marriage such as Social Security survivor's benefits and the ability to file taxes jointly and receive a larger deduction to heterosexual couples. Pressure from conservative Christian lobby groups like the Family Research Council and challenges to state laws barring same-sex marriage such as *Baehr v. Miike* (1993) in Hawaii prompted the federal government to define marriage as a union between one man and one woman. In February 2011, however, President Barack Obama declared that the Department of Justice would no longer defend DOMA in court, and he expressed his support for the Respect for Marriage Act, a proposed bill that would repeal the Defense of Marriage Act. In that time, several states have legalized same-sex marriage at the state level, including Connecticut, Iowa, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont and Washington. Same-sex marriage is also legal in Washington, D.C.

With regard to tribal nations, to date, the Cherokee Nation is only one of six tribal nations that have explicitly barred same-sex marriage, the others being the Navajo Nation, the Sault Tribe of Chippewa Indians (in Michigan), the Muscogee (Creek) Nation, the Chickasaw Nation and the Iowa Tribe (all in Oklahoma). However, two tribal nations passed laws that recognize same-sex marriage: the Coquille Indian Tribe in Oregon (2008) and the Suquamish Tribe in Washington (2011). Likewise the Mashantucket Pequot Tribe in Connecticut afford equal-opportunity employment for its LGBTQ members as well as extends medical benefits to same-sex couple in the nation. Trista Wilson notes that though six tribal nations do ban same-sex marriage, they only make up 5 percent of all the tribal nations within U.S. borders, whereas more than 80 percent of U.S. states still fail to recognize same-sex marriage, demonstrating that tribal nations are still more tolerant of difference than the U.S. She quotes Coquille Chief Kenneth Tanner: "We only as that people respect differences and all the Creator's creations" (Wilson 188). For more information on the Navajo Nation's legislation against same-sex marriage, see the Dine Marriage Act of 2005 and the council's resolution regarding the law at <<http://www.navajocourts.org/Resolutions/29-50%20Marriage%20Act.pdf>> For more about the Coquille and Suquamish Indian Tribes' decision to recognize same-sex marriage, see Bill Graves "Coquille Same-Sex Marriage Law Takes Effect." *OregonLive.com*. The Oregonian, 21 May 2009. Web. 3 Jan 2012 <http://www.oregonlive.com/news/index.ssf/2009/05/coquille_samesex_marriage_law.html> and Manuel Valdez "Suquamish Tribe's New law Recognizes Gay Marriage." *NativeTimes.com*. Native Times, 8 Aug. 2001. Web. 3 Jan 2012 <<http://www.nativetimes.com/news/tribal/5809-suquamish-new-law-recognizes-gay-marriage?type=raw&format=pdf>>

⁵ Several sources have accounted for individuals who might be described today as Two-Spirit caring for those wounded in battle. See, for example, E. Adamson Hoebel *The Cheyennes: Indians of the Great Plains* (New York: Holt, Rinehart and Winston, 1960), 77; Williams, *Spirit and the Flesh*, 194 (Oglala Lakota); W.W. Newcomb, Jr. *The Indians of Texas from Prehistoric to Modern Times* (Austin: U of Texas P, 1961), 74 (Karankawa)

⁶ Two-Spirits throughout Indian Country have historically played a vital role in performing ceremonies for their respective communities, especially burial ceremonies owing to the fact that because they straddle the realms of male and female, they too are sometimes seen as straddling the realms of life and death; therefore, Two-Spirits are a natural choice to usher the dead into the next world. Williams cites a Lakota woman whose grandfather had been *winkte* who reports that, "When someone died, it was the *winkte* who was the first one people came to, to help out at the funeral and the ceremonies." See Williams, *The Spirit and the Flesh*, 195. Lang also notes that nations such as Banklalach, Mono, Tubatubal and Yokuts also designated ceremonial roles to people who would be called Two-Spirit today. See Lang, *Men as Women, Women as Men*, 174-175.

⁷ A useful source detailing the role Two-Spirits play in ceremony and storytelling is Qwo-li Driskill's "Shaking Our Shells: Cherokee Two-Spirits Rebalancing the World" *Beyond Masculinity: Essays by Queer Men on Gender & Politics*. Ed. Trevor Hoppe. [Beyondmasculinity.com](http://www.beyondmasculinity.com). <<http://www.beyondmasculinity.com/articles/driskill.php>>

⁸ Justice writes as part a long legacy of LGBTQ2 American Indian writers, including Lynn Riggs (Cherokee Nation), Maurice Kenny (Mohawk), Beth Brant (Mohawk), Paula Gunn Allen (Laguna Pueblo), Chrystos (Menominee), Janice Gould (Concow) and Vickie Sears (Cherokee) to name a few. One of the earliest publications to feature writing from gay and queer American Indian writers was the anthology *Living the Spirit: A Gay American Indian Anthology* (1988), a collection of works compiled by the Gay American Indians (GAI) organization and edited by Will Roscoe. For more information about this history of GAI, see Roscoe *Changing Ones: Third and Fourth Genders in Native North America* (New York: St. Martin's P, 1998), 99-104. Justice is also a co-editor with Driskill, Deborah Miranda (Chumash) and Lisa Tatonetti of *Sovereign Erotics: A Collection of Two-Spirit Literature* (Tucson: U of Arizona P, 2011). While Paul Gunn Allen's novel *The Woman Who Owned the Shadows* (1983) is frequently thought to be the first novel by an American Indian writer that features gay or queer characters, Michael Snyder argues that John Joseph Matthews's (Osage) novel *Sundown* (1934) is a likelier possibility. See Snyder "'He certainly didn't want anyone to know that he was queer': Chal Windzer's Sexuality in John Joseph Matthews' *Sundown*." *Studies in American Indian Literatures* 20.1 (2008): 27-54.

⁹ Though "queer" is sometimes a controversial term, I use it here because Justice himself says in an interview with Qwo-Li Driskill (Cherokee) that the abstract nature of the term accounts for the adaptability that individuals who don't fit into a heteronormative category have had to employ as a survival strategy, a point I elaborate on later in the chapter. Likewise, Justice adds that terms like "Two-Spirit" are too normalizing, which is why he prefers the term "queer." Though younger generations of LGBTQ individuals have re-appropriated the term "queer" and frequently use it, I do understand that older generations of people in the LGBTQ community still find the term offensive as it has historically been used to marginalize them. Furthermore, I recognize that my being a straight male and using the term "queer" to describe people who don't fit normative categories of sexuality and gender can be problematic. That said, I apply "queer" in this chapter broadly to include anyone who isn't otherwise defined in heteronormative terms of gender or sexuality. However, because my aim is to privilege the voices and identities of people who have been historically marginalized, in those instances in which a source describes him-, her- or herself with a more specific term such as gay, lesbian or Two-Spirit, I use their preferred term. See Driskill et. al, *Queer Indigenous Studies*, 99.

¹⁰ While historical accounts can relay facts and speculate on possibilities, those possibilities as detailed in history are confined to what we can sense and know empirically. Fantasy, however, allows us to revisit the same historical narrative but imagine greater possibilities, engendering new thoughts that arise from perspectives that aren't limited by the narrowness of the physical world. As Yi-Fu Tuan memorably observes, fantasy "can sometimes set us free from established culture. What fantasy envisages may be bizarre, yet a surpassing strangeness serves the cause of a larger truth if it is able to lift even for a moment deadening layers of habit and belief" (443). While a realistic historical telling of Cherokee Removal could certainly mention queer individuals, Justice's use of the fantasy genre allows him to craft characters who explicitly embody Two-Spiritedness as well as make more explicit the social and political underpinnings of a complex history such as Removal. For example, a historical description of the Cherokee Nation at the time can demonstrate through their decisions the way that Cherokee traditionalists and mixed-bloods differed in their beliefs with regard to what the best course of action would be for the Nation. Justice, however, makes the detachment of mixed-bloods (and those characters who stand in for

the Ridge Party) from the land and their traditionalist counterparts more explicit by having them live in a floating city that hovers over the Nation. Fantasy enables Justice to delve into the story of Cherokee Removal, and more importantly re-establish the focus on queer and Two-Spirit individuals, without being confined to the limits of believability of history. See Tuan "Realism and Fantasy in Art, History, and Geography." *Annals of the Association of American Geographers* 80.3 (1990), 435-446.

¹¹ Throughout Cherokee history, scholars have noted how the Ross and Ridge Parties were divided largely along a line of traditional/full-blood and "progressive"/mixed-blood, respectively. Robert J. Conley (UKB), for example, notes: "The Treaty Party people were largely mixed-bloods who had been plantation owners in the Old South. The Ross Party was made up mostly of more traditional full-blood Cherokees." See Conley *Cherokee Thoughts, Honest & Uncensored* (Norman: U of Oklahoma P, 2008), 57.

¹² Many scholars of gender diversity in American Indian communities attribute the decline of the importance of Two-Spirit and queer individuals to the adoption or imposition of Christianity, which altered ceremonial culture. Brian Gilley (Cherokee-Chickasaw), for example, argues that "people who would have occupied these gender-diverse categories historically were still being born into communities, but the communities no longer had the words for these people and no longer had the roles. . . . Changes in the ceremonial culture over time had come to exclude gender diversity in many communities." For more of Gilley's perspective, see Wilhelm Murg "Momentum Mounts to Again Embrace Two-Spirits." *IndianCountryTodayMediaNetwork.com*. Indian Country Today, 6 June 2011. Web. 4 May 2011. <<http://indiancountrytodaymedianetwork.com/article/momentum-mounts-to-again-embrace-two-spirits-35837>>. See also Walter L. Williams, *Spirit and the Flesh: Sexual Diversity in American Indian Cultures*, (1992); William Roscoe, *Changing Ones: Third and Fourth Genders in Native North America*, (2000); Sue-Ellen Jacobs, Wesley Thomas, and Sabine Lang, eds., *Two-Spirit People: Native American Gender Identity, Sexuality, and Spirituality*, (1997); Gilley, *Becoming Two-Spirit: Gay Identity and Social Acceptance in Indian Country*, (2006); Lang, *Men as Women, Women as Men: Changing Gender in Native American Cultures*, (1998); Mark Rifkin, *When Did Indians Become Straight?: Kinship, the History of Sexuality, and Native Sovereignty*, (2011).

¹³ See "Council sues to prevent same-sex marriage." *CherokeePhoenix.org*. Cherokee Phoenix, Sept. 2005:8. Web. 6 March 2008 <<http://www.cherokeephoenix.org/Article/Index/1102>>. In addition to O'Leary, current Cherokee Principal Chief Bill John Baker, then a tribal councilor, was also named on the petition filed by nine of the 15 tribal councilors to block Reynolds and McKinley from filing their marriage license. Baker told the Cherokee Phoenix: "I think it's something the Cherokee Nation doesn't need to be involved in. . . . The Cherokee grandmothers out there are very concerned we'll be the only government to have same-sex marriage, and we're trying to protect our constituents" (par 11).

¹⁴ Gilley argues that the concept of "gay" is a European construct, a claim that problematizes the use of "homophobic" to describe those individuals today in tribal communities who disapprove of relationships between people of the same gender. As he notes, those who oppose the inclusion of queered individuals often claim to do so out of a respect for tradition. Technically, those opposed to queered identities in tribal society are correct in that there is no pre-contact equivalent of "gay." Gilley writes, "[i]f same-sex relations did not turn Native social values on their head prehistorically and there were no gender associated categorization of sexuality then there is no 'traditional' equivalent to 'gay' in tribal societies" (56). Semantically speaking, if no such concept of "gay" existed traditionally, then those who oppose it today on the basis of maintaining tradition cannot be said to be homophobic, at least with regard to how the term is used today to refer to someone who fears or dislikes queer individuals. Gilley adds, however, that though Two-Spirits' use of "homophobia" as a term might originate from the contemporary

definition of someone who hates gay people, their conceptual use of the term refers more to framing sentiments against gender diversity that did not exist before European contact. See Gilley "Native Sexual Inequalities: American Indian Cultural Conservative Homophobia and the Problem of Tradition." *Sexualities* 13.1 (2010): 47-68. For another study that further complicates the idea that heterosexuality is "traditional" or that it extends from a long history, see Hanne Blank *Straight: The Surprisingly Short History of Heterosexuality* (Boston: Beacon Press, 2012).

¹⁵ Several scholars have studied the problematic nature of nostalgia, specifically arguing that the past is seldom as ideal as we like to remember it, and that more often than not the past that we re-create bears little resemblance to the past that actually occurred. For a history of the development and deployment of nostalgia, see Helmut Illbruck *Nostalgia: Origins and Ends of an Unenlightened Disease* (Chicago: Northwestern UP, 2012). An analysis of how nostalgia operates in identity formation can be found in Janelle L. Wilson *Nostalgia: Sanctuary of Meaning* (Lewisburg, PA: Bucknell UP, 2005)

¹⁶ Alice B. Kehoe notes that because Western culture, and by extension anthropology being a Western science, takes for granted the existence of explicit and unambiguous boundaries, we should exercise caution when reading early anthropological studies on non-Western groups that engage questions of gender. She writes: "In contrast to Western culture, many other cultures values dynamic shifting, transformations, and existence in more than two dimensions" (266). Western anthropologists, thus, often privileged their own understanding of gender and imposed it on their subjects, which complicates assumptions of gender and sexuality with regard to indigenous groups, Cherokees being one of the earliest American Indian groups studied. For a concise analysis of how Western thinking complicates questions of gender in anthropological studies of non-Western communities, see Kehoe "The Incommensurability of Gender Categories," *Two-Spirit People*, 265-271. See also Liam Hudson *Cult of Fact* (London: Jonathan Cape, 1975) and Lee Irwin *The Dream Seekers* (Norman: U of Oklahoma P, 1994).

¹⁷ "Two-Spirit" is a term used intertribally among some American Indians that refers to individuals whose genders not only exist outside of a Eurowestern male-female binary but also charge them with the responsibility of performing certain roles in the community. The term was coined in 1990 by indigenous people who attended the 3rd annual Native American/First Nations gay and lesbian conference in Winnipeg and is an English translation of the Anishinaabe term niizh manidoowag, referring to people who possess both a male and female spirit. Though some Two-Spirits also identify as gay, the two terms should not be conflated. Anguksuar [Richard LaFortune] (Yup'ik) notes that the term Two-Spirit "may refer to the fact that each human is born because a man and a woman have joined in creating each new life; all humans bear imprints of both, although some individuals may manifest both qualities more completely than others. In no way does the term determine genital activity. It does determine the qualities that define a person's social role and spiritual gifts. Some traditional teachers have expressed pointed concern that the term is being grossly equated with the concept of 'homosexual.' These teachers rigorously remind us that there is no resemblance between the two concepts" (221). Likewise, Lang adds being Two-Spirit has more to do with one's inclination toward certain gender roles than with one's choice a sexual partner. See Lang, *Men as Women, Women as Men*, 255. Finally, while "Two-Spirit" has become a widely accepted term among Indians who don't define themselves in normative gender terms, some, including Daniel Justice, contend that the term might actually be too normalizing. For more about how the term came about and what identifying as Two-Spirit entails, see Anguksuar [Richard LaFortune], "A Postcolonial Perspective on Western [Mis]Conceptions of the Cosmos and the Restoration of Indigenous Taxonomies," *Two-Spirit People*, 217-222.

¹⁸ For more about Cherokee Two-Spirit history, see Ch. 4 of Driskill *Yelesahela hiwayona dikanohogida naiwodusv/ God taught me this song; it is beautiful: Cherokee Performance Rhetorics as Decolonization, Healing, and Continuance*. Dissertation, Michigan State University. Ann Arbor: ProQuest/UMI, 2008. (Publication No. AAT 3331898.)

¹⁹ David Cornsilk (UKB-Cherokee Nation), a Cherokee genealogist and historian, notes that the Trowbridge manuscript cited in this chapter goes on to explain that all Cherokees, including Two-Spirits, participated in marriage. See Driskill, "Shaking Our Shells," 5.

²⁰ Homophobic individuals who use Christianity to rationalize their anti-gay sentiments frequently cite Leviticus 20:13 as "evidence" against same-sex relations. The verse reads: "If a man also lie with mankind, as he lieth with a woman, both of them have committed an abomination: they shall surely be put to death; their blood shall be upon them" (KJV). The irony, of course, is that the Bible forbids several practices that many of those opposed to same-sex relationships do every day. For example, Leviticus 11:7-8 reads: "And the swine, though he divide the hoof, and be cloven-footed, yet he cheweth not the cud, he is unclean to you. Of their flesh shall ye not eat" (KJV). While the consumption of pork is explicitly barred by the Bible, "hog fries," communal cookouts involving copious amounts of pork, are enjoyed all over Cherokee country. Other practices banned by the Bible that people do every day include blending fabrics (Leviticus 19:19), eating crustaceans like crawfish, or *tsisdvna* in Cherokee, (Leviticus 11:10); and planting different crops in the same field, a practice that Cherokees have long used to ensure the crops' vitality, (Leviticus 19:19). When examined collectively in their historical and cultural contexts, the laws outlined in the Old Testament tend to bar practices that would unnecessarily endanger a group that was constantly on the move and that struggled at the time to last into the next generation. The prohibitions in the Bible serve as a "survival manual" of sorts to ensure that the Jewish people at the time could carry forward into the next generation. Prohibitions on mixing fabrics and consuming meat and dairy together, for example, encouraged wise use of limited resources. Banning the consumption specifically of pork and shellfish ensured that people didn't consume pathogens like trichinosis, which, before modern food inspection, were common in shellfish and pork. Finally, the barring of same-sex relationships and sexual relations with menstruating women (Leviticus 15:19-30) can be explained by the fact that these relations don't result in procreation, quite the predicament at a time when it was believed that a man's seed was finite. I note these other prohibitions in the Bible and offer a short reading of my interpretation of the Old Testament as a way to point out the hypocrisy of people, some Cherokees here specifically, who invoke the Bible to rationalize homophobia and to offer another context in which to suggest that these rules operated at a very specific time for a very specific group of people, neither of which includes contemporary Cherokees.

²¹ For more about Payne himself and his sojourn in the Cherokee Nation, see, respectively, Rosa Pendleton Chiles "John Howard Payne: American Poet, Actor, Playwright, Consul and the Author of 'Home Sweet Home'" *Records of the Columbia Historical Society, Washington, D.C.*, vol. 31/31 (1930): 209-297 and E. Merton Coulter "John Howard Payne's Visit to Georgia" *The Georgia Historical Quarterly* 46.4 (1962): 333-376.

²² Lang lists several tribal nations that she notes revered members who might be identified today as queer and had communal roles for them. These nations include Achomawi, Acoma, Atsugewi, Diegueno, Flathead (Salish), Hare, Klamath, Laguna, Ingalik, Kootenai, Mandan, Maricopa, Nisenan, Nootka, Ojibwe, Paiute, Papago, Piegan, Quinault, San Felipe, Shasta, Shoshone, Sinkaietk, Tubatulabal, Ute, Wailaki, Wintu, Yana, Yokuts, Ysleta, Yuki and Yoruk to name a few. For a breakdown of other tribal nations' attitudes toward non-heteronormative individuals, see Lang, *Men as Women, Women as Men*, 314-318.

²³ Because Cherokee clans are matrilineal, individuals of the same clan are linked by blood, making marriage and birthing children between two members of the same clan a taboo akin to incest. While Cherokees traditionally belong to their mother's clan, they are also related, by extension, to Cherokees from their grandparents' clan too, making Cherokee endogamy a challenge if one wants to respect clan taboos. Sturm, for example, describes the predicament of a Cherokee man who struggled to find a suitable Cherokee woman to marry. The Cherokee man told Sturm: "'Of course, the first person to meet her (the woman he's interested in) when I brought her to the door was my old grandma. She really asked her the questions, boy did she! At dinner, I kept hoping grandma would just pipe down and be quiet, but it didn't happen. It was like my grandma was after something. Well, sure enough, she was. After I finally took the girl home, my grandma pulled me aside and she said, 'you can't date that girl no more. I hate to tell you this, honey, but she's kin to you.'" I was so disappointed that evening . . . I really wanted to be with a Cherokee woman, but I just got more and more frustrated, because it seemed that every Cherokee woman I dated was kin to me.'" See Sturm, *Blood Politics*, 158.

²⁴ I see "tradition" operating here as a form of confirmation bias. Instead of accepting evidence that shows that various groups throughout Indian Country, Cherokees included, valued their queer kin in the past and that their argument to the contrary is flawed, they retreat to the assumed steadfastness of what they imagine is tradition, which allows them to rationalize around perspectives that challenge their preconceived biases against LGBTQ2 individuals. Brian Gilley notes that both those who support and those who oppose the inclusion of queer individuals in tribal communities today invoke an idea of "tradition," the former noting the acceptance of gender-diverse people in the past and the former emphasizing a need to preserve ceremonial and social culture. I prefer to see the acceptance of gender-diverse individuals in the past not as "tradition," but rather as "practice." With the label of tradition comes the onus to both prove that the behavior was somehow lionized in the past and that we should continue to lionize it today for the sake of maintaining an imagined cultural or historical integrity. By referring to a behavior as a "practice," it exists on its own without the semantic baggage that "tradition" carries. Tactically speaking, approaching the acceptance and inclusion of queer individuals as a "practice" makes a superior case than does arguing it as "tradition" because we can look at the historical record and see that, indeed, gender diversity was a part of our communities in the past as was the reverence the community showed these individuals. Because we can verify this practice, detractors are put in a position to explain why they wished to discontinue this practice and begin instead to marginalize this group. Those who would argue against the full inclusion of gender-queer individuals in the name of "tradition" are left to prove that marginalizing queer people was indeed a defining characteristic of what it meant to be Cherokee in the past and that being Cherokee today demands that we maintain that ostracization in perpetuity. See Gilley "Native Sexual Inequalities: American Indian Cultural Conservative Homophobia and the Problem of Tradition." *Sexualities* 13.1 (2010): 47-68.

²⁵ Elizabeth Cook-Lynn (Crow Creek Sioux) has been outspoken against fixating on issues of American Indian authenticity, especially as it appears in scholarly work, because it detracts from more pertinent issues in tribal communities and circumvents the sovereignty of tribal governments to determine for themselves who their citizens are. However, the process by which tribal nations are recognized as sovereigns within the U.S. is rife with questions of authenticity, a construct developed by the U.S. with the onus of proving it placed on tribal nations themselves.

Likewise, Cherokees especially contend with questions of authenticity as a result of several people who are neither enrolled Cherokee citizens nor Cherokee descendants with genealogical proof claiming Cherokee identity. The question of authenticity with regard to who belongs either politically or socially to a tribal nation began to emerge in the 1970s as the Red Power Movement made American

Indians more visible and began to empower them more than in the past, making a claim to Indian identity more desirable. Similarly, images of American Indians in pop culture as noble warriors and stewards of the environment romanticized American Indian identity, leading more people to claim their tribal heritage, real or imagined. Many of these “adult onset Indians,” as Cherokee lawyer Steve Russell calls them, choose to self-identify as Cherokee. Circe Sturm argues that this racial shifting toward an ersatz Cherokee identity on the part of people who claimed to be white in the past can be explained by the fact that Cherokees are one of the most widely known tribal nations, Cherokees have been historically known as “civilized” and therefore acceptable to claim, and the Cherokee Nation doesn’t have a minimum blood quantum requirement, which helps them explain their often white phenotypes. So while, as Cook-Lynn points out, issues of authenticity are best left out of serious inquiry into American Indian issues, for Cherokees especially, authenticity and fears of appropriated identity are very much a part of our lived experience. For more about the phenomenon of racial shifting and questions of Cherokee identity, see Sturm *Becoming Indian: The Struggle Over Cherokee Identity in the Twenty-first Century* (Santa Fe: SAR Press, 2011).

²⁶ Kanati, the hunter, and Selu, the corn mother, are the primordial man and woman of Cherokee cosmology. Kanati was a respected hunter who stored his game in a hole in the ground until his two sons, in an act of mischief, let the animals out into the wild, forcing Cherokees to hunt for themselves. Likewise, Selu created corn, and her boys, who thought she was a witch, killed her and dragged her body seven times across the ground from whence the corn later grew, feeding the People. For more about the Kanati and Selu story, see G. Keith Parker, ed. “Kana’ti and Selu: The Origin of Game and Corn.” *Seven Cherokee Myths: Creation, Fire, the Primordial Parents, the Nature of Evil, the Family, Universal Suffering, and Communal Obligation* (Jefferson, NC: McFarland, 2006), 58-86, Appendix C.

²⁷ For a study detailing the Cherokee’s transition from clan law to a centralized nation with a constitution, see Rennard Strickland (Cherokee-Osage) *Fire and the Spirits: Cherokee Law from Clan to Court* (Norman: U of Oklahoma P), 1982. See also Michelle Daniel “From Blood Feud to Jury System: The Metamorphosis of Cherokee Law from 1750-1840.” *American Indian Quarterly* 11.2 (1987): 97-125.

²⁸ For more information about slavery in the Cherokee Nation, see Ch. 3 in this study. Also see Daniel F. Littlefield, *The Cherokee Freedmen: From Emancipation to American Citizenship*, (1978); Rudi Halliburton, *Red Over Black: Black Slavery Among the Cherokee Indians*, (1977); Theda Perdue, *Slavery and the Evolution of Cherokee Society, 1540-1866*, (1979); Tiya Miles, *The Ties that Bind: The Story of an Afro-Cherokee Family in Slavery and Freedom*, (2005) and Celia Naylor, *African Cherokee in Indian Territory: From Chattel to Citizens*, (2008).

²⁹ Cherokees traditionally farmed on small plots of communal land, which allowed them to live in close-knit communities, and they only farmed and hunted what they needed to survive. However, increasing trade with Europeans led to an increasing demand for surplus goods, which meant Cherokees had to spread out geographically. Over time and with increasing European influence through intermarriage, this dispersal led to the breakdown of some of these previously close-knit communities, and the new economy based on surplus shifted some Cherokees’ view of the land from an entity that provided sustenance and must be cared for to a commodity used for pecuniary gain. I elaborate on this change in Cherokee economy in Chapter 1, and more information can be found in the Part 1 of Robert K. Thomas “The Origin and Development of the Redbird Smith Movement.” 1953. *The Selected Works of Robert K. Thomas*. < http://works.bepress.com/robert_thomas/29>.

³⁰ An early book detailing American Indians' experiences with missionaries and Christianity is Robert Berkhofer's *Salvation and the Savage: An Analysis of Protestant Missions and American Indian Response, 1787-1862* (1965). While Berkhofer's study is one of the foundational texts on the subject of Christianizing American Indians, it suffers from being one-dimensional and asserting that Indian Country passively accepted Christianity. Many Cherokees in particular readily adopted Christianity, especially the Baptist faith that continues to be widely practiced today, because of some similarities between Christian and Cherokee practices such as that between baptism and going to water. The Moravian Mission, the first permanent Christian mission, was established in 1801 in what is now Georgia. Though Christianity spread quickly in Cherokee territory, especially among the mixed-blood population, some Cherokee traditionalists like White Path adamantly resisted the faith, while others like some of the early Keetoowahs incorporated some elements of Christianity into their revitalized Cherokee faith during the Redbird Smith Movement. For more about Cherokees' experience with Christianity, see William G. McLoughlin, *The Cherokees and Christianity, 1794-1870: Essays on Acculturation and Persistence*, (1994) and *Cherokee and Missionaries, 1789-1839*, (1984). See also Patrick Mingos *Slavery in the Cherokee Nation: The Keetoowah Society and the Defining of a People, 1855-1867* (New York: Routledge, 2003), Ch. 2-3. These texts offer more nuanced analyses of Cherokees' rejection and ultimate adaptation of Christianity.

³¹ For more about his topic, see Ch. 1 of this study. Other sources that analyze the development of the Keetoowah Society include Robert Thomas (Cherokee), *The Origin and the Development of the Redbird Smith Movement*, (1953); Benny Smith (UKB), *The Keetoowah Society of Cherokee Indians*, (1967); Howard Q. Tyner, *The Keetoowah Society in Cherokee History*, (1949) and Janey B. Hendrix, *Redbird Smith and the Nighthawk Keetoowahs*, (1986). For more about the development of the UKB, see Georgia Rae Leeds *The United Keetoowah Band of Cherokee Indians* (Oxford: Peter Lang, 2000).

³² Richard Handler argues that "authenticity" is a Western-derived cultural construct that is used today by both indigenous and non-indigenous communities as "proof of national being." Both groups see an imagined continuity with the past as proof of legitimate being, a concept deployed both in favor of and in opposition of indigenous sovereignty. For more on the issue of authenticity, see Handler "Authenticity." *Anthropology Today* 2.1 (1986): 2-4. An engaging analysis of how continuity with the past and authenticity are applied by indigenous communities and those opposed to indigenous sovereignty to, respectively, validate and invalidate indigenous claims can be James Clifford *The Predicament of Culture* (Cambridge, MA: Harvard UP, 1988.)

³³ Allan Hanson, writing specifically about Maoris, discusses how the notions of authenticity and cultural invention are frequently deployed by both supporters and detractors of indigenous sovereignty. He argues that people tend to view "invention" as synonymous with "made-up," or otherwise not genuine. While people might erroneously conflate invention and inauthenticity to dismiss cultural continuity, Hanson argues that, on the contrary, invention is proof of cultural continuity. He writes: "[I]nventions are common components in the ongoing development of authentic culture. . . . invention is an ordinary event in the development of all discourse" (899). See Hanson "The Making of the Maori: Culture Invention and its Logic." *American Anthropologist* 91 (1989): 890-902. Likewise, Roy Wagner argues that symbolic invention is a cultural process and that traditions are invented in the present to address contemporary concerns, not passively inherited cultural practices. See Wagner *The Invention of Culture*. (Englewood Cliffs, NJ: Prentice-Hall, 1975).

³⁴ "Heteronormativity" assumes that people fall into one of two genders, male or female, and that heterosexuality is the "normal" sexual orientation out of various others that, ostensibly, deviate from it.

The term is thought to have originated in Michael Warner's introduction to *Fear of a Queer Planet*. See Warner, ed. *Fear of a Queer Planet: Queer Politics and Social Theory* (Minneapolis: U of Minnesota P, 1993), 3-17.

³⁵ Because Cherokees have long intermarried with whites, and the Cherokee Nation does not use blood quantum as a criterion for citizenship, many Cherokees today have white phenotypes. Several jokes abound in Indian Country that poke fun at Cherokees' phenotypes and low blood quanta such as, "What do you get when you put 100 Cherokees in a room? One fullblood," or "Have you seen the new Cherokee Barbie? It has blond hair and blue eyes."

³⁶ Cherokees, as well as the other nations who make up the Five Tribes, even opposed the Indian New Deal, which was set up in part to stop the allotment of remaining tribal and redistribute it back to tribal citizens. Cherokee O.K. Chandler wrote in the *Muscogee Daily Phoenix* in 1934 that John Collier, through the Indian New Deal, wanted to drive "the red man from the channels of commerce and send . . . him scurrying back to his tepee" (qtd. Baird 13). Likewise, Cherokee writer John Oskison, in his 1925 novel *Wild Harvest: A Novel of Transition Days in Oklahoma*, creates a scene in which a Texas cattleman who is leading a herd across Cherokee land marvels at how similar Cherokees are to whites in terms of government, education and religion, and that whites and Cherokees need to "get both races pullin' together for the same thing" (255). Examples such as these demonstrate the willingness of mixed-blood Cherokees to adopt a lifestyle and values similar to those of American whites, which explains why, through time, Cherokees have been associated with assimilation. See Oskison *Wild Harvest* (Appleton: New York, 1925).

³⁷ Sturm identifies the importance of phenotype among some Cherokees and how it is viewed as a marker of being a "real" Cherokee. One of her Cherokee consultants who has a white phenotype stated: "Growing up, the ones that looked Cherokee treated me like a white kid in school, because they didn't know I was one half. I was shunned, too, after I 'came out' as a Cherokee." Still another Cherokee who appears white said: "You're frowned on if you're not identifiable. The stigma is that you're *yonega* [white]. Some people have a lot of problems, especially younger kids, if you're not identifiable. That's sad." See Sturm, *Blood Politics: Race, Culture and Identity in the Cherokee Nation of Oklahoma* (Berkeley: U of California P, 2002), 114.

³⁸ Sturm demonstrates the importance of social behavior in how someone is regarded, or not, as Cherokee when she describes the conflict that a full-blood Cherokee woman had with her traditional family who began to treat her differently when she wanted to get an education and when she married a one-quarter Cherokee husband who looks white and isn't traditional. The woman states: "My family felt that I had married out, which was a real no-no, and they have never fully accepted him or forgiven me. Our children have made some difference. Still, they're not treated in the same way as my cousin's children, who are full-blooded and traditional" (Sturm 116). The woman adds that appropriate social behavior included living for the moment, wanting only your basic needs met, being family and community oriented, and being socially reserved. Sturm asks the Cherokee woman if, based on social behavior, she considers her own husband and children Indian. The woman replies: "Oh, no, not at all. In fact, of our four children, only two seem Indian to me. As for the other two, one is dark, but too outgoing. And the youngest girl, she's too light and gregarious. There are some people like my husband, with one-quarter blood, who could be Indian. But for me, they would have to look Indian and have Indian values, to have grown up traditional" (117). Sturm adds that social behavior is key among many Cherokees when it comes to identifying others as belonging with the community. It isn't simply having specialized knowledge

of Cherokee language or religion, but appropriate Cherokee social behavior also manifests in daily interactions. See Sturm, *Blood Politics*, 116-119.

³⁹ Sturm's study shows the importance of having a command of the Cherokee language in order to be accepted as Cherokee. One woman who participated in her study said of language: "I would accept a non-identifiable Cherokee who speaks, more than a pure- or full-blood who doesn't" (122). Likewise, a Cherokee man stated: "If they keep the language, even if they had red hair and blue eyes, then they could go to any community and be accepted. Even non-Indians would be accepted by the community if they spoke (Cherokee)" (123). Finally, a young Cherokee who doesn't speak the language added: "There are a few white neighbors who speak (Cherokee) who are considered to be a part of the community. They're more Cherokee than a lot of the actual citizens!" (123). See Sturm, *Blood Politics*, 120-124.

⁴⁰ Several Cherokees are Christian, follow traditional Keetoowah spirituality, or practice both, and, Sturm adds, Cherokee-informed religion plays an integral part in whether someone is accepted as Cherokee. Whether Cherokees dance and sing at a *gatiyo* (stomp grounds) or pray in a Cherokee Baptist church, Sturm writes, that "(m)ost Cherokees perceive religion as a critical aspect not only of Cherokee culture but also of Cherokee identity" (126). An older Cherokee man told Sturm: "Spirituality is the most important thing in the traditional Cherokee world because we use it to maintain life as we know it and to survive through periods of turmoil" (126). Another Cherokee man added: "Cherokee religion is real important to me . . . Me and my family, we visit with the medicine man and the little people. I know the difference between good and bad medicine, even though I have a college degree" (127). Here, Sturm notes that the man contends that, despite his Western education, he still sees himself as Cherokee because of his traditional religious practices. See Sturm, *Blood Politics*, 124-131.

⁴¹ Community participation also plays a role in whether a Cherokee is identified as being "truly Cherokee." Many of Sturm's consultant stressed the importance of community as an element of Cherokee identity and belonging. One female Cherokee tribal employee told Sturm: "The most important thing about being Cherokee is being raised in a community. I've been an Indian all my life and it's all about community recognition. You can't be a newcomer. You just have to understand the community and the needs of the Cherokee people" (134). Similarly, a Cherokee man told Sturm: "It's important to have a sense of community, a place where you belong. The tribe is a big extended family, anyway. If you're completely removed from the community, in the broader society, then there's no way for things to be handed down. A Cherokee's roots are in his community" (134). See Sturm, *Blood Politics*, 131-136.

⁴² Cherokee women traditionally (and still do) held positions of power in their communities as a result of the matriarchal structure of Cherokee clans. Before the Cherokee Nation adopted a constitutional government in the 1820s, nearly everything, including marriage, divorce, child custody, property ownership and even revenge killing came down through women. By denying Cherokee women the franchise, instituting a national police force (the Cherokee Lighthorse) and legislating that children born to Cherokee men and a white mother could be Cherokee citizens, the shift to a constitutional government gradually stripped Cherokee women of the power they traditionally held. I emphasize the fact that the two Cherokees who Garrouette mentions are women because women still hold much clout in defining and practicing Cherokee tradition, which makes Joyce J. and Julie M.'s assertions about adhering to Cherokee tradition more pertinent. For more about how Cherokee women started to lose status as the Nation adopted Western modes of law-making and legislation, see Carolyn Ross Johnston (Cherokee) *Cherokee Women in Crisis* (Tuscaloosa: U of Alabama P, 2003).

⁴³ While Williams' study has been criticized by Jacobs and Lang for promoting a "berdache bliss" that they claim they didn't find in their own work, Lang adds that Williams' study does follow a trajectory, which also appears in earlier studies of queer and Two-Spirit American Indian culture. The trajectory begins with the early acceptance of non-heteronormative individuals in tribal communities, followed by their marginalization, which began to appear in scholarship in the 1940s, and their subsequent re-emergence and reclaiming of their roles in the 1970s and 1980s, which Williams' study focuses on. For early studies that demonstrate reverence, or at the very least tolerance, of queer tribal individuals, see Janet Mirsky "The Dakota." *Cooperation and Competition Among Primitive People*. Margaret Mead, ed. (New York: McGraw-Hill, 1937), 382-427. For studies that demonstrate a community's disdain for queer tribal members, see Thomas H. Lewis "Oglala (Sioux) Concepts of Homosexuality and the Determinants of Sexual Identification." *Journal of the American Medical Association* 25.3 (1973): 312-313 and Raymond DeMallie "Male and Female in Traditional Lakota Culture." *The Hidden Half: Studies of Plains Indian Women*. Patricia Albers and Beatrice Medicine, eds. (Washington, D.C.: University Press of America, 1983), 237-266.

⁴⁴ "Berdache" is an outdated anthropological term to refer to individuals who do not fit heteronormative roles and expectations. The term is considered insulting today. According to Sue-Ellen Jacobs, the term "berdache" comes from the Persian *bardah* and through Arab migration spread throughout the Mediterranean where terms are known as *bardasso*, *bardache* and *bardaje* in Italian, French and Spanish, respectively. Jacobs notes that the earliest use of the term appeared in the *Jesuit Relations*, a text from the 1700s in which individuals who might be described as "queer" today were condemned. The *Oxford English Dictionary* cross-references "berdache" with "catamite," which refers to a male prostitute or a kept boy. Understandably, the term has fallen out of favor, and I only use "berdache" here in direct quotations from sources that originally used the term. See Jacobs "Berdache: A Brief Review of the Literature." *Colorado Anthropologist* 1.2 (1968): 25-40. Other historiographies of the term "berdache" include Charles Callender and Lee M. Kochems "The North American Berdache." *Current Anthropologist* 24.4 (1983):443-470 and Will Roscoe "Bibliography of Berdache and Alternative Gender Roles among North American Indians." *Journal of Homosexuality* 14.3-4 (1987):81-171.

⁴⁵ The Ridge Party, or Treaty Party, was comprised of mostly mixed-blood Cherokees who, as a result of continuing European settlement in Cherokee lands, felt that negotiating removal west of Cherokees through a treaty was the only way to save the Cherokee Nation. While Chief John Ross and the majority of Cherokees wished to remain in their ancestral homelands, and Ross tried to negotiate his own treaty with Andrew Jackson, the Ridge Party, including John Ridge; his father, Major Ridge; and his cousin, Elias Boudinot, surreptitiously signed the Treaty of New Echota (1835), which ceded to the U.S. all Cherokee land east of the Mississippi River and was used to facilitate forced removal of the Cherokees. After Removal, John Ridge, Major Ridge and Elias Boudinot were executed as traitors to the Cherokee Nation. John Ridge, specifically, was killed in an attack by a vigilante group who stabbed him 48 times in front of his family. To this day, members of the Ridge Party are often depicted in Cherokee history as traitors. However, other sources offer a more sympathetic narrative that offers that the Ridge Party suspected that resistance to the U.S. military would be futile and that peaceably removing west was a better option than forced removal. See Thurman Wilkins *Cherokee Tragedy: The Ridge Family and the Decimation of a People*. (Norman, OK: U of Oklahoma Press, 1986). Similarly, Justice writes a more sympathetic account of the Ridge Party through Neranda by depicting her signing the Oath of Western Sanctuary, a stand-in for the Treaty of New Echota, as the lesser of two evils and with the best interest of the Kyn in mind. See *Wyrwood*, 80-86. Neranda also redeems herself in *Dreyd*. See also Robert J. Conley (UKB) *The Cherokee Nation: A History* (Albuquerque: U of New Mexico P, 2005), esp. Ch. 15-16, 19.

⁴⁶ While one can argue in retrospect whether Ross' decision to try to negotiate for Cherokees to stay in their homelands was wise, given that more than 4,000 Cherokees died during Removal, Cherokee history does tend to cast Ross as being on "the right side of history" for having tried to resist forced removal and having presided over the rebuilding of the Nation in Indian Territory. Furthermore, Cherokees saw members of the Ridge Party as traitors, and the party's leaders were lynched after Removal. This resentment of the Ridge Party, for having surreptitiously treated with the U.S. and relinquishing Cherokee land, is also widely noted in Cherokee history. For more about John Ross, see Gary E. Moulton *John Ross, Cherokee Chief* (Athens, GA: U of Georgia P, 2004) and Rachel Eaton (Cherokee Nation), *John Ross and the Cherokee Indians*, (1914). For more about Ross' leadership after Removal, see also Morris L. Wardell, *A Political History of the Cherokee Nation, 1838-1907*, (1938).

⁴⁷ For academic studies of the roles that Gilley's consultants indicate they are charged with through their Two-Spirit identities, see Williams, *Spirit and the Flesh: Sexual Diversity in American Indian Cultures*, (1992); Roscoe, *Changing Ones: Third and Fourth Genders in Native North America*, (2000); Jacobs, Wesley Thomas, and Sabine Lang, eds., *Two-Spirit People: Native American Gender Identity, Sexuality, and Spirituality*, (1997); Lang, *Men as Women, Women as Men: Changing Gender in Native American Cultures*, (1998); Rifkin, *When Did Indians Become Straight?: Kinship, the History of Sexuality, and Native Sovereignty*, (2011). See also Robert L. Trivers "The Evolution of Reciprocal Altruism." *The Quarterly Review of Biology* 46 (1974): 35-57.

⁴⁸ "Ben" himself only cites as evidence that he was taught by elders that the roles he takes up for his community are ones that historically belonged to people who would be identified as Two-Spirits today. "Ben" does not refer to academic studies to support his claim; however, I do privilege communal knowledge that is passed down on which the fulfillment of several of these roles relies. Because this communal knowledge gives "Ben" and others like him a sense of fulfillment as well as a place in and path to participation in their communities where elsewhere they might be marginalized, I don't make it my place to challenge or attempt to undermine their claims here. Nonetheless, research by scholars such as Lang, Roscoe, Driskill, Gilley, Rifkin and Williams do support "Ben's" claim in a more academically legible way.

⁴⁹ Stonecoat is a creature in Cherokee cosmology whose skin is made of stone and who has a penchant for eating Cherokee hunters. One story of Stonecoat goes that a hunter observed Stonecoat and with the help of a medicine man and seven menstruating women was able to subdue him and stake him to the ground. After lighting Stonecoat on fire to kill him, Stonecoat began to share stories and knowledge that formed the foundation of Cherokee epistemology, as depicted in the beginning of *Kynship*. Driskill lists Stonecoat as one of several "queered" beings who, like queer and Two-Spirit Cherokees, created and shaped the Cherokee world. Zhe writes: "Cherokee stories talk about beings that were the most hated, (like Buzzard), the most mocked, (like Water Spider) and sometimes the most feared (like Uktena and Stonecoat), and how they were the ones that created the world, our lifeways, and formed the landscapes of our homelands. It is important to remember people from our history (like Sequoyah) and present (like Wilma Mankiller), who have had to overcome skepticism, prejudice, and disdain – and how important they are to our survival and identity as a people." See Driskill, "Shaking Our Shells," 134. For a brief recounting of the Stonecoat story, see James Mooney *Myths of the Cherokee* (New York: Dover, 1995), 319-320. Reprint.

⁵⁰ Lang also argues that women would often take up masculine occupations and remain single so they could retain their independence and autonomy. In such cases, though women took up the duties

associated with men, they did not necessarily take on a full masculine gender role. See Lang, *Men as Women, Women as Men*, 284-285.

⁵¹ While it might be more correct to place parenthesis around the term *parenting* since Unahi isn't Tarsa's biological mother, to do so would only re-inscribe the biological, heteronormative privilege that I aim to challenge. I see any adult who chooses to take on the challenge and make sacrifices in the pursuit of raising and guiding a child a parent regardless of biology, and, therefore, I leave the term in the text as it is. I include a note here to clear up any confusion regarding Tarsa's parentage in the novel that might result from my use of the term.

⁵² For a more thorough analysis that debunks the assumptions about the purpose of marriage, especially with regard to having children, that Santorum makes in this statement, see Jonathan Rauch *Gay Marriage: Why It Is Good for Gays, Good for Straights, and Good for America* (New York: Holt, 2011), Ch. 1.

⁵³ While Santorum is a public figure and in many cases an extreme example of a politician who holds homophobic positions, he unfortunately isn't alone in his belief that straight marriage must be protected or that the only purpose for marriage is procreation. See David Blankenhorn "Protecting Marriage to Protect Children" *LA Times.com*. Los Angeles Times, 19 Sept. 2008. Web. 3 Feb. 2013 <<http://articles.latimes.com/2008/sep/19/opinion/oe-blankenhorn19>>; Ralph Reed "Conservative Activist: Marriage is for Procreation." *Ed Schulz Show: Blog*. 25 March 2013. Web. 27 March 2013 <<http://www.wegoted.com/blog/?NID=2135>> and John C. Eastman "The Constitutionality of Traditional Marriage." *Heritage.org*. The Heritage Foundation, 25 Jan. 2013. Web. 28 Jan. 2013. <<http://www.heritage.org/research/reports/2013/01/the-constitutionality-of-traditional-marriage>>. While these and other conservatives stand steadfastly by the "marriage is for procreation" argument, this claim is easily undermined by the legal marriages between straight couples who either cannot or choose not to have children. Supreme Court Justice Elena Kagan made a similar argument. See Michael Kelley "Justice Kagan Destroyed the Idea that Marriage is Only for Having Babies." *BusinessInsider.com*. Business Insider, 26 March 2013. Web. 1 April 2013 <<http://www.businessinsider.com/justice-kagan-takes-down-the-procreation-argument-2013-3>>.

⁵⁴ Mark Rifkin notes that the imposition of European family norms, namely nuclear and patriarchal traits, on tribal communities led to the formation of a statist relationship with the federal government, which, in turn, facilitated colonization since many of the practices and policies such as tribal leadership, treaty negotiating and allotment over time began to center on a single, male head and male-led nuclear families. He writes that a return to kinship, one that accounts for a variety of family compositions, genders and sexualities, can operate as a strategy to balance the relationship between tribal communities and the federal government that the state model has tipped in the federal government's favor. He writes: "The 'straightening' and 'queering' of indigenous populations occur within an ideological framework that takes the settler state, and the state form more broadly, as the axiomatic unit of political collectivity, and in this way, native sovereignty is either bracketed entirely or translated into terms consistent with state(/ist) jurisdiction . . . 'Kinship' provides a way of redefining what constitutes governance by seeing dynamics of family formation and household construction, for example, as central aspects of the kinds of collective identification, spatiality, decision-making, and resource distribution that conventionally are understood as outlining the contours of a polity. That shift potentially opens room for attending to other modes of sovereignty without translating them as an aberration or diminished alternative *within* the dominant structure of the settler state. The rhetoric of kinship, then, can enable a rethinking of the ways the component parts of 'sexuality' may index forms of native political autonomy that are distinct from settler policy logics, this thwarting efforts to represent indigenous peoples as merely domestic subjects of the

state” (10). See Rifkin, *When Did Indians Become Straight?*, (2011). Likewise, Elizabeth Povinelli notes love relationships as a site for oppressive power with regard to economics and politics. She writes, “If you want to locate the hegemonic home of liberal logics and aspirations, look to love in the settler colonies” (17). See Povinelli *The Empire of Love: Toward a Theory of Intimacy, Genealogy, and Carnality* (Durham, NC: Duke UP, 2006). For other studies on the role of family in the history of Cherokee-U.S. relations, see also Johnston, *Cherokee Women in Crisis*, (2003) and Rose Stremmler *Sustaining the Cherokee Family: Kinship and the Allotment of an Indigenous Nation* (Chapel Hill: U of North Carolina P, 2011).

⁵⁵ In addition to Trivers’ extensive work on the subject, see Weinrich *Sexual Landscapes: Why We Are What We Are, Why We Love Whom We Love* (New York: Scribners, 1987),

⁵⁶ Trivers, Paul Vasey and Doug VanderLann argue that because gay men, for example, do not reproduce as frequently as their straight counterparts, evolution should have extinguished any genetic material that led to same-sex attraction. However, they hypothesize that the gene has survived because of kin altruism. By caring for their nieces and nephews, non-direct, non-procreative kin ensure that their family genes, which would include some of their own genetic material, survive overall. For more about the idea of the “gay gene,” see Richard Pillard “The Genetic Theory of Sexual Orientation.” *Harvard Gay and Lesbian Review* (Winter 1997): 61-67.

⁵⁷ Some of the roles the Fa’afafines play in their communities include caretaking and teaching, similar to other queer and Two-Spirit indigenous people. See Paul Vasey and Doug VanderLaan “An Adaptive Cognitive Dissociation Between Willingness to Help Kin and Nonkin in Samoan Fa’afafine.” *Psychological Science* 21 (2010): 292-296.

⁵⁸ I want to note here that I don’t believe that relationships between gay and queer individuals must focus on performing needed social roles before we value them. Even those relationships that are primarily sexual need no more justification than their heterosexual counterparts. However, I distinguish here between readings of the relationships based on gender and sexuality as a way to highlight the role that a reading based in gender gives to Garyn and Averyn’s relationship because those who legislate against same-sex relationships frequently use the fact that the sexual nature of such relationships is non-procreative as a way to rationalize their opposition. By eschewing sexuality and focusing on gender, my aim is not only to demonstrate the social value and transformative possibilities of same-sex relationships for Cherokees but also to undermine the argument, based in terms of sexuality, that same-sex relationships are shallow and not worth protecting because they’re not supposedly biologically procreative.

⁵⁹ Lang notes that “women-men” were popular as sexual because of their feminine gender role and their non-masculine status. This duality meant that they could be visited when the men’s wives were not able or allowed to have sexual intercourse as a result menstruation or being pregnant, which would be taboo. See Lang, *Men as Women, Women as Men*, 255.

⁶⁰ For studies of Cherokee Removal, see Theda Perdue and Michael Green *The Cherokee Nation and the Trail of Tears* (New York: Penguin Books, 2007) and *Cherokee Removal: A Brief History with Documents* (New York: Bedford/St. Martin’s, 2004); Robert Remini *Andrew Jackson and His Indian Wars* (New York: Viking, 2001); Grant Foreman *Indian Removal: The Emigration of the Five Civilized Tribes of Indians* (Norman: U of Oklahoma P, 1989). For a study of how the Cherokee Nation rebuilt itself post-Removal, see William G. McLoughlin *After the Trail of Tears: The Cherokees’ Struggle for Sovereignty, 1839-1880* (Pembroke: U of North Carolina P, 1994).

⁶¹ Driskill notes, however, that Perdue's analysis does not consider other possible blood rites for queer Cherokee men, including ritual scratching and tattooing. Likewise, Roscoe adds that some Two-Spirit men practiced simulated menstruation, another activity that could connect Two-Spirit men to the community through a shared connection with blood. See Driskill, "Shaking Our Shells," 133 and Roscoe, *Living the Spirit*, 38.

⁶² Justice's short story "Ander's Awakening" tells the story of the transformation of a male Strangeling (someone with Kyn and Human parentage) named Ander who is an outcast in his family because of his effeminate mannerisms. Ander later ceremonially transforms into Denarra, a character who appears in the *Way of Thorn and Thunder* trilogy. While Denarra is a male-to-female transgender, this fact is not evident in the trilogy and only appears in the short story. Because my focus here is on the trilogy, I have not analyzed Denarra as a transgendered character here. See Justice, "Ander's Awakening," *Sovereign Erotics*, 150-177.

⁶³ While I'm mindful of the fact that some LGBTQ2 scholars and activists have argued that divorcing the word "queer" from its roots in sexuality depoliticizes the term, I retain Justice and Driskill's use of the term here, which I read as more broadly applied in terms of being othered, out of respect for them. Because Justice and Driskill identify, respectively, as gay and Two-Spirit, I acknowledge that the term "queer" is theirs to use as they see fit in ways to empower themselves. As a straight, cis-gendered man, I do not see it as my place to admonish someone who identifies as LGBTQ2 with regard to how they use the term.

⁶⁴ For an analysis of how tribal governments can use the law to shape their ideal citizenry, see Scott Lyons (Ojibwe) *X-Marks: Native Signatures of Assent* (Minneapolis: U of Minnesota P, 2008), Ch. 3.

Conclusion

Throughout the years several authors have periodically and publicly declared the “Death of Literature.” For example, in a 2001 interview, novelist Jonathan Franzen dismissed literature as “useless.” Specifically, he argues: ““This uselessness is intrinsic, of course, and that’s part of art’s charm. But it’s useless nonetheless. . . . [W]hen the world refuses to be changed by what you’re writing – when the world takes, essentially, no notice of it – it gets harder and harder to persuade yourself that . . . your head-on engagement with Big Issues is meaningful”” (qtd. in Antrim par. 12). Likewise, British literary critic Frank Kermode, as early as 1965, declared that the fate of the novel is “to always be dying” (par. 1). He further opined that literature has been struggling for its final gasp as a result of the worlds on the page and off the page being irreconcilable in the pages of a book. He writes: “The most intelligent novelists and readers are always conscious of the gap, consisting of absurdity, that grows between the world as it seems to be and the world proposed in novels” (par. 1). Despite their own cultural capital and pecuniary success that they acquired from the written word, Franzen and Kermode are two authors in a list that also includes Mark Edmundson; David Foster Wallace; and John Robert Lennon, who states that “too many people are (writing), and most of them are bound to be bad at it” (par. 5), among others who summarily discount the state of literature and storytelling in general.

Common among those writers who are ready to inscribe a tombstone for literature as a whole, as Joel Breuklander notes, is that they’re more often than not straight, white

males. Breuklander ascribes to these writers' assertion of the decline in literature a decline in their authorial privilege, noting that "despite wracking my brain and looking through online media and academic archives, I could find no female or non-white writers who have made comparable statements, none who have similarly contributed to this literary despair" (par. 6). Indeed, as access to publishing opened up to more women, non-white and queer writers after World War II, and as the popularity of work by writers from these historically marginalized groups steadily increases, it's not exactly unsurprising that some straight, white, male authors would say the party is over once queer, minority and women writers arrive for the festivities.

However, given the power and potential of narratives to shackle or free people, these perennial declarations on the part of straight, white, male authors that literature is dead, I believe, has more to do with the fact that they no longer need stories. They have a state. As this study has demonstrated, a group that has a state has an apparatus that privileges its narrative over those of marginalized groups. As Edward Said (Palestinian) suggests, narratives are the foundation from which privileged groups assert their power. He writes: "The main battle in imperialism is over land, of course; but when it came to who owned the land, who had the right to settle and work on it, who kept it going, who won it back, and who now plans its future – these issues were reflected, contested, and even for a time decided in narrative" (xii). As a state develops around the narrative of a dominant group, the group acquires a "history," a state-sanctioned narrative made official through the silencing of other narratives that would otherwise challenge its privilege. Those who have access to the state and can control it can then subsequently enshrine the

norms and values that unfold in their narrative as law, then deploy state agents to exercise and enforce their will. Because straight, white males in the U.S. have a history of state privilege that makes their narrative official, they can flippantly dismiss literature as “irrelevant,”¹ even “boring.”² They no longer need stories.

And yet for those who fall outside of the privileged state narratives, literature flourishes because stories are needed more than ever. The transformative quality of stories allows writers and readers from marginalized communities to imagine themselves in their own terms and to imagine a world outside of one that thrives on their silence. To tell stories, then, is to create possibility. As Daniel Heath Justice (Cherokee Nation) argues, indigenous people have long used stories to revitalize their cultures as settlers attempt to supplant them with theirs, ultimately “untangling colonialism from our minds, spirits, and bodies” (“Conjuring Marks” 5). He writes:

Even from the beginning, when literacy in English, French, and Spanish was being imposed upon Indigenous communities and used to erase the ancient languages of the Americas, it was also being used by Indigenous peoples to preserve their cultures against the onslaught of imperialism. Words themselves matter, but so do the purposes to which they are directed. (5)

As Justice mentions, stories have the potential to decolonize, and this role of stories also appears among other indigenous communities who use literature as a tool to imagine themselves outside the oppressive constructs imposed by an imperial nation. Likewise as Ngugi wa-Thiongo (Kikuyu) notes, language is the channel through which all other elements of a community’s culture and experience come into being. He writes:

“Language carries culture, and culture carries, particularly through orature and literature, the entire body of values by which we come to perceive ourselves and our place in the world. How people perceive themselves affects how they look at their culture, at their politics and at the social production of wealth, at their entire relationship to nature and to other beings” (16). Finally, while Ngugi states that language, through orature and literature, functions as the lens through which listeners and readers perceive themselves in their world, another African indigenous writer, Chimamanda Ngozi Adichie (Igbo), adds that stories are a conduit of power. She writes:

It is impossible to talk about the single story without talking about power. There is a word, an Igbo word, that I think about whenever I think about the power structures of the world, and it is “nkali.” It's a noun that loosely translates to “to be greater than another.” Like our economic and political worlds, stories too are defined by the principle of nkali: How they are told, who tells them, when they're told, how many stories are told, are really dependent on power. (par. 17)

She further describes how this power element inherent in stories of those who deploy privileged, marginalizing narratives normalizes oppression by making their stories of “Others” the definitive account of who they are – and who they can be. She adds: “Start the story with the arrows of the Native Americans, and not with the arrival of the British, and you have an entirely different story. Start the story with the failure of the African state, and not with the colonial creation of the African state, and you have an entirely different story” (par. 18). She goes on to add that appropriating the power of story, in her

case by telling stories of “the incredible resilience of people” in Nigeria, can repair the damage done by the privilege narratives that malign its subjects.

But while, as Achidie points out, stories have been used by imperial states to colonize the indigenous populations inside the state’s fictive borders, this study has also examined how, in the case of the Cherokee Nation, a people’s state can marginalize demographics of their own. This internal marginalization of some Cherokees, effected through state narrative, has dispossessed gay and gender-queer Cherokees and the descendants of Cherokee Freedmen, demonstrating the need for critical, ethical narratives of Cherokee nationhood outside the narrative privileged by the state.

One group of Cherokees who have had to imagine critical tribal nationhood outside of the state model are unenrolled Cherokees, those who are of Cherokee descent and might maintain social and cultural ties, but do not meet certain citizenship criteria for enrollment in the Cherokee Nation, the United Keetoowah Band or the Eastern Band of Cherokee Indians. Reasons for their inability to enroll include low Cherokee blood quantum in the case of the UKB and EBCI, who require $\frac{1}{4}$ and $\frac{1}{16}$ Cherokee blood, respectively, or their ancestors, though found on earlier Cherokee rolls, do not appear on the Final Dawes Roll, usually because their Cherokee ancestor(s) left the Nation prior to 1898.³ In recent times, because of the surge in people claiming to be Cherokee,⁴ those non-citizen Cherokees who actually are descended from the Nation are often dismissed as “wannabes” or their ancestors labeled as traitors for having left the Nation.⁵ As such, non-citizen Cherokees have relied on stories, usually passed down through their families, as a way to imagine a place for themselves as part of a wider Cherokee nation that does

not operate within the confines of the Cherokee state narrative. As a result, unenrolled Cherokees, at least those of legitimate Cherokee heritage, are uniquely suited to practice “imagined sovereignty,” a way for Cherokees to continue to imagine themselves as Cherokee amid the onslaught of settler culture outside of the statist model established by the federal government and the delimiting Cherokee state narrative that marginalizes Cherokee citizens as well. Craig Womack (Creek) engages the idea of literary production as sovereignty and argues it has tangible effects on a tribal community. He writes: “A tribe can win all the court cases in the world, but if its members are not sovereign inside their heads, the court victories will not do them much good. Stories provide key opportunities for community members to present images of themselves on their own terms, another powerful form of sovereignty” (362). While unenrolled Cherokees do not possess a political voice in the Cherokee state and, at best, can only influence U.S.-Cherokee politics in a tangential way, storytelling offers this community of Cherokees a voice and a medium through which to practice nationhood not only by reconciling themselves as Cherokee through those stories, but by using the Cherokee stories as a narrative to assert a distinct sovereign nation of Cherokees. In the end, unenrolled Cherokees have had to find ways to try to culturally survive through story.

As an example of the didactic potential of the experience of unenrolled Cherokees in imagining critical and ethical nationhood, Qwo-Li Driskill, himself an unenrolled Cherokee, in an unpublished poem called “Unenrolled Indians,” writes about the challenges of existing as Cherokee outside of the Nation and how unenrolled Cherokees, as always, carry their stories with them. Driskill writes:

Let's face it, mama
No one wants us

What kind of Indians
are we anyway
all kinky haired
and blue eyed
Red and blond
and brown and black hair

Governments don't care about stories
they care about allotments
documents
census numbers

Listen to our mottled tongues
and you will hear
the dust of Southeastern Colorado
clanging against the hoofbeat
of nightriders burning crosses
in front of Quaker houses

and before that the mines
of Southwestern Missouri
farms in Kansas and Indian Territory

and before that
homes in Tennessee
and North Carolina and Georgia

Look at our mixedblood faces
and you see
the granddaughter of a French colonist slave owner
marrying a Black Indian
indentured servant trying to live
free in the North Carolina swamps

And before that there
was Giduwagi
and even there
we came from
somewhere far south
somewhere far north

made a people

It's been awhile since we stayed anywhere long
Genocide does that
Slavery does that
Land theft
and Jim Crow
and Indian Territory
and allotments
do that

*At night
I dream
the Mali Empire
Muslims from West Asia mixing
with Yorubas and Mandikas
I dream a song from a madrasah filling southern Europe
I dream migrations from India
and Ethiopia*

*I dream Pictish
I dream Cherokee
I dream all of us
home*

Let them have their Nation
We'll build our own
like we've always done
out of whatever
we can carry
on our backs

I quote Driskill at length here because his poem depicts how unenrolled Cherokees, like their citizen counterparts, have also endured the long histories of colonization and dispossession, and also because Driskill connects the unenrolled Cherokee experience with those of other indigenous nations, such as the Yorubas and Mandikas, even the Picts, who also do not have a state. As a result, these nations have had to find ways to imagine themselves as uniquely indigenous and to revitalize their cultures through the

power of story, a medium through which culture is remembered, communicated and, ultimately, can be reborn.

Just as Driskill notes that having to exist as Cherokee through story outside the Cherokee state can be marginalizing, another unenrolled Cherokee, Thomas King, asserts that being unenrolled, and living in Canada at that, frees him to think more critically about tribal issues that he might otherwise shy away from were he beholden to the tribal state. In an interview with Jace Weaver, who is himself an unenrolled Cherokee, King expands on this idea of his unenrolled status being liberating. He writes:

I'm in a position where I don't have anything to lose – or anything to gain – by asking some of the questions I ask. You know, in some ways, I'm this Native writer who's out in the middle – not of nowhere, but I don't have strong tribal affiliations. I wasn't raised on Cherokee land. . . . If I were Pueblo, very much tied to the culture, part of a kiva society, I think I would have a hard time asking some serious questions because I'd be so close to it and the responsibilities would be much larger. (qtd. in Weaver, *That the People*, 149-150)

While I can appreciate King's position that by not being a citizen he is not beholden to the state, I do disagree with his claim that because he is unenrolled he has "nothing to lose" or that his responsibilities are somehow lesser than those who have closer tribal ties. On the contrary, by writing as a Cherokee, regardless of his citizenship status, he is responsible to Cherokee *people* because his story is their story as well. By writing as a Cherokee, the nation(s) he imagines and the service in which he uses his talent can either

contribute or detract from Cherokee people as a whole, even if his work and his position as unenrolled do little to affect the Cherokee state.

Indeed this focus on people is paramount in that, just as unenrolled Cherokees and stateless nations know, states are a fiction that can easily be erased while a people, if they continue to imagine and demand their existence, can be timeless. One way stories can be used to shift the focus from attempting to exist within the confines of a state's legal fiction to a narrative that simply portrays and celebrates a peoples' existence is by focusing on peoplehood. As Robert Thomas notes, Cherokees did not need a state to know they were Cherokee. Elements of peoplehood that he outlines in his Peoplehood Matrix – shared land, language, sacred history and ceremonial cycle – long pre-date the imposition of a European state model, and they'll long outlast it. Stories are the vehicle through which the abovementioned elements are shared and how they endure. Likewise, the legal strictures of a state that threatens to marginalize its own can be neutralized by returning to a governing structure based not on the punitive nature of state laws, but rather on restoring and retaining the primordial harmony that Thomas notes existed prior to the centralizing of the Cherokee state. The focus on writing peoplehood through story opens channels for the inclusion of gay and gender-queer Cherokees, as well as Cherokee Freedmen descendants, and it allows Cherokees to continue to see themselves as Cherokee beyond a state model that in many ways was designed to delimit them. Likewise, a return to Cherokee epistemologies of maintaining primordial harmony creates a self-governing structure in which race and love are not legally circumscribed, and the only crime is deliberately upsetting communal balance. This approach likewise

offers a way for Cherokee communities to govern themselves outside of the state model that, as the earlier section of this study shows can easily be undermined.

Such a move, however, requires an investment in culture, which, by extension, is an investment in storytelling. Indeed, just as state narratives and the laws that extend from them are designed to put strictures around belief and behavior, counter-narratives have the ability to celebrate otherwise circumscribed lives. Gloria Anzaldúa (Chicana), for example, explains how stories allowed her to escape the burdensome values in her community that marginalized her as a gay woman. She writes: “Books saved my sanity, knowledge opened the locked places in me and taught me first how to survive and then how to soar” (i). This is not to say, however, that the challenges to state narratives are without risk, but they’re risks that responsible writers and storytellers are charged with taking. Ben Okri (Igbo), in describing how oppressive orthodoxy in privileged narratives can impede a community’s ability to be fulfilled human beings, writes that stories save lives. He writes: “The only hope is in the creation of alternative values, alternative realities. The only hope is in daring to re-dream one's place in the world - a beautiful act of imagination, and a sustained act of self-becoming. Which is to say that in some way or another we breach and confound the accepted frontiers of things” (55). Here Okri asserts that writers must break down the boundaries that consign some communities to the narrative – and in many cases lived – margins. But in addition to dismantling barriers, storytellers have an ability and an obligation to heal those individuals who were written to the margins to begin with. As Ngugi notes after all, writers are “the surgeons of the heart and souls of a community” (ix).

Through this study, I have aimed to show how privileged state narratives from the federal government and the Cherokee Nation have, respectively, cast Others and their own into the social margins. But I also aimed to demonstrate the potential of narratives of critical, ethical Cherokee nationhood to challenge the state narrative and imagine a nation in which everyone has the right to exist as they are and is afforded the potential to contribute to their nation's vitality and well-being. We need stories because such a nation remains possible. Cherokee storytellers and readers need only imagine it, speak it or put it to paper, and live it into being.

¹ Cultural critic Lee Siegel argues that contemporary literature is irrelevant, stating: “Memorable stories, long and short, continue to be created. Without a doubt, the next male or female Hemingway, Faulkner or Fitzgerald is out there somewhere, hard at work. But with the exception of a few ambitious-and obsessively competitive-fiction writers and their agents and editors, no one goes to a current novel or story for the ineffable private and public clarity fiction once provided” (par. 2). Notice that he extols Hemingway, Faulkner, Fitzgerald and Mailer as his examples of great writers and goes so far as to suggest that a female version of these male writers can still write relevant fiction, insinuating that women as themselves cannot be great writers. See Siegel “Where Have All the Mailers Gone?” *Observer.com*. New York Observer, 22 June 2010. Web. 10 April 2013. <<http://observer.com/2010/06/where-have-all-the-mailers-gone/>>.

² Writer J. Robert Lennon dismisses contemporary literature as “hackneyed” and “boring.” He further adds: “Let’s face it: Literary fiction is fucking boring. It really is. It’s a genre as replete with clichés as any. And when you’re as deeply immersed in it as many of us are, it’s all too easy to stop noticing the clichés. They no longer stand out. They’re just What People Do. And so, we do them. If a writer of literary fiction wants to be great, she needs to poke her head up out of the echo chamber every now and then and absorb the genuine peculiarity of human striving. And that means reading stuff that is not literary fiction, and, sometimes, not reading at all” (par. 10). The feminine pronoun “she” in his rant against contemporary literature is telling at a time when women writers are growing more popular. See Lennon “Most contemporary literary fiction is terrible.” *Salon.com*. Salon, 29 March 2013. Web. 10 April 2013. <http://www.salon.com/2013/03/29/most_contemporary_literary_fiction_is_terrible/>.

³ The Eastern Band of Cherokee Indians in North Carolina require a 1/16 Cherokee blood quantum from a direct lineal ancestor listed on the Baker Roll (1924) while the UKB requires a ¼ Cherokee blood quantum from a direct ancestor listed on any Cherokee roll, though only the Baker and Dawes Rolls list Cherokee blood quanta. There are more than 30 historical Cherokee rolls and Cherokee censuses that actual Cherokee descendants trace from; however, if their ancestors do not appear on the Dawes or Baker Rolls, they are not eligible for citizenship in the Cherokee state. While many people, especially in the American South claim Cherokee ancestry, most of those whose Cherokee ancestry does not trace to any historical Cherokee record are in fact descended from smaller, possibly defunct tribal nations in the South and, sometimes, trace to African-American ancestors. For more about unenrolled Cherokees and those whose ancestry has been erroneously attributed as Cherokee, see Circe Sturm *Becoming Indian: The Struggle over Cherokee Identity in the Twenty-first Century* (Santa Fe: SAR Press, 2011).

⁴ According to the 2010 U.S. Census, more than 800,000 people claimed Cherokee heritage, which is more than twice the number of citizen Cherokees enrolled in the Cherokee Nation, UKB and Eastern Band of Cherokee Indians. Often in conversation and on social media, this figure is used as proof of the large “wannabe” population. While the census figures leaves about 400,000 Cherokee claimants who are not citizens, this figure is less than one-tenth of one percent of the total U.S. population. This figure also includes those non-citizens of legitimate Cherokee descent as well as those who descend from other non-Cherokee Indian nations whose tribal heritage has been erroneously labeled as Cherokee, making the number of “wannabes” – people with no Cherokee or other Indian ancestry who are simply inventing their tribal heritage – much lower. See Todd Crow “Census shows increase in Cherokee respondents.” *CherokeePhoenix.org*. Cherokee Phoenix, 21 Feb. 2012. Web. 23 Feb. 2012. <<http://www.cherokeephoenix.org/Article/Index/5990>>.

⁵ The claim by some citizen Cherokees that those Cherokees who left the Nation prior to allotment as a result of Removal, exogamy or fleeing the violence of the Civil War are traitors, as are their descendants,

ignores the fact that many Cherokees also left the Nation after allotment, primarily as a result of the Great Depression, service in the World Wars or to seek employment in the booming oil industry in areas like Louisiana and Texas and that their Cherokee descendants are welcomed in the Nation. Likewise, the Nation has in the past acknowledged the contribution of unenrolled Cherokees. See "Undocumented Cherokees Contribute to Cherokee Nation." *Cherokee.org*. 22 Sept. 2000. Web. 3 Mar 2006 <<http://www.cherokee.org/News/Stories/22800.aspx>>.

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