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INTRODUCTION

A Cherokee Literature of Indian Nationhood

The future had looked grim for the Cherokees in early 1870 as Congress began a new session. That, at least, was the recollection of William Penn Adair, Cherokee lawyer, politician, and diplomat. Adair spent much of 1870 in Washington working as a tribal delegate, one of five official representatives sent east that year from the Indian Territory (what is today eastern Oklahoma) by the Cherokee government.¹ In September he wrote a detailed account of his activities in the form of an open letter, printed as a pamphlet, to the Cherokee people. He recalled that when he and his fellow delegates had arrived in Washington in January, they had found the Cherokees' interests – and Indian affairs generally – in a terrible state. “Not only were the rights of the Cherokees and other Indians in great uncertainty,” he explained, “but the Indian race itself was seriously threatened.”

Members of Congress wanted to abolish the practice of making treaties with Indian tribes, this at a time when the Cherokees were trying to win approval for a new agreement. Some insisted that the Fourteenth Amendment, ratified a year and a half earlier, had given the Indians citizenship in the United States and that the tribes fell within state and federal jurisdiction rather than that of their own laws as a result. Railroad corporations building lines through the Indian Territory pushed Congress to grant them vast tracts of tribal land in obvious violation of the treaties. And most dangerous from the Cherokees' point of view, there was a developing campaign to reorganize the Indian Territory to make it a full possession of the United States. That

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action would involve the dismantling of the tribal governments, the extension of American law, and the opening of the territory to American settlement. All told, the advocates of these various measures amounted to what Adair called “the most formidable opposition to the Indians ever heretofore arrayed.”²

Yet all was not lost, Adair explained. He and the other representatives found that many in Washington were in fact sympathetic to the Indians and wanted to behave properly toward them. American authorities were simply misinformed about the treaties and the Indians’ needs and desires. That was a situation that the delegates could rectify. As Adair reported in his letter: “In order to enlighten this friendly influence on the Indian question, so that we might secure its valuable aid in our behalf, (which I am happy to say we did,) our delegation spread broadcast before all branches of the Government and before the people, memorials and documents, which in turn were taken up by the press. We also visited the cities of New York and Baltimore, and delivered addresses before the people, which were kindly noticed by the press.”³ The delegates, in other words, lobbied Congress and the president and mounted a public-relations campaign in favor of maintaining the existing state of Indian affairs. They corrected the opinions of well-meaning whites and by doing so “defeated the many schemes used by our opponents to destroy our existence” – at least for the time being. “The storm that threatened the Indians [during the] last session of Congress has been diverted,” Adair concluded, “yet it may probably return again at the next session with increased fury.”⁴

This is a study of the “memorials and documents” broadcast by Cherokees like Adair in the nineteenth century, an analysis of the public statements that tribal spokesmen produced in their efforts to persuade the “friendly influence” in America. I take up a series of political issues, beginning with the removal crisis of the 1820s and 1830s but emphasizing the period after the Trail of Tears. For each case, I describe the formal messages that tribal leaders directed at the American government and public, explaining what chiefs and delegates said to non-Indians about the Cherokee Nation, Indian people, and American

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Indian affairs. Cherokee leaders produced a great number of these messages over the course of the century. Each year they presented formal appeals and petitions to Congress and the president. They circulated pamphlets among their allies in the United States and made speeches in American cities. They published letters and editorials in Indian and American newspapers. Some of these documents were little more than brief statements responding to a particular American policy initiative, but others were detailed discussions of Cherokee history and the tribe's dealings with the United States. Still others were extended and often quite cogent analyses not only of Cherokee affairs but of Indian relations in general. Taken together, these statements amount to a Native American political literature, a decades-long Cherokee commentary on the "Indian question."

The purpose of this literature was the defense of Indian nationhood. Cherokees produced the writings I examine as part of the long struggle to preserve their independent tribal government and the barriers between themselves and non-Indian America. Between 1810 and 1830, in one of the more famous episodes in Native American history, the Cherokees remade themselves politically, founding a constitutional republic fashioned after the United States. For the rest of the century, they defended that status against consistent and intensifying attacks by American authorities and an expanding non-Indian population. Beginning with the removal policy, which eventually sent most of the tribe to the Indian Territory, a long series of American actions undermined and finally nullified Cherokee political autonomy. There were efforts to divide the Cherokee Nation in the 1840s; hostile policies connected to the Civil War and Reconstruction; the arrival of American corporations; the campaign to make Oklahoma a United States territory; and finally the formulation and triumph of the allotment policy at the close of the century. In working against these dangers, tribal leaders consistently claimed sovereign nationhood. Even as the United States government disregarded or openly assaulted Cherokee sovereignty, and as the Cherokee country became encapsulated by non-Indian settlement and colonized by American corporations, Cherokee leaders produced formal arguments insisting that their people were

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citizens of a separate nation and that this was a status that Americans were bound to respect.

Historians of the Cherokees have amply recounted the struggle for sovereignty; however, they have made poor use of the Cherokees' petitions and appeals.⁵ Most cite a handful of these documents, with scholars drawing from the memorials examples of tribal leaders' eloquence and evidence of Cherokee opposition to federal initiatives. But few pause to study them in any detail, and the exceptions to the rule focus on a limited period of time, namely the removal era.⁶ That neglect is understandable. The memorials did not stop removal in the 1830s or prevent the dismantling of the Cherokee Nation at century's end. Too few Americans paid attention to Cherokee leaders for the writings to have had their intended effect. If one's goal is to examine how and why the nineteenth-century Cherokee Nation fell, the public messages are not terribly helpful. By the same token, the writings offer little in the way of reliable social and cultural information about the Cherokees. Tribal leaders frequently described their people in the memorials, but they created selective, idealized, and at times simply inaccurate pictures designed to support their political positions. The writings are quite barren when it comes to social history.

Yet if the memorials say little about the Cherokees, they deserve attention as a record of what certain Cherokees said. The petitions and appeals represent a Native American contribution to the nineteenth-century debates over Indian affairs. Cherokee leaders closely followed those debates and entered them, forming their own ideas of what constituted proper relations. While their arguments ultimately went unheeded, they belong in our histories of the Indian question no less than do the positions of federal officials and eastern philanthropists (many of whom, after all, knew much less about Indian affairs than did tribal leaders). The historical literature on Indian policy and on Americans' long conversation about the nature and fate of Indian people focuses almost exclusively on what whites had to say. But Cherokees (and members of other tribes, I suspect) analyzed Indian policy for themselves and participated in that conversation. Their petitions and

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appeals provide an opportunity to return one set of Indian voices to its rightful place.

In addition, the Cherokee memorials, since they deal with nationhood, invite one to explore an important paradox in Native American history – the contradiction between the sovereignty of Indian nations and the political weakness of Indian peoples. This is one of the central issues in the history of American Indian affairs.⁷ The United States both recognized Native American peoples as autonomous communities enjoying an existence that predated the republic and identified them as dependent subjects of the federal government. The continent, by right, belonged to the United States, but Native Americans possessed rights as its original occupants. The Indian question in the nineteenth century often amounted to the problem of how to resolve that contradiction. To put it more accurately, how was the United States to gain possession of the continent without resorting to naked conquest and fraud? By the 1890s the answer that American policy makers and “friends of the Indian” had formulated was to eliminate the sovereignty side of the paradox. According to this view, Indian people were not citizens of separate nations but wards of the federal government. The United States’s duty toward them was to break up the tribes and draw their members as individuals into the American population. The rights of Native Americans were reduced to the right to be protected and educated by non-Indian guardians until they were ready to merge with the broader populace. This was the solution enshrined in the allotment policy and assimilation campaign.⁸

Cherokee leaders understood their people’s contradictory position. They recognized that the survival of the Cherokee Nation required the cooperation of the United States – a situation that can hardly be said to have represented full sovereignty. But they rejected for their people the role of government wards. Even as American policy reduced them to the status of federal stepchildren, Cherokee leaders labored to convince white Americans that there could be a better answer to the Indian question. Their writings on nationhood document an effort to find an alternative to wardship as the basis for Indian-American relations.

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Finally, the memorials are fascinating as the product of a Cherokee analysis of non-Indian America. In demanding the nation, Cherokees not only reminded their neighbors of tribal rights and treaty promises but tried to explain to them that the Indian nation was compatible with an expanding modern United States. Most of their audience assumed that American development and progress necessitated the end of tribal autonomy. At best, the Indian nation was a transitional state, a stopover for Native people on the way to assimilation. Tribal leaders, however, found a variety of ways in which Indian autonomy, as they defined it, belonged in the world that Americans were creating. In particular, they found new reasons for Indian nationhood in the industrialization of the American economy. While many in the United States saw the Indian nation as a doomed relic, Cherokee leaders were able to imagine a modern future for it. Some, in fact, suggested that the nation was the *key* to modernity for Native people, the thing that would allow Indians to reap the benefits of the late nineteenth century's tumultuous change while protecting them from its perils. Anything but an anachronism, the nation would make it possible for Cherokees and other Native people to participate in modern life, because it would give them the power to choose the terms of their participation.

One way to read this book is as a study of resistance, one of the central topics of the literature on the Native American past. The memorials, after all, were meant to keep the government and people of the United States at bay. They reflect a century of opposition to federal policy and American expansion. But the writings also form a record of Cherokee *engagement* with non-Indian America, and this, I think, is their more interesting and vital aspect. As a matter of political survival, tribal leaders continually observed and listened to Americans. They scrutinized their powerful neighbors' politics and culture for arguments in favor of Indian nationhood. They not only opposed American initiatives but attempted to make policy, to imagine a more acceptable version of American Indian affairs. Resistance, in this case, involved an ongoing process of interpretation of the people and forces opposed. It is that process, and not simply resistance in and of itself, that I want to examine.

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I begin with a review of Cherokee removal. Historians have explained the policy and the Cherokees' response many times, so I do not attempt an exhaustive account here. In fighting removal, however, tribal leaders adopted some of the basic themes that, in one form or another, would recur in Cherokee writings throughout the rest of the century. In the first chapter I identify those themes and then discuss continuity and change in Cherokee political language between the 1830s and the years immediately following the Trail of Tears. The study then jumps forward to examine several issues in the post – Civil War period: the Reconstruction process in the Indian Territory, in which Cherokee leaders worked to reestablish their people as a sovereign nation; the rise and fall of the “peace policy,” now a mostly forgotten initiative, but a policy that loomed large in the thinking of Cherokee leaders; and the penetration of the Indian Territory by American railroads, a source of much anxiety in the 1870s and 1880s and a topic that inspired some of the most interesting Cherokee writing. Along the way, there are chapters on the General Council of the Indian Territory and the Indian International Fair, institutions through which (as I argue) Cherokees and other Native people acted out their conceptions of proper Indian relations. The book concludes with a chapter on allotment – its rise to become the dominant Indian policy, and the Cherokees' effort to find an alternative to it. Together, these cases allow me to describe Cherokee messages to America over a long period of time and in a number of different contexts.

At various points in these chapters, my focus shifts from the Cherokee Nation to developments in the United States that were not directly related to Indian affairs. I use elements of American studies literature on modernization to draw connections between Cherokee political language and broader issues in nineteenth-century American culture. In particular, these sections show the influence of scholars like Alan Trachtenberg, who explores the cultural rifts and anxieties brought by the rise of the modern corporation.⁹ To some, these shifts may seem like digressions. My intent, however, is to examine the ways in which Cherokees' political discourse responded to the changes occurring within the culture of their audience. Moreover, making these connections allows

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me to bring a set of Native American subjects and stories into several of the larger narratives of nineteenth-century United States history.

In addition to the American studies scholarship, the essays of several literary critics have influenced my analysis of the Cherokee writings. The work of Arnold Krupat encouraged me to look closely at the memorials in the first place. Krupat's "rhetorical reading" of several Cherokee documents from the removal era is one of the few works to examine tribal leaders' statements in depth. Krupat treats the Cherokee memorials as narratives amenable to the kind of analysis one might apply to a work of literature. He does the same, meanwhile, with pro-removal documents, including the Indian Removal Act of 1830. His descriptions establish a comparison of the stories told on either side of the debate. The pro-removal statements, he argues, displayed a tragic narrative of Indian decline, one similar to the tales told in popular antebellum novels about Indians. For the tragedy to be complete, however, the Indians themselves had to accept their fate and agree to move beyond the frontier. In the Cherokee memorials, tribal leaders refused to embrace the inevitability of their decline and migration and in so doing created what Krupat labels an "ironic counternarrative" in which Indians were the victims of white oppression rather than sufferers of a tragic but unavoidable doom.¹⁰ My first chapter echoes Krupat's argument at several points. More important, the study as a whole reflects the idea that one may examine Cherokee memorials as a kind of literature. This is a work of history rather than literary criticism, but like Krupat's essay it concerns the stories told in Cherokee political writings.

Another influence from literary criticism requires a somewhat more detailed explanation. In thinking about the Cherokee memorials, I have found the essays of Homi K. Bhabha, the critic and theorist working within the field of postcolonial studies, quite useful.¹¹ Bhabha writes about British India rather than the Indians of America, so the specific events and texts he cites are well outside the scope of my research. His broader concern, however, is the "discourse of colonialism," the language with which Europeans theorized and explained their power over colonized peoples. In exploring that more general topic, Bhabha

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offers a model applicable to the history of colonialism and conquest in the United States.

The central idea of much of Bhabha's work is what he calls the "ambivalence of colonial discourse."¹² Bhabha identifies a crucial contradiction in the language and literature of European colonialism. As I read his work, this is fundamentally a contradiction between universality and differentiation. Bhabha notes that in creating colonies, Europeans simultaneously claimed an affinity with the "natives" and defined them as different and inferior. On the one hand, colonial powers invoked universal concepts in legitimizing their rule – concepts such as civilization, enlightenment, and true religion. Colonizers explained their authority in terms of a mission to bring progress and the knowledge of God to the natives, a mission that implied a basic commonality between the colonizer and the colonized. The natives may have been "primitive," but they were joined with the colonizer in a single evolutionary process, at the end of which was a common civilization. Not surprisingly, Bhabha argues that by grounding their authority in those universals, Europeans effaced the disruption, violence, and sheer messiness of their intrusion into other people's worlds. He refers to this phenomenon as colonialism's "strategy of disavowal."¹³

On the other hand, colonial rule – the exercise of colonial power – demanded not the recognition of commonality but an insistence on difference. Colonialism by nature involved discrimination between Europeans and non-Europeans. Colonizers defined natives as subjects and Europeans as masters, and part of that mastery was the power to make the definitions. That impulse to differentiate between natives and newcomers was fundamentally at odds with the universal principles with which Europeans explained their colonial presence. Bhabha suggests that while ideas like the civilization mission served to mute awareness of this basic contradiction, they could never truly resolve it. Colonialism, then, was at its source ambivalent.

Bhabha identifies a number of consequences of this ambivalence, but for my purposes his most useful insight is that the contradictory nature of colonial discourse rendered efforts to obscure the violence

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and chaos of European conquest impossible. The necessity of differentiating between Europeans and natives in colonial power relations meant that a strategy of disavowal could never fully succeed. The appeal to universal ideas of civilization and enlightenment could never completely hide or explain away colonial oppression. As Bhabha sees it, the exercise of colonial *power* contradicted the terms by which Europeans claimed colonial *authority*. It left that authority – at least on the level of discourse – permanently incomplete and unstable.¹⁴

Cherokee representatives in the nineteenth century found themselves in a situation that corresponded to Bhabha's general model. As numerous historians have noted, European Americans identified the "civilization" of Indians as one of the purposes of their relations with Native peoples. The absorption of Indians into the broader American society and culture remained at least an official goal of policy makers throughout the century, whether one is speaking of Jeffersonian philanthropists, peace-policy advocates after the Civil War, or the reformers who championed the assimilation campaign at the end of the century. At the same time, that commitment to the civilization process coexisted with the goal of gaining possession of Indian lands free of Indians. That goal involved a willingness to define people like the Cherokees as Others. Indians were inferior people who could be managed and dispossessed if such actions would further the development of non-Indian America. White authorities imagined ways of resolving that contradiction – by arguing, for example, that as Indians progressed they would need less territory, or that freeing tribes of "excess" land would help them improve. They could not, however, efface the violence of expansion when they forced (or contemplated forcing) policies like removal or allotment on the Cherokees. In the writings I examine, Cherokees continually called attention to the contradictory nature of American Indian policy. They picked apart American efforts to disavow racism and oppression and insisted that if the Cherokees were to be dispossessed of their government and property it would be a crime and not the working out of some universal principle.

Strictly speaking, one does not need postcolonial theory to come to that last point. Bhabha's model, however, has helped me understand the

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ideas and arguments to which Cherokees responded in the memorials, and that in turn has aided my analysis of the Cherokees' own discourse. Bhabha's general idea of colonial ambivalence informs much of what I write in this study.

I have one last introductory task. Since delegates operating in Washington produced many of the writings that I examine, a brief description of the practice of sending those representatives is in order. The Cherokee National Council began to appoint official emissaries to the United States in the 1820s, as pressure mounted for the tribe to move west. These were Cherokee leaders, often members of the National Council itself, whose duty it was to watch over the federal government and to convey to American authorities Cherokee opposition to removal. While in the past, leaders had met with federal officials only when called, the growing threat of forced migration inspired them to send representatives to the capital whether they were invited or not.¹⁵ Cherokees maintained the practice after the Trail of Tears, and by the post – Civil War era, appointing delegates had become a standard part of each year's business in the tribal government. In the council's late-autumn session, members would prepare a bill appointing two to five representatives and approving the funds necessary to support them in Washington. Once the legislation passed, council members would draft a second bill instructing the delegates. This act would contain a long list of issues that the representatives were expected to address. Bearing those instructions and council permission to draw upon the tribe's treaty money, the delegates would travel east, usually in late December.¹⁶

Delegates' activities varied, but in essence their job was to monitor the activities of the United States government. When Congress or the Interior Department acted in ways that the Cherokee government considered dangerous, the delegates interceded, composing the statements I examine in the chapters to follow. They were also expected to keep the principal chief and the tribal government apprised of conditions in the American capital. Reports back to the Cherokee Nation from Washington form a rich documentary resource in their own right. By

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the late nineteenth century, this business sometimes kept delegates in the East as long as an entire year, although generally they would return to the Indian Territory in the summer, when Congress recessed.

I should note that the delegates' formal statements often did not end up in the files upon which historians of nineteenth-century Native Americans most often rely – the records of the Indian Bureau. Some of the best collections of memorials are in the records of the House and Senate committees on Indian affairs and territories. The published federal serials also contain quite a few Cherokee petitions and appeals, particularly from the removal and Civil War eras. The Cherokee Nation papers housed at Oklahoma University's Western History Collection and the Oklahoma Historical Society contain memorials, as does the Gilcrease Museum's pamphlet collection. Finally, the Cherokees' national newspaper, the *Cherokee Advocate*, reprinted a great many of the delegations' formal statements, particularly in the latter part of the century. I have drawn heavily from all these collections, but less so from the traditional sources in the files of the Bureau of Indian Affairs.

When examining the delegates' writings, one should bear several things in mind. It is important, first of all, to remember that the views expressed in the documents were not necessarily those of the general Cherokee population. Since delegates received specific instructions from the elected tribal legislature, one may assume that their basic positions and goals were in accordance with the desires of the Cherokee majority. Specifically, when they asserted the right of the Cherokees to remain a nation, tribal leaders expressed a dominant view. But the ways in which they defined and defended the nation – the ideas and language that they employed – should not be taken to reflect all Cherokees' understandings of themselves and the United States. These writings were meant to persuade non-Indians. They appealed to European American ideas of politics and Indian affairs.

Moreover, the authors generally belonged to a Cherokee elite. Many were literate in English, formally educated, and members of the tribe's comparatively wealthy class of commercial farmers and businessmen. The quintessential example was John Ross, the Cherokees' principal chief from 1827 to 1866. The son and grandson of European American

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men, Ross spoke English as his first language, was educated by whites, and before entering politics gained experience with antebellum American commerce. Before removal he owned twenty slaves, who worked a landholding of several hundred acres, and he ran a ferry across the Coosa River.¹⁷ William Penn Adair, whose report opened this introduction, had a university education and a successful law practice. In the 1850s he grew wealthy enough from his law work and farming to own at least ten slaves. He spoke Cherokee, but English was his primary language.¹⁸ Their education and experience made Cherokees like Ross and Adair ideal representatives to non-Indian America, but they may have been isolated from some elements of Cherokee culture. Precontact religion, for example, would have informed many Cherokees' conceptions of the nation, but it seems not to have influenced most of the arguments that delegates presented in their memorials, addresses, and petitions. The writings I study represent tribal leaders' inventive effort to make Indian nationhood compatible with a modernizing United States. As I suggested earlier, however, they do not offer a particularly clear picture of nineteenth-century Cherokee culture or identity.

Finally, one should note that non-Cherokees participated in the writing of some of the memorials and petitions. The tribe sometimes hired European American lawyers to help the delegates with certain tasks. In particular, lawyers were employed to secure money that Cherokee leaders believed the United States owed the tribe under the treaties and to help the delegates negotiate sales of tribal land. These lawyers certainly influenced some of the delegates' writings. In addition, by the 1870s Cherokee representatives regularly combined their efforts in the capital with those of other tribal delegations. The Five Tribes (or Five Civilized Tribes) issued joint statements on matters concerning the Indian Territory as a whole.¹⁹ Multi-tribal documents appear in this study only when they broadcast positions that Cherokee leaders also took independently. Those positions, however, were not purely of Cherokee design.