Blood Politics

Race, Culture, and Identity in the Cherokee Nation of Oklahoma

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that the narrative southern voice will keep the reader aware of the crafted, filtered, and subjective nature of these descriptions and of the whole ethnographic project. I am always in these descriptions, although never in the first person. These are my experiences, but they have been filtered through my own subjectivity, the ethnographic gaze, anthropological theory, and time. Even though experience has always been a great source of legitimation for anthropologists, I find it is more honest to acknowledge these filters up front. Nevertheless, I believe that I have new and different insights as a result of these filters and that I can communicate in ethnographic writing things that otherwise would be unavailable, such as a sense of place, the texture of a conversation, or the details of a cultural moment.

I have frequently chosen to protect the anonymity of my consultants. Many offered to waive that right, preferring to have their name included, but in some cases the material is particularly sensitive and reveals confidential information about other individuals. I have exercised my own discretion in these instances. All quotes are taken from either taped or hand-recorded interviews during the course of my fieldwork conducted in the Cherokee Nation, northeastern Oklahoma, between the fall of 1995 and the summer of 1998.

In a back room outside a bar stand two men estranged by chance from one another, a grandfather and his grandson, tentatively speaking their first words. Otis Payne, the elder of the two, is an imposing African-American man with intense eyes, a wide girth, and a round, soft face. His grandson barely resembles him and is bookish, shy, and uncomfortable. Otis literally owns the space, a bar he has lovingly tended for twenty-five years. But he also owns the space with his presence, which floods the room like warm summer light. He is standing with his grandson in a shabby, makeshift museum, a memorial to the Black Seminoles, a tribe of Native and African Americans who after intermarrying and exchanging their cultures and identities became a single people. Old lithographs, newspaper clippings, and photos cover the wall, each placed on the dingy whitewash with careful precision. The grandson wants to know how his grandfather got interested "in all this." Otis explains that these are their people, that Paynes are looking back at them from all corners of the room.

"Does that mean we're Indian?" the grandson wants to know.
"By blood," Otis says, "but blood is what you make of it."

Blood has so many layers of meaning and is such a familiar metaphor that this exchange between Otis Payne and his grandson causes me to smile with recognition whenever I think about it. The scene is taken from John Sayles's 1996 film, Lone Star, about race relations in a Texas
I want to explain how racial ideologies are constructed and then filter from the national level to the local level, where they are simultaneously internalized, reproduced, manipulated, and resisted in different ways in various Cherokee communities. At the heart of these processes are the sociohistorical categories of blood, color, and race, which are conflated with each other and with culture at national and local levels in a variety of sociopolitical discourses and legislation so that "race-thinking" touches all Americans in one way or another.

Racial ideologies are particularly problematic for Native-American communities, of which the Cherokees are one prominent example. For instance, the federal government through the Bureau of Indian Affairs (BIA) continues to use blood quantum as both a metaphor and measure of "Indian" identity to manage tribal enrollments and determine eligibility for social services. Native Americans who wish to receive benefits such as health care, housing, and food commodities must meet a biological standard, usually set at one-quarter or more Indian blood, and must also present a certificate degree of Indian blood (CDIB) authenticated by their tribe and the BIA.

In spite of these racial restrictions, the Cherokee Nation has a large and diverse multiracial population. Of its more than 175,000 enrolled members, as many as 87,223 have less than 1/16 degree of Cherokee blood (Cherokee Nation Registration Department, 1996). According to tribal law, Cherokee citizens must be lineal descendants of an enrolled tribal member, but no minimum blood quantum is required. Not quite a century ago, blood degree varied among tribal members from "full-blood" to 1/256. Today, the range is far greater—from full-blood to 1/2,048. This development raises questions about the symbolic significance of blood and the degree to which blood connections can be stretched and still carry any sense of legitimacy.

Along with blood, color is another arena for the contestation of Native-American identity. When phenotypically "black" or "white" individuals of multiracial heritage claim to be Cherokee, even if they have the necessary documentation of blood descent to enroll officially in the tribe, they are often rejected by some tribally enrolled Cherokees and other federally recognized Native Americans. This complex and emotional situation raises some thorny questions. To what degree can multiracial individuals claim Native-American identity and still be considered socially "authentic"? In other words, what markers of Native-American identity outweigh the dominant tendency to classify according to phenotype? These issues need to be addressed since the legitimacy of racially hybrid Native Americans is questioned more than that of other ethnic groups.

A case in point is that in many universities, applicants for affirmative action programs who identify themselves as Native American are required to provide documents proving their tribal affiliation. This is not the case for other underrepresented groups. This special treatment acknowledges the federal government's unique relationship with Native-American nations as semisovereign entities. However, it is also a reaction to the diverse and increasingly multiracial Native-American population that falls outside of society's enduring cultural and racial boundaries. According to Russell Thornton, a Cherokee sociologist and demographer, Native Americans are marrying outside their ethnic group at rates higher than any other Americans (Thornton in Bordewich 1996: 46). More than 50 percent are already married to non-Indians, and Congress has estimated that by the year 2080 less than 8 percent of Native Americans will have one-half or more Indian blood (Bordewich 1996: 46). This fact also raises several questions, such as how much "racial blending" can occur before Native Americans cease to be identified as a distinct people, and what danger is posed to Native-American sovereignty and even continuity if the federal government continues to identify Native Americans on a racial instead of a cultural or more explicitly political basis.

To answer these questions, we need to examine the impact of racial ideologies on Native-American identity politics, including how race serves as a basis for the exclusion or inclusion of mixed bloods within
tribal communities. More importantly, competing definitions of ethnic identity and social belonging often result in personal, political, and social conflict as Native Americans wrestle with the perplexing questions— who is really Indian, how do we know, and who gets to decide? These are important concerns for both tribal communities and U.S. society as a whole, where questions of identity are one of the great issues of contestation in an increasingly multicultural and multiracial society.

ORIGINS

In early spring 1994, a group of Native-American women gathered in the living room of a friend's apartment for their weekly meeting. The women were trying to organize a local powwow, and afterward held a “talking circle,” where they could discuss personal issues and share advice with one another. That evening a newcomer named Viola had joined the group. She had dark hair that flowed down her back, with thick bangs shadowing her black, almond-shaped eyes. She was from Oklahoma, and unlike the others in the room, she talked in an incessant stream of joking commentary.

“Hey, Sammie, you from a northeastern tribe, or what?” Viola blurted out.

“What do you mean, ‘cause I look sorta’ white?” Sammie giggled softly, shifting awkwardly in her seat.

“No, no,” Viola continued, explaining that it had something to do with Sammie's eyes and her broad nose, and the way Sammie kind of reminded her of someone she knew from that area. With that spur, the conversation took off and suddenly everyone was talking about the little ways they knew to tell whether or not someone with ambiguous ancestry was really “Indian”—straight hair, flat feet, fingerprint whorls, broad noses, Mongolian spots, Asian eyes, earlobes connected at the base, and shovel-shaped incisors.

“Which teeth are your incisors, your front teeth or your Dracula teeth?” “Does shovel-shaped mean scooped out?” Suddenly, Viola asked if she could feel Sammie's front teeth. Although Viola had been raised within a tribal community and appeared “Indian” to most people, she seemed insecure about her identity and wanted the other women in the room to feel her teeth too, to see if they were the right type, the “Indian” type. As their fingers darted into one another's mouths, the room filled with nervous laughter, sighs of relief, sighs of disappointment.

I was one of those women. I came to this group through my work as a graduate student in the departments of anthropology and Native American studies at the University of California, Davis. I entered graduate school to work with Mayan languages and to pursue a Ph.D. in linguistic anthropology. But at the end of my first year, I began taking classes in Native-American studies to find out more about my own Native-American heritage. Through classes, mentors, and a wide social network, I gradually became better educated and understood for the first time my own racialized history, in all its complexity, in the context of this country. Within a year, I had switched from linguistic to cultural anthropology and also had enrolled in a program in Native-American studies, where I could pursue a topic that was closer to home.

Home meant many things. By doing a project on Native-American identity politics in Oklahoma, I would not work on foreign soil. I would live in an area of the United States where I was raised and would share a regional culture with the people I was “studying.” I would also be an object of my own research, because I was of multiracial/Native-American heritage and was subject to the same racial ideologies and discourses of identity. This final point raised many concerns about my ability to examine this topic objectively. I struggled with these concerns for some time but eventually reasoned that, because our sense of self is so complex and multiple in nature, anyone who conducted anthropological research in a sensitive manner would find points of convergence with and divergence from the people with whom they worked. Participant-observation has always mandated a conscientious movement between subjective and objective experience, and it has been the ongoing recognition of these complex differences and similarities that has guided the development of anthropological theory. This is not to deny power differentials or the colonial and Eurocentric baggage of the discipline but to point to the fact that anyone who seeks to represent anyone, including himself or herself, is caught in this tension between self/other, sameness and difference.

Still, as can be expected, to navigate these troubled waters so close to home was disorienting as often as it was rewarding. For example, I had always known that my paternal grandmother was Mississippi Choctaw on her mother's side and very distantly Cherokee on her father's side. I was only vaguely aware of this heritage as I grew up, having no exposure to a tribal community and little knowledge of Choctaw culture. Although I thought of my father as German with a Choctaw twist, I mostly identified myself as a Sicilian and Texan because of closer fa-
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cept-so much so that cultural identifications can be as arbitrary as culture is ignored in the enrollment of Native-American students viewed me as a white woman with some Native family and learned far more about my Choctaw relatives and was eligible for tribal enrollment through my grandmother. I was surprised to find that the Choctaw Nation in Oklahoma had no minimum racial standard of one-half Choctaw blood or more. My grandmother had moved to Oklahoma and was listed on an earlier tribal roll. However, my grandmother had been born in Mississippi, the original homeland of the Choctaw people, and had never moved west. Moreover, even with proper records, I failed to meet the Mississippi Choctaw Nation's minimum racial standard of one-half Choctaw blood or more. Had my grandmother moved to Oklahoma, I would have been in, but because she stayed in Mississippi where the racial definitions were stricter, I was out.

This frustrating experience is a common one for Native Americans whose identities are administered and verified through what are often rather haphazard paper trails leading to racially quantified ancestors. For instance, some Native Americans who speak indigenous languages and are phenotypically “Indian” are not federally recognized because they lack proper documentation. Usually, their ancestors resisted formal enrollment because they viewed it as a tool of political, cultural, and social assimilation. Many who witness this pervasive focus on documentation and genealogical descent are shocked at the degree to which culture is ignored in the enrollment process. Although culture is not a primary consideration when federal or tribal governments assign Indian identity, for most Native Americans culture is the litmus test of “Indian-ness.” But culture is also subjective and embedded within the race concept—so much so that cultural identifications can be as arbitrary as racial ones. One incident in particular, which happened during my time in Tahlequah, Oklahoma, demonstrates this point.

Sitting across from this Cherokee man in his late fifties, she wondered why he kept switching the topic, kept directing the questions back at her. He was a sly and crafty one—a trickster.

He had the bearing of a prominent man who knew that he was well respected in the community. He was confident that if he broke into a Cherokee song, thousands of Cherokee Baptists would flock to hear him sing like so many times before. Cherokee language flowed in his songs and in his jokes, and even though she couldn’t understand him, he loved to tease, loved to watch her squirm, loved to wrestle her own questions away from her. After some time, she realized that the tease was a standard test to see how white she was, how defensive, how much the outsider. If she could laugh it off and throw out a few good ones, she’d pass the test, and if not, well, at least she’d be tolerated. Maybe.

She could tell it bugged him that he couldn’t place her, that he didn’t quite catch her last name. So, she teased him in return, avoiding questions that were brilliantly indirect, replacing them with her own, and through the mutual teasing, their exchange grew warmer and kinder. Their laughter began to ring, filling his office, flowing through the open door and into the corridors of the Cherokee Nation tribal complex. Finally, he relented, having grown more curious in the course of their cat-and-mouse conversation.

“Are you part Indian?” he asked point blank.

“Funny, how people always ask me that around here. Yeah, I’m part Mississippi Choctaw through my father’s mother, but mostly I’m Sicilian and German,” she answered. She thought he must have liked her response, because she could see the man change. His body opened a little. He shifted forward in his seat and touched her lightly on the arm.

“Are you enrolled?” he asked in a soft tone.

“Oh, no. I’m not eligible because my grandma stayed in Mississippi and they say I don’t have enough blood there.”

“You should look into that,” he said pulling his head back sharply.

“I think the Oklahoma Choctaws in Durant sometimes recognize Mississippi Choctaws and it’s important for you to connect up with your people. What did you say your family’s name was?”

“Well, our Choctaw name is Wesley,” she replied.
“Oh, I know lots of Wesleys down there. That’s a real common Choctaw surname. Well, it’s not Tubbee, but I bet you might even have family right here in Oklahoma,” he chuckled. “You know, my first wife was Choctaw. That’s how I know.” He paused a minute and then said, “Now, let’s see. You said you were married. Well what about your husband?”

“Uh. Do you mean is he Indian? Well, no. He’s an Irish boy from New Jersey,” she said.

His brow furrowed and released. He leaned forward, met her gaze directly and said, “Does your husband understand your culture?”

She was dumbfounded. A hundred questions ran through her mind. Was he sincerely worried about her marriage? Did this really matter to him? Or was he just kidding, again?

My questions about racial and cultural belonging originate in life experiences such as this. Through them I have become sensitized to the role that ideologies of race and culture play in ethnic identity formation, particularly among Native Americans of multiracial heritage. These experiences guide my intellectual endeavors and inform the choices I make. But I am no more biased or objective than the next person, and I make no claims to cultural insiderism. Like many Americans, I am reminded daily that racism continues to plague and divide our society at the national and local levels. And although this continuity with a racist past alarms me, it is not the whole story of our country, even if at times it seems to be the most obvious. This research provides a window into one community where, like other communities in this country, complicated systems of racial classification are simultaneously created, internalized, manipulated, and resisted.

CHEROKEE LANDSCAPES

When people who are unfamiliar with the state think of Oklahoma, they conjure up images of “the West,” a dusty, dry, and barren landscape filled with cowboys and Indians where the iron-red topsoil steadily erodes under the heavy breath of the all-too-animated wind. True, parts of western Oklahoma fit this profile, but the state’s cultural and physical geography is much more diverse. In its northeastern corner, Oklahoma is surprisingly green and lush, with rolling hills and dozens of lakes and streams. Here, the Cherokee Nation lies in the foothills of the Ozark Mountains, a region characterized by dense forest, poor soil, and dramatic displays of weather. During the course of my fieldwork, summertime highs pushed the thermometer to the century mark, with humidity forcing people without air conditioning to retreat to their open-air porches or down to the nearest swimming hole. Fall brought an early chill, the smell of wood-burning stoves, and leaves in an endless kaleidoscope of color. Winter lows brought ice storms and thin layers of snow that kept me and the school-aged children at home when the roads become nearly impassable because of the inadequacy of local plowing equipment in a state with long roads and relatively few people. In spring the rains were unrelenting, and there was always the possibility of a twister appearing out of the blue on the horizon. I came to appreciate the common expression in Oklahoma, “Hey, if you don’t like the weather, stick around and it’ll change.”

The ecology of eastern Oklahoma has also changed in the past century from what the Cherokees once described as “forests with trees so big and so wide spaced that through them you could see a man on horseback a quarter mile away” (Wahrhaftig 1975: 30). After Oklahoma statehood in 1907, white settlers increasingly took control of the land and over several decades logged the forests and leased the land to hundreds of cattlemen and thousands of tenant farmers. As a result of this high tenancy on a land unsuitable for agriculture, the already poor soil was soon exhausted and the game hunted to depletion (Wahrhaftig 1975: 30). Shortly after, in the 1940s and 1950s, the Army Corps of Engineers, in a flurry of dam building, created what is now known as Green Country, a so-called paradise for sportsmen of bass-filled lakes and game-rich woodlands. Green Country has brought an increase in tourism, but Cherokees are rarely the direct beneficiaries of those dollars. Instead, Cherokees are left with “scrub choked, tick-infested secondary growth woods, fishing lakes with the sites of once-cohesive Indian settlements at the bottom, and a displaced population” (Wahrhaftig 1975: 31).

For many decades, the desperate situation in Ozarkia (a region similar to Appalachia in its poverty and isolation) forced the rural economy of eastern Oklahoma to revert to an Appalachian subsistence model. Many Native-American, black, and white families with limited access to the tourist industry depended heavily on hunting, fishing, and small garden plots for food, on the forests for wood to heat their houses, and as the century progressed, on the state for welfare assistance (Thompson 1993: 17). Fortunately, financial conditions began improving steadily in the region throughout the 1980s. In 1980, the per capita income of largely
Cherokee Adair County was considerably less than half that of the state. But by 1987, "all the northeastern counties in the Cherokee Nation had seen an increase in per capita income relative to the state as a whole," (Cherokee Nation, Office of Research and Analysis 1993[4]: 2). Still, in 1989, 53 percent of white households in the fourteen-county area had earnings in excess of $25,000 compared with only 37 percent of Native-American households. Cherokees, then, are poorer than their white neighbors, and according to 1989 statistics, 27 percent of Native Americans in northeastern Oklahoma continue to live below the poverty line (Cherokee Nation, Office of Research and Analysis 1993[4]: 2).

While Cherokee people have never known much in the way of material wealth, they have had one thing in abundance—each other. The Cherokee Nation is the largest tribe in the United States, with over 200,000 enrolled citizens, and continues growing in leaps and bounds with well over a thousand people applying for tribal membership each month. According to the Cherokee Nation's Registration Department, in 1996 roughly 39 percent of Cherokee citizens lived outside Oklahoma, but most resided within the state, with over 87,000 remaining in the historical boundaries of the Cherokee Nation. The core of the Cherokee population resides in seventy or so identifiable Cherokee settlements distributed throughout northeastern Oklahoma (Wahrhaftig 1975: 24). Historically, Cherokees have lived in these small and cohesive communities of relatives, and many continue to do so today.

Cherokee communities are the "wealth" of the Cherokee Nation because they represent historical and cultural continuity in the imaginations of many Cherokees who are the first to claim the importance of social bonds. These communities are old social units that have tended to be semi-autonomous in their decision making and political leadership yet fluidly connected to the tribal body as a whole. In 1838, when the Cherokees were forced to move to Oklahoma (known then as Indian Territory), whole towns moved on the Trail of Tears and resettled together under the direction of their own leaders, with scouts selecting new locations that were similar to the ones they had left behind. Some of the Oklahoma settlements bear the names of these old towns, and several Cherokee dialects continue to exist today (Wahrhaftig 1975: 28). These communities are the sites where Cherokee continues to be spoken as a first language by over 10,000 individuals, where survival is based on mutual support and cooperation. Here, the pace of life seems to slow down, refusing to be rushed by anything but the most dire of circumstances. Here, people stop to notice things, to feel themselves walking firmly on the ground.

SOUTHERN VOICES

One hand fans the program guide back and forth in a desperate attempt to create a little wind, while the other rubs an ice cube from now empty wax-paper cup across the back of her neck. It's the height of summer, and the infrequent breeze offers little relief. Fidgeting her chair with impatience, waiting for the second act to begin, she looks around in boredom, noticing the stars peeking through the clouds high above the amphitheater. But her seat is so high and the rows are so steep, that with her head leaning back she begins to feel dizzy, as if at any second she's going to fall over. So, she rights
herself, fixes her eyes straight ahead on the dense and ratty foliage tumbling from the woods behind the stage, and gulps down an ice cube hoping to quell the nausea in her belly.

After a moment, the lights go up with a single spot brightening around a young female figure primping before a mirror. The anthropologist tries to focus her attention on scene after scene of young people, both white and Indian, both with long black wigs, playing Cherokees. After all, this is the history of the Cherokee Nation—the tourist version—the story of the Trail of Tears told for all the world to see. She keeps trying, but she's bored, hot, and impatient. Her mind wanders and she thinks how lucky she is that her friend in the cast gave her complimentary tickets, how thankful she is that she didn't have to pay nine dollars for admission. She thinks of how much flack this version has gotten in Cherokee communities, how people used to protest it and still it hasn't changed—the same old celebration of Oklahoma statehood, the same old conclusion that the Cherokee Nation had to die for Oklahoma to live.

These thoughts bring on another bout of nausea. And then she realizes scene thirteen is about to begin, the infamous Ceremony of War: the Civil War. This scene stops the fidgeting and draws her attention, as prominent Cherokee Stand Watie swears allegiance to the Confederacy, stating that the Cherokees are southerners at heart, that their interests are the same. Is black slavery the issue here, he demands, because Cherokees are a slaveholding people? It doesn't seem so when Chief John Ross refuses to breach the loyalty he feels toward the United States. The Cherokees on stage divide, a majority on the side of the South, the rest with the North. She gapes as they start to sing "Dixie" and wave the rebel flag—Cherokees! Then, the fighting begins. Brothers kill each other. Children die. She sits so still. This scene always pulls at some deep place within her, as if her own southern roots were ripped out of the ground and exposed.

The Trail of Tears drama at the Cherokee Heritage Center is not the only place where one hears southern voices in the course of this project. I, too, expected northeastern Oklahoma to have a western feel and was surprised not only at the marked differences between the eastern and western regions of the state, but also at the distinctly southern quality of the Cherokee Nation. Most scholars would argue that northeastern Oklahoma is not a part of the South proper, but there are several facts...
of Cherokee history, geography, culture, and identity that cause me to question this assertion.

First, the Cherokees originally lived in the southeastern woodlands of the United States in an area encompassing parts of what is now Georgia, North Carolina, Tennessee, and Alabama. There, many Cherokees adopted from their white neighbors a mostly Baptist version of Christianity and a system of black slavery that they slightly modified to suit their own economic needs. When the Cherokees were forced to leave their homeland for Indian Territory, those who were Christian slave-holders took their religion and black slaves with them. In Indian Territory, this same group of slaveholding Cherokees fought on the side of the Confederacy, at times against other non-slaveholding Cherokees who had joined forces with the Union. The Cherokee Nation was torn apart by violence during the Civil War and, after its defeat, was left vulnerable to outside manipulations in the period between reconstruction and statehood.

The historical divide between slaveholding and non-slaveholding Cherokees mirrors cultural divisions that continue to this day, most of which will become apparent in the course of this book. Some Cherokees proudly proclaim that they have always been a southern people, while others disdain this "white man's" label. Nonetheless, most Cherokees live in a region bordered on the east by Arkansas and on the south by "Little Dixie," the southeastern portion of Oklahoma that many historians include in their maps of "the South." Most Cherokees consider Oklahoma their home in the fullest sense of the word, but almost all look back to the South, to their original homeland. Like many displaced peoples, Cherokees long to return to their roots. Some make temporary pilgrimages or save money to buy land, while others ask to be buried there. Many never get a chance to go back, but those geographic, historical, and cultural origins continually visit their imaginations and shape their identities in complex ways.

UNDERSTANDING "RACE"

In the stable but diverse Cherokee communities of northeastern Oklahoma, race is also a part of the landscape, and it intersects with Cherokee identity in important ways. Thus, to understand better the relationship between race-thinking and Cherokee identity, we need to examine critically the concept of race and how it has been treated in the scholarly literature. Race is not a natural, biological, or scientific cate-

gory. Instead, it is a social, historical, and political category defined in biological terms. This biological aspect, which is only one of many other features, has made race the subject of much scientific inquiry, particularly within the social sciences. Anthropology bears partial responsibility for the scientific legitimization of race-thinking, though today most anthropologists recognize that race is a politically charged, highly variable social construct.

Nevertheless, anthropological research historically has tended to dodge the centrality of the issue of race by subsuming it into other social paradigms such as class, ethnicity, or nation (Omi and Winant 1994). The most common of these paradigms conflates race with ethnicity. When race is employed in the anthropological literature, it serves as a variant of ethnicity, connoting biological distinctions and social divisions based on skin color, phenotype, and genotype. When ethnicity is used, it substitutes for race and brings to mind "style-of-life" distinctions based on cultural differences such as religion, language, food, and clothing (Alonso 1994). Besides confusion, the conflation of race with ethnicity results in the neglect of race as an autonomous field. This move is "power-evasive" when we consider that within the context of U.S. history racially defined minorities have almost always been treated in qualitatively different ways from ethnically defined minorities (Frankenberg 1993). Fortunately, in the past ten years, a new wave of anthropological literature focusing on race as its specific point of departure has swept the discipline.

However, both race-thinking and the scientific buttressing of race as a biological category continue to this day with profound effects on social reality. It is in this context that race is both a falsehood and a fact, being false in its biological, scientific sense and factual in its very real effects on lived experience. With this in mind, I have found most useful the literature that views race as a Western social construct used to explain difference and to justify political and social inequality, a construct whose meaning varies over time because it is embedded in shifting relations of power and struggle (Frankenberg 1993, Gilroy 1987, Goldberg 1990, and West 1993b). I particularly appreciate those scholars who use this framework to grapple with the complex notions of race underlying the identity formation process and who then relate that process to ideological domination and resistance (Hall 1986, 1991, Omi and Winant 1994, San Juan 1992, Gregory and Sanjek 1994, and West 1993a).

Another body of literature critical to this project examines the relationship between racial ideologies and nationalism. Cherokees are bi-
nationals, identifying as citizens of both the United States and the Cherokee Nation. The literature on race and nationalism suggests that virtually all nations, including the United States, have normative racial ideologies that homogenize cultural diversity and shape discourses of social belonging (Alonso 1994, Gilroy 1987, Malik 1992, and Williams 1989, 1991, 1993). I argue that the same can be said of Native-American nations. Like other Native Americans, Cherokees employ a complicated ideological matrix where two mutually embedded sets of racial ideologies associated with two different national identities articulate with one another. It is in this matrix that Cherokee identities take shape.

Brackette Williams's work on race and nationalism helps us understand this process. In an important essay, "A Class Act: Anthropology and the Race to Nation across the Ethnic Terrain" (1989), she summarizes the dominant ideologies of Western Euroamerican nationalism and argues that nations are constructed around myths of racial and cultural homogeneity. Because discourses of nation-state formation underlie current forms of political and economic power, they constrain contemporary cultural processes including the formation of indigenous identity. Thus, ethnopolitical activism often reproduces dominant ideologies in its own discourses and structural forms. For instance, Cherokee cultural activists might choose to portray their communities as culturally "authentic" or homogeneous, even going so far as to invoke biological difference and "natural" superiority to create the sense of unity deemed necessary for a collective, national front.

According to Williams, ideologies of nationalism conflate race, class, and culture, producing "concepts which locate the source and meaning of cultural differences in the 'blooms' of different human populations" (1993: 162). In other words, people belong to a race and share a common blood, and it is that blood that then becomes the basis of a "primordial" culture passed on genetically from one generation to the next. During the course of my fieldwork, this pattern of thought was apparent when the vast majority of Cherokees I interviewed mentioned "Cherokee blood" as a potent symbolic medium connecting all Cherokees to one another.

This "symbols of blood," as Carol A. Smith (1997) has termed it, originates in earlier conceptions of race and blood purity from the colonial period in the Americas. At that time, notions of blood purity were associated with honor and legitimacy and used to control women's sexuality in different ways along class lines (Martinez-Alier 1974, Williams 1993). However, in the early national period these meanings shifted, producing an even more virulent form of racism that was used to legitimate class and gender inequalities (Martinez-Alier 1989, Smith 1995, Stolcke 1998). Thus, during colonial and capitalist expansion, Western ideologies of race, class, gender, and culture spread throughout the world, providing ideological justifications for national sovereignty based on "logically integrated notions of territoriality, biological purity, cultural homogeneity, and status stratification" (Smith 1995: 728). These theoretical formulations help explain how some indigenous expressions of nationalism come to reproduce dominant forms. This phenomenon can be observed in the Cherokee Nation's own state structure in Tahlequah, Oklahoma, which mimics the state structure of the federal government.

Because Cherokees throughout their history have made political choices that have had transformative effects on their own society, we need to pay attention to how Native-American agency not only reproduces but also mediates and potentially reframes ideological structures inherent in both U.S. society and tribal nations. Several authors have chronicled how Native-American resistance to U.S. domination has forged around issues of autonomy, sovereignty, and self-determination expressed in the pan-Indian movement (Clifton 1990, Cornell 1988, Deloria 1969, Dowd 1992, Hertzberg 1971, James 1992b, Nagel 1996). My research builds on these and other works, paying close attention to the ways in which racial identity becomes a rallying-point of collective resistance as well as a source of political and social factionalism (Clifton 1989 and 1990, Feraca 1990, Green 1988, Hagan 1985, Isac 1975, Peterson and Brown 1985, Tanner 1983). In the past, the scholarly literature has largely ignored the effects of racial ideologies on alliance building within heterogeneous Native-American populations. My objective is to extend this literature to investigate whether or not Cherokees have built collective fronts around ideologies that recognize cultural and racial difference.

This type of analysis is rare for multiracial populations in the United States, which are largely ignored because of racial typological boundaries. These boundaries have been criticized as a colonial legacy that obscures the complex relationships within and between communities of color (Anzaldúa 1987, Lowe 1991, Root 1992, Smith 1997, Spickard 1989). This critique is particularly valid concerning Native Americans, who are becoming increasingly multiracial as a result of high rates of illegitimacy. Some earlier research does treat Native Americans of multiracial origin as a "nongroup" (Blacksburg 1987, Carter 1989, Cornell 1988, Green 1988, Hagan 1985, Isacs 1975, Peterson and Brown 1985, Tanner 1983). In the past, the scholarly literature has largely ignored the effects of racial ideologies on alliance building within heterogeneous Native-American populations. My objective is to extend this literature to investigate whether or not Cherokees have built collective fronts around ideologies that recognize cultural and racial difference.
racial heritage, but it focuses on either assimilation or tribal factionalism around economic resources (Brewton 1963, Gulick 1973, Gist and Dworkin 1967, Unrau 1989, Wax 1971). In general, the tendency has been to reduce tribal populations to only two categories—the culturally 
authentic “full-bloods” or the assimilated “mixed-bloods.” Mixed-bloods are often portrayed as “race-traitors,” so that lower blood degree becomes directly associated with cultural loss that allegedly results from “white Indian” political domination. In fact, the association of racial mixing with cultural loss has so permeated the literature that some writers have gone so far as to ask whether or not there are “real Indians” in Oklahoma. The mere suggestion that Native Americans are “real” only if they look “Indian” calls into question the cultural and political continuity of the whole southeastern tribal complex. Many of these ideas bias contemporary research on Cherokee identity politics, limiting its scope and depth, with virtually no ethnographic research having been conducted among the Oklahoma Cherokees for the past twenty-five years.

New research on multiracial Native Americans is beginning to acknowledge the complexity of these communities and no longer assumes a priori that blood degree correlates with cultural authenticity or ethnic identity (Calloway 1986, Crowe 1975, Forbes 1988, Hagan 1986, Mulroy 1993, Nagel 1996, Vaughan 1982). The most insightful studies examine tri-racial communities with Native-American, African-American, and Euroamerican heritage (Blu 1980, Campisi 1991, Forbes 1993, Sider 1994). Blu and Sider have written important ethnographies on the tri-racial Lumbee of North Carolina, who recently fought for federal recognition as an indigenous people. Sider specifically deals with the relationship between ethnohistory and cultural identity and the way in which Native-American people actively produce their own histories and cultural boundaries. What these writers share is recognition of the historical constraints of dominant ideologies on Native-American identity formation, balanced with an emphasis on Native-American agency. I follow the lead of these authors by emphasizing both ideological domination and resistance as it relates to the “racial formation” of Cherokee identities (Gilroy 1987, Omi and Winant 1994). For example, in chapter 2, I discuss the rise of Cherokee nationalism in the nineteenth century, particularly the ways in which Cherokees internalized ideas of race and then used them to their own political advantage in the process of nation building. However, this ongoing process of ideological accommodation

and resistance is apparent in all the chapters and weaves its way from the Cherokee past through the present.

THEORETICAL DEPARTURES

NEO-GRAMSCIAN PERSPECTIVES ON RACE AND RESISTANCE

As we begin to explore the racial formation of Cherokee identities, it is important to recognize up front that ideological domination and resistance are not distinct categories. They overlap with one another and cannot be divorced from the material and political conditions of lived experience. Traditionally, scholars have viewed power mechanisms within state structures and other economic and material factors as the primary influences on ideology. Today, however, most scholars recognize the need to avoid this type of determinism by reembedding agency within studies of power and domination. Many have tried to resolve the tension between structure and agency by searching for a middle ground, but all too often this results in quixotic conclusions that raise more questions than they answer. Several theorists, however, informed by the writings of Antonio Gramsci, have managed to use this tension productively to make major contributions. The best of these analyses keep structure and agency in dialogue by employing the Gramscian concepts of “hegemony” and “contradictory consciousness,” which allow for ideological domination and resistance to co-construct one another.

A case in point is the groundbreaking work of Michael Omi and Howard Winant (1994), two sociologists who analyze racial formation in the United States from a Gramscian perspective. According to Omi and Winant, racial formation occurs through historically situated, racial projects. They define racial projects as hegemonic explanations of racial dynamics linked to efforts to redistribute resources along particular racial lines. In the U.S., we are all subject to these racial projects and learn rules of racial classification and racial identity without any obvious previous inculcation. In this manner, we are inserted into a social structure that varies in content over time but nonetheless remains inherently raced. Race then becomes a “common sense” way of explaining the social world (1994: 55-61). These racial projects collectively mediate between discursive or representational means in which race is identified and acted on the one hand, and the institutional and organizational forms through which it is routinized and standardized on the other” (1994: 60). An
example of a racial project would be the way in which federal, state, and tribal bureaucracies have routinely used the idiom of blood in Native-American census records as a quantifiable measure of Indian identity.

In the United States, racial formation has occurred as an uneven historical process that has “moved from dictatorship to democracy, from domination to hegemony. In this transition, hegemonic forms of racial rule—those based on consent—eventually [have come] to supplant those based on coercion” (1994: 67). As a result, today we find ourselves the subjects of an ongoing, “messy,” and incomplete racial hegemony that shifts as needed to justify the existing social order. However, Omi and Winant argue that racial projects buttressed by common sense are not inherently racist unless they specifically link essentialist representations of race to structures of social domination. Hence, shifts as needed to justify the existing social order. However, Omi and Winant argue that racial projects buttressed by common sense are not inherently racist unless they specifically link essentialist representations of race to structures of social domination (1994: 71–72). Defined in this manner, racism is both ideological and structural, and to oppose it we must remain conscious of race while at the same time challenging the common sense presuppositions of racial rule.

While I agree with these points and use Omi and Winant’s insightful concept of racial formation as a theoretical foundation for exploring Cherokee identity politics, I find that they fail to address sufficiently the role of contradictory consciousness and counterhegemonic resistance in this process. So I return to Gramsci’s original writings to draw attention to problems in Omi and Winant’s adaptation of his theory. Gramsci (1971: 333) suggests that contradictory consciousness has a dual nature whose aspects are always in tension—one aspect being implicit, critical, and as I read it, possibly counterhegemonic “good sense,” which arises from lived experiences and material conditions of oppression; the other being explicit, hegemonic “common sense,” which is uncritically absorbed and arises from ideological domination by a more powerful class.

To clarify this distinction, good sense might be foregrounded when a Cherokee meets a white or black neighbor who also speaks Cherokee. In this instance, the common sense presuppositions that blacks or whites cannot be Cherokee or that racial mixing necessarily means cultural loss might be challenged by the counterhegemonic experience of a common language. While Gramsci suggests that all people share contradictory consciousness, his notion of hegemony as common sense most directly accounts for the presence of dominant ideas in the consciousness of subordinate peoples.

Like Omi and Winant, I believe hegemony is a powerful explanation for race-thinking in contemporary U.S. and Cherokee society, but I find it perplexing that they do not follow Gramsci’s lead by specifically linking hegemony to contradictory consciousness. This is a major drawback, since it is contradictory consciousness and not hegemony per se that mediates between the implicit and explicit realms of culture, the material and ideological realms of lived experience. It is the contradictory nature of consciousness that makes hegemony partial, messy, and incomplete, that allows for the possibility of counterhegemonic resistance, and that accounts for contradictions in contemporary debates around Native-American identity.

But Gramsci’s framing of contradictory consciousness still leaves several questions unanswered, questions that also are not addressed in Omi and Winant’s writings. Gramsci argues that the common-sense aspect of contradictory consciousness is hegemonic, but he is less explicit when it comes to good sense. This raises the first of two limitations in Gramsci’s theory: hegemony seems to limit agency at an intellectual level, because hegemony is “uncritically absorbed” (1971: 333). This has often been interpreted as consent to rule by a subordinate class. I find Omi and Winant’s focus on consent disturbing at times and would argue that the difference between “consent to rule” and the uncritical absorption of dominant ideas is an important distinction (1994: 67). Consent seems to imply either that the victim, implies permission, and suggests that subordinate peoples are complicit in their own oppression because they “self-polic.” Could argue, at least among Cherokees, that few have any consciousness that they are reproducing dominant ideas in ways that either subordinate themselves or others. Not only would conscious awareness imply agency necessary for consent or permission, but it also might be the critical link that stimulates counterhegemonic practices.

The second and most important limitation of Gramsci’s framework comes from his statement that counterhegemony is always embedded in hegemony (1971: 328). This raises two related concerns for my research: Native Americans constrained from formulating ideologies outside dominant ideas, and if a critical counterideology emerges, then is it necessarily hegemonic? In other words, do ideas that unite a diverse Native-American population in an effective political coalition actually recognize that population, or can there be unifying ideas that recognize that population, or can there be unifying ideas that recognize that population? This latter point is most explicit in Gramsci’s discussion of Black Consciousness. While he recognizes the existence of a Black Consciousness, he implies that it is an illusion, a form of consciousness that is not truly hegemonic. However, I find that Omi and Winant apply in their analysis of historical transformations in the racial order (1994: 88–89, 98–99, 111) in order to retain the useful parts of Omi and Winant’s explanatory
frame while avoiding the residual limitations from Gramsci's original writings, I will take a slightly different approach. First, since Omi and Winant's discussion of counterhegemonic resistance is limited, I will focus on the contradictory nature of resistance and how collective resistance might coalesce around multiple unifying principles. For instance, Cherokees might simultaneously unite around ideas of national sovereignty and cultural difference rather than a single monolithic principle like class oppression. Second, although I believe that most counterhegemonic resistance reproduces hegemony to some extent (often in the actual terms of the debate), I will allow for the possibility of nonhegemonic resistance. By this I mean that Cherokees may engage in resistance that is framed against dominant ideas but not necessarily within them. Here, an example might be Cherokee resistance around cultural or national difference that specifically disarticulates itself from race.

FROM IDEOLOGY TO HEGEMONY AND BACK AGAIN

In addition to Gramsci's ideas about hegemony, I also use the concept of ideology to examine Cherokee identity politics. Ideology has been defined as everything from the social determination of thought to the deployment of false ideas in the interests of a ruling class or from the ways in which signs, meanings, and values reproduce a dominant social power to any conjunction between discourse and politically charged interests. Ideology always relates to the subject, and each theoretical framing of ideology has a correspondingly different understanding of subjectivity. Thus, to understand the ways in which racial and national ideologies work in Cherokee society, one must also understand the effects these ideologies have on the self-consciousness of Cherokee individuals and how they potentially shape Cherokee collective action.

While ideology would seem to be an important theoretical concept, particularly for this project, in recent years it has been seriously challenged to the point that its use in contemporary studies is considered almost passé. In particular, postmodern theorists have built on Foucault's insights, insisting that all social relations are constituted in discursive practices. Postmodern theory does make important contributions in showing how discourse shapes identity, consciousness, and social relations in complex ways. However, because it questions the existence of truth, while at the same time suggesting that all discourse is equally interested and power laden, it becomes virtually impossible for scholars to pinpoint social ideologies. Then, radical movements are as "interested" as those of archconservatives, and ideology as a concept loses its political punch.

Recently some theorists have begun to return to the concept of ideology, hoping to sharpen its critical edge. I follow in their footsteps because I believe ideology provides an important tool for social and cultural criticism. Ideology does make a series of assumptions about the existence of truth, reason, and responsibility, but these are significant social considerations that have been too readily dismissed in recent theorizing. I do not mean to imply that there are simplistic notions of truth or reason that can be divorced from power relations or history, only that there are some falsehoods worth denouncing (e.g., women are inferior to men, some races are superior to others, or race-mixing equals cultural loss). Even if our justification for doing so is more in the realm of politics than epistemology, it is Gramscian good sense. All individuals make evaluations that are interested and even irrational but still useful in a political, personal, and social sense. In light of power relations and history, these evaluations are necessary for social theorists and activists to assign responsibility for societal ills and to locate avenues of critical investigation that might lead to potential remedies.

With this overall goal in mind, I use the concept of ideology to show how people, as agents, can promote ideas with powerful effects. I see ideology as explicit and conscious, at the level of the "said," and as not necessarily the possession of a particular class, although it does justify relations of dominance in general. Hegemony, on the other hand, is another useful concept that allows for ideological processes that are not always conscious and explicit. Instead, with hegemony, these processes are multiple, complex, and contradictory, occurring at different levels of awareness. Ideology occurs as a more specific and explicit site within hegemony, and these concepts used together allow us to examine complex, messy, and partial forms of domination and resistance.

In a similar vein, Jean and John Comaroff make important distinctions between ideology and hegemony by combining a Bourdieuan framework with a Gramscian one (1991: 21-22). The Comaroffs examine how dominant ideologies and state structures are both mediated and reproduced by individuals in the context of missionization in colonial South Africa. They suggest that individuals always act within a particular cultural field—a field including embodied forms of knowledge and thought that are implicit and uncritically absorbed and that have a material aspect, observable in the way people unconsciously sit, walk, talk, and behave. If we extend these insights to the case at hand, when
Cherokees resist dominant ideas in discourse and practice, because they
unconsciously resist within a cultural field, culture shapes their choices
of behavior. These habitual or hegemonic forms of culture, then, can be
a cohesive force between state structures and acting Cherokee agents
that assures their reproduction of and engagement with certain types of
racial domination.

The Comaroffs argue that we need all three concepts—hegemony, ideol-
yogy, and culture—because when culture is aligned with power,
whether intentional or not, systems of meaning get rooted in habit. Ide-
ology would be an intentional expression of power in culture, whereas
hegemony would be an implicit and unintentional form of self-policing,
also rooted in cultural practice (Comaroff and Comaroff 1991: 22-25).
When there are disruptive changes in power relations, hegemony can
rupt into conscious awareness and become part of the explicit political
discourse. At that point, however, it immediately shifts from being he-
emony and becomes either ideology or counterhegemony (Comaroff

To ground these theoretical ideas in the case at hand, Indian or-
ially was an external label of colonial oppression that incorporated di-
verse indigenous nations into a system of racial and social classification.
“Racing” Native Americans rationalized their oppression. Race, then,
was an overt discourse, the ideology of a dominant white, colonial class
that helped maintain and obscure power relations. But racial ideologies
often double back on themselves, and when they become habit and are
no longer in the realm of discursive struggle, hegemony can
rupt into consciousness and become part of the explicit political
discourse. At that point, however, it immediately shifts from being he-
emony and becomes either ideology or counterhegemony (Comaroff

These historical processes shape and sometimes even constrain ide-
ological formations in the present. However, the intersections of history,
ideology, culture, and hegemony are not static. Sometimes, a hege-
monic idea, like that which says Native-American cultural authenticity is frozen
in the past, might erupt into consciousness when challenged by life ex-
periences. If one experiences Cherokee culture as a fluid and dynamic
social medium in the present, then one is likely to develop a critical
awareness that this culture is not solely a thing of history. As a result,
critical consciousness about Cherokee culture may become complicit in
an overt way with dominant ideas (ideology), or it might oppose dom-
inant ideas to gain access to resources or power (counterhegemony).
Hegemony and ideology are complex, contradictory, and “best visual-
ized as two ends of a continuum,” with a permeable boundary between
levels of agency and degrees of consciousness (Comaroff and Comaroff

Because people are constituted in multiple ways, we also need to rec-
ognize the numerous hegemonic struggles taking place simultaneously
within each Cherokee individual. By this I mean that ideology and he-
emony do not work on a singular subject. Because individuals are al-
ways clothed in culture, certain aspects of subjectivity such as race, class,
gender, sexuality, regional identity, and national identity get constituted
within culture in different ways. So I am suggesting that we need to take
the same basic process—the hegemonic complex—and multiply it, so
that it occurs around different nodes of consciousness simultaneously.
With historical depth, this theoretical formulation would then allow for
the heterogeneity of consciousness, its multiple subjectivity, and the con-
stant slippage between ideology, hegemony, and counterhegemony that
takes place over time.

At the same time, we need to keep in mind that subject formation,
counterhegemonic coalitions, and ideological maneuvers occur almost
exclusively within the context of social groups. There are eccentric indi-
viduals who create innovative change, but this still happens in relation
to other people. Within each individual there are sites where ideas co-
alesce around a particular subjectivity, such as race or nationality. These
sites provide points of divergence and convergence, or difference and
sameness, with other people. When these sites overlap, then we have the
basis of a coalitional subjectivity—or as Gramsci would put it, an artic-
ulatory principle—that can then be used to unite a diverse group of
people around a particular political project. Allowing for the ways sub-
jective, ideological processes happen coalitionally provides us with a
more accurate and politically grounded theoretical framework. With
such a framework, Cherokee society can be visualized as a diverse body
of multiply constituted individuals who coalesce in socially significant
ways around one or more subjectivities, or different aspects of identity.

Thus far, I have argued that we need to build on Omi and Winant’s
theory of racial formation, adding to it a more nuanced understanding
of Gramsci’s hegemony and counterhegemonic resistance. We also need
to salvage the concept of ideology from postmodern theory and use it in
conjunction with hegemony and culture. Together, these ideas provide
an excellent point of departure, but one that still needs to be modified
to include hegemonic processes occurring within multiply constituted
individuals in relational ways. This is critically important, since it is the
very nature of multiple subjectivity that allows for resistance. There is always some aspect of a person's consciousness that runs counter to whatever dominant ideology is foregrounded at a given moment. Furthermore, I would argue that since no one is constituted in a unified way, no one is entirely subject to any prior or existing system of power and knowledge.

With this theoretical framework in mind, this project can begin to examine the full spectrum of Cherokee identity politics. We can pay attention to identity itself and how it is always contingent and relational, a shifting negotiation of multiple subjectivities. We can focus on how identities coalesce and break apart in socially significant ways and what happens to individuals and communities when identities are forcibly policed. These are complicated matters that are hard to imagine without grounding in specific historical and ethnographic case studies. I hope to provide those case studies in the course of this book, so that we can begin to imagine what it means to be Cherokee, and why the stakes are so high in this political debate. By focusing on racial identity as an important site of contestation and by applying this theory to the largely multiracial Cherokee community, I hope to provide some critical insights into the ideological terrain of race, which continues to homogenize and divide this country, often, paradoxically, at the same time.

CHAPETER TWO

Blood, Culture, and Race

Cherokee Politics and Identity
in the Eighteenth Century

It’s nearly midnight at the Cherokee ceremonial grounds in the backwoods of Adair County, not far from the border of Arkansas. She and her Cherokee friends have been dancing all night around a sacred fire, and they have every intention of continuing until the early hours of the morning. But it’s late July and the midsummer’s night is hot and still, and they need a moment to rest, catch their breath, and cool down a little. Standing beside the Bird Clan arbor, the anthropologist and her two companions, both men in their thirties, laugh and tell jokes as they watch the next round of dancing begin. Mostly, however, they make note of all the different Cherokee people who have come from near and far to celebrate the occasion. On Red Bird Smith’s birthday, some come to honor the Keetoowah traditions, others to visit with family and friends, and still others to connect with a sense of themselves as Cherokee people. As people arrive, the crowd swells to nearly four hundred, rivaling the turnout on Labor Day weekend during the Cherokee national holidays. With her friends, she rests and visits, watching the people around them.

“Hey, Bobby, you know Luanne over there from Stilwell?” one of the men asks the other.

“No,” says Bobby looking off at the woman in the flickering shadows, “Who’s her mother . . . Where’s she from?” The conversation continues like this for a little while, with the two men weaving a
tapestry of Cherokee life, pulling together the threads of kinship and community with bits of gossip thrown in for color.

Bobby nudges the sleepy anthropologist at his side. “Hey, Circe, you’re catching all of this aren’t you?” he says in a half-teasing, half-mocking manner. “Cherokees, that’s the first thing we always ask when we meet somebody . . . . Who’s your mother?”

She comes out of her comfortable daze of warmth and physical exhaustion, reminded that she’s not there just to enjoy the rhythm of the scenery but to observe, as an outsider who is supposed to make sense of it all.

“Who’s your mother?” she says listlessly. “Oh, yeah. I get it.” Taking it in like the punch line of a joke she’s slow to understand, she finally grasps the significance of that one statement, how it ties the Cherokee present to the past in so many ways.

For some Cherokees, having a Cherokee mother is the very key to Cherokee identity. In such cases, a mother’s blood links her and her children to a complex web of kinship and community relations, to a custom of matrilineal clan membership and matrilocal residence that extends to the furthest known reaches of Cherokee history. So it was that in this context at a Cherokee ceremonial ground on a special day of celebration when the air was thick with “tradition,” my Cherokee companions tried to place people through their mothers. If they knew someone’s mother, then they might know his or her family, community, and clan. Of course, there are exceptions to this rule. Cherokees are, and always have been, a highly diverse group of people, and what is true for some is not true for others. Not all Cherokees in all places situate one another in terms of matrilineal kinship, and having a Cherokee father can be just as significant. Nonetheless, most Cherokees with whom I spoke during the course of my fieldwork agreed that kinship was a fundamental aspect of Cherokee identity. To them it was plain and simple: people are Cherokee because they have been born to and raised by a Cherokee family. That so many Cherokees speak of their collective identity in terms of kinship is not unusual. People everywhere are socialized within the context of particular families, and kinship still fundamentally shapes who we are in a variety of ways. In this regard, Cherokees are no different. Like all people, their discourses of kinship reflect past meanings as well as more recent ideologies of blood, race, culture, and nation.

Today, Cherokee kinship has come to mean many things, in part because it has become entangled with modern discourses of identity. Kinship can mean having a clan identity, a common matrilineal bloodline, or it can be about sharing a political identity as a nation, one based on blood descent more generally. For some, it is both. This entanglement of Cherokee kinship ideologies with modern discourses of identity results from a complex historical process in which over the course of several centuries Cherokee belief systems came both to emulate and contest their Euroamerican counterparts. To understand the meaning of Cherokee blood kinship in the present, we have to understand the more restricted sense of blood in the prenational period and how this became conflated with Euroamerican ideas of race, culture, and nation in early Cherokee nationalism. Only then can we comprehend the historical, cultural, and political contexts shaping contemporary expressions of Cherokee identity as a whole. A comprehensive overview of Cherokee history, however, is not the goal of this chapter, for that story has already been told many times in a variety of scholarly contexts. Instead, I offer a selective history of Cherokee identity in the eighteenth century as expressed through the idioms of blood, race, and culture that were prevalent during this period.

**THE TIES THAT BIND**: CHEROKEE SOCIAL AND POLITICAL ORGANIZATION

Before Europeans arrived on the North American continent, Cherokee people made their lives on the ruggedly beautiful terrain of the southern Appalachians. Here, they settled where the mountains gave way to land just flat enough to allow for the cultivation of corn along the Savannah, Tennessee, and Hiwassee Rivers, whose waters provided an abundant source of irrigation as well as a site for regular ceremonies. In the centuries just before contact, some 20,000 Cherokees occupied an area of almost 40,000 square miles stretching across parts of what are now known as Virginia, Tennessee, North Carolina, South Carolina, Georgia, and Alabama (Mooney 1900: 14). At that time, the Cherokees referred to themselves as ani'yunwiya, a term meaning “the real people” in their own language. They maintained a distinct sense of peoplehood, in part because they were speakers of an Iroquoian language, which differed significantly from the surrounding Muskgogean and Siouan languages more common to the Native peoples of the Southeast. Cherokees also possessed a unique kinship system, culture, and religious worldview, all of which further served to define them in opposition to the others in their midst.
Cherokees had much in common, but not everything—important differences existed in terms of language and political organization. By the time they encountered Europeans in the mid-sixteenth century, Cherokees spoke three different dialects and lived in five distinct regional settlements, each settlement representing a loose coalition of towns. These dialectical and regional distinctions arose in large part due to the challenging topography of Cherokee country, which limited interactions between Cherokee communities. The Lower towns, where the Elati dialect was spoken, were located in the foothills of western South Carolina, along the banks of the Savannah River. The Middle and Out towns, whose residents spoke the Keetoowah dialect, stretched from the headwaters of the Little Tennessee River to the easternmost reaches of the Tuckasegee River in North Carolina. Occupants of both the Overhill towns and Valley towns shared the Atali dialect. The Overhill towns lay south of the Cumberland chain, along the Upper Tennessee River and the lower courses of the Little Tennessee River, while the Valley towns flourished beside the Valley and Hiwassee Rivers in western North Carolina (Gearing 1962: 1, Gilbert 1943: 199, McLoughlin 1986: 9, Mooney 1900: 16–17). Despite these differences of region and dialect, all of these communities were connected to one another through ties of kinship.

KINSHIP

“One can scarcely overemphasize the importance of kinship in the social life of the Southeastern Indians,” anthropologist Charles Hudson wrote a quarter-century ago (1976: 185). In the first half of the eighteenth century, Cherokees distinguished themselves from Europeans, Africans, and other Native Americans not by skin color, race, or even language, but by membership in a Cherokee clan, which was theirs by right of birth or adoption (Perdue 1998: 49, Urban 1994: 172–93). For this reason, to be Cherokee in a social, political, and ceremonial sense was to have a clan identity (May 1996: 34). “A clan was a category of individuals who believed themselves to be blood relatives, but who could not always actually trace their relationships to each other through known ancestral links” (Hudson 1976: 191). The Cherokees had (and continue to have) seven matrilineal clans: Wolf, Deer, Bird, Paint, Long Hair, Potato, and Blue Clans, though the translations of the last three are subject to some debate. Being matrilineal, the seven clans were regarded as kinship units that were “identical with the mother’s blood” (Gilbert 1943: 298). This meant that Cherokees were members of a Cherokee clan, and thus were Cherokee, because they had a Cherokee mother. At the same time, they did not share a common blood bond with their fathers or their grandparents on either side, according to the logic of the clan system.

In general, clan relations were more enduring than other kinds of kinship bonds, such as those formed in marriage, and “Clans, not marriage, united Cherokees for life” (Hill 1997: 30). A sister and a brother or a mother and a child were of one flesh and blood, but never a husband and a wife (1997: 31). In fact, husbands and wives were not kin at all, because they were not members of the same clan. Husbands and wives could never share the common matrilineal bloodline that made them kin, for marriage within the same clan was strictly forbidden and considered to be incestuous. To marry within one’s own clan, or one’s father’s clan for that matter, was punishable by death, a severe sanction not replaced by whipping until the nineteenth century (Gilbert 1943: 240). With such sanctions, the Cherokee clan system regulated marriage by defining appropriate and inappropriate marriage partners. Forbidden to marry within their own clan or their father’s, Cherokees were encouraged to marry within the clans of their grandparents, and an ideal mate would be a member of the maternal or paternal grandfather’s clan (Gilbert 1943: 208).

Although the Cherokee ideal was to find a mate from either grandfathers’ clan, this preference was not always reflected in practice, especially after the intrusion of Europeans. In the latter half of the eighteenth century, Cherokees began to marry non-Indians with greater frequency, practice that had the potential to disrupt the traditional ways in which Cherokees socially classified one another. However, when Cherokee women married European men, their marriages did not threaten the continuity of the tribe. The matrilineal clan system ensured that the child of a Cherokee woman and European man would be identified as Cherokee. As ethnobotanist Sarah Hill writes, “The mother’s identity took precedence over all other ancestry, even for one who had ‘lost himself’ among white people, or whose fathers and grandfathers were white. Beauty and a complex of clan possessions, which ranged from land and name to customs and prayers, descended from mothers” (1997: 27).
Matrilineal kinship provided the blood substance of identity, and a child's identity was determined solely by the mother, whether she be Cherokee or of another tribe, African, or European (Perdue 1998: 82).

The strong matrilineal bonds of the clan system also meant that when Cherokee women married European men and produced Cherokee children, they did not always form lasting relationships with their husbands. Cherokee women had considerable autonomy and sexual freedom, rights that differed considerably from those of European and other Native-American women in the Southeast. Cherokee women were free to choose when and if they wanted to be with a man, what type of man, and for how long (Fogelson 1990: 170). A Cherokee woman could expect to exercise a great deal of personal freedom over the course of her lifetime, and that freedom stemmed directly from the matrilineal clan, which offered her social and economic security. A woman could expect to reside with her kinswomen, to own her own home, and to share in the agricultural products of her clan. She also could have sex with whomever she pleased, then marry and separate at will.

Cherokee women were not the only ones who reaped the benefits of a matrilineal clan system. All clan members, including men, had certain obligations to one another. A member of the Deer Clan, for instance, was morally bound to protect and provide for any other clan member in need, even those he or she had never met. If a Deer man should be traveling far from home in an unfamiliar part of Cherokee territory, he need only "to ask for the house of his clan in order to be given food, shelter, protection, and hospitality as a member of the family" (Champagne 1992: 38). This form of hospitality was always available, since every Cherokee town had representatives from all seven Cherokee clans (Gearing 1962: 21). As a result, the Cherokee clan system not only ordered social relations among known relatives on a daily basis but also established obligations and a common basis of identity among unknown kin in distant Cherokee communities (Champagne 1992: 38).

One of the clan members' most important obligations to one another was to respect and maintain the law of blood revenge. This "law of blood" meant that if a member of the Paint Clan were killed by someone of the Wolf Clan, even if by accident, then all Paints were morally bound to avenge the death of their kinsman. If they did not, then the deceased Paint's restless spirit and "crying blood" would come to haunt them (Perdue 1998: 52). The clan of the victim would usually exact vengeance by taking the life of the original killer, at which point "both clans in involved would consider the matter settled because harmony had been restored" (Perdue 1998: 52). However, if the killer should flee or seek refuge, then the offended clan would be perfectly within its rights to take the life of any other member of the killer's clan, preferably someone with a similar status to the original victim. Thus, the law of blood served symbolically to unite Cherokee clan members, whose spilt blood was functionally equivalent, whose lives might be substituted one for the other.

BLOOD

Blood ties among Cherokee kin were not merely symbolic. Cherokee clan members believed that they literally shared a common blood, a blood they were morally obligated to protect and defend. As Raymond Fogelson, one of the few anthropologists to have studied Cherokee beliefs about blood and kinship, states:

For the Cherokees, kinship is literally defined as a relationship of blood. Blood is not, as it is for us, the metaphor for kinship that is indicated by such terms as "consanguineal" or such phrases as "blood is thicker than water." The Cherokee theory of procreation holds, in common with the beliefs of other Iroquoians, that the female contributes blood and flesh to the fetus, while the father provides the skeleton through the agency of sperm, which can be considered a form of uncondensed bone. The blood tie of an individual to a mother is thus regarded as a bond of living, procreative substance, not a metaphoric figure of speech. (Fogelson 1990: 173-74)

Fogelson makes an important point about the literal rather than symbolic meanings of blood kinship among Cherokees. While this distinction holds true for eighteenth-century Cherokee beliefs, that is not the case for other blood ideologies held by Cherokees during this same period. For instance, in Cherokee mythology, blood is repeatedly used as a symbolic metaphor for life, as I will discuss shortly. In general, however, a symbolic rather than a literal understanding of blood and bloodship became much more common among the Cherokees over time.

Throughout the Cherokees' history, their beliefs about blood have been central to their interpretations and attributions of Cherokee identity. The strong matrilineal bonds of the clan system also meant that when Cherokee women married European men and produced Cherokee children, they did not always form lasting relationships with their husbands. Cherokee women had considerable autonomy and sexual freedom, rights that differed considerably from those of European and other Native-American women in the Southeast. Cherokee women were free to choose when and if they wanted to be with a man, what type of man, and for how long (Fogelson 1990: 170). A Cherokee woman could expect to exercise a great deal of personal freedom over the course of her lifetime, and that freedom stemmed directly from the matrilineal clan, which offered her social and economic security. A woman could expect to reside with her kinswomen, to own her own home, and to share in the agricultural products of her clan. She also could have sex with whomever she pleased, then marry and separate at will.

Cherokee women were not the only ones who reaped the benefits of a matrilineal clan system. All clan members, including men, had certain obligations to one another. A member of the Deer Clan, for instance, was morally bound to protect and provide for any other clan member in need, even those he or she had never met. If a Deer man should be traveling far from home in an unfamiliar part of Cherokee territory, he need only "to ask for the house of his clan in order to be given food, shelter, protection, and hospitality as a member of the family" (Champagne 1992: 38). This form of hospitality was always available, since every Cherokee town had representatives from all seven Cherokee clans (Gearing 1962: 21). As a result, the Cherokee clan system not only ordered social relations among known relatives on a daily basis but also established obligations and a common basis of identity among unknown kin in distant Cherokee communities (Champagne 1992: 38).

One of the clan members' most important obligations to one another was to respect and maintain the law of blood revenge. This "law of blood" meant that if a member of the Paint Clan were killed by someone of the Wolf Clan, even if by accident, then all Paints were morally bound to avenge the death of their kinsman. If they did not, then the deceased Paint's restless spirit and "crying blood" would come to haunt them (Perdue 1998: 52). The clan of the victim would usually exact vengeance by taking the life of the original killer, at which point "both clans in involved would consider the matter settled because harmony had been restored" (Perdue 1998: 52). However, if the killer should flee or seek refuge, then the offended clan would be perfectly within its rights to take the life of any other member of the killer's clan, preferably someone with a similar status to the original victim. Thus, the law of blood served symbolically to unite Cherokee clan members, whose spilt blood was functionally equivalent, whose lives might be substituted one for the other.

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tity. We have already examined how “the idea of the blood connection of the clan... allied with the blood revenge principle” (Gilbert 1943: 207), and how blood was literally the shared substance of matrilineal kinship, but what other meanings did Cherokees attach to blood during the eighteenth century? Like many tribal peoples around the world, Cherokees believed that a woman’s menstrual blood was a powerful substance. It was not dirty or polluting, but it was a destructive force and a source of feminine strength (Fogelson 1990: 172–73). The Stoneclad story from James Mooney’s *Myths of the Cherokee* (1900) is telling in this regard. Stoneclad was a cannibalistic monster who was virtually indestructible because of his impenetrable stone skin. But Stoneclad had one weakness—he could not bear the sight of a menstruating woman. Although no Cherokee warrior could stop him, Stoneclad finally met his demise in the presence of seven menstruating virgins. One by one, they stood naked in his path, sapping his strength, until Stoneclad finally crumbled into a heap (Mooney 1900: 319–20).

In addition to having such symbolic power in Cherokee mythology, menstrual blood was also a force to be contended with in everyday Cherokee affairs. For example, the destructive power of menstrual blood could be channeled against an enemy and thus was often evoked in sorcery, at war, and in ball game rituals (Fogelson 1990: 173). In recognition of this power, Cherokee women were isolated in menstrual huts, far away from family and friends, during their menstrual periods (Fogelson 1990: 173).

Menstruation, childbirth, war, hunting—any activity that involved blood—required strict rules of behavior on the part of Cherokees (Perdue 1998: 35). Always a powerful substance, blood took various forms, and Cherokees made distinctions between its different types, or “states.” Blood could be fresh and healthy with a bright crimson color—*wadi*—or it might become “spoiled” or “exhausted,” at which point it would be described as *wodi*, meaning it was a dull brownish red, the color of clay (Fogelson 1990: 173, Shoemaker 1997: 638). To keep their blood from becoming exhausted, Cherokees would engage in periodic rites of bloodletting as a prophylactic measure against illness (Fogelson 1990: 173). For example, a young ball player before a game or a warrior before battle would be subjected to ritualized scratching over much of his body. This rite not only purified and strengthened the recipients, it also provided a deeply symbolic means by which Cherokee men could appropriate the fearsome power of menstruating women (Fogelson 1990: 175–76). Through episodic bleeding, Cherokee men...
Blood, kinship, language, and culture: these fundamental aspects of eighteenth-century Cherokee identity not only bound Cherokees to one another but also defined them as distinct individuals. However, to better understand the complexities of Cherokee identity, we also need to examine the changing forms of Cherokee sociopolitical organization during the eighteenth century, for it was in the realm of politics that Cherokee identity was further created, expressed, and manipulated. During the 1700s, the number of Cherokee towns increased from somewhere around thirty to nearly sixty-five and then contracted again toward the end of the century. In each of these towns lived approximately 350 Cherokee individuals who functioned as a single social, religious, and political unit (Fogelson 1977: 191, Gearing 1962: 3). However, as anthropologist Gerald Sider points out, Cherokee towns were not necessarily residential communities: “Among the Cherokee in the early to mid-eighteenth century, for example, several towns’ councils—the meetings of collective self-governance—were in fact attended by members of physically distinct residential communities, who regarded themselves as members of a common ‘town.’ Some residential communities had two distinct and separate town councils meeting separately and independently, each governing the affairs of its own members” (Sider 1993: 233). This distinction between Cherokee residential and political units is often overlooked in the ethnohistorical literature, where terms such as village and town are used almost interchangeably. To my mind, village more accurately describes a Cherokee residential community, while town refers to a more coherent sociopolitical entity. Where a Cherokee lived, worshipped, and weighed in on political matters was a fundamental aspect of his or her identity. For this reason, we need to understand how Cherokee towns and their associated villages functioned and how they organized Cherokee social interactions. Most Cherokee towns were comprised of only thirty to sixty dwellings, but the largest were reported to have nearly one hundred (Woodward 1963: 48). Each Cherokee household consisted of “an extended family linked by women, typically an elderly woman, her daughters and their children, the women’s husbands, and any unmarried sons” (Perdue 1998: 24).
to the stresses of war. If a white flag of peace were flying over the town council house, everyone in the community immediately would assume a certain set of hierarchical relations with one another, but if the red flag of war were flying, then another social strategy would ensue (Gearing 1962: 13). Under conditions of peace, a set of priestly officials presided over the town council, where they consulted with a respected body of elders. These gray-haired, “beloved” old men represented each of the seven matrilineal clans that organized the Cherokee kinship system.\(^{16}\)

The priestly officials, along with the body of elders, counseled with the younger Cherokee men—all of whom were heavily influenced by their female kin. Remarkably, the group managed to forge community consensus in nearly all political decisions. Political unanimity was a necessary outcome of the Cherokee ethic, in which any direct coercion or abuse of power was strongly discouraged (Fogelson 1977: 186). Instead, Cherokees sought to promote harmony with one another and to keep disruptions to a minimum (Gearing 1962: 33).

The desire for harmonious relations extended to trade, with the White organization taking the lead in maintaining diplomatic trade relations. However, when those relationships disintegrated, such as in a military emergency or when there was a need to maintain internal control, the Red organization would assume leadership of the Cherokee community. In place of the priestly officials and the beloved old men of the White organization, a set of war priests and war officials would rise to prominence. As a whole, the body of men who consulted with these leaders were much younger, though the highest ranking men were middle-aged warriors who had earned great respect for heroic feats in battle. The shift from a White stance to a Red one was accompanied by a shift in male identity, with men changing their roles and relative status based on their age and ability as warriors. Under conditions of war, a man’s clan identity became somewhat less important in defining his social relations.\(^{17}\)

Though at first glance, the Red organization seems primarily to have been the province of men, women could also play a significant role in this political formation. Exceptional women who had shown great bravery—usually by choosing to fight on the battlefield in the place of their male family members—had an important voice in the Red organization (Fogelson and Kutsche 1961: 93, Fogelson 1990: 167-68, Perdue 1998: 39). Also, postmenopausal women were a powerful mediating category between men in the Red pose and those in the White pose (Fogelson 1977: 192-93). This Red and White dichotomy played out in every Cherokee town and later in broader Cherokee political organizations that encompassed the entire tribe. Still, it was not technically a political moiety system: unlike many other tribes in the Southeast, the Cherokees were not divided into Red and White towns, but all Cherokee towns were capable of assuming either a Red or White stance as needed (Urban 1994: 178, Fogelson and Kutsche 1961: 93).

Although this common form of organization existed at the town level, we have to keep in mind that eighteenth-century Cherokee towns were autonomous, self-sufficient units with a highly developed sense of their own identity (Fogelson and Kutsche 1961: 97). Each town valued its independence. This fact, coupled with the differences of dialect and the four regional settlements shaping the parameters of Cherokee social interaction, seems to suggest a lack of political cohesion among the tribe as a whole (Gilbert 1943: 180-81). Although Cherokees were capable of mobilizing larger coalitions of towns under conditions of duress, in the early decades of the eighteenth century they cannot properly be viewed as a unified “nation,” at least in a modern political sense. They had no centralized state structure with coercive power, no formalized bureaucracy, and no political officers for the tribe at large (Champagne 1992: 25, Gearing 1962: 82).\(^{18}\) Still, Cherokee towns, like those of other tribes in the Southeast, were connected to one another through ties of blood, kinship, culture, religion, language, trade, and military alliances (Sider 1993: 231-32).

**STEPS TOWARD NATIONHOOD: CHEROKEE POLITICAL CENTRALIZATION**

With no national political structure representing the tribe as a whole, Cherokees made most decisions at the local level, using independent town councils and regional coalitions. Political decisions were typically made by consensus, a practice that continued well into the nineteenth century, though exceptions became increasingly common after 1730. However, as a result of sustained interaction with European colonial powers, the political organization of the tribe changed considerably. In the latter half of the eighteenth century, as Cherokees increasingly identified their common interests and concerns, they became a more cohesive sociopolitical unit and shifted toward a more centralized form of government. These were the Cherokee people’s first steps toward political nationhood and a more explicitly unified tribal identity.

Cherokees took these steps only under conditions of duress. When
Europeans failed to differentiate between Cherokee towns and treated them as representatives of a single sociopolitical unit, Cherokees realized that "persons in any village [read 'town'] had no control over the behavior of other villages, and could be made to suffer because of that behavior" (Gearing 1962: 109). Aware of this risk, Cherokees first tried to centralize their political authority in an effort to control the practice of blood revenge (Champagne 1992: 94). When warriors and angry clansmen lost loved ones on the battlefield or in the heated exchanges of the colonial frontier, they often sought revenge among the colonists because they applied the law of blood equally to non-Cherokees. Europeans did not appreciate the logic of the Cherokee position and usually failed to understand these acts of revenge as a product of duty and honor, of kinsmen seeking to right a wrong and restore harmony in the world. As a result, European colonists showed no mercy as they lashed back against Cherokee communities, often treating them as if they were one and the same, punishing those with no relationship to the original offense.

In the wake of conflicts that became common during the mid-1700s, Cherokee towns voluntarily decided to relinquish some of their autonomy in order to create "a single tribal sovereignty" (Gearing 1962: 84). Between 1730 and 1775, the Cherokees created a new, more centralized form of tribal government, though many of the old ways were retained. Since town politics were its only precedent, the tribal government went through successive stages in which it replicated the political structures of local Cherokee towns, in particular the Red and White structural poses of war and peace (Gearing 1962: 85–105). This meant that the tribal government would fall under the leadership of either warriors or beloved old men, depending on which political structure was currently in place to fit the particular context.

At first, the Red political structure of Cherokee towns was adopted in the early attempts at centralization in 1730, when some of the larger Cherokee towns developed a "quasi-government" modeled after the town war organization (Gearing 1962: 85). With warriors at the helm, this new form of tribal government persisted for over two decades and enabled Cherokees to navigate their way through a rapidly changing political environment rife with hazards. Remaining in the Red mode, however, had certain limitations, especially when it came to gauging public sentiment and garnering popular support. Without a regular forum for debate among the tribe at large, the new Cherokee government was limited in its ability to create public policies and to communicate them among the general populace (Gearing 1962: 88). All of this was to change, however, when the beloved old men, who traditionally led the town councils of the White organization, entered politics on the tribal level (Gearing 1962: 89). Under their leadership, a new version of the Cherokee tribal government that overcame many of the last one's limitations emerged in the late 1750s. It included both "a tribal structure for implementing policy, modeled after the village [town] structure for war" and a means for forming public policy "similar to the village [town] structures for councils" (Gearing 1962: 89). Finally, the Cherokee people had a political forum for creating and expressing a single tribal sentiment.

The new tribal government that emerged in the mid-eighteenth century was important to Cherokee identity for several reasons. It not only provided a means by which Cherokees could forge consensus and generate public policy, but it also provided a new tribal polity, one that was increasingly separated from the Cherokee kinship system. This was a dramatic change for Cherokees, who up until this point had decided their political affairs at the local level in individual Cherokee towns, with various kinsmen and women representing the social and political interests of their individual clans. Cherokee politics had always been a matter of Cherokee kinship, but this was changing with the shift toward a more centralized form of government. By the mid-eighteenth century, the Cherokee kinship system was no longer the primary basis of Cherokee political organization, at least at the tribal level. In fact, in his book, Social Order and Political Change, sociologist Duane Champagne takes this argument a step further. He writes, "The national [read 'tribal'] council was composed of persons from each and every village delegation that represented the views and interests of their local town councils, not the views of the seven clans or local clan segments. Consequently, the national council was differentiated from the clan system, and clan prerogatives and organization were not the basis of political decision making or of the principles of organization of the national government" (1992: 43). According to Champagne, then, the new Cherokee polity was actually separate and distinct from the Cherokee kinship system, largely because local clan segments did not have official recognition within the tribal council.

Although Champagne makes a good case, some evidence contradicts his argument. For instance, in 1818 Charles Hicks, the Cherokee second chief, stated, "The national council is composed of persons from each clan; some clans sending more, some less, according to their population, though the number is not very definitely fixed." Moreover, Gearing
maintains that the tribal council was led in part by village headmen, each of whom represented one of the seven clans (1962: 93). Even town delegates, who were expected to prioritize town interests over those of their local clan segment, remained clansmen and thus were present on the tribal council as such. As I see it, the evidence for the differentiation of political and clan roles in Cherokee society is not as clear as Champagne suggests. Even if we acknowledge that Cherokee kinship was less critical to the working of the tribal council, clan identity continued to be an important organizational principle of Cherokee political life in local town councils, where it defined who Cherokees were and influenced their political behavior. Because town politics were deeply influenced by clan interests and those collective interests were then represented in the tribal council, I suggest that the separation of the Cherokee polity from the Cherokee kinship system was not so neat or definitive. Although the influence of kinship on tribal politics did diminish during this period, it never completely disappeared and may have continued to be an important subtext even in the workings of the tribal council. With this in mind, the political organization of the Cherokees in the mid-eighteenth century can be characterized in terms of both continuity and change. Kinship continued to be a primary force behind local town politics, which were still a priority for most Cherokees, but it also became a secondary influence on the emerging tribal government.

Despite the diversity of Cherokee political forms, the eighteenth century was dominated by a pattern of increased political centralization in which Cherokees began to identify and act as a unified polity in response to the increased pressures of external domination and incorporation. The balance between old and new, between local traditions and centralization, characterized the new Cherokee political structure. Though Cherokees had not created a state in the modern sense of the word, they had built a confederacy. A confederacy is a loose coalition of political entities—in this case, towns—that generate leadership from within. This leadership, then, has authority to deal with external agents but has no coercive power over local political affairs. A confederacy represents an intermediate structural position between the strictly autonomous politics of Cherokee towns and regions that existed prior to 1750 and the more highly centralized and coercive state politics that emerged later in Cherokee history.

Though many Cherokees continued to identify themselves on the basis of clan and community rather than by tribe, the process of political centralization was simultaneously a process of creation in which Cherokees began to see themselves as a more unified entity (Sider 1993: 230–31). Cherokees had long shared a sense of distinct peoplehood, based on their ties of blood, kinship, culture, and community, but by the latter half of the eighteenth century, these ties had begun to coalesce into a new confederation, one with nationalistic overtones. Cherokees had used those cultural ties and understandings to build a government that seems to have had a fairly high degree of social and political solidarity, despite the variance in its structural forms. Because of their increased social and political solidarity, the Cherokees were well positioned to accept further changes in their tribal political structure. This may explain why they created a national government—a “state”—in the early part of the nineteenth century, long before any other native society in the Southeast, a development that would have important ramifications on Cherokee identity for years to come.

FROM “RED” TO “INDIAN”: THE ORIGINS OF RACIAL THOUGHT AMONG CHEROKEES

In the latter half of the eighteenth century, as Cherokees became more politically centralized and began to conceive of themselves as a more unified polity, another important change occurred in their self-perception. Cherokees continued to define themselves in their own cultural terms as a people who were unified by kinship, language, and religious worldview and who differed according to their individual dialects, clans, roles, and town political allegiances. However, as a result of their ongoing interactions with Euroamericans, Cherokees also began to define themselves as a wholly different people in opposition to whites. At first, they heard European explanations of difference and offered their own in response, but by the end of the century, Cherokees were beginning to define themselves in terms of race as well as culture. This appropriation and internalization of Euroamerican notions of racial identity, in addition to concurrent changes in political organization, helped set the stage for the emergence of Cherokee nationalism in the early nineteenth century.

To understand the context in which these shifts in Cherokee identity took place, we need to examine that broader field of public opinion and the various explanations of Native-American difference that Europeans and Cherokees employed during this period. The scholarly literature that treats how “white men” imagined Native Americans is quite extensive. Unfortunately, a comparable literature on Native-American per-
exceptions of Europeans does not exist, though the topic is often briefly addressed in specific tribal ethnographies and ethnohistories. Because of the scattered and fragmentary nature of this research, I will provide a brief overview of European perceptions of Native-American difference as they pertain to eighteenth-century Cherokees. Then, I will focus on Cherokee conceptions of human difference, showing how, as they began to define themselves in opposition to the European and African "others" in their midst, they actively engaged with a broader discursive field of European and indigenous thought. This "field of opinion," to use Bourdieu's term, provided both context and content as Cherokees began to incorporate ideas of race and nation into their own cultural frameworks and identities (Bourdieu 1977: 168).

EUROPEAN PERCEPTIONS OF RACIAL DIFFERENCE

On the matter of racial difference, European contributions to the realm of public opinion were significant. In the first decades after contact, Europeans thought that Native Americans were basically white like themselves and that any differences in appearance could be explained in cultural terms (Vaughan 1982: 921). Europeans believed that Native Americans' skin color was a result of prolonged exposure to sun and smoke and their preference for adorning their bodies with red clay, vermilion, berry juice, or bear grease. Theology bolstered such thinking, since early European writings on Native Americans were also committed to the theory of monogenesis, the idea that all human beings descended from a common ancestor. Pope Paul III gave papal authority to this interpretation when he declared in 1537 that Native Americans were actually human and not animals and that they were worthy of salvation (McLoughlin and Conser 1989: 249).

Paul III's pronouncement had a significant impact on European conceptions of Indianness. It was gradually challenged, however, as Europeans encroached further into North America and met with frequent resistance, both subtle and overt. By the late seventeenth century, with their thinking colored by a century and a half of increasing conflict, Europeans began to espouse new ideas of racial difference. For the first time, they began to describe and classify Native Americans as a red people. Historian Alden Vaughan offers three explanations for why this occurred. First, the term redskin emerged as a logical description of enemies who wore red paint on the warpath (Vaughan 1982: 942). Second, when Native Americans refused the trappings of "civilization," preferring their own cultural practices to those of whites, some Europeans began to understand this tendency as the product of innate difference and imagined a connection between dark skins and "dark" ways (1982: 943-944). A third major influence was the work of eighteenth-century naturalists like Carolus Linnaeus, who classified the world's people using color categories, with Europeans as white, Asians as yellow, Africans as black, and Native Americans as red (1982: 944-946). As a result of these influences, most eighteenth-century Europeans began to describe Native Americans as red and to think of them as fundamentally different from themselves.

The perceptual shift from Native Americans as white to red was neither sudden nor universally accepted. Throughout the eighteenth century, Europeans debated back and forth about the specific origins of Native-American people and how these origins might account for their perceived differences. New theories emerged, suggesting separate origins for the different "races" of humankind, but these did not take hold at a broad level since most Christians considered them heretical. Working from the Christian perspective, even in the late 1700s some European and Euroamerican authors continued to maintain that Native Americans were inherently white (Vaughan 1982: 930). Usually, these writers were proponents of monogenesis seeking a biblical explanation for the origin of Native Americans. A popular book in this tradition that made specific reference to the Cherokees is James Adair's The History of the American Indian (1775). In this work, Adair argues that the Cherokees and other Native Americans are descended from the ten lost tribes of Israel. Though his thesis implies that Cherokees are Semitic, other writers from this period argue that Cherokees are the descendants of Meshek, the grandson of Noah, and thus are white Europeans (McLoughlin and Conser 1989: 245-48).

It was not until the science of ethnology assumed legitimate stature in the early nineteenth century that there was any "real competition against the belief that all human beings were descended from one ancestor" (McLoughlin and Conser 1989: 249). In the early nineteenth century, Euroamerican ethnologists offered new polygenetic theories of human origins that were finally accepted by a broader public because they were cloaked in the mantle of "science." These pseudo-scientific explanations of racial difference took root among Euroamericans at a time when a new wave of American nationalism was seeking rational justifications for ongoing racial exploitation and the continued expansion of the republic (McLoughlin and Conser 1989: 244).
CHEROKEE PERCEPTIONS OF RACIAL DIFFERENCE

Of course, while Europeans were deciding that Native Americans were innately different, Native Americans were forming their own opinions. But was this opinion based on the emerging racial logic of Euroamericans? Did Native Americans begin to think of themselves as a separate race during the eighteenth century? Historian Nancy Shoemaker points to the fact that long before Europeans began to classify Native Americans as a red people, indigenous people in the Southeast were using red as a term of self-reference because it was meaningful within their own cultural categories (1997: 627). In the case of the Cherokees, they were a red people not only when they assumed a structural position of war but also when they hinted of their mythical origins in red clay (1997: 641). Yet, we should not make too much of this redness and certainly should not conflate it with a Euroamerican conception of race. In most cases, Cherokees began to refer to themselves as red in response to Europeans calling themselves white (1997: 629).

Using color terms had some practical benefits in the ongoing dialogue with Europeans. In much the same way that they had used kinship terms, Cherokees also adopted color categories as a strategy to inform Europeans about social obligations (Shoemaker 1997: 638). When Cherokees referred to the English as “elder brother,” they did so within the context of their own kinship system, where elder brothers were responsible for the welfare of their younger siblings. In a similar fashion, color-based categories also implied certain social roles. For instance, when a group of seven Cherokees visited London in 1730 to seal their diplomatic and trade relations with the British, one of them said to the English king, “We look upon the Great King George as the Sun and as our Father and upon ourselves as his children[,] For tho’ we are red and you white yet our hands and hearts are joined together” (Williams 1928: 140). In referring to the English king as a white father and to the Cherokees as his red children, this speaker invoked metaphors of both Cherokee kinship and town politics to assume certain social relationships with the British. The British would be the white peacemakers, the diplomats, the fatherly providers, while the Cherokees would be the red warriors in need of material goods.

Cherokees used red as a term of self-reference in a variety of contexts, so that it appears to have had no fixed meaning (Shoemaker 1997: 641). For instance, they may have used red and white as metaphors for social obligations and hierarchical differences, without intending them as racial categories rooted in biology (1997: 637). Or, if Cherokees had a precontact identity as red based on their own beliefs about their origins, then they may have believed the different color terms “designated innate, divinely ordained differences between peoples” (1997: 637). Although it is difficult to ascertain which of these scenarios held true for much of the eighteenth century, we can be relatively certain that by the end of the century Cherokees had begun to internalize some ideas of race as fundamental to their own identity. In the late eighteenth century, we see Cherokees struggling with the Euroamerican concept of race and its sociopolitical implications, even trying to invert the racial hierarchy and use ideas of racial difference to serve their own purposes. For instance, in 1785 during the council for the Treaty of Hopewell, the Cherokee chief, Old Tassel, said, “I am made of this earth, on which the great...
man above placed me, to possess it. . . . You must know the red people are the aborigines of this land, and that it is but a few years since the white people found it out. I am of the first stock, as the commissioners know, and a native of this land; and the white people are now living on it as our friends.”23 This quote suggests that after the American Revolution, Cherokees began to “abandon the mutually agreed upon racial hierarchy that had granted whites a higher status in exchange for trade goods” (Shoemaker 1997: 642). Instead, they emphasized “their age and precedence as a people,” and defined themselves differently, “to neutralize the hierarchy Americans thought they had inherited from the British” (1997: 642). So, while Euroamericans continued to use racial difference as a justification for economic exploitation and territorial expansion, Cherokees increasingly used race to legitimate their own political and economic claims.

IDEAS OF RACE IN PRACTICE: THE ORIGINS OF BLACK SLAVERY AMONG THE CHEROKEES

In the late eighteenth century, ideas about racial difference served Cherokee political and economic interests in another matter: the African slave trade. Cherokee involvement with black slavery came about as a gradual and uneven response to the various forms of social, political, and economic change that were taking place in the colonial context. At the time of European contact in the sixteenth century, Cherokees probably had not viewed other human beings as commodities. An indigenous form of human bondage did exist among the Cherokees, but it differed significantly from the chattel slavery of Europeans. In Slavery and the Evolution of Cherokee Society, 1540–1866, Theda Perdue argues that before Cherokee referred to unfree people as atsi nabsa’i, or “ones who are owned” (1979: 4).24 This class of people arose from captives taken during intertribal warfare, who suffered a number of fates including bondage, torture, or even death. However, a Cherokee clan could adopt a captive, who would then be fully incorporated within the tribe because the mantle of kinship had been extended over them, offering its status and protection. Only the clanless and marginal atsi nabsa’i were considered to be less than human (Perdue 1979: 16).25

Extended contact with Europeans transformed Cherokee slavery in more ways than one. Once Europeans began to arrive in force and establish extensive trade networks with Native Americans, the economic value of war captives rose tremendously. With a growing dependence on European manufactured goods, Cherokees increased the frequency of slave raids on neighboring communities. Though Cherokees did not value war captives as laborers, they had become valuable assets in an economic market where European goods were exchanged for human captives (Perdue 1979: 35). A large-scale Indian slave trade soon developed in the Southeast, and by 1708 the colony of South Carolina included 2,900 African slaves and 1,400 Native-American slaves out of a total population of 9,850 (Nash 1974: 113). Despite the willingness of some southeastern tribes to participate in the business of selling Indians, the Native-American slave trade slowly started to decline around 1720, in part because Africans began to replace Native Americans as the preferred human commodity. This shift occurred largely because Native Americans were able to resist bondage more effectively through the help of adjacent kinsmen, who guided their escapes through an already familiar terrain. Those who did not flee had a greater susceptibility to disease, making Native Americans a poor long-term investment for Europeans (Kolchin 1993: 8). On the other hand, Africans possessed greater immunities to European germs and seemed less likely to escape, given their lack of knowledge about the surrounding terrain. Still, many African slaves braved these unknown regions in an attempt to find freedom, sometimes with the help of friendly Native-American communities.

Other Native Americans quickly discovered the highly profitable nature of capturing runaway black slaves. As a consequence, by 1776 most Cherokees traded almost exclusively in African slaves rather than Native-American bondsmen (Perdue 1979: 34). This change in the relationship between African and Native Americans suited the European colonists, who lived in growing fear of an alliance between the two groups. To undermine this possibility, Euroamericans began to play Native-American and African-American people against one another, sowing the seeds of hostility, hatred, and suspicion. They did this in a variety of fashions. While southeastern tribes were encouraged to round up runaway black slaves, African Americans were used in military campaigns against Indian nations in the Carolinas and Georgia (Perdue 1979: 41, Nash 1974: 292). At the same time, colonists waged an ideological campaign to persuade Native Americans that their only hope of economic and political survival was to adopt Euroamerican cultural values and practices, which precluded any alliance with African Americans. Motivated by an intense greed for Native-American land, the colonists sought to “persuade the Indian that his interests coincided with
those of the whites and that Native Americans only needed to be 'civilized' in order to become equivalent to Europeans” (Perdue 1979: 46).

At the same time, Euroamericans insisted that Africans fell into a separate racial category, even going so far as to suggest that the adoption of black slavery was a necessary and beneficial step on the southeastern tribes' road to progress.

By the late eighteenth century, in response to these various maneuvers on the part of European colonists, Cherokees had internalized an understanding of racial difference and racial prejudice that articulated with Western views. At the same time, however, Cherokees manipulated the existing racial hierarchy, aggressively placing themselves on top. For instance, in 1775 James Adair observed that the Cherokees and Choc-taws were “so strongly attached to, and prejudiced in favour of their own colour, that they think as meantly of the whites, as we possibly can do of them” (Williams 1930: 1,3). Another expression of racial hostility was heard in 1793, when Cherokee chief Little Turkey sent a letter to the governor of Tennessee, William Blount, in which he described the Spaniards as, “a lying, deceitful, treacherous people . . . not real white people, and what few I have seen of them looked like mulattos, and I would never have anything to say to them.” Thus, by the end of the eighteenth century, human differences that Cherokees had once understood in terms of color symbolism, culture, politics, and kinship were now also understood in terms of race. Red, white, and black had become racial categories “because the Cherokees described the origins of difference as innate, the product of separate creations, and they spoke of skin color as if it were a meaningful index of difference” (Shoemaker 1997: 643). Yet, as these two examples suggest, even as Cherokees internalized Western notions of race as a fundamental aspect of their identity and expressed their own versions of racial prejudice and hierarchy, they also continued to use race in creative and, at times, subversive ways.

One of the most important ways in which Cherokees used race was in the process of nation building. Up until the latter decades of the eighteenth century, Cherokees, like most Native Americans, “had not traditionally understood nations as the West came to define them. Nor did race play much of a role in their thinking” (Walker 1997: 4–5). Instead, as this chapter has demonstrated, their sense of political community was based on ties of culture, kinship, language, and religious worldview, similar to Western notions of ethnic nationalism. But even from this vantage, they were not a political nation in the modern, Western sense of the word. Even ethnic nationalism may be a misnomer because the term ethnic implies a conflation of race and culture that was not reflected in Cherokee self-perceptions until much later. However, because ideas of race have persistently reinforced Euroamerican ideas of nation, Cherokees realized by the early 1800s that for their claims to nationhood to be considered legitimate within the Euroamerican context they would have to racially codify their distinct sense of peoplehood. The Cherokee were in the midst of two complementary processes: political centralization and the internalization of Western notions of race and nation. These shifts in Cherokee social and political organization during the latter half of the eighteenth century set the stage for the birth of a modern Cherokee nation in the early decades of the nineteenth century. A child of Cherokee and Euroamerican politics, the Cherokee nation of the nineteenth century would embody newly developed expressions of Cherokee nationalism and racism.
Point. Click. The newly arrived messages roll across her computer screen. In her small room in Tahlequah, Oklahoma, she sits on the edge of her seat, squinting at the rapid-fire procession of names and subjects. She takes a deep breath, feeling anxious and impatient, as she experiments with her research methods, trying to use electronic mail to correspond with Cherokees outside of Oklahoma. As she lets the shades down to get rid of the glare on her monitor, she wonders if anyone will respond to her survey, if they will feel comfortable with the format, if anthropological fieldwork via the internet isn't a bit ridiculous. After all, she moved to the Cherokee Nation to work in this particular community, and now here she is, trying to breach those same confines, sending messages and surveys to Cherokees in every state in the Union. Finally, she sits and begins to pore over the names one by one, exhaling audibly as she realizes that, yes, a few people have responded.

One name she immediately recognizes as that of a Cherokee freedman, one of the many phenotypically black descendants of Cherokee slave-owners and their African slaves. They had spoken on the phone several days ago, and at that time he had suggested that she send him some questions. So she moves the cursor to his name and opens the file, eagerly scanning his responses. Something about question thirteen must have resonated with him, or maybe it was simply the chance to shape her work on this topic. She had asked, “What do you think I should write about?”

His answer was long and impassioned. “I think you should write about the racism that permeates these Indian programs [tribal benefits and who qualifies for them]. And point out that many of the so-called Indians running the Oklahoma tribes are exclusive if the hyphenated Indian is black and inclusive if the hyphenated Indian is white. I think you should go back to the Dawes process and point out how degree of Indian blood was ignored among black people just as degree of European blood did not and does not today affect one’s status if one is black. I think you need to argue that these programs need to be made realistic. . . . It is ridiculous to allow white people to take advantage of Indian programs because they have some long lost relative who was classified as an Indian, having some Indian blood on a tribal roll 100 years ago, when a black person who suffers infinitely more discrimination and needs the aid more, is denied it because his Indian ancestry is overshadowed by his African ancestry. Few Blacks are 100 percent African, and to be frank about it, few Europeans whose ancestors come from the South are 100 percent European. . . . Either the descendants of freedmen should be allowed to take advantage of benefits, or the federal government, not these cliquish tribes, should set new standards for who is an Indian—and save itself some money.”

While this statement might be considered angry or even inflammatory in Cherokee County, Oklahoma, much of it is also supported by the historical record and my own ethnographic observations. The Cherokee freedmen continue to be one of the most marginalized groups in Native North America, and their story has never received the attention it deserves, in part because many people would prefer that it remain buried. To understand how this came to be, I have sought to unearth contemporary perspectives of freedmen like the one above and to situate them within the local political dynamics of the Cherokee Nation. Only then can we fully comprehend the social and political construction of Cherokee identity.

At the center of the story of Cherokee identity and experience is an absence, an exclusion, a silence where the Cherokee freedmen might have been. The reason for this absence is clear. When Cherokee citizens conflate blood, color, race, and culture to demarcate their sociopolitical
community, they often exclude multiracial individuals of Cherokee and African ancestry, who are treated in both discourse and practice in qualitatively different ways than multiracial individuals with Cherokee and white ancestry. As I discussed earlier, this bias against African ancestry has a long history rooted in the practice of plantation slavery among certain sectors of the Cherokee population. African slavery is the most extreme example of the influence of Euroamerican racism on Cherokee attitudes and practices. However, centuries of social, political, and economic relations with Euroamericans also engendered color-prejudice among the Cherokees, a legacy that means, among other things, that Cherokee identity politics has never been simply a question of blood or culture. This prejudice comes into high relief when we consider the situation of multiracial Cherokees with black ancestry. Cherokee freedmen who choose to identify as both Indian and black challenge the prevailing racial ideologies that ask us to choose one racial or ethnic identity, often at the expense of another.

To understand how racial ideologies constrain the multiracial identities of the Cherokee freedmen, it is necessary to examine the historical process of "racial formation" and the ways in which historically situated "racial projects" give rise to local expressions of contradictory consciousness and racial hegemony (Omi and Winant 1994: 55-61). To that end, I have used a variety of sources, including contemporary interviews, field notes, tribal and federal court documents, and other archival records to trace the Cherokee freedmen's legal and political struggles to gain recognition as Cherokee citizens over the past century and a half. Interweaving ethnohistory, legal history, and ethnography, I follow this largely untold story into the present, focusing on how ideologies of race and culture affect the identity formation and the social and legal classification of multiracial Native-and-African-American people.

"A JUDICIAL JUNGLE": THE HISTORICAL AND LEGAL ORIGINS OF THE FREEDMEN CONTROVERSY

Contemporary expressions of contradictory consciousness and racial hegemony among Cherokees reveal the human side of a painful history of racial irresolution originating in the Cherokee adoption of African slavery. Although slavery no longer existed as a legal institution within the Cherokee Nation after the Civil War, its legacy of socioeconomic inequality and political factionalism endured (Perdue 1979: 140). As I described in chapter 3, the Cherokee Nation signed a reconstruction treaty with the United States on July 19, 1866, amid great internal controversy. That treaty extended Cherokee citizenship and "all the rights of Native Cherokees" to the freedmen and their descendants (Wardell 1977: 225). Despite the promises of this treaty, the freedmen were never fully accepted as citizens of the Cherokee Nation, and Cherokees to this day remain divided over the political status of their former slaves.

In an attempt to solidify their own economic and political interests, in 1883 the Cherokee tribal council passed legislation that excluded the freedmen and other tribal citizens without Cherokee blood, such as the Shawnees, Delawares, and intermarried whites, from sharing in tribal assets. In response, the federal government took an increasingly active role in issues related to Cherokee citizenship. As noted in chapter three, Congress responded in 1888 with legislation that required the tribe to share its assets equally with the freedmen and other adopted citizens (25 Stat. at L. 608-609). To determine the number of eligible freedmen and provide for their equitable treatment, Congress sent a federal agent to make a full record of all those who were entitled to share in the dispersal of federal funds within the Cherokee Nation. By 1889, the agent had enrolled 3,524 freedmen in a document that came to be known as the Wallace Roll (Sampson 1972: 126; 25 Stat. at L. 980, 994 [1889]). Although the federal government had created other tribal rolls before and after it, the Wallace roll appeared at time when tribal rolls were linked increasingly to the distribution of economic resources. Quite simply, by the last decade of the nineteenth century, only Cherokee individuals whose names appeared on federal rolls could receive the financial benefits of being Cherokee, at least as far as the federal government was concerned (Hill 1997: 160).

In 1889 with the completion of the Wallace Roll, 3,524 Cherokee freedmen could point to a new federal document to legitimate their claims to Cherokee citizenship, but the Cherokee Nation continued to resist their efforts. Finally, in 1890 the U.S. Congress authorized the federal court of claims to adjudicate the just rights of the Cherokee freedmen (26 Stat. at L. 636). In Whitmire v. Cherokee Nation and United States, the court argued that while the tribal council could sell the common property of the tribe, it could not discriminate against a particular class of citizens in deciding who was entitled to share in the proceeds (30 Ct. Clms. 138 [1895]); R. H. Nero, et al. v. Cherokee Nation of Oklahoma, et al.). Ruling in favor of the freedmen, the court
awarded them $903,365 as their rightful share of $7,240,000 that had been generated from the sale of tribal lands.

The promise of a substantial financial settlement must have raised the spirits of the freedmen fighting for equal treatment from the Cherokee Nation, but disappointment was just around the corner. According to the Cherokee Nation, the entire $7,240,000 had already been distributed to Cherokees by blood, leaving not a dollar for the freedmen (Sampson 1972: 126). As codefendant in the Whitmire case, the U.S. government was now responsible for the $903,365 the freedmen had been awarded. Rather than simply compensating the freedmen, the federal government insisted on a new roll to determine eligibility for payment. Some observers might have looked to the recently completed Wallace Roll, but the court chose to ignore it for reasons that have never quite been explained (Sampson 1972: 126). As a result, in 1896 the secretary of the interior generated a brand new list of 5,600 eligible freedmen in what would come to be known as the Kern-Clifton Roll (Littlefield 1978: 148; 10 Ind. Cl. Comm. 117-18 [1961]). These freedmen were now able to receive their portion of tribal funds in accordance with the Whitmire ruling, although the dispersal took much of the subsequent decade. With money in their pockets, the freedmen could finally put aside years of legal squabbling and enjoy a brief moment in which their treaty rights seemed secure.

During this same period at the end of the nineteenth century, the groundwork was also being laid for what would amount to a political coup against Native sovereignty throughout the United States. As I described in chapter 3, under the Dawes Act of 1887, Congress adopted a policy of converting tribal lands to individual ownership, hoping this would assimilate Native Americans, diminish their land base, and free the residual land for white settlement. The assumption was that if Indian Territory were to become an American state filled with "civilized" citizens, many white settlers hoped, then the allotment of tribal land to individual Indians was the logical first step. For six years, the Cherokee Nation and the other Five Civilized Tribes within Indian Territory were not subject to the Dawes Act, but all that changed with the passage of the Indian Appropriations Act on March 3, 1893. In that same year, the Dawes Commission was created to negotiate with the Five Tribes for the purpose of extinguishing tribal title to their lands.

For this purpose the Dawes Commission required yet another roll, and after three years of political resistance on the part of the tribal governments (1893-1896), the commission began taking oral and written testimony from applicants for tribal enrollment. The final rolls of the Five Tribes were to list newborns, minors, and adults in three racial categories—freedmen, intermarried whites, and Indians by blood, with only the latter specifying an Indian blood quantum. Sensing an opportunity to reverse the inroads the freedmen were making in the courts, the Cherokee Nation attempted to frustrate the enrollment of the freedmen, who may have been citizens by law but were not accepted in the minds of the majority of Cherokees (Wardell 1977: 237). Over 53,000 people applied for enrollment in the Cherokee tribe, and when the count was finalized, there were 41,798 enrolled citizens of the Cherokee Nation, 4,924 of them freedmen (Littlefield 1978: 238). Many of these freedmen enrollees had appeared on the Kern-Clifton Roll six years earlier that listed 5,600 freedmen. Of those 5,600 individuals named on the Kern-Clifton roll, however, 1,659 are missing from the Dawes Commission roll of 1902 (Sampson 1972: 128). These excluded individuals, whose absence will be explained below, would later bring their case to court and seek the benefits of Cherokee citizenship (10 Ind. Cl. Comm. 109 [1961]; 161 C. Clms. 787 [1963]; 13 Ind. Cl. Comm. 33 [1964]).

To expedite the process of allotment and to squash tribal resistance, Congress enacted the Curtis Act in 1898, before the Dawes Rolls were even completed. Now the Dawes Commission could proceed with allotment without the consent of the tribal governments, though this was not the Curtis Act's only horrible blow to tribal sovereignty. It also extended the jurisdiction of the federal courts over Indian Territory, abolished the tribal courts, authorized the incorporation of towns and town lots for survey and sale, and allowed the federal government to assume the collection of taxes from white citizens of Indian Nations (Sampson 1972: 128). Soon after the passage of the Curtis Act, the Dawes Commission completed its work, and in 1902 the final rolls of the Cherokee Nation were closed.

The rolls listed many, though far from all, Cherokee freedmen who received allotments on the basis of their inclusion in the document. By 1907, the same year the Cherokee Nation was dissolved and Oklahoma became a state, 4,208 Cherokee freedmen Dawes enrollees had received land allotments, and another 749 freedmen minors were tentatively slated to become property owners as well (Littlefield 1978: 238). The freedmen might have finally been accepted as full citizens, but allotment often brought a new slate of troubles. In an interview in 1996, Idella Ball, a ninety-nine-year-old original-Dawes-Roll freedmen enrollee explained the situation:
When black people started to own property and land then the whites undermined them, too. I had got property in Fort Gibson and a small piece of oil land in Nowata County, about fifteen acres. But the taxes were about to eat it up. So, I was gonna sell five acres to clear up the taxes, and this white man he bought it and beat me out of all fifteen.

CS: You mean you thought you were selling off just five and he took the whole thing?

IB: Yes! He put on the paper fifteen instead of five and I signed.

CS: But you could read. You didn't see it?

IB: That's exactly how they got me, sure I can read, but I didn't know nothing about business and all. I just signed the papers and that was it.

What Ball describes is well documented in the work of Angie Debo, *And Still the Waters Run* (1940). In her classic book Debo demonstrates how those who received allotments were subject to the manipulations of white “graders,” whose greed led them to take advantage of freedmen and Native-American ignorance regarding the rapidly shifting system of land title in Oklahoma. The graders were so successful that by 1930 the Five-Tribes Indians owned less than 2 million acres of land (Debo 1940: 379), down from a total of 19,525,966 acres in 1890 (Strickland and Strickland 1991: 124).

Violence against African Americans also became more common at the turn of the century, not relenting until the late 1920s, when much of their land was gone (May 1996: 245). In the first decade of the 1900s, several race riots occurred: four in Creek Nation towns and at least one in the Cherokee Nation town of Bartlesville. The most infamous race riot occurred in Tulsa in 1921, when dozens of African Americans were massacred while prominent black communities and business burned to the ground (Ellsworth 1982). Soon thereafter martial law was declared against the Ku Klux Klan’s open terrorism in eastern Oklahoma (May 1996: 245). Despite increased violence during the first three decades of the twentieth century, new freedmen citizens on the whole fared better than they had in the antebellum Cherokee Nation. Ever since allotment, they had increased civil rights and were able to get access to the Cherokee courts, sit on juries, serve as elected officials, have some security in their improvements, and enjoy limited school facilities (Littlefield 1978: 249).

But what happened to those 1,659 Cherokee Freedmen who never received allotments, who had been on the Kern-Clifton Roll but were excluded from the Dawes Roll? It appears that the majority of these individuals did not meet the residency requirements set forth by the Dawes Commission. Either they were no longer citizens because they had not been in Indian Territory during the Civil War, or they were “too lates” who had not returned to the Cherokee Nation within the six-month period set forth by the Treaty of 1866 (Sampson 1972: 128). In 1909 these disgruntled Cherokee freedmen, most of whom lived just outside the boundaries of the Cherokee Nation, filed a supplemental petition in *Whitmire v. United States* (44 Ct. Clms. 453) to test the right of the Dawes Commission to deny them enrollment. The United States was the only defendant because the Cherokee Nation was not held responsible for the actions of the Dawes Commission (Sampson 1972: 129). In the same year the United States Court of Claims ruled in favor of the freedmen, but by 1912 the Cherokee Nation had joined the United States in an appeal to the Supreme Court, which reversed the decision (Sampson 1972: 129, *Cherokee Nation v. Whitmire*, 223 U.S. 108).

The Cherokee Nation continued its quest to restrict the freedmen’s...
property rights and to limit the extent of their citizenship. In 1924, using the Supreme Court’s *Whitmire* decision as a precedent, Congress passed a jurisdictional act allowing the Cherokees to file suit against the United States to recover money that had been paid to the Kern-Clifton freedmen. The Cherokee Nation alleged that the United States had diverted to non-Indians and non-tribal members settlement money that actually belonged to the tribe (Sampson 1972: 130). It was not until 1937 that the court of claims reached a decision denying recovery by the Cherokee Nation. The court held that the Kern-Clifton Roll was a one-time-only distribution roll that had served its purpose, and that its validity ceased with the 1894 distribution. Thus, it would not affect future rolls or distributions of the Cherokee Nation in any way (Sampson 1972: 130; *Cherokee Nation v. United States*, 85 Ct. Clms. 76 [1937]).

The Kern-Clifton freedmen applicants who were denied Dawes enrollment were not satisfied with this ruling but had few options left. Nine years later, however, in 1946 the Indian Claims Commission Act was passed, and it stirred activity among people claiming to be descendants of the 1,659 Kern-Clifton freedmen who were denied tribal citizenship. In Kansas and Oklahoma, an organization called the Cherokee Freedmen’s Association (CFA) came into being sometime in the late 1940s. The CFA membership included a diverse gathering of about 110 blacks who could show descendency from the Wallace, Kern-Clifton, or Dawes Commission Rolls. Their goals were to secure political and economic rights that they felt the federal and tribal governments had erroneously denied to their members. They collected dues, gathered documentation, and hired a lawyer. On June 13, 1951, they filed their first petition with the Indian Claims Commission in Tulsa, Oklahoma (Docket 123), though the commission did not actually begin to hear the case until early November 1960. Even then, the commissioners had to make numerous inquiries regarding past litigation to grasp the “judicial jungle,” as one writer described it in the *Tulsa Tribune* on November 12, 1960. While the case was still in litigation in 1961, the Cherokee Nation received a $14.7 million settlement from the United States as payment for the Cherokee Outlet nonreservation lands in north-central Oklahoma. The members of the CFA took notice of their prospective share of the money, but their hopes were dashed when the Indian Claims Commission denied their collective claim to tribal citizenship on December 28, 1961 (Sampson 1972: 131). The commission decided that the freedmen’s claims were individual in nature and that it had no jurisdiction over them.

The CFA appealed the decision in the United States Court of Claims, contending that they were entitled to share in the funds paid to the Cherokee Nation because of their 1866 Treaty-based citizenship rights. They asserted that their treaty rights superseded the Dawes Commission rolls, which were created for the sole purpose of allotment and not other tribal matters. Nonetheless, the court of claims affirmed the findings of the Indian Claims Commission on two grounds. First, the freedmen’s claims were individual and would require a case-by-case examination. However, this was made impossible by the court’s second ground that the claims were no longer subject to consideration since they had already been adjudicated when the Supreme Court had denied their claim to citizenship in the 1912 *Whitmire* case (Sampson 1972: 132). However, the court of claims realized that some new considerations had been raised and suggested that the freedmen intervene in the remaining portion of the Cherokee Outlet case before the Indian Claims Commission (Sampson 1972: 131–32).

On November 12, 1964, the Indian Claims Commission granted the CFA’s request, allowing them to intervene in Docket No. 173-A, but the outcome was the same as it had been in 1961. The Indian Claims Commission determined that it did not have jurisdiction over the freedmen matter at hand, although this time for different reasons. First, the distribution of an award was a political question that needed to be settled by Congress and not by the commission. Second, membership in a tribe was a political controversy to be resolved by the tribe as a fundamental attribute of sovereignty. Finally, the commission had no jurisdiction over intratribal disputes, whether they were between two separate tribes or between two factions within a single tribe (Sampson 1972: 133; 22 Ind. Cl. Comm. 417–20 [1971]). The freedmen made a last-ditch appeal to the court of claims in 1971, but the court quickly affirmed the Indian Claims Commission’s 1964 decision. After twenty years of legal struggle and few victories, the Cherokee Freedmen’s Association finally laid their case to rest with nothing to show for their efforts.

Even in denying the freedmen’s claims, the courts had treated them in a way that suggested the potential validity of their quest for citizenship in the Cherokee Nation. From the beginning, the CFA’s claims to citizenship were challenged on the grounds that most of them were not on the Dawes Rolls, which was considered the final authority on who was and who was not a Cherokee citizen, regardless of race. Yet the Indian Claims Commission ruled in part that it had no jurisdiction over the freedmen case because the conflict was an internal tribal matter. This
assertion seems to assume that the freedmen had some legitimate claim or were seen in the eyes of the court as possibly falling within the margins of Cherokee citizenship. In fact, thirteen years later a group of elderly freedmen, most original Dawes enrollees, would bring the question of their citizenship rights to trial again. But this time, the legal arguments would change dramatically, sometimes in complete opposition to statements made in earlier cases, and charges of racial discrimination would become a central focus of the litigation. These people were undeniably legitimate Cherokee freedmen listed on the Dawes Rolls, but the question was whether they and their descendants continued to have “all the rights of native Cherokees” as they had been promised in the treaty of 1866.

BREACHING THE DAWES ROLLS:
THE STRANGE CASE OF THE REVEREND ROGER NERO

On June 18, 1983, the Reverend Roger H. Nero and four other Cherokee freedmen went to the Muskogee courthouse to cast their votes in the Cherokee Nation's elections for principal chief. These Dawes enrollees had received allotments and shares in at least two cash land settlements over the past twenty years. When Congress finally had given the tribe back the right to elect its own officials in 1970, these descendants of black-Cherokee slaves had voted in the first tribal elections (Baltimore Sun, July 29, 1984). Cherokee freedmen occasionally received certain educational and housing benefits but had not been allowed health care and most federal benefits granted to other tribal members. Their treatment by the tribe had always been inconsistent, yet Nero and his companions were shocked when Cherokee election officials turned them away from the polls in 1983, saying freedmen no longer had the right to vote.

The justification for this denial was based on blood. In an unpublished interview, Ross Swimmer, chief of the Cherokee Nation (1975–85), stated that five years earlier in 1977–78 both the voter registration committee and the tribal membership registration committee had established new rules. These rules declared that according to the new Cherokee Constitution of 1976, an individual must have a certificate degree of Indian blood (CDIB) to be registered as a tribal citizen or voter (interview by D. Goodwin, 1984). However, the 1976 Cherokee Constitution specifies in Section 1 of Article 3, “All members of the Cherokee Nation must be citizens as proven by reference to the Dawes Commis-
went to vote in the Cherokee elections in 1983, they found that the
definition of a Cherokee citizen had been changed to exclude them,
which came as a surprise since Nero had voted in the last tribal election
in 1979. What had happened between 1979 and 1983? According to
Chief Ross Swimmer, the tribal election committee attempted to use the
CDIB to determine eligibility to vote as early as 1975. But the committee
had soon realized that the CDIBs were unreliable since the whole process
of application had been mishandled under the BIA. Many people had
simply purchased membership within the Cherokee Nation or had pro-
vided a Dawes Roll number that was not verified through any other
documentation. In 1975 the tribe began to purge its rolls and to take
control over the certification process. Still struggling to straighten out
the mess, the tribe decided the election of 1979 would be the last in
which people with old registration cards could vote. Ostensibly, this is
why Nero could vote in 1979 but was turned away in 1983.

This heightened sense of blood as the primary basis of Cherokee na-
tional identity began to take hold as early as 1975. Yet only one year
before, on October 8, 1974, Chief Swimmer wrote in a letter regarding
freedmen eligibility for public health service benefits to Jack Ellison, area
director of the BIA in Muskogee:

I have been advised by the local Health Service unit that the BIA does not
recognize enrolled Freedmen for benefits and that this is carried over to IHS
[Indian Health Services]. . . . The IHS says they cannot participate . . . be-
cause the people are Freedmen instead of Indians. It would appear that since
the government had us include Freedmen on our rolls they should be entitled
to similar benefits of other enrolled Indians. I can understand the blood-
quadratic problem, but again it would appear that the Freedmen would be
taken as a class and would have the same status as 1/4 blood.

Surprisingly, this letter demonstrates that in 1974 the principal chief of
the Cherokee Nation viewed the freedmen as citizens and argued that
they were eligible for the same benefits given other enrolled Cherokees.
But federal benefits come with strings attached to federally imposed,
raically discriminatory policies. Between 1975 and 1983, the Cherokee
Nation increasingly began to administer to its own members. When the
Cherokee Nation began processing applications for CDIBs and tribal
membership, it had to conform to federal standards. As a result, in its
own blood-based policies of administration, the Cherokee Nation re-
produced many of the racial ideologies that lay at the base of federal
Indian policy.

These administrative changes did not come into being without strug-
gle. The Cherokee Nation shifted its stance back and forth, contradicting
its own newly derived policies. In 1983 the Cherokee election committee
decided to waive the CDIB requirement for any original enrollee, in-
cluding freedmen and intermarried whites (Ross Swimmer, interview by
David Goodwin, 1984). In a similar vein, federal administrators also
debated whether the freedmen were eligible to participate in Cherokee
elections. On April 21, 1983, the Muskogee area director of the BIA
wrote a memorandum to the deputy assistant secretary of Indian affairs.
He stated that according to his interpretation of the Cherokee Consti-
tution, "the Freedmen, who have rights of Cherokee citizenship, but
who do not possess any degree of Cherokee blood, would not be eligible
to participate as candidates, but would be eligible to vote." Therefore,
according to the Cherokee election committee's new policy regarding
original enrollees and federal interpretations of the Cherokee Consti-
tution, Nero and any other Cherokee freedmen listed on the Dawes
Commission rolls should have been permitted to vote in the 1983 elec-
tions.

Yet the fact remains that Nero and other freedmen were turned away
at the polls because of the race-based assumption that they had no Cher-
okee blood and thus did not have rights to tribal citizenship. This set
the stage for freedmen resistance, as the freedmen could not believe that
blood had become the main criteria for Cherokee citizenship. As Nero
put it, "We weren't allowed to vote because we were freedmen. They
said that we didn't have Cherokee blood, but when I was born my birth
certificate said that I was declared a citizen of the Cherokee Nation"
(Tahlequah Daily Press, June 21, 1984). He also said, "We had a guaran-
tee we'd have the same rights as the Indian as long as the water flowed
and the grass grew. Well, it's still flowing and growing" (Baltimore
Sun, July 29, 1984). Angered by the delegitimization of his lifelong iden-
tification as a black-Cherokee citizen, Nero began to stir up resistance
among freedmen original enrollees and their descendants living in the
Fort Gibson area near Muskogee, Oklahoma. His cause was aided by
his calling; he was a prominent Baptist preacher who spent much of his
time traveling from congregation to congregation.

On July 7, 1983, Nero and five other original enrollees filed a letter
of complaint with the Civil Rights Division of the Department of Justice.
It stated that, because they had been denied the right to vote, their civil
rights had been violated and that it was "humiliating, embarrassing and
degrading of Freedmen, such as ourselves, to be treated as second class
tribal citizens." And then, one year from the date they were denied the
right to vote, on June 18, 1984, Nero and sixteen other freedmen plaintiffs filed a class-action suit against Chief Swimmer, the tribal registrar, a tribal council member, the tribal election committee, the United States, the Office of the President, the Department of the Interior, the Office of the Secretary of State, the Bureau of Indian Affairs, and three BIA employees. They complained that they had been denied the right to vote and tribal benefits from federal funds because their lack of verifiable Cherokee blood prevented them from obtaining registration cards. Because the Cherokee Constitution also restricts office holding to members of the tribe with Cherokee blood, the freedmen alleged that the tribe had systematically discriminated against them on the basis of race.

These legal actions were the culmination of the long-term frustration of the freedmen, who with only minor exceptions had been treated as an invisible faction within the Cherokee Nation for decades. At one point, Nero said, “We are not using any hatred or trying to put the Council in misery by our actions. All we are trying to do is fight for our rights. We want them to see us” (The Oklahoma Eagle, July 5, 1984). The freedmen sought almost $750 million in compensatory and punitive damages and wanted the Cherokee election to be declared null and void. This last request seems to suggest, in part, that the freedmen may have been, consciously or not, political pawns in an ongoing conflict between Ross Swimmer and Perry Wheeler, another candidate for chief. In the 1983 election for principal chief and deputy chief, Ross Swimmer and Wilma Mankiller ran on a ticket against Perry Wheeler and Agnes Cowen. At the polls, Wheeler received 3,300 votes to Swimmer's 2,437. But on the strength of a large absentee vote, Swimmer came back to win the election by fewer than 500 votes (The Washington Post, December 2, 1983). The race was so close that Wheeler and Cowen demanded a recount, stoking the fires of controversy. The subsequent recount prompted Cowen to say, “I have never seen such a farce. They had ballots strewn all over the world. They had them open. They didn't know which came from which county. It looked like a bunch of kids playing mudpies” (The Washington Post, December 2, 1983).

Wheeler, Cowen, and their attorney, L. V. Watkins, brought their case before the Cherokee judicial appeals tribunal and the U.S. district court. They alleged that the election proceedings were corrupt on several counts and that the freedmen were disenfranchised from voting because they were Wheeler party allies. Although their case was defeated in both tribal and federal venues, the freedmen continued to fight, and L. V. Watkins brought the situation to the attention of Tulsa attorney Jim Goodwin, a prominent African-American leader in the city. Goodwin became the attorney for the freedmen and used their case as an opportunity to raise the charges of election fraud again.

When the Nero case came under public scrutiny, Ross Swimmer was particularly sensitive to the allegation that he and the tribe had discriminated against the freedmen on the basis of race. In self-defense, he stated that, according to the Cherokee Constitution,
To run for office you must be a Cherokee by blood. I can't argue with that. I think it means what it says. The President of the US must be a natural born citizen. Even a German immigrant or Spanish immigrant ... who goes before the judge and is naturalized as an American citizen and has all the rights of an American citizen can never be the President of the US, because the Constitution specifically requires that the President of the US must be an American by blood. ... The Cherokee Nation, good, bad or otherwise, specifically says that to be an elected official you must be a Cherokee by blood. ... The best evidence ... has been a Certificate of Degree of Indian Blood. ... We provide services from the federal government using the federal government's guidelines. ... Every program we get comes from the federal government and it comes with strings attached. (Interview by David Goodwin, 1984)

This statement is a good example of contradictory consciousness at work in the Cherokee Nation, even at the highest level of political power. Chief Swimmer conflates place of birth and nationality with blood, a hegemonic construction, but he uses this hegemonic argument to buttress his political stance and manipulate racial hegemony until it becomes political ideology.

In the same interview Chief Swimmer also stated that the freedmen should have first tried to seek a tribal remedy by bringing their case to the Cherokee judicial appeals tribunal. "This class of freedmen have said we're not going to give the tribunal an opportunity to address it. We're just going to go to federal court and the heck with you all. Which I think is a little unfair. ... They [the tribunal] could have very easily made a decision. The Constitution of 1975 did include descendants of freedmen." That the freedmen had failed to exhaust their tribal remedies before taking their case to federal court would become the first line of defense in the legal arguments of the Cherokee Nation against Nero.

On July 10, 1984, the Cherokee Nation filed a motion to dismiss the suit, and various federal defendants quickly followed suit with their own motion to dismiss on August 28, 1984. The Cherokee Nation argued that the court had no jurisdiction over the matter at hand without congressional authorization, and that they were immune from suit according to the Indian Civil Rights Act, premised in part on sovereign immunity, a keystone of American-Indian law. They asserted that their right to determine tribal membership was a fundamental attribute of sovereignty, even if the basis of exclusion or inclusion was deemed unconstitutionally discriminatory. The Cherokee Nation maintained that the only hope was for the freedmen to bring their case before the Cherokee judicial appeals tribunal in Tahlequah, Oklahoma. Furthermore they argued that the case at hand was an intratribal political dispute and not a question for the courts. Congress might deem at some future date that the freedmen had legal rights to some tribal assets because of the Treaty of 1866, but the Cherokee Nation continued to assert that the freedmen had no political rights as tribal members (892 F. 2d. 1457-60, 1463 [10th Cir. 1989]; Nero v. Cherokee Nation, Defendant's Reply Brief 1986b: 8-12).

The freedmen countered these claims by arguing that to bring their case before the Cherokee tribunal would be an exercise in futility. In the earlier Wheeler controversy, L. V. Watkins had brought the freedmen issue before the tribal court, and the charges had been summarily dismissed. Furthermore, the freedmen believed that the entire machinery of the Cherokee elections had been compromised and that under the influence of the current Cherokee administration they could not get a fair hearing. Because their civil rights had been violated, the freedmen argued that their case belonged in the federal courts. They also alleged that the Cherokee Nation was subject to federal law because of a clause in its 1976 constitution that arguably waived the tribe's rights to sovereign immunity. The clause read, "The Cherokee Nation is an inseparable part of the State of Oklahoma and the Federal Union, therefore the Constitution of the United States is the supreme law of the land" (Article 1, Section 1). The next section of the document states, "The Cherokee Nation shall never enact any law which is in conflict with any State or Federal law" (Article 1, Section 2). Finally, the freedmen asserted that because federal treaties are the supreme law of the land, their 1866 treaty rights superseded the Cherokee Nation's claims to sovereign immunity.

After hearing the arguments from both sides, the district court in Oklahoma decided that the plaintiffs had failed to establish a claim against the tribe and granted a motion to dismiss. The Cherokee freedmen quickly filed an appeal before the Tenth Circuit Court of Appeals. The final decision on the Nero case came down on December 12, 1989, with the court of appeals affirming the decision of the district court. The court of appeals held that the dispute between the freedmen and the Cherokee Nation was an intratribal affair over which it had no jurisdiction. The decision followed the arguments of the Cherokee Nation closely but added that the Cherokee Nation had a right to remain a culturally and politically distinct entity (892 F. 2d. 1463 [10th Cir. 1989]).

In doing so, the court ignored the freedmen's long history of cultural and political association with the tribe by conflating race with culture.
and politics. The more accurate summary of their position would have been that the Cherokees had a sovereign right to remain a racially distinct community, but the court skirted this controversial issue. However, from the eighteenth century on, the tapestry of Cherokee culture had been woven with efforts of “white, black, and red” Cherokee citizens. While racial self-definition may be a sovereign right upheld by the federal courts, in practice the Cherokees have long been a multicultural and multiracial people. These characteristics, often misunderstood as in the case of the freedmen, have had dramatic effects on the political trajectory of the Cherokee Nation and are reflected by the ongoing litigation between the Cherokee freedmen and the Cherokee Nation from 1889 to 1989.

RACIAL POLITICS IN THE CHEROKEE NATION: A QUESTION OF BLOOD

Through a century of legal wrangling with its black citizens, the Cherokee Nation resisted the incorporation of the freedmen by progressively narrowing its definition of Cherokee identity. In the 1890s, the Cherokee Nation argued that the only legitimate class of Cherokee freedmen was listed on the Dawes Rolls. By the time of the Nero case in the 1980s, the Cherokee Nation had shifted its position, claiming that Dawes enrollment was no longer sufficient. In March 1988, the tribal council passed a statute approving the rules and regulations of the tribal registration committee that had been in practice since 1978 (11 CNCA, Section 12). Now by tribal law, a Cherokee citizen had to be a Cherokee by blood, which excluded the freedmen, who generally lacked the requisite documentation to prove blood descent. I say generally because there is good evidence that many of the freedmen listed on the Dawes Rolls did in fact have Cherokee ancestry. At the turn of the century, the Dawes Commission rolls enumerated 4,208 adult Cherokee freedmen. Of that number, approximately 300 had some degree of Indian heritage, as the census cards indicate in various ways. Some cards say they are “colored” or “Cherokee-Black.” Others state that the person is “Cherokee by blood,” “part Indian,” or “mixed.” At least 7 percent of the Cherokee freedmen original enrollees had Cherokee blood but were classified as freedmen solely on the basis of their black phenotype.

Further evidence for racial “misclassification” is found in the testimony of members of the Cherokee Freedmen’s Association before the Indian Claims Commission on November 14, 1960. On that day, Gladys Lannagan, a descendant of freedmen parents, took the stand. “I was born in 1896 and my father died August 5, 1897,” she testified before the court. “But he didn’t get my name on the roll. I have two brothers on the roll by blood—one on the roll by blood and one other by Cherokee Freedmen children’s allottees.” Not only was Lannagan not listed on the Dawes Roll, even though her siblings were included, but her brothers were enrolled separately in different racial categories—one as a Cherokee by blood and the other as a Cherokee freedmen minor. She also stated that one of her grandparents was Cherokee and the other was black and that she was seeking whatever rights to which she was entitled. Lannagan was not alone among the freedmen in her claim to Cherokee ancestry. During a century of litigation, many of the freedmen asserted that they were of Cherokee descent, implying that if blood were to be the primary criterion, then they would have enough biological collateral to be legitimate citizens of the Cherokee Nation.

In recent years, the Nero case offered numerous examples of this sentiment. Almost all the plaintiffs in the case claimed they had some Indian ancestry. Curtis Vann said that his grandfather was a Cherokee by blood, and Cornelius Nave stated that his father was three-quarters Indian. Although I was unable to verify their statements in the Dawes records, I was able to locate Berry Niven’s birth affidavit of October 16, 1903, which provided further clues to a confused system of racial classification. The affidavit showed that Niven’s father and mother were both citizens of the Cherokee Nation. The mother was a citizen by marriage and the father by blood, but the father was enrolled as a freedman. As in the case of the Reverend Mr. Nero’s birth affidavit, normally if a Cherokee citizen were listed on the freedmen roll, then they would be a citizen by adoption and not by blood.

People with mixed ancestry fell between the cracks of the tri-racial system of classification that existed in Indian Territory at the turn of the century. This system pushed individuals into categories that did not reflect their personal experiences or their familial connections. The rules of hypodescent played out in such a way that people with any degree of African-American blood were usually classified exclusively as black. For example, three out of four possible multiracial ancestries would result in an individual with a black social classification (see the accompanying list of the most common racial classifications of individuals with multiracial ancestry). Based on this generalized chart, multiracial individuals with black ancestry were always considered black, and those with white ancestry were never considered white. As one Cherokee
freedmen descendent put it, “This is America where being to any degree black is the same thing as being to any degree pregnant” (Sam Ford, e-mail interview, March 14, 1996). In a similar vein, those with Native-American and white ancestry were often classified as Indian, in part because “whiteness” was seen as an empty cultural and racial category (Frankenberg 1993, Ware 1992). Whiteness was a hegemonic identity that was taken for granted and was no longer marked in any particular way. Using the analogy of mixing paint, a little red paint in a can of white will turn the whole thing pink, implying that one’s whiteness is no longer culturally “blank” or racially “pure.”

Black/White Black
Black/Indian Black
Black/Indian/White Black
Indian/White Indian

At the same time, pink is not red, and to some extent a fourth racial category developed in Oklahoma. People of mixed European and Indian ancestries who were phenotypically and culturally ambiguous were usually classified as mixed-bloods. But this was the exception rather than the rule, and the majority of individuals with multiracial identities were pushed into a single-ancestry classification, usually the one with lower status. The critical point here is that the social and often political reaction to racial hybridity varied according to the components of each individual’s identity. Multiracial individuals with African-American ancestry were treated in qualitatively different ways from those without it.

This different treatment was the result of a number of factors. Some were economic, as seen in the 1960 testimony of freedwoman Tessie Claggett Payne before the Indian Claims Commission:

My grandfather and grandmother are on the full blood Cherokee roll, the 1880 roll. . . . All of the children, there was six of them, got allotments, and my mother, and it happened to be in the Nowata oil pool, and they changed us to Freedmen’s, from the blood roll to the Freedmen roll, and that give them access to handle or change the land or dispose of it, or we could dispose of it, but none of us ever sold it. It wasn’t supposed to be taxable but they sold it for taxes.

In this instance, the racial classification of a multiracial family changed between the 1880 rolls and the Dawes Commission rolls, to open up their allotted land for grafter manipulations.

The motivations for “misclassifying” black-Cherokees went beyond economic greed. For instance, in a recent interview with me, a Cherokee man described a one-time Cherokee citizen named Mary Walker, a woman of multiracial heritage who was supposedly one-eighth black, three-eighths Cherokee, and four-eighths white:

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, and then someone comes in and says, “She ain’t no Cherokee. She’s a nigger. That woman is a nigger and you are 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.

The vocal denial of Walker’s Cherokee and white ancestry and the concerted effort to push her into a solely black racial category reflect the level of emotion in controversies over racial classification. After all, multiracial offspring were the undeniable result of a broken taboo, interracial sex. The mere existence of multiracial individuals like Mary Walker demonstrated the widespread practice of illegal sexual unions despite community norms and the Cherokee Nation’s own antimiscegenation laws.

Consider the background of Mary Walker: she had black, Cherokee, and white ancestry as a result of three generations of illicit sexual relations between prominent mixed-blood Cherokee masters and their black slaves. At the time of the Dawes enrollment, Mary Walker was having a love affair with a wealthy Cherokee man named James French, with whom she had several children. Their offspring might have been considered a threat to the French family fortune if French’s paternity could be established. But because Mary Walker was socially categorized as a freedwoman, the kinship connections between her, her children, and other Cherokees and whites were probably severed. Emotions ran high when Mary Walker came before the Dawes Commission and claimed a Cherokee identity because this one individual brought to mind all the issues of illicit sex, matrimonial betrayal, denied love, fatherless children, and economic greed.

Despite such hostile responses to multiracial individuals with African-American ancestry, in general the Cherokee community more readily accepted Native and white unions. One reason for this differential treat-
ment may have been a long-held Cherokee bias against dark skin. In an interview, a Cherokee consultant explained this in the following manner:

My wife's grandmother was born in 1897, and she talked about her childhood, which was a long time after slavery, but she talked about black people in terms of them being culturally similar to us, that they were community type people. You know she didn't have any prejudice against them as far as their behavior. Her prejudice all came from the fact that they were black. Skin color, it was just skin color. And this was a full-blood Cherokee woman who didn't speak any English. She was a very traditional type person.

In spite of cultural commonalities, a Cherokee bias against black skin usually maintained the social distance between Cherokees and their ex-slaves. Another more recent story concerned a pregnant Cherokee woman who used Indian medicine (a tea of sycamore bark) to lighten the child she was carrying. When I asked the same informant whether this color bias existed among Cherokees today, he said that in his opinion, "Cherokees have always prided themselves in being a light-skinned people." A Cherokee bias against dark skin, the result of their adaptation of a system of African racial slavery in the eighteenth and nineteenth centuries, provides the simplest and most direct explanation for their social treatment and racial classification of multiracial individuals with black ancestry even today.

As this bias demonstrates, Cherokee identity politics has never been simply a question of blood. Multiracial individuals who identify as both Indian and black challenge the prevailing racial ideologies that ask them to "choose one" among several ethnic options. Freedmen with Cherokee ancestry are confronted with questions of racial belonging influenced by ideas associated with blood, color, money, and sex. These symbolically laden objects of repulsion and desire weigh heavily upon most systems of racial classification. To negotiate them at the cost of being named a "race traitor" or facing other social pressures can become a heavy burden that few are willing to share. Thus, it is not surprising that today of the over 4,000 multiracial individuals of Cherokee and black ancestry, relatively few seek recognition as Cherokee citizens.

THE CHEROKEE FREEDMEN TODAY

For most Cherokee freedmen, tribal citizenship was not a question of blood but a question of law: regardless of their blood ancestry, most Cherokee freedmen identified as Cherokee citizens on the principle that the tribe had formally adopted them in the Treaty of 1866. Tribal citizenship meant social and political continuity and economic security for the Cherokee freedmen, and when this citizenship was challenged, they were willing to fight in the federal courts for full recognition of their treaty rights. Although these battles were mostly unsuccessful, the Cherokee freedmen continued to resist because they knew the stakes involved: the older generation of original enrollees feared that if they were not successful, the younger generation would grow up not knowing their rights, and their real history would be lost. As Nero said with uncanny prescience in 1984, "Over the years they [the Cherokees] have been eliminating us gradually. When the older ones die out, and the young ones come on, they won't know their rights. If we can't get this suit, they will not be able to get anything" (The Oklahoma Eagle, July 5, 1984). With the death of Nero in 1994 and the passing of the older generation of freedmen, this is exactly what happened. Today, the younger descendants of Cherokee freedmen rarely identify as Cherokee in any fashion. They may have a dim awareness that Cherokee masters enslaved their ancestors, but the details of this relationship are often confused. For example, one descendent said, "Honestly, I don't know much other than we had a link to the Cherokees because both my parents and my paternal grandmother in the mid-1960s received what they called their Indian money. I sort of assumed we were part Indian." Other than vague memories of this sort, recent generations of Cherokee freedmen have retained little knowledge of their specific, historical rights to Cherokee citizenship.

During the course of my fieldwork in the Cherokee Nation, I struggled to find freedmen descendants who were willing to talk with me about their Cherokee heritage. In Tahlequah, where I was based, I asked around to see if anyone knew of freedmen families living in the area. Usually my questions were met with suspicion as to why I would be interested in such a thing, but many people chalked it up to the unaccountable eccentricities of the outsider. Again and again, I was told that there were no freedmen in Tahlequah and that those families had long since moved the twenty miles or so to Muskogee and Fort Gibson, both of which contain a large percentage of African Americans. Eventually, I got a helpful response and was directed toward a section of town locally known as "nigger hill." Although the name made me bristle, it would prove to be the only neighborhood in Tahlequah where I could locate men and women who on the surface appeared to be African American.
She parks her car on the “hill,” steps onto the cracked pavement and notices a rusty mailbox with “Vann” glued across the side in shiny gold letters. The contrast between the textures amuses her, and she smiles at the irony of another prominent mixed-blood Cherokee surname marking the unique history and identity of this freedmen community. As she takes in the scene, she notices other contrasts, like run-down, dingy white clapboard houses with neat yards and colorful geraniums. She is reminded of the state advertising campaign, “Oklahoma: Native America,” with its superficial images of Indian powwows and white pioneers masking the black reality behind many parts of the state’s history. How many times had she heard local people say, “Yeah, we got rid of all our blacks, pushed them down south to Muskogee,” or “We don’t have any of them around here. I’ve seen ‘em before but they stick to themselves, and we don’t have much to do with ‘em.” She had read about some redneck hate crimes, and even a drive-by shooting a few hours south of town in “Little Dixie”, where a couple of crackers with shotguns had done something straight out of the days of Reconstruction. The shotguns were unloaded on some young black men from out of state who stopped in the wrong bar at the wrong time. No one died, but it wasn’t for a lack of trying.

Not too surprising, she supposes, given that the worst race riot in U.S. history happened just sixty-five miles northwest of here in Tulsa in 1921. Thirty city blocks were destroyed, and the homes of 15,000 blacks reduced to ashes, but it never made the national newspapers, or even the history books, until the early 1970s. Even today the state is deeply divided over how to deal with the event—or how to keep denying its importance.

Yet despite this racist history stands this quiet and solitary neighborhood, a single block of people who refuse to move. Several old ladies work in their gardens, while others sit on their porches fanning themselves in the shaded canopies of ancient blackjack oaks. The people seem as old as the trees, and she notices only one youngster as he runs across his yard to greet his next-door neighbor. As she walks down the street greeting those few folks who catch her eye, it comes home to her that this is the first time she has seen a group of black people in the months since moving to town.

Residential communities are de facto segregated along racial lines in northeastern Oklahoma, and it was difficult for me as a phenotypically white woman to cross those boundaries. I tried to overcome this social geography with the telephone, hoping that a telephone call would feel less intrusive than a knock on the door and that I would be given the opportunity to explain my intentions. But the phone presented new obstacles. With each call, I awkwardly explained who I was and why I was interested in an interview. Too often, however, I was nervous about the racially sensitive nature of my questions and tried to hide this fact behind academic jargon. Most of my contacts found this confusing, but one thing was clear: as soon as I hid behind the mantle of academia, my class status shifted, creating more social distance between me and whomever I was trying to interview. Because of perceived race and class barriers and my early bumbles on the phone, most freedmen declined an interview, saying that they were too old to get involved in any controversy with the Cherokees.

Although the issues of race and class never faded, sometimes I was able to get around them with a stroke of good luck. When one freedman descendent finally consented to an interview, a whole network of freedmen families and communities opened up to me. From then on when I called people, I was able to build trust by saying, “Morris, your cousin in Tahlequah gave me your number and said that I should talk to you.” Then, when I met people face-to-face, I was more comfortable and so were they. My gender and youth worked to my advantage, because I was perceived as less threatening than an older, white male might have been. My own rural, southeast Texas background also weighed heavily in my favor, since my accent and bearing were familiar and reminded people that we had a rural, southern culture in common. As I shared pictures of my family’s small farm with its own outhouse and cypress siding, and as we exchanged stories about milk cows, roosters, winter gardens, buttermilk cornbread, and poke salad greens, the social barriers between us began to crumble, at least in part.

Once I got to know several freedmen families, I was surprised to find that very few cared whether or not they were recognized by the Cherokee Nation. Adults between the ages of thirty and fifty recalled freedmen elders who spoke Cherokee as children and later sat around talking about the “glory days” of the Cherokee Nation. As one freedmen descendent put it, “My older relatives liked the Indians and they seemed to feel some kinship towards them, but it was vague and not personal at all. . . . However, I did note that all of them had an affinity for the land called Indian Territory, and my dad, although he did not want to be buried in Fort Gibson with the other relatives, insisted on being buried in the Cherokee Nation.” Many adult freedmen remembered the
court battles against the Cherokee Nation and the important role that the Reverend Roger Nero played in their community. Although the current generation was frustrated with Nero's lack of success and did not see the point in continuing the fight, some freedmen sought the occasional concession from the tribal government. One of their most recent efforts had been to take their children, nieces, and nephews to the Cherokee Nation's registration department, hoping to get them enrolled so they would be eligible for educational scholarships. Not only were they denied enrollment, but they claimed they were "snubbed" and "sneered at" when they applied for tribal membership.

Wary of such slights, younger freedmen descendants were often unwilling to seek tribal membership, even if they were eligible by treaty or by virtue of their documented blood descent. Another factor was a sense of disconnection from their Cherokee past. As one freedmen descendant said:

I live in this American society and my view of myself is as an African American. The Cherokee history is interesting, but since I have no familial or social links to the Cherokee Indians, I look at them as a people who are admirable but they're not me. I view them and Oklahoma Indians in general as people who share many of the prejudices of Europeans about black people. However, that's my view. . . . Several years ago, I asked Seminole tribal council member, the late Lawrence Cudjoe, why as a black man he wanted to be a Seminole. He replied that it wasn't a question of wanting or not wanting, it was just who he was. Were I like him . . . I'd probably feel as he did.15

Like the main body of enrolled Cherokees, the freedmen have adopted dominant Euroamerican racial ideologies that negate multiracial identities. Although my consultant's identity is constituted in multiple ways, it is difficult for him to see himself as anything but African American, thereby negating his potential racial, legal, and political identity as a Cherokee citizen.

Some Cherokees are working to change this situation, with the belief that the freedmen's claims are historically valid and politically potent in the present. One current tribal council member stated, "If we don't have to keep our treaty, then why should the U.S. government keep theirs? A promise is a promise." One Cherokee who sees the contemporary political impact of honoring such promises is David Cornsilk, managing editor of the Cherokee Observer, a local independent newspaper. Cornsilk is also one of the founders of the Cherokee National Party, a new grassroots political organization that uses the Cherokee Observer to reach a large audience of Cherokee voters. Cornsilk believes that in or-
der for the Cherokee Nation to be a successful leader, it needs to honor its 1866 treaty by recognizing the freedmen as tribal citizens. When I asked Cornsilk why he was interested in raising the issue he said:

I don't really have a very deep moral drive to give citizenship to the freedmen. I believe that we have a moral obligation to them, but that's not the driving force. My driving force is that the Cherokee Nation has to realize that it has jurisdiction there, and that in order to protect that jurisdiction, it must exert that jurisdiction over as many of the people who reside here as possible, including the freedmen. Whether they are black or not, whether they have Cherokee blood or not, if we can control their destiny basically by being their government, then they are not going to agitate against us. They are not going to be our enemy.

Cornsilk's motivation is primarily political: if the freedmen were recognized as tribal citizens, then the Cherokee Nation would extend its power base and placate, if not silence, some of its most persistent critics.

Cornsilk's realpolitik vision also takes into account the issue of race. Given the current political climate of this country, Cornsilk believes that the Cherokee Nation cannot continue to identify its citizenry on a strictly racial basis. He fears that tribal citizens who are more white than Indian are in danger of being reclassified as non-Indian, thereby diminishing the size and power of the Cherokee Nation:

That's why I think the freedmen are so important to bring them [the freedmen] in, because then it's a nonracial issue. We are a nation and we have become a nation that is big enough and moral enough to realize its responsibilities to the people that it held as slaves. It's like what [a tribal official] said, "Great nations like great men keep their word." . . . It's to our advantage to separate ourselves as far as possible from the fact that we are an ethnic and racial group and just stand behind our identity as a political entity. Then we have strength and power beyond any other ethnic group. . . . We can't be sifted out. . . . We have to be dealt with on that level.

Cornsilk understands how racial identities can be manipulated for political purposes, and he believes the Cherokee Nation must beat the federal government to the punch. The potential exists for the Cherokee Nation to lose over half its citizens if the federal government imposes a more conservative definition of Indianness according to blood quantum. For this reason, he sees freedmen recognition as critical to the Cherokee Nation's self-preservation.

But Cornsilk has encountered a great deal of resistance among Cherokees, in part because nationalism of any sort is always tied to ideologies about race and culture. Cherokee national identity is based on a unique
sense of peoplehood, one that is intertwined with primordial notions about blood and cultural belonging that seem to exclude the freedmen in the minds of most Cherokees. This is a misperception, since the freedmen in many cases possess as much if not more Cherokee culture—and even blood—than many white-Cherokees enrolled in the tribe. Even if a move away from race to a strictly legal and political self-definition would not necessarily undermine the cultural identity of the Cherokee Nation, it is precisely because the tribe has a reputation for cultural and racial dilution that most Cherokees find the possibility of freedmen citizenship so threatening.

Individuals like David Cornsilk are exceptional among Cherokees in their desire to put political self-preservation before race or culture. Cornsilk spent the past several years trying to find a freedmen descendent who would pursue with him the following scenario to seek tribal recognition. First, a freedmen descendent of a Dawes enrollee would apply for tribal membership, which would be denied because the applicant did not have any Cherokee blood. Then, Cornsilk and the applicant would take the case before the Cherokee judicial appeals tribunal, where Cornsilk believes they could use the Cherokee Constitution of 1976 to win their case.

Like me, Cornsilk had little luck in finding a contemporary freedman descendent who thought tribal recognition was worth the trouble. One responded to his request saying, “Why would I want to switch races?” Another man agreed to work with Cornsilk but soon backed out after he received threatening telephone calls and began to fear for his life. Finally in 1997, after several years of searching, Cornsilk found the ideal candidate, a seventy-eight-year-old widow by the name of Lela Boggs [pseudonym]. A long-time resident of Tahlequah, Boggs is the offspring and slave of a full-blood Cherokee by the name of Will Rogers (not the famous humorist). Although this fact was noted on her grandfather’s application for tribal enrollment under the Dawes Commission, he was still enrolled as a freedman and not as a Cherokee by blood. As for Will Rogers, he was never listed on the Dawes Rolls because he died shortly before they started taking applications. As a consequence, Lela Boggs is one-eighth Cherokee by blood but cannot be enrolled as a tribal citizen because she can trace her lineage only to freedmen and not to her Cherokee Indian ancestors.

In the fall of 1996, Boggs, with the help of Cornsilk, filed her case in the Cherokee district court (DC Case No. CIV 96-09). However, the judge dismissed the case, saying that the Cherokee tribal court was the proper venue for it. Cornsilk then enlisted the aid of attorney Kathy Carter-White, who as a member of the Cherokee Bar Association was familiar with the nuances of Cherokee law. They petitioned the judicial appeal tribunal to review their case on February 24, 1997, but it would be more than a year before the case would go to trial. The main delay was the eruption in tribal politics that occurred a day after their petition, on February 25, 1997, when Cherokee marshals served a search warrant on Principal Chief Joe Byrd. This action precipitated a serious crisis that would interrupt the functioning of all aspects of the Cherokee government, including the judicial branch, where the chief justices of the court had been impeached for upholding the actions of the Cherokee marshals in carrying out their duties.

Only in the fall of 1997 did the Cherokee court system become fully functional once again. At that point, the Massad Commission—a special commission authorized by the Cherokee Nation tribal council—issued a report upholding the existing Cherokee courts and denouncing the impeachment of the Cherokee justices as an illegal action. However, over a century’s worth of Cherokee court records were in complete disarray following a raid on the Cherokee courthouse by Chief Byrd’s forces in the summer of 1997. Only with several months of backbreaking work on the part of a handful of people were the records reassembled...
into a usable form. While the court records were being put back together, the docket for the case expanded as the Cherokee Nation lawyers filed several motions to dismiss, and members of the tribal council tried to intervene. As these efforts to dismiss Boggs’s case proved unsuccessful, both sides filed for more time so they could gather their evidence, find appropriate witnesses, and hone their arguments before going to trial. Finally, on June 12, 1998, the freedmen’s case was heard in the Cherokee Nation’s own court system (JAT 97-03-K).

In her opening statements, Carter-White asked that the court uphold Lela Boggs’s rights to Cherokee citizenship, that it disregard any statutes or regulations that might have eliminated her eligibility, and that it base her rights on the Treaty of 1866 and the 1976 Cherokee Constitution. The Cherokee Nation lawyers contended that Boggs’s application had never been denied, but that the registration department had only asked for further information. In the defense’s opinion, Boggs had filed an appeal before exhausting her administrative remedies. However, the specific information that the registrar requested was that Boggs provide the roll numbers of ancestors who were listed on the Dawes Rolls with a degree of Cherokee blood. Carter-White argued that because the Dawes Roll listed no blood quanta for freedmen, fulfilling their request was impossible, and all freedmen descendants eventually would be denied their rights to Cherokee citizenship on a categorical basis. She later argued that for the tribal registrar to require a CDIB as a measure of citizenship would have the same effect as “requiring a degree of Native American genetic stock ancestry,” an act that essentially eliminates the freedmen from tribal participation. As Cornsilk testified before the court, “I think what we’re talking about, and this is strictly my opinion, is an apartheid situation.” He stated that the freedmen were people who “one day were citizens of the Nation with the rights of suffrage, and the very next day they found themselves disenfranchised and no longer citizens of the Nation in which they had resided and participated for several generations.”

The defense then countered, arguing that both the Curtis Act and the Dawes Act had abrogated the Treaty of 1866 because both treated the freedmen as a special class apart from Cherokees by blood. Furthermore, because the Cherokee Nation had a sovereign right to determine its own membership, the registration committee had the authority to limit tribal membership in any way it saw fit. However, Carter-White countered that the practice of limiting citizenship to Cherokees by blood was a decision that was made by the rules and regulations of the registration committee, not the Cherokee people themselves. Because Cherokee citizens were never given the opportunity to vote on whether or not the freedmen should be categorically excluded from citizenship, the rights of the freedmen had to be based on the 1976 Cherokee Constitution, which had been ratified by the people and did not specifically exclude the freedmen. The upshot of the arguments before the judicial appeal tribunal seemed to rest on whether or not the Cherokee Nation, as a sovereign entity, had included or excluded the freedmen in its own legislation. On the one hand, the Treaty of 1866 and the current Cherokee constitution seem to support the freedmen’s claim, whereas other legislation, such as the Curtis Act and the Cherokee Nation’s own internal statutes, do not.

As of June 2000, the Boggs case had been heard, and the Cherokee justices still had the difficult job of interpreting the convolutions of Cherokee national law. Almost two years had passed since the case was brought to trial, and still no decision had been made. During those two years, a new principal chief had been elected, ushering in a new era of tribal administration, and two of the three Cherokee justices who heard the case had stepped down from the bench. In May 2000, I asked people in the judicial branch of the Cherokee government whether a decision would be made anytime soon. They assured me that the case had come up on several occasions but said the judges were wary of making such a controversial decision, especially because two of them had not heard the case firsthand and had to base their decision on the trial transcript and other supporting documents. Furthermore, the Cherokee Nation had endured so much political controversy over the past several years that many people wanted the tribal government to stabilize for a while before a final decision was made.

David Cornsilk is not one of those people—he feels a great deal of pressure to get the issue settled quickly, before other political events muddy the waters. One complication was the Cherokee Nation’s constitutional convention in February 1999, which fulfilled a promise to the Cherokee people that their constitution would be subject to revision twenty-five years after its initial passage in 1976. Cornsilk contends that powerful people in the Cherokee Nation wanted to add a clause to the constitution that would specifically restrict tribal membership to Cherokees by blood. With the simple addition of those two words—by blood—the issue would have been settled, and the vast majority of freedmen (approximately 93 percent) would have been eliminated forever from Cherokee citizenship. However, the delegates...
to the Cherokee constitutional convention in February 1999 decided the freedmen should be eligible for citizenship as descendents of Dawes enrollees but should be precluded from voting or holding office because they do not have Cherokee blood. The new constitution was adopted by the delegates in March 1999 and was sent to the BIA for approval. According to current Cherokee law, any amendment to the Cherokee constitution is subject to the approval of the president of the United States or his agent, in this case the BIA. The BIA reviewed the new Cherokee constitution but refused to endorse it on several grounds, one of which was its inconsistency regarding the freedmen. The BIA felt that the freedmen could not be citizens and yet be denied the rights of suffrage or holding office. Though the question of the freedmen was only one of several issues, Cherokee officials responded to the BIA's rejection by invoking their sovereign right to self-government and self-definition. In a motion before the tribal council, they moved to strike the amendment in the 1976 constitution requiring presidential approval of their new constitution. Now, the freedmen's fate is up to the Cherokee people, who will have to vote on whether or not to accept a substantially revised constitution.

Of course, Lela Boggs will not participate in the vote. Instead, Cherokees with verifiable blood ancestry will make the decision, including the justices who interpret the new Cherokee constitution when deciding the outcome of her case. It is unclear where the future of the Cherokee freedmen will lead. Whether Boggs and Cornsilk are successful or the Cherokee Nation denies the freedmen their claims to citizenship once and for all, the decision will be made with little input from the freedmen themselves, whose views are rarely offered and never solicited. Their collective silence can be interpreted either as a refusal to struggle any longer against barriers of racial discrimination or as a dignified acceptance that where they find themselves located is perfectly comfortable, even happy. Although it might cost the freedmen in an economic sense, they will no longer be buffeted by the political whimsy and prejudice of others; no longer will they have to fight for a place at a table that does not welcome them. Yet the group with the most at stake in this contest is not the freedmen but the citizens of the Cherokee Nation, who shape their own fate as they decide the freedmen's. If they formally choose to exclude the freedmen, then their own blood policies might be turned against them at some future date, giving the Cherokee Nation a painful lesson in racial politics—the same one they have been teaching the freedmen for over a century.

Five minutes before grand entry at the Tahlequah powwow: a Cherokee man in his mid-thirties fluffs the neon pink feathers of his bustle. Tired of the vibrant Disney colors popular among fancy dancers a few years ago, he now wishes he had the money for new regalia. At least with a home crowd, they won't care if he's a little behind the times. As he gently shakes himself loose, warming up muscles and tendons, he takes in all the family and friends, the people from his home community and church, who have come to watch tonight's events.

Carla, a pretty Cherokee woman he used to date in high school, greets him as she squeezes past, making her way to the concession stand. "Hey, Jim, long time no see. How's it going?" she says, before introducing him to the tiny, four-year-old boy she has in tow. "Jim, this is my son, David. Last time you saw him was about three years ago. I think it was at that wild onion dinner in Marble City."

"Hi there, little man. You having a good time?" Jim asks the boy, who takes one look at Jim's feathers and says, "Look, Momma, a real Indian!"

With a wry smile, Carla shakes her head in disbelief that a full-blood Cherokee child who knows his family and community could say such a thing. "Oh, David," she says with quiet amusement.

"Jim reaches down and pats the little boy on the head. "You know what? You're an Indian, too," he says.

"No, I'm a Cherokee," the boy is quick to respond.
Laughing, Jim asks, “Well, what do you think Cherokees are?”
With eyes wide, the boy looks at him intently for a moment, then turns to his mother and buries his head in the folds of her skirt.

Heavy rains are falling for the third straight day in a row. Forced indoors, a ten-year-old Cherokee boy named Matt is playing with a set of Hot Wheels at the feet of his great-aunt Betty Sixkiller. He has lived with Betty in her small three-room house for the past four months, ever since his mom got a job at the new factory outside of town. He loves his “auntie” but gets bored easily because there aren’t many children in the neighborhood. Mostly he occupies himself by building forts or visiting other kids at church when Betty is attending services or teaching Cherokee language classes. Today, his routine has been interrupted not only by the rain but also by a visitor, a young anthropologist who has come to ask his auntie a bunch of questions about Cherokees. He pushes his cars around the carpet and half-listens to their conversation, paying closer attention when he hears them mention his name.

The anthropologist asks, “If Matt here is going to grow up to identify as Cherokee, then what do you think is the most important thing for these future generations to maintain their sense of Cherokee identity?”

“I think the blood,” Betty replies without hesitation, but before she can finish her thought, Matt interrupts with an innocent question: “How do you know if you’re a Cherokee?”

“Cherokee? How do you know?” Betty says, taken aback by what she is hearing. As Betty chuckles about the question, the anthropologist asks the boy, “How do you think you know?” After a shy moment of racing his cars up and down his own pants leg, Matt looks to his auntie, who answers for him. “Well, my parents were Cherokees,” she says, as if that was all that mattered.

But Matt is not satisfied so easily. “How do you know you’re Cherokee?” he insists, still pushing his cars in small circles on his thigh.

Betty sits up in her chair a little. “How do I know I’m Cherokee? Well, because my parents were Cherokee!” she says more emphatically. Turning to the anthropologist, Betty continues, shaking her head in exasperation, “I tell you what, we get into some of the craziest things. Like yesterday he asked the oddest question about what happens to people’s stuff when they die. . . . Can you believe questions like that? And coming from a child, no less!”

Likewise, the generations that came before them, these two little Cherokee boys ask questions of deceptive simplicity—who is Cherokee, who is Indian, how do we know, and who gets to decide? These questions are on everybody’s minds, but many adults prefer not to discuss them directly, so awkward and confusing can they be. Even when they are not articulated as bluntly as they were by these two boys, these questions of identity have long been unavoidable for Cherokee children, Cherokee adults, and other Native Americans who encounter competing definitions of racial and cultural identity in the multicultural and multiracial society around them. These questions are rarely fully resolved for individuals in the Cherokee Nation. No matter how cut and dried the laws of blood descent may seem to make Cherokee identity, the reality of lived experience is infinitely more complex, especially when personal experience conflicts with a world of discourse that labels those experiences and assigns them meaning.

For Cherokees and other Native Americans who fall under direct federal oversight, one of the most significant and confusing idioms of identity is that of blood, as I have tried to show in the course of this book. Although Cherokee identity is not strictly about blood in any literal or even metaphoric sense, the vast majority of Cherokees use blood as a measure of racial, cultural, social, and national belonging. Federal Indian policy and Cherokee national policy both have fetishized and objectified Native-American blood, and as a result, racially hegemonic notions have been reinforced and then reproduced by individual Cherokee citizens at the local level. Multiracial Cherokees often question their own identity and the identity of others in racially hegemonic terms, such as blood, race, color, and culture. Although these terms are analytically distinct, they are conflated in both discourse and practice and serve as the building blocks of both Cherokee “nationhood” and “peoplehood.” (These categories of identity are important criteria in most systems of racial classification, but “blood is what you make of it,” as Otis Payne says in John Sayles’s film Lone Star. With this in mind, I have tried to show how Cherokee blood has been made into a particularly potent substance for Cherokee identity, one that aligns with power in unique ways.

One of the most telling examples is in regard to black-Cherokees and white-Cherokees. Because of a double standard, multiracial white-Cherokees have experienced a qualitatively different process of racial formation than multiracial black-Cherokees. For white-Cherokees, having a little Indian blood has proven to be a valuable commodity,
ensuring them a political identity and access to economic resources in the Cherokee Nation. The Cherokee freedmen have not fared so well, oppressed as they are by the logic of hypodescent that denies their Cherokee blood while it emphasizes their social and political blackness. White-Cherokees have actively used ideologies of blood to wrest power from other segments of the Cherokee population, while the Cherokee freedmen have been progressively stripped of their basic rights of citizenship and political representation in the Cherokee Nation. The result has been that as white-Cherokees have become increasingly central to Cherokee national identity, freedmen have become increasingly marginal.

These differences of power and experience among multiracial Cherokees point to the fact that racial formation is not a monolithic process but is deeply and historically contingent. We need to recognize these differences of experience, and the tensions and antagonisms that they create, as a fundamental aspect of Cherokee history. To a large extent, Cherokee history is about the continual formation of Cherokee culture and identity "through the assertions, rejections, and necessarily incomplete acceptance of the forms of knowledge and ways of being that power creates" (Sider and Smith 1997: 13). In a significant way, Cherokee people's experience of Euroamerican contact and colonialism is about how the meanings they attached to Cherokee blood and identity shifted from being solely about town residence, matrilineal kinship, clan, and culture to include powerful Euroamerican ideas about patrilineal kinship, race, and nationalism. Today, questions of identity, of who is Cherokee and who is not, and how these questions are articulated, arise in part from the workings of power as they occurred in the very real historical experiences of colonialism, nation-building, and incorporation into U.S. society.

That these different historical experiences helped foster race-thinking among Cherokees raises some important questions about the nature of power and its effects on political discourse. For instance, does the Cherokee Nation's continued discrimination against the Cherokee freedmen imply that Cherokee nationalism is somehow a "derivative discourse," one that simply reproduces the racism inherent in the U.S. federal model? (Chatterjee 1993). The answer is both yes and no. Cherokee political leaders have created a state apparatus, modeled on the federal government, that operates as a bureaucratic center of control. In fact, the Cherokee bureaucracy does what the federal Bureau of Indian Affairs used to do by providing certificate degrees of Indian blood and policing Cherokee identity on the basis of genealogy and race. Yet more than mere replication is at work. Cherokees have also remade racial hegemony in their own image so that dominant ideas linked to race have been filtered through their own unique historical and national experiences. As a result, anti-black sentiments among some segments of the Cherokee population reflect not only the dominant U.S. racial hierarchy but also their own unique legacy of African slavery. The larger point is that Cherokees have neither completely internalized nor resisted the powerful racial ideologies to which they are subject and to which they subject others. Instead, they simultaneously reproduce, reinterpret, and resist dominant race-thinking, as race is mediated through their own local and national categories of meaning. In common with Native theory, we see this mediation in practice when Cherokee political leaders in the nineteenth and twentieth centuries borrowed Euroamerican ideologies of race and nationalism to create a myth of Cherokee national homogeneity and unity through the symbolism of blood. Because the Cherokee Nation is neither homogeneous nor unitary, its leaders have tried to use Cherokee blood to symbolically cohere what has become an increasingly diverse population. Although blood as a racial metaphor has become central to Cherokee national identity over the last two centuries, it has also remained in dialogue with other aspects of identity, such as phenotype, social behavior, language, religious participation, and community residence, all of which are significant at the local level. As a result, individual Cherokee people interpret blood in multiple ways, factoring in these different aspects of identity in a complex fashion.

In Cherokee practices of social classification, these different aspects of identity are conflated with one another and with race, so that race and culture have come to stand for one another as they move back and forth along what I have described as a race-culture continuum. Although race neither determines Cherokee identity nor is distinct from Cherokee culture, there is a circular logic behind Cherokee practices of social classification. For instance, a full-blood is usually seen as a culture bearer in the eyes of the local Cherokee community, so that his or her presumed fullness of culture denotes a fullness of blood, which is itself a metaphor for culture. While, on the one hand, a full-blood might be a Cherokee-speaking midwife who actually has considerable Euroamerican racial ancestry, he or she might also be someone with solely Indian ancestry who can document that fact through the Dawes Rolls. As a result, the cultural production of blood and race varies significantly among Cherokees, revealing how the individual interpretations and meanings of
Cherokee identity are shaped by the ongoing tensions between local, community standards of Cherokee identity and those of the Cherokee national government.

The potentially relevant ideologies surrounding Cherokee practices of social and racial classification are so complex and variable that Cherokees express a highly diverse racial consciousness. The heterogeneity of Cherokee racial consciousness finds expression in the racial ideology, hegemony, and counterhegemony that we have seen in the course of this book. It accounts for why some individual Cherokees are able to resist explicit racial ideologies, such as blood quantum, and even implicit racial hegemonies, such as the idea that Cherokees have to be Indian. Yet even in this heterogeneous field of discourse, I have not seen evidence of resistance to race-thinking in any large-scale, socially transformative way. Instead, as a result of local blood politics, what most Cherokees experience on a day to day basis seems to me to be best described by the Gramscian idea of contradictory consciousness, which combines un-critically absorbed dominant ideas and implicitly critical ideas that arise from lived experience. Cherokees express contradictory consciousness when they say that being Cherokee is a question of blood but not degree of blood, or when they claim that being Cherokee is a political identity open to multiracial whites but not multiracial blacks. If we pay attention to this slippage between hegemony and counterhegemony inherent in the experience of contradictory consciousness, then we can better understand the complex, “messy,” and partial forms of domination and resistance expressed in Cherokee discourses and practices regarding blood, race, and nation.

I also point to this slippage because in it lies the hopeful possibility that Cherokees might resist racial hegemony in a socially transformative way that has so far been absent. For instance, some Cherokees reject hegemonic understandings of Cherokee racial identity by drawing on the implicitly critical ideas that arise from their cultural knowledge and lived experiences. These insights are akin to what Nietzsche describes when he says that each of us carries inside ourselves “an enormous heap of indigestible knowledge stones that occasionally rattle together inside [the] body. . . . And the rattle reveals the most striking characteristic of these modern men [and women]—the opposition of something inside them to which nothing external corresponds, and the reverse” (1949: 23). Transposed to a Cherokee context, this passage describes how some contemporary Cherokees are able to draw upon their own unique ways of knowing, their internal “good sense,” to build collective fronts that both recognize and celebrate their differences (Gramsci 1971: 322, 333).

We see this process at work when individual Cherokees suggest that their collective identity as a people centers not on race but on their shared historical experiences and their political status as a sovereign nation. For example, a seventy-six-year-old Cherokee man whom I interviewed, a fluent Cherokee speaker, suggested that “For someone to be registered [as a tribal member] who’s 1/1000 Cherokee, that’s really splitting hairs. But you must remember that their ancestors came over on the Trail of Tears just the same as mine did or an equivalent. They suffered the same consequences and the same hardships and probably lost many of their relatives that way.” In this man’s opinion, because the federal government did not discriminate on the basis of race when it forced all the Cherokees—white, black, and red—to leave their homeland, then the descendents of those various individuals should all have rights to Cherokee citizenship.

Another Cherokee man in his late thirties echoed these sentiments when he said:

Does the federal government have the right to define a racial category for the responsibility that it has to a nation? I would say no. I think they have a responsibility to all the citizens of that nation. . . . It is not a federal relationship where it is saying we were discriminating against you on a racial basis and that is why we are making these reparations. We didn’t steal your land because you are Indians. You just had land we wanted and you could have beenMartians for all we cared. . . . If the federal government was to say because your complexion is now whiter or blacker, we are not going to have anything to do with you, there is [a] huge Supreme Court case in there somewhere. After all, what is their responsibility to the tribe? Is it to the individuals because of their race, or is it to the tribe because of an historic relationship?

Cherokees who define their identities in political and historical terms, as these speakers do, are trying to distance themselves from dominant race-thinking, including federal definitions of Indianness that are measured on the basis of blood or color. A few politically minded Cherokees with whom I spoke took these arguments a step further, suggesting that to protect their tribal sovereignty and rights to self-determination, they needed to deracialize their own national identity. These individuals believe the Cherokee Nation might be able to do this if it redeline tribal citizenship in terms of territorial residence or allows fluent Cherokee speakers without documen-
tation of Cherokee blood to become tribal citizens. Some even want the Cherokee Nation to naturalize non-Indians who are willing to make an oath of allegiance, as an act of sovereignty. The challenge to enacting these sweeping changes lies with convincing other tribal members of the logic of their position—that if Cherokee deracialize their national identity, at least at a political level, then intermarriage between Cherokees and non-Indians would no longer pose a threat to tribal continuity because Cherokee national substance would no longer be defined in terms of Cherokee blood.

Although this move away from race toward a more historical, political, and geographic definition of Cherokee national identity may seem to be a simple solution, it has complex ramifications. Using nationalism as a self-determining framework is as much a cultural borrowing as race and can be just as contradictory. As I have argued throughout, all nations are created using normative racial and cultural ideologies that shape discourses of social belonging. The question of what is a nation if not a race is one that is still hotly debated around the globe, often with violent repercussions. Furthermore, the suggestion that Cherokees abandon race-based definitions of national identity seems impractical, particularly given that federal definitions of Indianness are so intimately tied to racial essentialism. Even now, the federal government might at any time decide to set a new standard of racial identity and suddenly reclassify most Cherokee citizens as non-Indians in order to save itself some money. Such a response would not be surprising, considering that federal economic needs have often taken priority over Native-American rights of sovereignty and self-determination. The Cherokee Nation is well aware of the power of the U.S. federal government. If the Cherokee Nation went so far as to recognize non-Indians as citizens, then it might draw attention to its racial diversity and run the risk of losing federal funding, even federal recognition, which could result in economic and political chaos for the tribe.

The suggestion that Cherokees abandon race-based definitions of national identity raises other challenges. In a careful analysis, we may recognize Cherokee identity as a social construct, one that is intimately tied to the workings of history and power, whether it is defined in racial, cultural, and/or national terms. However, the fact remains that most Cherokee people still live and imagine their identity as something rooted in essence, inextricably linked to their race, biology, genetics, phenotype, blood, and culture. As a result, social constructivist arguments about Cherokee identity, whether made by Cherokee politicians trying to expand their electoral support or anthropologists looking for the analytical high ground, run the risk of undermining or ignoring something that has become fundamental to many indigenous peoples' claims about nationhood and identity.

In this book, I have tried to walk a fine line between constructivist and essentialist understandings of Cherokee identity, to show how race is a productive category that both enables and limits certain political arguments. Although I have maintained that Cherokee identity is a deeply historical construct, the product of the shifting relations of power and struggle over time, I also want to acknowledge the power that racial, cultural, and national essentialism holds in many Cherokee people's lives (as is true for most people). Discourses of racial essentialism, which are themselves social, cultural, and historical products, shape Cherokee identities and consciousness not just at some superficial or ephemeral level. They also have very real material, political, economic, and even genealogical effects. Ideas about racial essentialism, which are often expressed in terms of blood, have profound effects on who gets recognized as a Cherokee citizen, who gets access to financial scholarships, who gets to represent the Cherokee Nation as Ms. Cherokee, and who gets to run for tribal office. They also shape the contours of different Cherokee lives in less overtly political ways, as Cherokees make important decisions about who they want to marry, and who they consider to be kin—decisions that will shape the racial, cultural, and national identities of future generations.

In Cherokee blood politics, part of the controversy over what constitutes Cherokee identity results from the fundamental contradiction between Cherokee national policy, which defines Cherokee identity in terms of blood, and the very different experiences of those who live as members of different Cherokee communities and societies. As a political entity, the Cherokee Nation imagines itself as a confederation of lived communities united by a common racial and cultural bond. But because of recent demographic shifts in the Cherokee Nation, most Cherokee citizens do not participate in this same cultural and racial community that they imagine as the basis of their nationhood. Most Cherokee citizens do not fit their own racial and cultural definitions of Indianness. For example, if most Cherokee citizens believe that speaking the Cherokee language is a cornerstone of national cultural difference, then what happens when only 10,000 of the 200,000 enrolled tribal citizens speak the language? Because the majority of tribal citizens are nonspeakers, Cher-
o Kee culture as a shared national possession continues to be imagined around linguistic exceptionalism but has become something else in practice.1

The tension in the Cherokee national polity between the lived and the imagined results from the fact that Cherokee culture is not a monolithic experience, as some of the Cherokee Nation’s policies might imply. Today, a meeting of the Cherokee genealogical society is as much a part of the Cherokee Nation as a Cherokee Baptist sing, a Keetoowah stomp dance, or a certificate degree of Indian blood, for that matter. As a result, the Cherokee Nation is a highly diverse polity that has been ideologically realized through the various symbols of blood, race, culture, and nation. These powerful ideologies have been imposed upon, internalized, and resisted by different Cherokee residential communities, cultures, and social networks. These ideologies do the work of reifying these various Cherokee cultures and societies as a singular political entity, but to what extent are they unified? The cultural experiences of a Cherokee genealogist in Sacramento, California, and a Keetoowah stomp dancer in Vian, Oklahoma, do converge in important ways. Most Cherokee citizens share less obvious cultural and social bonds, such as a shared political and tribal identity; a common experience of being interpellated, or named as Cherokee; and a shared subjection to bureaucratic racism (Althusser 1971: 173). Even though its citizens share these common bonds, as we have seen in the course of this book, the Cherokee Nation is yet another hegemonic force that both includes and excludes different Cherokee cultures, societies, and lives.

Today, the Cherokee Nation is a diverse body of multiply constituted individuals who coalesce in socially significant ways around different aspects of their identities. Blood, race, culture, language, religion, national politics: any or all of these aspects of personal subjectivity can both unite and divide Cherokee citizens along different lines. However, many Cherokees perceive these differences not as a source of social and political factionalism but as one of strength. I remember early in my fieldwork, a Cherokee woman in her mid-thirties made this point by telling me what she described as “an old story about Rabbit and Bear.” At the time, I recognized the story as being similar to something that I had read in James Mooney’s *Myths of the Cherokees* (1900: 273–74), so I was careful to record it. I am glad I did, because it proved to be significant. Here is the story, taken from my field diary, as it was told to me in early fall 1995.

Rabbit and Bear are sitting in the woods and are good friends. The bear says, “Rabbit, why are we so different from one another? Why are you so small and I’m so big?” The rabbit replies, “I’m not sure, Bear.” The rabbit notices that Bear is kind of depressed and down in the mouth. So, Rabbit decides to help Bear and cheer him up. Rabbit says, “Bear, why don’t you come over to my house for dinner?” Bear accepts his invitation, so Rabbit runs home and cleans up his house and begins to cook supper. Rabbit puts on a big pot of water and boils carrots, onions, and other vegetables. Usually, Rabbit just eats his vegetables raw, but because Bear is such a good friend and is Rabbit’s guest, Rabbit cooks for Bear, knowing that he prefers his food cooked. However, it suddenly dawns on Rabbit, “Oh no! Bear likes to eat meat and he’s coming over soon! Where can I find some meat for my friend, Bear?” Because Rabbit doesn’t eat meat and Bear does, he is concerned about his friend.

After a little while, Bear arrives at Rabbit’s house. Bear smells this wonderful, fragrant aroma of dinner and says, “Oh, Rabbit, what a marvelous smell. What have you made for dinner?” But then Bear notices that Rabbit isn’t as peppy as he was earlier. In fact, Rabbit looks pale and weak. Bear rushes to frail little Rabbit and sees that Rabbit is growing faint. Why? Because Rabbit has cut a piece of himself from his own leg and put it in the soup so his friend, Bear, could eat.

When Bear realizes what Rabbit has done, he scoops up Rabbit gently in his arms and carries him to the woods. Because Bear is good with medicine, he finds roots and herbs, bundles up Rabbit’s leg, and carries him back to bed so he can heal and rest. Bear takes care of his friend, Rabbit, until he is all better. Then, Bear tells him, “Rabbit, now I understand why we are so different. Each of us can take care of the other. This is why we are such good friends.”

Like all culture, this story has changed with the passage of time to reflect a new context, one in which a highly diverse group of Cherokee people brings their own unique gifts and abilities to the table. Cherokee national identity is and always has been about how multiple forms of difference come together in socially and politically meaningful ways to constitute complex subjects. These differences of identity among Cherokees—whether they are defined in terms of blood, race, culture, or some other national substance—are not innate possessions, nor are they
passing illusions. Instead, they reflect the meaningful interactions between groups of people struggling with themselves and others over access to power, including the rights of self-determination and self-definition that have long been promised to them. As we enter a new millennium, Cherokee identities will continue to be forged in the everyday practices of Cherokee cultures and lives and in the overt political discourses of Cherokee citizens. Although these tribal citizens will continue to differ from one another in significant ways, in the coming years, the ones with the power to heal and create will find a way to utilize those differences as a source of ongoing vitality and strength. They will find a way to devise a stable polity that does not reduce Cherokee cultures to culture and societies to society. If we look back over the long trajectory of Cherokee history, the Cherokee Nation has risen and fallen time and time again, and it may well do so again. But we need not fear this possibility, for what will endure is what has always endured—not the Cherokee Nation as a unified or singular political entity, but these highly diverse Cherokee cultural and social worlds.

Notes

CHAPTER ONE

1. I view race as a Western social and political construct around various biological fictions that is nonetheless "real" because of its impact on lived experience. It is created to explain social difference and justify inequality, and its meaning varies over time according to shifting relations of power and struggle. I deal with the concept of race in greater detail later in this chapter.

2. In general, I use the term *multiracial* to avoid the negative connotations and biological fictions associated with the more familiar expression *mixed blood*, which is found both in the literature on Native North America and in Native American communities. The term *multiracial* highlights the fluid and multiple nature of identity while describing people whose cultural and biological ancestry encompasses more than one racial category. I also use the noun *racial hybridity*, which should be read as synonymous with the adjective *multiracial*. Occasionally, I employ the term *mixed blood* because its familiarity might make the meaning I am trying to convey clearer. But with all of these labels, I point to race specifically, because it is those same hegemonic or "taken for granted" racial categories that I wish to disentangle from other aspects shaping identities.

3. The biological standard of "one-quarter Indian blood" was challenged by the 1985 *Zarr v. Barlow, et al.* case in California. The case set an important legal precedent, namely, that the federal government can not legally discriminate against Native Americans on the basis of blood quantum. Unfortunately, the implications of this case have not had much effect on the political relationship between federal and tribal governments.


5. Throughout the book, I alternate between the terms Indian and Native American. I believe that, of the two, Native American is more accurate, whereas Indian is Columbus’s misnomer. However, during my fieldwork in Tahlequah, if I used the term Native American I was immediately marked as the outsider. Only then did I realize how completely Cherokee people have adopted the term Indian as their own.

6. A Mongolian spot refers to a dark, bluish, bruise-like spot that appears at the base of the spine of newborn infants of Native American or Asian heritage. Commonly, members of other racial groups who are born with this spot have it fades with maturity.

7. Other fieldworkers, when conducting research outside of their home cultures, have experienced these points of convergence. For example, in Mama Lola, Karen McCarthy Brown related well to her primary informant, a Haitian-American voodoo priestess, on the basis of their shared gender and marital status (1991). In Learning Capitalist Culture, Doug Foley identified with white male, high-school athletes in south Texas because of his own personal experiences growing up as a “jock” in Nebraska (1990).

8. I would argue that Native American culture is ignored in part because it is falsely seen as “dying” or “something from the past” instead of as a living and dynamic force in the lives of contemporary Native Americans.

9. Adair County is one of five counties within the Cherokee Nation with the highest population of Native Americans. Adair County is 43.78 percent Indian; Cherokee County is 33.42 percent, Delaware County 26.6 percent, Sequoyah County 26.9 percent, and Mayes County 18.24 percent (Office of Research and Analysis, May 1993 (1): 2. These five counties are frequently referred to as the five-county area and are considered by most people in northeastern Oklahoma to be the heart of the Cherokee Nation. These demographic statistics have been taken from “Cherokee People...Cherokee Tribe..., a periodic in-house publication of the Office of Research and Analysis, an executive support unit of the Cherokee Nation, Tahlequah, Oklahoma, with Steve Woodall as acting director.


11. For a discussion of this issue, see Baird 1990: 4.

12. The southeastern tribal complex refers to the southeastern region of the United States that was originally inhabited by the Cherokees, Choctaws, Chickasaws, Seminoles, and Creeks, among others. Interestingly, these five large tribes are otherwise known as the Five Civilized Tribes.

13. Anthropologist Albert L. Wahrhaftig in four separate field-stays conducted the last ethnographic research among the Oklahoma Cherokees in the period between 1963 and 1972.

CHAPTER TWO

1. Red Bird Smith is an important spiritual leader in Cherokee history, a man who provided religious guidance to the Nighthawk Keetoowahs in the wake of tribal dissolution and Oklahoma statehood in 1907 (Littlefield 1971: 412). In general, the Keetoowah society is a non-Christian segment of Cherokee society dating to 1859. For more on this topic, see this chapter and the section on Cherokee religious identity in chapter 5.


3. From the oral histories of the Cherokees themselves and from the written records of Europeans, we know that Cherokees first encountered European explorers sometime in the sixteenth century. Most scholars of Cherokee history agree that in 1540 Hernando de Soto and members of his expedition were likely the first Europeans to set foot in Cherokee territory, but the evidence is not as strong as it is for the arrival of another Spanish explorer twenty-seven years later. In 1567, Juan Pardo and other members of the Spanish militia appear to have crossed through at least five different Cherokee towns, for the historical records mention these towns by name (Hill 1997: 66).

4. Because Cherokees are speakers of an Iroquoian language, some scholars have argued, based on historical linguistic reconstructions, that the Cherokees migrated from the Northeast and arrived relatively late in the Southeast, somewhere between several hundred and 1,000 years ago (Hill 1997: 64). However, according to the Cherokees’ own oral histories, they believe they either originated further to the South, in what would now be Latin America, or that they had been in the Southeast for millennia (Mankiller and Wallis 1993: 18).

5. The Cherokees followed what is typically referred to in the anthropological literature as a “Crow” kinship pattern, which is common among people with a strong matrilinial descent organization. The Crow kinship system is somewhat unusual in that it does not distinguish between certain kin of different generations. For example, among Cherokees, all members of their matrilinial clan, regardless of generation, were known as brothers and sisters, except for the mother, her sisters, her brothers, and grandparents (Gilbert 1943: 208). However, women of the same generation as one’s biological mother, such as maternal aunts, were also referred to as mothers.

6. Anthropologist Raymond Fogelson argues that based on Cherokee theories of procreation, which I discuss later in the chapter, Cherokee kinship was literally understood as a relationship of blood (1990: 173). While I agree with this reading in general, it is important to note that at that time Cherokee kinship ideologies did not correspond with Euroamerican ones. Thus, we have to be careful not to impose European notions of consanguineality onto the Cherokees.
when interpreting the historical record. While this is a subtle distinction between kinship ideologies that requires further research and analysis, it seems to me that the Cherokee incest taboo against marrying within the mother's clan and the father's clan provides some evidence that fathers may have been understood as kin, but kin of a different sort. If, as Fogelson suggests, Cherokees believed that fathers provided bone to the developing child in the form of semen, then maybe this was also another “substance” of Cherokee kinship besides blood (Fogelson 1990: 174).

7. In a footnote, Gearing quotes a Buttrick informant (from the Payne-Buttrick manuscripts) as stating, “one cannot marry with individuals having blood connexions” (Gearing 1962: 114). This statement suggests a linkage between the Cherokees’ incest taboo and their beliefs about blood as the basis of kinship.

8. According to James Mooney, who was writing in 1900, Cherokees had “strains of Creek, Catawba, Yuchi, Natchez, Iroquois, Osage and Shawano blood, and such admixture implied contact more or less intimate and continued” (234). However, to what extent Cherokees had intermarried with other Native Americans in the first half of the eighteenth century is unclear. But even if intermarriage with other Native Americans had been extensive and prolonged, as Mooney suggests, it probably would not have disrupted Cherokee social classification to the same extent as later intermarriages with Europeans.

9. Although the historical record is vague, we can reasonably assume that Cherokee women who practiced tribal exogamy chose to marry European men over African or other Native American men in order to create and cement alliances that reflected an already established race/power hierarchy. In addition, there is good evidence that by the late 1700s, Cherokees were beginning to internalize European racial ideologies. See my arguments later in this chapter.


11. Although I use the terms myth and mythology to refer to certain Cherokee origin stories, I do not mean to imply that these stories are untrue, only that they refer to a unique and sacred “place-time,” when foundational events in the Cherokee cosmos occurred.


13. Wodi also means “paint,” as in Painttown (Margaret Bender, personal note, Apr. 11, 2000).

14. In 1735, James Adair, a Scots-Irish trader who lived among the southeastern tribes, estimated that the number of Cherokee “villages” was sixty-four, although in 1789, William Bartram, a naturalist from Philadelphia who left detailed records of his observations, estimated that the number of Cherokee “villages” was closer to forty-three. It may be that a number of Cherokee towns consolidated during this period or that Adair was referring to the number of Cherokee residential communities instead of “town” political units. Gearing, who usually is taken to be an authority on such matters, argues that the Cherokee towns were even fewer, somewhere between thirty and forty, because a larger population was needed to supply sufficient numbers of old men to fill important political offices (1962: 3).

15. Because town membership was related to matrilineal kinship ties, Cherokee men who married women from other towns and then went to live in their wife’s community, as was the standard practice, were likely to have maintained political allegiances to their own town despite no longer being residents.

16. Beloved was used as a term of honor and respect for Cherokee elders. Cherokee men who had gray hair were known as beloved, as were Cherokee women who had reached menopause. In the scholarly literature, beloved man also is used as a synonym for a Cherokee priest-chief, but most elder Cherokee men had the ceremonial and religious knowledge that was necessary to fulfill this role.

17. The social roles and identities of Cherokee men, as with Cherokee women, shifted according to political context. Age, warrior status, clan, and town were different aspects of male identity comprising a strategic repertoire that could be called upon as needed. For instance, when older Cherokee men assumed authority in the White position, younger men often continued to organize themselves much as they would in the Red position. They may have deferred to their elders within the context of town politics, but they also formed militaristic age-grades on the side. With their own chiefs, rules, professional codes, and secrets, these highly cohesive bands of youth, known as pony clubs, spent much of their time involved in horse raiding (McLoughlin 1986: 55). Their ongoing activities often brought them into conflict with other tribal political interests, which is one of the reasons why the tribe as a whole organized itself along Red lines—so that older warriors could check the behavior of the young men.

18. In 1730, there were seven “mother towns” among the Cherokees that commanded a great deal of respect from their affiliated “daughter towns.” According to Duane Champagne, however, these mother towns in no way undermined the autonomy of the daughter towns (1992: 25). Still, the mother towns did provide a precedent for leadership when coordination among Cherokee towns was necessary.

19. The Hicks quote can be found in the Panopolist and Missionary Herald 14 (1818): 415-416 and is cited in Champagne (1992), 268-69 n. 67. For more on the differentiation of clan roles and politics in Cherokee society, I recommend this particular note as well as chapter 2 of Champagne’s book. In his note, Champagne responds to the observations made by Hicks in view of the overall literature. Although Champagne and I reach somewhat different conclusions, these differences are more of degree than kind.

20. Fred Gearing posits that by the late 1760s Cherokees had actually created an indigenous state (1962: 7). However, I agree with Duane Champagne that the term state does not accurately describe Cherokee political organization during this period, since the Cherokee polity went through a series of structural changes, none of which were stable or permanent enough to consolidate control over the practice of blood revenge (1992: 275). A more accurate description of
the Cherokee polity is as a confederacy, a term that is fairly standard in the scholarly literature on southeastern Indians. For specific treatments of the Creek confederacy see Knight's chapter in Hudson and Tesser (1994); for the Choctaw, see Galloway's excellent book, *Choctaw Genesis, 1500-1700* (1993).

21. For a comparative analysis of state formation among southeastern tribes, see Duane Champagne's *Social Order and Political Change: Constitu-

22. Ethnologists have been the most prolific in their treatment of this topic. Some key scholarly references on perceptions of the Indian in the white imagination include Berkhofer (1978), Bieder (1986), Dickson (1984), Sauer (1971), Stedman (1982), and Vaughan (1982).


24. According to Durbin Feeling, the Cherokee Nation's tribal linguist, the term *atawalis* is currently used to mean "employee" in everyday conversation.

25. The historical account in this section of this chapter is greatly influenced by the work of Theda Perdue (1979). Her excellent book provides, among other things, a rare perspective on precontact slave practices among the Cherokees.


CHAPTER THREE

1. One of the most important examples of cultural syncretism during this era of Cherokee nation building was the creation of a unique Cherokee writing system—the Cherokee syllabary. The Cherokee syllabary was the brainchild of Sequoyah, a Cherokee man also known as George Guess. Sequoyah had seen the power of writing in the hands of white men and women and wanted to harness that power for Cherokee use, to find a way to capture his own native language on paper. In 1821-22, Sequoyah created a syllabary, a writing system that differs substantially from an alphabetic one. Instead of each letter standing for a sound, in a syllabary each character stands for a syllable. This more efficient system was an important social leveler within the Cherokee nation because it provided even monolingual Cherokee speakers with a new means of self-expression and a new sense of power (McLoughlin 1986: 350). It also helped to buttress a separate Cherokee national identity, as seen through the Cherokees' creative use of various forms of print media (Bender 1996: 36). For more on this topic, see Margaret Bender's 1996 dissertation, Department of Anthropology, University of Chicago.

2. Some scholars have suggested that a change-oriented planter class seeking to protect its economic interests was the driving force behind the emergence of a Cherokee state (Perdue 1979: 56-57, McLoughlin 1986: 289). That Cherokees codified 151 laws in the first quarter of the nineteenth century, 48 of which were specifically concerned with economic issues, provides some evidence for this assertion (Hill 1997: 95, McLoughlin 1986: 289). But given that similar conditions and class interests existed among other tribes in the Southeast, why were the Cherokees the only ones to create a constitutional government during this period? According to Duane Champagne, the difference lies in the role of the social conservatives, the mass of the Cherokee people (1992: 286-87). Because they believed that a state would protect them from further loss of land and guarantee their political autonomy, everyday Cherokee citizens—including the numerous town and clan chiefs—consented to the process of consolidation and agreed to share their political authority (Champagne 1992: 107). Without this consent, elite Cherokees had little power. Only by speaking to the interests of the broader Cherokee community were they eventually able to help bring about these significant changes in the political structure of the tribe.

3. Some evidence suggests that Cherokees organized themselves for removal along town lines (Fogelson and Kutsche 1961: 100). Thus, communities in Oklahoma may correspond on some level with original Cherokee towns in the East, though this topic has yet to be examined on a systematic basis.

4. For more general information on the development of scientific racism in the late nineteenth century, see the work of Nancy Stepan (1982) and Elazar Barkan (1992). For a more specific treatment of how this scientific discourse was applied to Native Americans, particularly by physical anthropologists, refer to David Baulieu's excellent article in *American Indian Quarterly* (1984).

5. The federal government used this second racial ideology, as a by-product of the racial logic of the nineteenth century, both intentionally and unintentionally, to undermine Native-American economic autonomy, as I will discuss in greater detail below. To define Native Americans using notions of blood as race was an almost unquestioned, hegemonic practice, which also happened to conveniently serve the federal government's purposes when it came to vying for Native-American land.

6. Besides race, there were other measures of national belonging that arose during this period. For instance, in 1810, Cherokee citizenship was defined, in part, by residence within a certain set of geographical boundaries and by loyalty to the representative national council (McLoughlin 1986: 110).

7. For more on this topic, see Nash 1974 and Perdue 1979.

8. This racial hierarchy partially accounts for why many Cherokees were more willing to accept Europeans into their communities while at the same time rejecting African Americans in the same manner as their southern neighbors.
white-Cherokees might also make unacceptable marriage partners for traditional Cherokees as I have defined them here.

8. Based on fieldwork he conducted in the late 1930s, anthropologist Alexander Spoor states that the ceremonial function of the matrilineal clan system had all but disappeared among Oklahoma Cherokees (1947: 201). However, almost sixty years later, I found that clan identity still carried significant meaning within the context of Keetoowah Society ceremonialism, where people usually sat around the sacred fire in their specific clan arbors and often danced as representatives of their clans. For more on Cherokee kinship practices in the early decades of the twentieth century, see Spoor 1947: 108-202. For comparative data on Eastern Cherokee kinship, particularly the matrilineal clan system, collected during the same period, see Bloom 1939: 266-68.

9. The continued significance among traditional Cherokees of maintaining clan identity and clan exogamy is evident in a small survey that I conducted among traditional Cherokees who had chosen to marry within the tribe. Of these twenty-five individuals who were raised in Cherokee-identified communities and were members of Cherokee religious institutions, fifteen, or well over 50 percent, knew their clan identity. Seven did not know their matrilineal clan, and three had no clan because they had white mothers and thus were Cherokee on only their father's side. The sample was almost evenly divided between Cherokee Baptists and Keetoowah Society members. What is most striking is that for each population, almost half maintained the rule of clan exogamy, marrying into a clan different from their own. The others who married Cherokees were more concerned with tribal endogamy than clan exogamy.

10. That Cherokees reckon distant kin and are so conversant with the vagaries of bloodlines may partially explain why some of them tolerate Cherokee kinship systems are limited to Native American, Mexican American, and African American. Therefore, the races that tend to be mentioned in Cherokee discourses about intermarriage are limited to Native American, Mexican American, and African American. This is particularly interesting considering that as an anthropologist, I would argue that ideology as a cultural construct is always aligned with power, because culture itself is aligned with power. Historically, anthropologists have tended to assume that kinship systems were somehow innocent of these power connotations. Here, I have tried to directly link kinship ideologies to the “power-full” social construct of race and racial reproduction.

11. Several older Cherokees whom I interviewed claimed that their grandparents or great-aunts and great-uncles knew and acknowledged their cousins to anywhere between the sixth and tenth degree. In the course of my fieldwork, I never saw this claim verified, but many traditional Cherokees did mention and socialize with their third and fourth cousins.

12. This woman’s husband, who was also a member of the Keetoowah Society, was one-half Cherokee through his father. Because he had no matrilineal clan, he often chose to sit with his father’s or his wife’s clan on ceremonial occasions.

13. Traditional Cherokees who do marry Cherokee tend to find marriage partners in other, geographically distant, traditional Cherokee communities.

14. In my sample survey of twenty-five traditional Cherokee marriages, five, or 20 percent, had violated the incest taboo either by marrying distant cousins (to the sixth degree or greater) or by marrying within their own clan. All traditional Cherokees who violated this taboo said that they were socially stigmatized to some degree for doing so.

15. Because Cherokees socially classify one another on the basis of blood degree, I believe that this incest taboo does not necessarily extend to distant, mixed-blood collateral relatives. In other words, Cherokees are less likely to identify a highly mixed-blood individual as a relative. In this instance, however, intermarriage with a distant, less-blooded collateral relative—defined as both non-Cherokee and, thus, non-kin—would violate the rule of endogamy but not the prohibition against incest.

16. Because Cherokees prefer to make marriage alliances with other Native Americans rather than whites, this practice directly contradicts the dominant U.S. racial hierarchy.

17. This secondary preference for an Indian spouse is one manifestation of racial hegemony. In the past, endogamy and exogamy among Cherokees concerned maintaining their cultural distinctiveness apart from other tribes. Now, however, Cherokees also want to maintain their racial distinctiveness as Indians apart from other races. Thus, intermarriage with another tribe is a more socially acceptable option.

18. The hegemonic notion that multiracial or multicultural individuals have to choose one among several identity options also applies to Native Americans of multiracial descent. The Bureau of Indian Affairs and the vast majority of tribes require that multiracial Native Americans choose among their ancestries, formally enrolling as a member of only one tribe. Thus, an Oklahoma Cherokee with Kiowa, Cherokee, and Choctaw ancestry, even if he or she had enough blood to qualify for membership in each, must enroll in only one tribe. It would be an interesting study to find out if there was any patterning to this choice, possibly based on blood degree or on a tendency to identify more with the father’s or mother’s side.

19. Very few Asian Americans reside in northeastern Oklahoma relative to the population as a whole. Therefore, the races that tend to be mentioned in Cherokee discourses about intermarriage are limited to Native American, Mexican American, and African American.

20. Stilwell is a well-known, more commercially developed Cherokee town—what I describe as a large checkerboard Cherokee community.

21. I would argue that ideology as a cultural construct is always aligned with power, because culture itself is aligned with power. Historically, anthropologists have tended to assume that kinship systems were somehow innocent of these power connotations. Here, I have tried to directly link kinship ideologies to the “power-full” social construct of race and racial reproduction.

22. This is particularly interesting considering that as an anthropologist, trying to understand and uncover racial ideology and its impact on the Cherokee community, I had to rely on discourse, on what Cherokee people said to me, as “data.” Yet even these discursively based data revealed how ideology also had material and social repercussions.

CHAPTER SEVEN

1. Although the term freedmen is gender biased, I have chosen to use it to maintain historical continuity and to avoid the awkwardness of phrases such as “freedmen and freedwomen,” or “freedpeople,” which might jeopardize meaning. However, when referring specifically to the female sex, I use the term freedwomen.
2. I was able to locate a complete legal record of Cherokee Freedmen and Cherokee Freedmen's Association, et al. v. United States, 10 Ind. Cl. Comm. 109 (1961), Dockets No. 173-a and 123, in the Earl Boyd Pierce Collection, Archival Box 75, at the Cherokee National Historical Society (CNHS), Park Hill, Oklahoma. Earl Boyd Pierce was the Cherokee tribal attorney during that period, and the CNHS has his complete papers, which are well indexed and underutilized.

3. For a fictional treatment of this phenomenon in Oklahoma, see Linda Hogan's 1990 novel, Mean Spirit (New York: Ivy Books).

4. Virtually all of my information on the Nero cases comes from the files of Jim Goodwin, attorney at law, of Goodwin and Goodwin, Tulsa, Oklahoma. Mr. Goodwin was the attorney for the freedmen in the Nero cases, and he and his staff were very helpful to me during the course of my fieldwork. Mr. Goodwin has two sons, Jerry Goodwin, who runs the Oklahoma Eagle, the only newspaper written for the African-American community in Tulsa; and David Goodwin, who was a contributor to the paper. David and his father conducted a series of important taped interviews with Ross Swimmer, R. H. Nero, and Agnes Cowen in 1984. The tapes and transcripts are located in Jim Goodwin's files.

5. The process by which someone obtains Cherokee tribal citizenship is explained in greater detail in chapter 4.

6. My analysis of the freedmen controversy crosses the same theoretical bridge linking critical race theory to the progressive critical legal studies (CLS) movement of the early 1980s. Today, CLS challenges ahistoricism and insists on a contextual/historical analysis of the law. Critical race theory, on the other hand, focuses on race as a social and political construction, arguing that attention to race flaws critiques of human rights legislation.

7. In the numerous interviews that I conducted, I found only one exception to this general tendency. A Cherokee woman in her late sixties recounted that her mother's brother's wife, her aunt, had been a black woman without Cherokee ancestry. Because she had been orphaned at a young age in the early 1900s and raised by a full-blood Cherokee family in Hulbert, she understood Cherokee culture and Cherokee was her first language. As a result, this woman was accepted into the community as a Cherokee. She married a full-blood Cherokee-language speaker and had children who were fluent speakers and who also married within the tribe.

8. The number of 4,000 black-Cherokee individuals is from Thornton 1990: 169.

9. Cemeteries are also segregated in practice. Not only do Cherokees tend to bury their dead in their own community graveyards, but the freedmen do so as well. The freedmen descendents whom I interviewed did not bury their dead in the main Tahlequah cemetery but in what is known as the Ross cemetery. This cemetery belonged to the Ross family, who used it as a place to bury their deceased slaves. Today, you can find it next door to the W. W. Hastings Indian Hospital in downtown Tahlequah.

10. This quote is interesting for two reasons. It links the Cherokee freedmen case with this book's introductory vignette about black-Seminoles taken from John Sayles's 1996 film Lone Star. The quote also points to the fact that multiracial identity is not a homogeneous experience. Different groups of Native/African-American people, here black-Seminoles and Cherokee freedmen, have very different historical experiences of racial formation and social incorporation.

11. Many Cherokees admit that contemporary freedmen descendants share Cherokee foodways as well as economic and religious practices. A case in point is that the freedmen community churches are usually Baptist and hold socioeconomic observances on the same days as Cherokee traditional holidays. In fact, there is a history of interaction and exchange between freedmen and Cherokee Baptist churches, as explained by the Reverend Roger Nero in a taped interview with David Goodwin, and by Daniel Downing in the Duke Oral History Collection 1969: 4-25, Western History Collections, University of Oklahoma. Several Cherokees I interviewed said they could relate more easily to the freedmen than to whites because the freedmen were also a community-focused people.

12. For more on this recent political crisis, refer to chapter 4 of this volume.

13. The Cherokee Constitutional Convention was first convened in 1996. However, its progress was seriously impeded by the political controversy involving Principal Chief Joe Byrd and the judicial branch of the Cherokee government. Under the new chief, Chad Smith, the tribal council passed an act creating a formal constitutional commission with over seventy delegates.

CHAPTER EIGHT

1. All people experience contradictory consciousness, particularly as they are influenced by powerful ideas about racial and cultural essentialism, nationalism, class, gender, and sexuality. However, because Cherokees and other Native Americans have been subjected to federal policies that police their identities in terms of blood and race, this experience may be even more intensified, at least in regard to these particular aspects of identity.

2. This insight is indebted to anthropologist Karen Blu, who read this manuscript on more than one occasion with great care. I am fortunate to have such a perceptive and challenging reader.

3. While this is a common problem among Native-American communities, where American Indian languages are on the wane, other tribes with few or even no remaining language speakers have responded by defining their national culture on some other basis.