

Southern Cherokee: Warriors, Diplomats, With A Cloaked History

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As the title insinuates, and in no uncertain terms, our tribe has been neglected in modern times due to our history being cloaked by a multitude of factors; but first and foremost, this historical erasure is led by a concerted effort from the so-called "Cherokee Nation" to demolish our sovereignty, attack our heritage, downplay our leaderships importance to Tsalagi history, belittle our peoples as a whole, and as individuals conducting vicious personal assaults on one's person and livelihood, to include my own, calling me stolen valor to support claims of fraud, when I was on my death bed from wounds sustained in combat and as a result now, I am 100% totally and permanently disabled as a result of my service with a laundry list of disabilities and ailments I wouldn't wish on my worst enemies, call into question the validity of our communities as continued tribal peoples today, and engage in the historical erasure of our peoples. I wish I could say that this was a cut and dry issue of racism, or that colonialism is the main culprit in this situation, but if I did, I would be lying. While these are both big factors to why our once great Cherokee Confederacy in the East fell, they are not the reason for why we, as Southern Cherokee, are kept out of the fold in modern times and denied our rights by the U.S. government, by the gatekeeping, historical erasure, and gaslighting done by the Cherokee Nation. The reasons for this are more nuanced and tied to the Cherokee infighting and re-assimilation of our peoples into the Union during the Reconstruction Era post-Civil War amongst the Cherokees in the Ozarks.

Since Jim Crow until today we have experienced discrimination, however now, the U.S. government has turned a blind eye to it being done by the "biggest tribal body" in the nation. Though that is a debatable topic, as I will prove, as they are by the definitions of the Bureau of

Indian Affairs itself not an Indian tribe in the least bit, as I will show in this paper. I speculate that it is for this reason, that the group of indigenous people that are within the body that calls itself the “Cherokee Nation” today, have fought so hard to set up a discriminatory process within the Cherokee Nation since its own redevelopment, as I will prove, and now days does everything it can to kill anything labeled as “Indian” that doesn’t come from a federally recognized tribe. They have made hate legal as the result of a resolution signed in by the Cherokee Nation allowing its citizens to break federal discrimination laws to fulfill some false sense of entitlement to defend their version of Cherokee culture as the only form of Cherokee culture, which as a side note is perverted because family groups and cultures grow in their perspective environments, not one nation gets to dictate what is the official culture of a person, race, creed, or another nation, that in itself is arrogant, but I digress; these laws that are on the books that the Cherokee Nation acknowledges are set up for the sole purpose of destroying what they see as pretendians, or in other words, discriminating on another person for nothing other than being from another Cherokee nationality than the Cherokee Nation, such as us Southern Cherokees, and as I personally face from their citizens and leadership today.¹ One of the main issues is that our warriors’ service was, and still is by some, debated as “disloyal” due to the fact that we fought for the Confederate Army; however contrary to what the Cherokee Nation would like people to believe we were not split from the start over the issue of Confederate loyalty, as the majority of what was then Indian Territory overwhelmingly supported and fought for the Confederates at first as seen with the Choctaw, Chickasaw,

¹ “CHEROKEE NATION - TRIBAL CODE.” Tribal code - cherokee nation; National Indian Law Library, Native American Rights Fund (NARF). Accessed April 10, 2022. https://narf.org/nill/codes/cherokee_nation/index.html.

Seminole, and Creek tribes all signing on with the CSA, so this is a dubious assertion. Our faction is just the ones that take the brunt of the blame because our peoples wouldn't readily switch sides at the drop of a hat to the Union like the Ross bunch did.

Chief John Ross himself was always a Union supporter, as was much of his faction, and this is what the Cherokee Nation banks on to make the claims of a split nation supporting the Union from the start of the Civil War, but because they were the minority voice in Indian Territory, as many Cherokees, or dare I say Indian peoples in general by the overwhelming support for the CSA treaties in 1861, wanted a permanent place with a say in the federal rule which governed over them, one in where they would have protection from intruders, and the total ownership over their lands, such as was promised in the treaties made in alliance with the Confederacy in September 1861, in where it stated in no uncertain terms that, "Each tribe or band shall have the right to possess, occupy, and use the reserve allotted to it, as long as grass shall grow and water run, and the reserves shall be their own property like their horses and cattle."² Thus, he signed us into the CSA to keep the tribe from splitting, which would still wind up happening by the wars end. As far as our loyalties go, our faction made a treaty with the Confederate States of America, this is true, but this was done when the Cherokee Nation as a whole did; so we were by no means a rogue faction in doing so, the only difference here is that when the war looked as though it was going to be won by the Union, the Ross faction jumped ship, so I ask you, who were really the "disloyal Cherokees"? Us, the Cherokees who made only

² Bernholz, Charles D., Laura K. Weakly, Brian L. Pytlik Zillig, and Karin Dalziel. "As Long as Grass Shall Grow and Water Run: The Treaties Formed by the Confederate States of America and the Tribes in Indian Territory, 1861." American Indian Treaties Portal. Accessed April 7, 2022. <http://treatiesportal.unl.edu/csaindiantreaties/#n1.ref>.

now aggressively lobbying, and performing discriminatory actions, against any state and unrecognized tribes they can to maintain their own power and control within Indian Country today?

One of those key leaders to permanently relocate was Chief John Ross, who after the Civil War, settled down in Philadelphia, Pennsylvania, his home away from home since youth, as he was just as much an American as he was a Cherokee since his days of schooling in the Northeast learning how to politic. The chief's relocation to the Northeast came about after the Union arrested him, however the affair was rather cordial, because he was playing both sides from the start, with a nonviolent stand down between the Company of Confederate Cherokees protecting his home and a Keetoowah group of Southern deserters, now organized Union Cherokees, who were there to take John Ross. It's important to note here that 6,500 Indigenous peoples fought under Stand Watie as CSA troops, 3,000 were Cherokees, yet only 300 Cherokee deserted to the North at first,⁶ with a few more later, but by no means was this the majority. Moving on, Ross was allowed to go and gather important documents of the Cherokee Nation, and then he, his family, and several other Cherokee officials were escorted from Tahlequah to Cabin Creek, and then to the state of Delaware where they stayed in the area in exile⁷ from the Nation for the duration of the war. Nevertheless, after being released from confinement, he and his family stayed in Pennsylvania, where he lived out the rest of his life, never officially moving back to the Nation he was the so-called leader of; as it was so well put by Gary E. Moulton, "he

⁶ Perdue, Theda. Review of John Ross and the Cherokees, by Gary E. Moulton. *The Georgia Historical Quarterly* 70, no. 3 (1986): 456–76. <http://www.jstor.org/stable/40581546>.

⁷ Mullins, Jonita. "Three Forks History: Ross Was Arrested and Exiled from ..." *Muskogee Phoenix*. Muskogee Phoenix, October 21, 2017. https://www.muskogee phoenix.com/news/three-forks-history-ross-was-arrested-and-exiled-from-indian-territory/article_3bd97812-e0e1-52a5-bcbc-0fbce7a5ad27.html.

was no more representative of the Cherokees than George Washington — planter, speculator, millionaire — was of Anglo-Americans.”⁸

We, the Southern Cherokee, feel that the reason for why Chief John Ross stayed with his family in this greater political area of influence that hangs over Washington D.C. after the Civil War was over was so that he could better position himself and his kinsmen to engage in the act of politicking with the elected officials and the elites of America. As such they, being the Ross faction, who were in control of the Cherokee National Council at the time, were able to usurp the power of the other tribal factions, being that of the Keetoowah /Old Settlers, Southern Cherokee, and Freedmen, and control the government-to-government relationship between the Cherokees and the U.S.A. through Reconstruction up until the creation of Oklahoma as a state and the disbandment of the Cherokee Nation as a tribal body, into an administrative organization dictated by the federal government throughout the majority of the 20th century, until its reorganization in 1975. As a result of this control, and various other issues and splits that happened throughout the mid to late 1800s, the Ross faction, through their grip on the federal government through service with the Union as the Cherokee National Council, would become the de facto leaders of the Cherokee Nation, in the late 1800s, into the 1900s, and on.

The Southern Cherokees leadership has speculated over the years that by the Civil Rights movement the Cherokee Nation, based on bad blood of the past, and having made monetary gains from the federal government on behalf of our peoples with no legitimate claim to it, in the form of monies earned from improvements made on lands intended for Southern

⁸ Perdue, Theda. Review of John Ross and the Cherokees, by Gary E. Moulton. *The Georgia Historical Quarterly* 70, no. 3 (1986): 456–76. <http://www.jstor.org/stable/40581546>.

Cherokees, as they have taken the Cooweescoowee and Canadian districts and filled the areas with businesses and farms expelling our peoples into lives of destitute and seclusion in the Missouri Ozarks and in our family group settlements in Indian Territory, and then knowing that Southern Cherokees and Old Settlers overwhelmingly took less Dawes allotments, pushed to make the Dawes rolls the base for membership, seeing the fraudulent white enrollments as less of a threat than the other real Cherokee factions, thus excluding the majority of the Southern Cherokees from being included in the reorganization of the Cherokee peoples in the early 1970s, which then established the Cherokee Nation in 1975; with the Dawes as its base criteria, and in just eight short years later their leadership had cooked up a plan to go about the process of expelling the Freedmen from the Cherokee Nation next in 1983 by saying they were not descendants from the historical Cherokee tribe of Old.⁹ However, many freedmen were Cherokee by Blood.

The Thompkins roll also took stock of all the Cherokee citizens within the Nation at the time of its taking, but the Cherokee Nation likes to push the narrative that the roll was only for one group, the freed slaves in Cherokee Nation. This could not be further from the truth, the roll, as defined by the pre-negotiation of the treaty of 1866 that was done in Fort Smith, Arkansas, split up the parties to be listed on the roll in two categories, being that of the already classified Cherokee Citizens and the people that were soon to be integrated through the reconstruction process, being the Freedmen, the Citizens being those “Loyal” and “disloyal” or so-called “southern Cherokees” as clearly stated in the Articles of the treaty of 1866. This was

⁹ Coleman, Arica L. “Are Blacks Being Victimized Twice by the Cherokee?” History News Network. History News Network. Accessed April 8, 2022. <http://hnn.us/articles/50202.html>.

done because the tensions had hit an apex. Literally weeks before the surrender of Stand Watie, a Grand Council of the “Southern Indians” was called, not of the westernized nations but those that wished to live by their ways in Indian Territory. This council took place at Armstrong Academy in the western portion of the Indian Territory solely for the purposes of establishing a “United Nations of the Indian Territory.”¹⁰ This “United Nations” was presided over by the leaders of the “Civilized Five Nations” as well as Plains Indians who had fought under the Confederacy during the Civil War.

The leaders present were noted men such as Stand Watie, William Penn Adair, John Jumper, Samuel Checote, George Stidham, Robert Jones, Peter Pitchlyn, Chilly McIntosh, D.N. McIntosh, and Reverend J.S. Murrow. While the purpose of this meeting was to originally present a united front when they would have to eventually surrender to the federal government, it quickly evolved into something else. The Council wound up landing instead on the terms on which our nations should abide by such as, “An Indian shall not spill an Indian's blood,”¹¹ The delegates concluded that instead of everyone negotiating together each nation would be authorized to, “communicate with the proper military authorities of the United States for the purposes of effecting a cessation of hostilities”,¹² and then was advised to encourage the Union Indians to, “cooperate with this council in its efforts to renew friendly relations with the U.S. Government.”¹³ They also required that any permanent treaty, i.e. terms of surrender, be

¹⁰ Stand Watie to Sarah Watie in Dale and Litton; Grant Foreman, *A History of Oklahoma* (Norman: University of Oklahoma Press, 1942); Abel, *The American Indian and the End of the Confederacy*; Charles Royce, *The Cherokee Nation of Indians* (Chicago: Smithsonian Institution Press, 1975).

¹¹ Minges, Patrick N. *Slavery in the Cherokee Nation The keetoowah Society and the Defining of a People, 1855-1867*. London: Routledge, 2003.

¹² *Ibid.*

¹³ *Ibid.*

ratified by the national councils of each tribe.¹⁴ On June 15, 1865, the “United Nations of the Indian Territory” met for a second time to ratify the positions they put forward at the last meeting, and to make sure that Stand Watie was appointed a commission of six delegates that would, “forward the great work of establishing thorough harmony among all Indian tribes.”¹⁵ It is under these terms that our peoples came to the table at the 1866 pre-negotiations.

Our Chief, Stand Watie, was instrumental in this, he and the delegates tried to get a fair treaty that united the Nation, but it wasn’t possible, the Cherokee National Council and the Keetoowah were in control post-Civil War. They made it not safe for our peoples. For an example of this we can look at a statement made by Morris Sheppard, from Webber's Falls, our Capital, within our lands as defined by the 1866 treaty, he recalled the Union Keetoowah, or “Pin” Indians as they were known, coming through the town. He stated, “Pretty soon all de young Cherokee Menfolks all gone off to de war, and de Pins was riding `round all de time, and it ain't safe to be in dat part around Webber's Falls.”¹⁶ Another account comes from Patsy Perryman, an ex-slave in the Flint district, in where she recalls an encounter she had with the “Pins:” she states that, “Mammy said the patrollers and “Pin” Indians caused a lot of trouble after the war started. The master went to war and left my mistress to look after the place. The “Pins” came to the farm one day and broke down the doors, cut feather beds open and sent the feathers flying in the wind, stole the horses, killed the sheep and done lots of mean things.”¹⁷ As

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Minges, Patrick N. *Slavery in the Cherokee Nation The keetoowah Society and the Defining of a People, 1855-1867*. London: Routledge, 2003.

¹⁷ Ibid.

such when a surrender was to be had, understandably, our leaders did not feel safe going in unarmed.

When the Southern Cherokee delegation was presented to John Garrett, who was the commander of Fort Gibson, he was subsequently handed Watie's terms of surrender, which called for the unprecedented condition that if they were to surrender to the federal government, they must be able to do so without the U.S., "demanding their paroles or their arms."¹⁸ Thus, Garrett found the Southern delegation to be outright troublesome and problematic for the United States, and ordered our leadership to the other side of the Arkansas River; viewed with a bias from the start, we were only allowed to come into Fort Gibson under the accompaniment of the loyal Cherokee.¹⁹ A balance within the peoples had to be struck, however, the only balance seemed to be a two nation solution, allowing Cherokees to pick there leadership by what district they moved into, seeing as many lost their homes and had to rebuild after being pushed out of Indian Territory in to parts of Kansas, Texas, Arkansas, and Missouri,²⁰ as relocating was already apart of the process, and thus the deal was done. This did not happen without a fight though.

During the summer of 1866, the Keetoowah delegation was facing a turning of the tides, Judge Thomas Pegg, one of the founding members of the Keetoowah Society, and an acting Chief for the Cherokee Nation, passed away in early April. This left a power vacuum in the Nation. Shortly afterward, the Keetoowah Party submitted their draft of a treaty resolution to

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ Gaines, W. Craig. *The Confederate Cherokees: John Drew's Regiment of Mounted Rifles*. Baton Rouge: Louisiana State University Press, 2017.

Secretary Harlan, who, “in a bluff designed to win concessions from the loyal Cherokee, ignored it in favor of a signed treaty from the Southern delegation that he proposed to submit to Congress for approval. The Southern delegates were elated,” or as they put it, “The President has ordered that a treaty be made with us for our own prorata share of the Nation. Ross is trying to beat us in the Senate ... Ross will be beaten there. His day is done. Ours is fast rising and bright. We will get what we asked for.’ The Southern Delegation believed that their goals would be accomplished and that the Cherokee peoples would be divided into two nations.”²¹ This was meant to be achieved by the Treaty of 1866, the Thompkins roll was to be taken of all the Citizens and Freedman in the Territory at the time, Cooweescoowee and the Canadian districts were given to the Southern Cherokee, and as the negotiations went on, Southern Cherokee got what they wanted, and the treaty was ratified.

Proof of our land holdings, as set up under the terms of the 1866 treaty, were laid out in the Fifth Annual Report of the Bureau of Ethnology to the Secretary of the Smithsonian Institution 1883-1884, when they defined the Cherokee Nation’s courts and bounds: giving both parties access to the Cherokee Outlet. If the Cherokee Nation was only meant to be one Nation post Reconstruction, i.e., the Cherokee Nation led by the Cherokee National Council as the Cherokee Nation likes to claim today, then why would the federal government go through all the work of laying out the grounds for how these two new Cherokee Nations would have their perspective courthouse’s jurisdictions divided? The report states that Congress had determined that, “All instruments of writing affecting lands in the Cherokee Nation which lie South of

²¹ Mingos, Patrick N. *Slavery in the Cherokee Nation The keetoowah Society and the Defining of a People, 1855-1867*. London: Routledge, 2003.

Spavinaw Creek, East of Grand River, and North of Arkansas River, and all other instruments affecting property within such boundaries, required by law to be recorded, shall be recorded in the office of the clerk of the United States Court at Tahlequah;" going on to make it abundantly clear, that in no other terms the Southern Cherokees courts were in Vinita, or the "said Nation" that is defined in the second portion through the statement, which is as follows, "and All instruments of writing affecting lands in said Nation lying North of the Arkansas River, North of Spavinaw Creek, and West of Grand River, and all other instruments affecting property within said boundaries, required by law to be recorded, shall be recorded in the office of the clerk of the United States court at Vinita; Provided; That this shall not include the record of original deeds to allotments and other parcels of lands, and of town lots, herein otherwise provided for."²² Making it known that the two nations, per the view of the United States, were separate but equal Cherokee Nations. The statement points out that the judicial court was in Vinita for the Southern Cherokee, located in the district, North of the Arkansas and West of the Grand, i.e., the Cooweescoowee district, while article 4 of the treaty makes it clear the Canadian district is to be included within this jurisdiction as well, as our economic capital was in Webbers Falls; and the passage just covered shows as well that the Cherokee Nation's land was defined to the bounds and jurisdiction between South of Spavinaw Creek, East of Grand River, and North of Arkansas River, with their courts to be ran out of Tahlequah. It also seems to me that our courthouse would have been the courts set up for the Southern Cherokee as well as the tribes

²² Ethnology, Smithsonian Institution. Bureau of. "Annual Report of the Bureau of Ethnology to the Secretary of The Smithsonian Institution 5th 1883-1884." Smithsonian Institution. Bureau of Ethnology. G.P.O, January 1, 1880. <https://library.si.edu/digital-library/book/annualreportofbu518831884smit>.

found in the northeastern part of the Cherokee Nation as well, as it clearly states that, “All instruments of writing affecting lands”, within those areas was to be done in Vinita.²³

By not fully instating our courthouse and systems, as even though they existed they denied people the right to be tried there, under claims of extradition as we will go over, due to locale of crimes committed or disputes in question,²⁴ the U.S. government stole the sovereignty from the tribes found in this locale, shortly after the Civil War giving much of the power to the Cherokee National Council. Many faced insurmountable struggles much like us, such as their tribal body becoming federally terminated multiple times over the passage of years post-Civil War;²⁵ and we, being the Southern Cherokees, never got our fair representation, and neither did the other tribes living north of Spavinaw, such as the Quapaw, Peoria, Ottawa, Wyandotte, Shawnee, or Senneca, because of this injustice over the course of the 20th century. For an example of when a Cherokee man tried to Invoke his rights under Article 4 to use the Southern Cherokee courthouse in Vinita, we can look to the 1878 case of Ellis B. Wright.²⁶ After being arrested, he was looking to get justice out of the courthouse as a Southern Cherokee and as such asked for a stay of case until his transfer into his own courts. He was on trial for the murder of his cousin in Going Snake district, while he was living in Cooweescoowee district, which he claimed was an accident, but in which others say was done with malicious intent.²⁷

²³ Ibid.

²⁴ Department, Executive. Letter to Hon. Columbus Delane. “Folder 7772.” Cherokee Nation, Indian Territory : Fort Gibson, May 8, 1878.

²⁵ “History.” Wyandotte Nation, April 4, 2022. <https://wyandotte-nation.org/culture/our-history/>.

²⁶ Department, Executive. Letter to Hon. Columbus Delane. “Folder 7772.” Cherokee Nation, Indian Territory : Fort Gibson, May 8, 1878.

²⁷ Ibid.

In a letter to the Secretary of the Interior, The Hon. Columbus Delane, on May 8th, 1878, about the case at hand, it clarifies again, through a note mentioned in the letter written by Assistant Chief Memes Vann, that the nations were separate stating the Southern Cherokee had requested that they, "Suspend the trial of Ellis B. Wright and hold him until he can be sent for by the United States Marshal. The alleged ground of the intervene ... is said to be that the case came under the provision of the 4th Art. Of the Treaty of 1866."²⁸ As we have covered, Article 4, goes over the bounds and courts, as laid out in the Fifth Annual Report of the Bureau of Ethnology to the Secretary of the Smithsonian Institution 1883-1884, establishing the Southern Cherokees.²⁹ However, it states in this letter from the Cherokee Nation to the Secretary of the Interior, showing how even then they had the government's ear, that, "if the provisions of the Treaty of 1866 referred to be made applicable to Canadian District it cannot be extended beyond the defined boundaries of that district for the simple reason that the District was not settled or extended in the manner described in the treaty. The sole purpose of these representations to the Department if any, in relation in the case of E. B. Wright is to defeat the end of justice to weaken the government of this nation to create trouble in our midst and to establish a precedent that will open the way for the escape of persons who have been guilty of flagrant crimes."³⁰ This statement stands to support extradition from one Cherokee Nation, being the Southern Cherokee, into the other, to face justice, showing how in Reconstruction the leadership of what is now the Cherokee Nation out of Tahlequah most defiantly seen our

²⁸ Ibid.

²⁹ Ethnology, Smithsonian Institution. Bureau of. "Annual Report of the Bureau of Ethnology to the Secretary of The Smithsonian Institution 5th 1883-1884." Smithsonian Institution. Bureau of Ethnology. G.P.O, January 1, 1880. <https://library.si.edu/digital-library/book/annualreportofbu518831884smit>.

³⁰ Department, Executive. Letter to Hon. Columbus Delane. "Folder 7772." Cherokee Nation, Indian Territory : Fort Gibson, May 8, 1878.

territories as separate nations, however, they saw themselves as superior to us, and still do, as time has shown.

As you can see, our Nation was looked at as a wholly separate “Cherokee Nation” by the U.S. than that of the one that is headquartered out of Tahlequah, as if it wasn’t he would have been allowed to use the courthouse in Vinita as a Southern Cherokee. Plus, it makes it clear that without an extradition agreement, seeing as the two nations were sovereign from each other, it would set up the precedent, if Ellis was to be sent to Vinita, to “open a way” for escapees, as they so put it, from one Cherokee Nation to hide out in the other from Johnny law, much like how people try to flee the country to places without extradition pacts with the said nation they are trying to get away from to escape serious crimes today. When I first started doing genealogy, I asked my elders about why there was no paperwork for our family, for such a long gap of history, starting in at about the 1910s and going back to about the Civil War, other than family bibles and the like. I was told by my elders, individuals in their 70s and 80s, “well Kyle, the courthouse in Vinita was burnt down after the Civil War.” Our elders tend to think of the time post 1870s-1915, as “after the Civil War”, and not Reconstruction, through the Gilded Age of politics, into the Progressive Era. They grew up a subsistence life. Hardly any attended formal schools, as such most pre-1970s had a hard time doing anything beyond signing their names to documents, if even that. Many fought in the military in WWI, WWII, Korea, and Vietnam but then were shunned upon returning home.

They were not dumb or slow by any means, our elders knew many things and could master logic with the best of them, all I am saying is that the American ideas of historic

timelines didn't play into our peoples way of thinking about our place in time; periods for us are logged by tragedy, war, and renaissance through our lived communal perspective. Since our elders were not traditionally educated since being ran out of Indian Territory in most cases, our historical timeline differs from that of the one that is generally understood in common by the mass American population, and our more modern generations being as they have been formally educated in public schools. As a teenage genealogist I didn't know this, as a 33-year-old ethnohistorian, with a decade of field work among my peoples now, I do. I used to think, in my youthful naivety, that the burning of the courthouse in Vinita was a fluke situation that happened with detrimental effects, relatively close to the end of the war, and that the courthouse was never rebuilt. As the documents we have just covered prove that is not the case. The more likely scenario is that with the completion of the Dawes we were in affect "terminated" by the government, and our records, along with our governmental structures burnt to the ground leaving little to note of our existence but oral traditions, family bibles, as well as the few documents and old letters to be found stashed away in repositories in places like the Oklahoma State University Legal Library, the HathiTrust, and the Smithsonian.

The destruction of our improvements during the Civil War, as well as our governmental structures and documents after, I feel was done on purpose, by the powers that be, in the Cherokee Nation and the federal government at the turn of the century, to terminate our tribe and force our aristocrats to assimilate into the Dawes process. I feel it was the first calculated step to committing our paper genocide as Southern Cherokee people. I have found no mention of this courthouse by the Cherokee Nation today, and I have looked. So now, people outside of our communities seem to have no clue it ever existed; other than what I can find in the various

institutionally stored records, from the various prestigious places I have just listed, which the Cherokee Nation can't destroy, there is no record of it. So, with all that said, I believe they intentionally burned it down, and you would be hard pressed to convince me otherwise as their actions now days towards us tend to back up this opinion. As you can see, the Cherokee National Council got their way in the end, with their privilege over the Southern Cherokee in the eyes of the U.S. Government, the Treaty of 1866 was broken; regardless to the promises made, the U.S. Government dealt primarily with the Cherokee National Council post-Civil War and neglected us Southern Cherokee in the years to come.

Since this neglect started happening our leadership, the ones that managed to stay in Indian Territory on account of their status, were still fighting for our peoples in court per oral tradition, to make sure our area was secure so our peoples could move back to Indian Territory in mass. Our elders have said, and it is well known within our community that back around the early 1900s, some say it was in 1901, though I have not been able to find the case with my limited resources, that the Boudinots and Ridges were going after our rights and trying to claim funds that were owed to us for overwhelmingly not participating in the Dawes process. The story goes that the federal government had said that they, being the parties in court, were told that the Cherokee Nation had already paid out monies for this and they were now being doled out to the Cherokee Nation, on our behalf at the time. Obviously, the Ridges and Boudinots families in Indian Territory ended up taking Dawes allotments in the end. I can only assume that they felt that the establishment of our lands, and our Nation, was a lost cause, and with their tails between their legs they swore a new allegiance to their fellow National Cherokee Council aristocrats following this alleged payout, as these families were elites of our peoples and politics

came first for us Cherokee,³¹ as you will see factional splits like this are not uncommon in our history.

The Cherokee Nation has claimed that because these families can be found on their roll that means that the Southern Cherokee were reabsorbed, however, it states in our treaty rights that for our nation to be reabsorbed we must hold a vote on it, and have it pass by majority rule which has never happened. So, in essence, there is no way that the Cherokee Nation can make this claim. When these families signed up, they gave up their "Southern Cherokee Citizenship" for a land allotment and U.S. Citizenship. I must state that while these families are important to our peoples, and we have members in our community who relate to them, we must not let ourselves be fooled, their status as Cherokee aristocrats is why they were able to stay in Indian Territory and not remove with the rest of Stand Watie's Rifles who were ran out of the Nation post Civil War. Regardless, we have never seen any of this alleged money. Another group that had their leadership sell them out, as the whole point to the movement was to resist westernization and continue traditional Tsalagi way, was the Redbird Smith Movement in where over 5,200 Keetoowah Nighthawks were signed up for the Dawes against their will, all because Redbird decided to sign himself.³² The only difference here is that our leadership in Oklahoma was aristocrats, and thus, quite frankly they were not concerned about the fates of their subordinates 30+ years post war who were still waiting to come back home to Indian Territory, or the brave souls that did stay in Indian Territory, such as my family lines in the Porum/Briartown family group settlement, and now faced a state of uncertainty as their new

³¹ Pavlik, Steve, and Robert K. Thomas. *A Good Cherokee, a Good Anthropologist: Papers in Honor of Robert K. Thomas*. Los Angeles: American Indian Studies Center Publications at UCLA, 1998.

³² Thomas, Robert K. *The Origin and Development of the Redbird Smith Movement*, 1983.

Nation fell into disarray having to decide if to take an allotment or live as an undocumented Indian, whereas Redbird Smith was more of a spiritual leader than a political one; so even though he betrayed his own movement, he still tried to make sure that he got all of his people signed up for lands as that is what he thought was the best course of action in the end.

What we have just gone over is apart of Cherokee history. The Cherokee Nation actively covers it up.³³ They wish that this history would stay buried forever and as a result until today the Cherokee Nation refuses to digitize the Thompkins roll, they dole out misinformation about it, they hide information relative to it, and its descendants, as seen when the Freedmen signed up for the Dawes and the Cherokee Nation hid information like the fact that they had Cherokee blood.³⁴ This was done once again for power and control.³⁵ It was for the sole purpose of disenfranchising them as a group of peoples, to keep them from enrollment, leading to decades of court battles, disenrollments of already enrolled families,³⁶ physical confrontations, and cognitive dissidence to the erasure going on of Cherokee history by the Cherokee Nation's leadership, continuing to keep them in a state of disenfranchisement, as they still do not have full rights within the Nation until this day, even after the Cherokee Nations leadership was ordered by the Department of the Interior to uphold the rights afforded to them as set forth in

³³ "Cherokee Scholars." Think Tsalagi ᏰᏌᏌᏍᏏᏁᏍᏔᏅᏍᏗ. Accessed April 10, 2022. <http://www.thinktsalagi.com/scholars>.

³⁴ Sturm, Circe. "Blood Politics, Racial Classification, and Cherokee National Identity: The Trials and Tribulations of the Cherokee Freedmen." *American Indian Quarterly* 22, no. 1/2 (1998): 230–58. <http://www.jstor.org/stable/1185118>.

³⁵ "Think Tsalagi." Think Tsalagi ᏰᏌᏌᏍᏏᏁᏍᏔᏅᏍᏗ. Accessed April 10, 2022. <http://www.thinktsalagi.com/scholars>.

³⁶ Sturm, Circe. "Blood Politics, Racial Classification, and Cherokee National Identity: The Trials and Tribulations of the Cherokee Freedmen." *American Indian Quarterly* 22, no. 1/2 (1998): 230–58. <http://www.jstor.org/stable/1185118>.

the Treaty of 1866,³⁷ and as such they lack any real representation within the Cherokee National Council as a result of it being drawn along racial lines and not matters of citizenship for 46 years, as they have also disenfranchised their other non Cherokee members, such as the Delaware, Shawnee, etc., as up until 2021 a member of the Cherokee Nation had to be Cherokee by Blood to even hold office within the Cherokee Nation;³⁸ this is regardless to the fact that the Cherokee Nation has many other groups than just Cherokees that come under their fold.

After the reorganization in the 1970s the Cherokee Nation, by the current definitions of the Bureau of Indian Affairs, are not descendants from a historical Indian tribe, but rather a gathering of peoples, and as such a more fitting name would be the Dawes Allottees Organization. This is not because they do not have descendants from indigenous peoples, but because their tribal body is by the majority not made up of indigenous roots due to a fraudulent base roll,³⁹ they were not formed organically by indigenous leadership, and other factors we will go over, and because the B.I.A. sees indigenous peoples, when grouped, in two separate settings, as communities, and as gatherings. As such I will explain further why they would not fit the definition of a tribe as defined by the Bureau Indian Affairs today. First, they did not come together under indigenous leadership. If it wasn't for the Dawes rolls being announced this collection of peoples wouldn't have happened, and the information was not distributed from

³⁷ Kellogg, Alex. "Cherokee Nation Faces Scrutiny for Expelling Blacks." NPR. NPR, September 19, 2011. <https://www.npr.org/2011/09/19/140594124/u-s-government-opposes-chokeee-nations-decision>.

³⁸ Scott. "Cherokee Nation Supreme Court Issues Decision That 'by Blood' Reference Be Stricken from Cherokee Nation Constitution." The Cherokee One Feather. The Cherokee One Feather, February 22, 2021. <https://theonefeather.com/2021/02/22/chokeee-nation-supreme-court-issues-decision-that-by-blood-reference-be-stricken-from-chokeee-nation-constitution/>.

³⁹ Landry, Alys. "Paying to Play Indian: The Dawes Rolls and the Legacy of \$5 Indians." Indian Country Today. Indian Country Today, March 21, 2017. <https://indiancountrytoday.com/archive/paying-play-indian-dawes-rolls-legacy-5-indians>.

the Cherokee leadership to Cherokee people, but by the federal government through news papers to the masses who then used lawyers all over the country to try to steal their place on the rolls. It was a national land grab orchestrated by the federal government not an ingenious indigenous body of leadership who made their own plans to finally make that last step from “savagery to civilized” dealing out lands and U.S. citizenship to its peoples if they agreed to completely assimilate and give up rights as Cherokees, going as far as to anglicize their names, etc.; no, these ideas came from the federal government not us Indians ourselves. The Cherokee National Council, for power and control, just shamelessly agreed and went along with the process, and being that they were the biggest influence on the leadership of the other “Civilized Tribes”, they lobbied hard to force the process on them as well. Thus, the Dawes process, and the base roll produced from it which the Cherokee Nation uses as the base line for when their peoples came to be a distinct tribal group within America, was set up by the USA not an indigenous faction by any means, as it came from a governmental act intended for Indians, that was exploited by American expansionism, and thus, as we have covered they are instead created out of a gathering of peoples from three distinct groups being that of white, black, and red, who all came together at one place and time for the purpose of a land allotment process not under a Indian government or leadership, but by the federal government, in the newly created Oklahoma Territory, after being infected with ideas of free land by the media.

Let me explain further for why they have no grounds to stake a claim as an authentic indigenous tribe. First, I would like to state that I don't believe in blood quantum at all, it is set up to disenfranchise the indigenous peoples on Turtle Island on both sides of the border. It hurts Afro-indigenous, Residential and Boarding School survivors, Metis, all mixed indigenous

peoples, people who have become disenfranchised already, the list continues, but as you can see with the Freedmen Controversy the Cherokee Nation likes to use it as a weapon against others so as such, I will do it to them. As a result of fraudulent enrollments and Freedmen on the Dawes Rolls, now at least half of the political body, if not more, have absolutely no indigenous blood. However, the bigger the tribe, the more monetary support from the federal government, thus they embrace these fraudulent whites while casting hate and spewing vitriol against state recognized and unrecognized tribal bodies. That is until one of these fraudulent descendants buck their system, at which point they will go after them as “fraudulent enrollees” as seen with Oklahoma Gov. Kevin Stitt, when he was in a dispute with the tribe over a gaming compact, and regardless to his family lines being enrolled members for a century, the Cherokee Nation ran a smear campaign about how over 100 years ago the C.N. tried to keep his ancestors off the Cherokee roll after alleging that they had paid lawyers to fabricate their lineage.⁴⁰ If they are really concerned about tribal sovereignty and authenticity why don’t they spend their millions to go through the process of cleaning up their rolls, or as my late mother would say, “why don’t you worry about cleaning up your own house instead of caring about the condition of others?” But instead, they sit on this information, only using it when it is politically damning and can be used to hurt another individual, while keeping the descendants on the roll as to maintain high numbers, and thus high support from the federal government.

They hypocritically, through Cherokee Nation revitalization efforts encouraged by the Cherokee Nation’s leadership, let fraudulent enrollees appropriate the culture, and then allow

⁴⁰ Graham Lee Brewer. “The Cherokee Nation Once Fought to Disenroll Gov. Kevin Stitt’s Ancestors.” High Country News – Know the West, February 24, 2020. <https://www.hcn.org/articles/indigenous-affairs-the-choerokee-nation-once-fought-to-disenroll-gov-kevin-stitts-ancestors>.

those white people who have now convinced themselves they are Cherokee, use that as a justification to attack real disenfranchised Cherokees. Add to this, the Cherokee Nation's tribal body had a lack of governmental power and control when the organization lived as private citizens for the 60+ years post 1906.⁴¹ Lastly, by accepting the Dawes they relinquished their rights as Cherokees in favor of becoming peoples with private land ownership and U.S. Citizenship,⁴² a main factor for why many of our peoples did not take an allotment; you should also note here that our peoples would not become U.S. citizens until 1924,⁴³ and our communities would not be free from the shackles of Jim Crow oppression until well into the 1980s, although shades of racism, violence, and hate are still easily found around the Missouri and Arkansas Ozarks still today, but as I was. For these reasons the Cherokee Nation would by no means meet the qualifications of an Indian tribe. Yet they, as gatekeepers in Washington, enforce a policy that they themselves couldn't even meet, in an effort to disenfranchise other state and unrecognized tribes going through the Federal Acknowledgment Process.

To address the issue of fraudulent enrollments, and how mass media affected the process in the Cherokee Nation for the Dawes rolls, whites in high numbers paid five dollars to lawyers to have them falsify a distant Indian ancestor, to vague to disprove at the time, to get on the rolls stealing land from real Cherokees who wanted it to be held in communal trust and not

⁴¹ Pavlik, Steve, and Robert K. Thomas. *A Good Cherokee, a Good Anthropologist: Papers in Honor of Robert K. Thomas*. Los Angeles: American Indian Studies Center Publications at UCLA, 1998.

⁴² "Burke Act (1906): The Encyclopedia of Oklahoma History and Culture." *Burke Act (1906) | The Encyclopedia of Oklahoma History and Culture*. Oklahoma Historical Society. Accessed April 7, 2022. <https://www.okhistory.org/publications/enc/entry.php?entry=BU010#:~:text=In%201887%20Congress%20passed%20the,be%20given%20United%20States%20citizenship.>

⁴³ "Today in History - June 2." *The Library of Congress*. Accessed April 10, 2022. <https://www.loc.gov/item/today-in-history/june-02/>.

split up into parcels to be sold off to individuals. For instance, "In 1900, one woman registered on the rolls with 1/256 Cherokee blood. ... Now, some enrolled members of the Cherokee Nation have as little as 1/8,196 Indian blood."⁴⁴ To put this in perspective at 1/10,000 we are all related genealogically, so the next generation of Cherokee Nation will have members who claim that the ancestor who makes them Cherokee is also related to every single other person in the world. This is all while the Cherokee Nation simultaneously tells everyone else, they are not Cherokee. Do these ancestors, that relate these individuals as blood relations to you, me, and every other person on this planet, and stands as the only relation to count them as Cherokee within the eyes of the Cherokee Nation, thus giving them their "Cherokee Citizenship", give them the right to use their citizenship to discriminate against others, who by science share that same line with them?

This is illogical, because as I just pointed out people around the globe are technically related to these fraudulent 1/8,196 ancestors still claimed by the C.N. as legitimized people for enrollment today. Thus, if they are "legitimate", other people could be found all over the world, that may not be from the Cherokee Nation as a recognized citizen, but that the Cherokee Nation by enrolling these descendants is acknowledging has a Cherokee connection. So, while they may not be "Cherokee Nation Citizens", as defined by the C.N., they still do have a Cherokee ancestor, because these other individuals were allowed to identify themselves as Cherokee too and enroll in the Nation. So, in short, it is wholly hypocritical to say that these individuals have

⁴⁴ Landry, Alysa. "Paying to Play Indian: The Dawes Rolls and the Legacy of \$5 Indians." Indian Country Today. Indian Country Today, March 21, 2017. <https://indiancountrytoday.com/archive/paying-play-indian-dawes-rolls-legacy-5-indians>.

the right to claim the ancestor, but others aren't. When like I said, regardless to paperwork, at 1/10,000 by DNA, we are all cousins.

Now, if the Cherokee Nation acknowledged that they had these members, and in doing so admitted that they as a tribal body go beyond a "historic tribe", and in fact have a deep connection to the global population, therefore making the claim that we all have a connection to a Cherokee genealogically in history, thus everyone can claim an ancient ancestor, but they cannot claim to be from the Cherokee Nation as it stands today as they are not modern citizens, just as every man can claim to be out of Africa, but they can not claim to be African unless they are currently a member of a African nation, I would agree with that statement; but they don't. They attack every disenfranchised Cherokee nationally that is not in their own tribal body as inauthentic, a fraudulent presentation of Tsalagi culture, which is wrong; I would like to point out though that I don't claim to now, I have never claimed to in the past, nor will I EVER claim to be in the future, a person that is from the Cherokee Nation, as my peoples are Southern Cherokee. Cherokee Nation is not my Cherokee nationality, and as such they have no right to misrepresent or discriminate against mine, or any other form of disenfranchised mixed Cherokee populations, such as the Mount Tabor Indian Community,⁴⁵ as they do daily, nor do I have the right to say their form of Cherokee practices and beliefs are inauthentic, as it is not my place.

⁴⁵ Graham, Graham Lee. "Tribes Accuse Mount Tabor Indian Community of Making Questionable Historical Claims." NBCNews.com. NBCUniversal News Group. Accessed April 11, 2022. <https://www.nbcnews.com/news/us-news/mount-tabor-indian-community-texas-indigenous-rcna3746>.

I find it disgusting that a person with, “1/8,196 Cherokee blood”, is allowed to without recourse from the federal government, and encouraged by their own political leadership, to engage in attacking another’s heritage, culture, and nationality even when those others are whole heartedly more connected to their roots than them. Blood quantum shouldn’t matter, I personally think it is not my place to speak on someone’s authenticity as afore mentioned, I know my culture, I study it, I am a subject matter expert in it, and thus that is what I stick to. but since the Cherokee Nation has made hate legal, I feel as a soldier who defends those who can’t defend themselves it is my duty to point these injustices out. No nation need be so hateful towards another. Through my lines I can document that I am 7/32 Indian by blood. I personally will embrace a person who is 1/8,196 as my tribesmen any day, however, that person must be a member of our communities, have been for generations, treat others with respect, and live the principled ways of our peoples; not destroy others for personal gain. We are as Cherokee, at least in our Southern Cherokee communities and family groups, not taught to be this way; so, it saddens me to see my distant relations act with such malicious intent and malice towards others, but once again, I digress.

The reorganization of the Cherokee Nation in the 1970s had to be done to reestablish the tribe after the Cherokee Nation was dissolved by the members of the tribal body itself. Under the successors of the Ross faction, in 1906 the Cherokee Nation voted to destroy its governmental processes of the Nation in favor of private land ownership, u.s. citizenship, and statehood as it had run under presidentially appointed Chiefs during those 60+ years that the tribe had only been an organization set up to service administrative functions and not to perform any leadership roles among the peoples themselves. A myriad of issues culminated into

our peoples being ran out of our bounds and not agreeing with the Dawes Act. Thus, the majority of our peoples never received land allotments, one of the hinge points for enrollment as Cherokee descendants within the Nation. To understand us as a people we must go over a brief explanation of our history, starting in the Cherokee Nation of Old, and the evolution of our peoples into the Southern Cherokee, or *TSALAGI TSUGANWV* tribe in the Ozarks. But first, let's go over the layout of our tribal body, land holdings, and communities today.

The branch office, along with the research and resource center for the Southern Cherokee, are located south of Newburg, Missouri, in Phelps County. Between our headquarters and Newburg lies another piece of geography which hosted a compelling and heartbreaking piece of our history: the *Trail of Tears*. It is a daily reminder of a poignant chapter in the history of the Southern Cherokee and a topic of stories handed down from generation to generation by those whose ancestors were refugees from that mandated odyssey, or whose families walked it to Indian Territory only to be ran out after the Civil War. Our tribal body has three elements to it, the biggest group within it being that of the Southern Rifles direct descendants, aka the kin who come from those who fought under Watie, the majority of this faction is found in the Missouri communities being that of Newburg, Jerome/Arlington, Dixon, Vienna, Doolittle, Rolla, Waynesville, and Bloodland with select relations moving between the Webber Falls, Claremore, Vinita, and Porum/Briartown settlements in Indian Territory, now Oklahoma.

However, the story of Bloodland is a traumatic situation for our peoples that many have had to deal with over the years, from our elders who were forcibly removed from their homes to make the base, to our soldiers going through their initial entry training on the remains of

what was once the homelands of their families just 81 years ago; this is a recent trauma in our communities' history, yet its ignored by the U.S. federal government once again, and I have personally lived the soldier's side of the coin in this situation, as I will explain. During the buildup for WWII our peoples were pushed out of our established town of Bloodland by the U.S. government under the grounds of eminent domain. As many of our peoples didn't own deeds to our lands we were not paid for improvements and our properties were stolen. The base then went a step further to disrespect our peoples' ancestors and disturb their final resting places by building the post's main firing ranges around the cemetery, as unlike our town, they could not just destroy it and drive on. So, now when our peoples join the military, some have the unpleasant experience of knowing they are desecrating their tribe's ancestors' graves and disturbing their sleep while in Basic Combat Training. I personally had to live this unpleasant experience, and just like war, it haunts my dreams today.

I must live now with the traumatic experience of having gone through Basic Combat Training on Fort Leonard wood, as you don't get to pick where you go to BCT, and I engaged in the process of disturbing our ancestors as I trained. Because our town was leveled, now our relations sit entrenched by firing ranges on Fort Leonard Wood, plagued by the sounds of war, sounds that haunted so many of our elders buried their while they were alive, instead of the peace they were promised in their eternal slumber. As a result of abuses from the Cherokee Nation claiming us to be a fraudulent tribe our ancestors are still being desecrated today. We are denied our Native American Graves Protection and Repatriation Act rights. This injustice needs to be corrected as soon as possible. Every day it is not is a slap in the face to the notion that America cares about its indigenous communities.

The next group is the documented Cherokee Old Settlers who descend from the Cherokee Nation "West" as a part of the Treaty Party signers and supporters of the Treaty of New Echota of 1835, with the family groups having a good representation in both the Missouri communities and the satellite settlements in what is now Oklahoma. With the last element being the smallest of the tribal body, being those Cherokee families that over the course of the last century have been taken into the fold; even though they weren't Treaty Party supporters or Southern supporters in the Civil War, but do to many factors such as escapes from the Trail of Tears, being Chickamaugan families, or other Bands of Cherokee that came west and who were already set up in the area prior to the Removals, and have proven genealogies to the Cherokee Nation of Old, who have lived in the communities as members of the towns, in many cases marrying into family groups, and thus they have earned their place, being adopted in as Southern Cherokee families. As the majority group is the Southern Cherokee Rifles direct descendants, they hold the most political influence over the tribe. Our main office is located at 205 North Street, Webber's Falls, Oklahoma, in the Canadian district. After the Treaty of 1866 it was established that the Cooweescoowee and Canadian districts of the Cherokee Nation in Indian Territory were the lands of the Southern Cherokee Indian Tribe as we have gone over. Regardless to this fact, and as we have covered, the faction that would come to control Cherokee Nation today ran our ancestors into hiding and away from our lands. In our modern times we have recovered this particular piece of land, in what is now present-day Oklahoma, as it went out of the possession of the Cherokee Nation years ago to become the site of a cotton mill. We're very happy to have this land back in the hands of the tribe.

Ours is a rich and complex heritage and history, it is a real shame that one group is being allowed to destroy it in broad daylight with no recourse. Regardless, we still have gone about the task of establishing our historical representation. This seemed like an obligation that we owed to our future generations. A job that would take our tribal body through the process of uncovering the facts to corroborate the verbal stories handed down to us by our elders, from generation to generation, as well as teach us new details of courage and sacrifice made by our peoples, and thus it would elevate our collective spirits. Therefore, the involvement was encouraged by the leadership, and it seemed as if as many members of the tribe participated as possible to their abilities. For those whose commitments didn't allow participation, progress was shared at ongoing monthly meetings, along with print summaries of information. We also seize the opportunity to share the most recent update at annual Southern Cherokee Gatherings; Annual Gatherings that have been underway for 170+years in the Ozarks. The tribal lineage of the Southern Cherokee emanates from the original Cherokee Confederacy of Old, as such we must now blow through the history of first contact with the Europeans to understand the ultimate and permanent divisions between, what are the peoples that are now known as the Cherokee Nation, and us, the Southern Cherokee. Those individuals who impacted our ultimate lineage seemed to *march to a different drummer* throughout history. Their primary goal was always what they thought would be the best course for our people. Whether they were right or wrong is not the purpose of this review. It is merely to report the facts.

Starting with the flash point that really was the catalyst for the change in Cherokee culture we must start with the development of the lower towns. The lower towns were first established by the Chickamauga under the leadership of the great Chief Dragging Canoe. To

elaborate on what was the last nail in the coffin, so to speak, on what caused the Chickamauga to break away into a distinct group of peoples after becoming their own political faction, we must start at a treacherous action between two cousins, the ensuing war parties that followed, and the destruction of our lower town settlements. Dragging Canoe was a first cousin of Nancy Ward, the Beloved Cherokee Woman who was highly respected by the whites. Aligned with the American settlers she went out of her way to free enemy captives and sell out Cherokee peoples. She told the Americans about Dragging Canoe's upcoming battle plans and this consequently led to the down fall of our lower towns in the Cherokee Nation of Old, as well as many other Cherokee towns and villages around Chota, while the said town of Chota, from which Nancy Ward's hailed, was spared from the onslaught as they respected her support of the American cause.⁴⁶ The actions done between Ward towards Canoe forever changed the dynamics of the tribal politics, helping to destroy the old ways of council rule, easing the shift into the westernized government that was soon to develop within the Cherokee Nation of Old in the 1800s, and made the Chickamauga a different political faction from other Cherokee groups from that point forward as stated earlier.

One must understand that as unified towns within the Cherokee Nation of Old, separated by various geographical boundaries, we had become different political entities with varying ideas of how to deal with the issues that the white man raised to us in terms of our lands and livelihood by the late 1700s. After well over two generations of constant raiding and warring against this new enemy, and seeing the writing on the wall that the fighting was not

⁴⁶ Tucker, Norma. "Nancy Ward, Ghighau of the Cherokees." *The Georgia Historical Quarterly* 53, no. 2 (1969): 192–200. <http://www.jstor.org/stable/40579126>.

going to stop anytime soon, a contingent of Chickamauga peoples relocated to the Ozarks after Dragging Canoe's death in 1792.⁴⁷ This contingent met up with Cherokee Bands that were already in the area, such as the Cherokees who had settled in the Ozarks upon invitation by the French after the French and Indian Wars,⁴⁸ forming the nucleus of what the federal government of the United States referred to as the "Old Settlers" out west.⁴⁹ Dragging Canoe's kin would go on in the latter years to move out of the Cherokee Nation of Old and into the Ozarks reuniting with their Chickamaugan people that were now dubbed as the "Western Cherokee"; this Band of Cherokee peoples was led into the Ozarks under the guidance of his son Little Dragging Canoe, who fought in the Battle of Horseshoe Bend on March 27, 1814,⁵⁰ passing on into the great hunting grounds in Saline County, Arkansas, as the Cherokee Nation has no record for his death/place of death, but various family genealogies do,⁵¹ and these claims show up way before there was any monetary gain, or benefit at all, in claims to being Indian, in fact to make such a claim would have had a negative affect on the family in most cases in Arkansas/Missouri, so why would they make these claims then unless this was there lines? I would never take heat for another culture, daily facing racial discrimination, living in places at the risk of death, just to sound exotic or cool, would you? These Cherokee families lived here as politics in Indian Country made it just as dangerous for them there. These early Chickamaugan migrations

⁴⁷ Pavlik, Steve, and Robert K. Thomas. *A Good Cherokee, a Good Anthropologist: Papers in Honor of Robert K. Thomas*. Los Angeles: American Indian Studies Center Publications at UCLA, 1998.

⁴⁸ Martin, Ken. "History of the Cherokee The Arkansas Cherokee." *The Arkansas Cherokee*, 1996. <http://www.tep-online.info/laku/usa/mino/indian/cheroke2.htm>.

⁴⁹ Pavlik, Steve, and Robert K. Thomas. *A Good Cherokee, a Good Anthropologist: Papers in Honor of Robert K. Thomas*. Los Angeles: American Indian Studies Center Publications at UCLA, 1998..

⁵⁰ "Cherokee Muster Roll - NPS." Accessed April 8, 2022. <https://www.nps.gov/hobe/learn/historyculture/upload/cherokee.pdf>.

⁵¹ "Tatsi Little Dragging Canoe (Abt. 1752- Abt. 1836) Genealogy Online." Wikitree. Accessed April 8, 2022. https://www.wikitree.com/wiki/Little_Dragging_Canoe-2.

officially split the population between the Cherokee Nation “West”, which was based in the Ozarks, and the Cherokee Nation “East”, which was still based within the bounds of the Cherokee Nation of Old in Appalachia.

Going back a few decades before Cherokees started to exodus to the Ozarks in mass, to the establishment of the lower towns, we can go over how the population became a different “mix” than that of the Cherokees upriver, as these “redevelopments” in community happened time and time again over the course of generations. This is important as in our seclusion from the greater tribe of Cherokees in Missouri we survived through this same practice, however, when the Chickamauga went down on Chickamauga Creek in their seclusion from the greater tribe upriver, they thrived through it. Prosperity was known in the main Chickamauga Town settlement and in their other Chickamauga villages as well. Our Cherokee ancestors were known to accept peoples into their ranks from their other aligned tribes like the Shawnee, Creek, Muskogee and Yesah peoples, such as the Saponi, Monacan, Cheraw, Catawba, Occoneechee, Pedee, etc. The Chickamauga while in seclusion from the greater body, and on the warpath against Americans, took to this practice in high numbers. Their warriors became noted for their uncompromising and extreme hostility against the American rebels such as Sevier, Hamilton, and other well known American Indian Fighters. For almost twenty years, many Chickamaugans such as Cherokee Chief Doublehead, and Shawnee Chief Blackfish, made very intent moves to assert that lands in Kentucky and Tennessee were not the settlers to sale, or to even settle at all. Sovereignty has always been a point of contention for us. Chickamauga peoples, as well as many Cherokees in the Tennessee river valley area and those further west, did not like how the peace Chiefs of the Cherokee Nation of Old kept conceding land to the Americans. They felt the White

Council was more concerned with appeasing the Americans than they were with protecting their country and peoples. For this fact they could no longer be linked in their affairs and during the 18th century these splits became so deep that Cherokees politically could no longer be seen as one as discussed with the splitting of the once great Confederacy into the Cherokee Nation “West”, and “East”, prospectively, by the 19th century.

In 1782, when the lower towns were first destroyed by American Revolutionists John Sevier and Henry Campbell, the Chickamauga proceeded to move farther down the river to establish what would become known as the “five lower towns.” These settlements were Running Water, Nickajack, Long Island, Crow Town, and Lookout Mountain Town. With the creation of the towns these peoples started to become commonly known as the Lower Cherokee, and they even developed their own dialect of Tsalagi in this seclusion. This is where a lot of the families who later became supporters of the Treaty of New Echota come from, such as the Vanns, Ridges, Waties, and Boudinots to name a few. While at the lower towns the Chickamauga continued to recruit refugee and inter displaced peoples in high numbers. This was a response to having their prior villages plundered and burned to the ground, and while living on the warpath, they had become accustomed to the practice as apart of their culture to replace lost troops. So now it was continued on to try and ensure that it would not happen to them again, as in doing so they built up forces for their defense if need be. While in the lower towns they took in many more Creek, Shawnee, Muskogee, Yesah, and even a few British soldiers into the folds of their newly budding tribal body, and by the end of the 1780s their

numbers were estimated to be at least a thousand warriors.⁵²

During this time, under the guidance of Dragging Canoe and Doublehead, their warriors would go on great raids, as far north as Shawnee lands in Indiana and Ohio, and across the Cherokee homelands of North Carolina, Kentucky, Georgia, as well as into the Saponi boarder lands of Tennessee, North Carolina, and Virginia, and in the Cumberland gap region, in an effort to fight for our peoples rights to live within our traditional homelands. Speaking to the leadership of Dragging Canoe, Chief Black Fox said at his passing that, "The Dragging Canoe has left the world. He was a man of great consequence to his country. He was friend both to his own and the white people." Even after the death of Dragging Canoe life continued on this way for his peoples, with raids and hostility towards white encroachment being a driving force for many years to come, and with hostilities growing out of old wrong doings towards other Cherokee communities such as Nancy Ward's betrayal, Cherokees became entrenched in our political alignments. Regardless to legislation, our ancestors warred in the past for our homelands of old as raid parties, and in the century that followed the fall of our once great Confederacy in the East, in the rank in file services of the United States of America our warriors fought as "Southern Cherokees" under Stand Watie, and we as their descendants still serve today in high numbers, as military service is held in high regard among our peoples. Proudly, our culture produces warriors, and we have fought in every modern war from WWI to the Iraq & Afghanistan conflicts.

In the past Cherokee peoples raided not to set up permanent settlements but to ensure

⁵² Pavlik, Steve, and Robert K. Thomas. *A Good Cherokee, a Good Anthropologist: Papers in Honor of Robert K. Thomas*. Los Angeles: American Indian Studies Center Publications at UCLA, 1998.

our own security; It should also be noted that our Chiefs only took issue with those that did not observe treaty rights. Our raiding parties did not slaughter the innocent as popular culture would like you to believe. Our peoples did not discriminate by color, but we did defend what was ours until death, and with our lives. In the early 1790s leaders changed for the Chickamauga, the death of Dragging Canoe in 1792 resulted in John Watts taking over leadership of the peoples. John Watts assumed control of the Chickamauga with the blessing of Dragging Canoe, being that he was his hand-picked successor, and continued to keep up our hostility toward the “European-Americans”. As a result, Cherokees were in a continuous war with the frontiersmen around us, headed up by Bloody Fellow and John Watts, and our peoples fought hard against American expansionism, as many Treaty Party Cherokee would participate in these skirmishes, as mentioned before, Major Ridge was involved with these “Border Wars” when he was a young man known as, The Ridge, leading many war parties against American expansionism himself.⁵³

In 1794 Chief John Watts signed the Treaty of Tellico Blockhouse officially ending the “Cherokee Wars”, as this was the name that the “Border Wars” were known by to the Americans.⁵⁴ However, in lieu of the signing of the 1794 treaty, Cherokee towns were destroyed once more. After the destruction of our lower towns a portion of Chickamauga peoples then removed to the Ozarks region. Many Bands of Chickamauga peoples, under their own perspective leadership, started to follow in this diaspora. To make the point, one Band that we

⁵³ Wilkins, Thurman. *Cherokee Tragedy*. London: Macmillan, 1970.

⁵⁴ Goodpasture, Albert V. “INDIAN WARS AND WARRIORS OF THE OLD SOUTHWEST, 1730-1807.” *Tennessee Historical Magazine* 4, no. 1 (1918): 3–49. <http://www.jstor.org/stable/42637386>.

have discussed earlier that moved during this period was that of Little Dragging Canoe's. These migrations came about because in 1794, the Chickamauga Cherokee, were granted land in southeastern Missouri, just east of the Mississippi River, and by the early 1800's Cherokee peoples signed a treaty to move into northwest Arkansas and southwest Missouri, in an exchange to give up their rights to homelands east of the Mississippi River.

When the Cherokee Bands signed away some of their land rights in the East for their new lands in the Ozarks, the newly formed government in the Cherokee Nation of Old, based on concepts of westernized rule, enacted the Blood Law. This is different from the ancient Cherokee Law of Blood, which called for clan members to avenge the death or other incidents that happen to their kin, often on the battlefield, used by the Chickamauga to adopt warriors from outside of the tribe, to replace the loss of life as dictated by the effected Cherokee females who determined how the fallen was to be avenged,⁵⁵ but was in fact a law that called for the execution of any Cherokee who signed away Tsalagi held lands.⁵⁶ The Cherokee Blood Law led to our own hot Civil War among the Cherokees, post Trail of Tears in 1839, as murders and violent attacks against our peoples were rampant because we're the Treaty Party signers, and thus our ancestors signed their death certificates when they went about the task of signing the treaty in 1835 after this new law was on the books, with our Old Settler Chickamaugan aligned counter parts becoming targets of hate post Trail of Tears as well. As the Cherokee Civil War dragged on, bonds of the past had resulted in a strong connection between the Old Settler Chickamaugan

⁵⁵ Pavlik, S., & Thomas, R. K. (1998). In A good cherokee, a good anthropologist: Papers in honor of Robert K. Thomas. essay, American Indian Studies Center, University of California.

⁵⁶ Brown, John P. Old Frontiers: The Story of the Cherokee Indians from Earliest Times to the Date of Their Removal to the West. Kingsport, Tn.: Southern Publishers, 1938.

people and Treaty Party members forming under their Blue lodges in the Ozarks into the “Southern Cherokee”, and by wars end, for the most part moving forward, these family groups were found to be only marrying among themselves or with other non-Ross Party/Dawes Act Native Americans outside of the tribe in the years to come after the American Civil War.⁵⁷

Going back to the early 1800s, before the removals. When it became obvious that the number of immigrating Europeans were only going to increase, a portion of the Chickamauga, a majority of those that did not want to remove to the Ozarks, abruptly changed their approach, from force to assimilation. They felt the answer to living in concert with the whites was to emulate what made them successful. Adopting education was the first step. However, the majority of the Cherokee wanted to maintain the old ways. As a result, those wishing to assimilate were referred to as *progressives*. Tensions began to rise. Fueling the unrest was the state of Georgia. It was relentless in pressuring the Cherokee to move to the West so it could grab the redolent lands, and the newfound gold, of the Cherokee. The fact that President Jackson was working in concert with the state of Georgia, resulted in a powerful and unstoppable alliance.

At the time, the Chief of the Cherokee Nation, John Ross, advised the Cherokee to remain in Georgia. He recommended that they continue fighting for the right to remain in their homeland through the courts. After President Jackson pushed through the Indian Removal Act, our ancestors, led by Major Ridge, felt there were no more options but to remove to the West.

⁵⁷ Pavlik, S., & Thomas, R. K. (1998). In A good cherokee, a good anthropologist: Papers in honor of Robert K. Thomas. essay, American Indian Studies Center, University of California.

Major Ridge beseeched the Nation to remove. John Ross urged the Nation to remain. When efforts seemed futile, Major Ridge and a group of others acted on their convictions and signed a Treaty with the United States to remove. Hereafter, they would be referred to as the *Treaty Party*. Understandably, this action caused a huge rift, along with the enactment of the Blood Law against members of the Treaty Party, as we have just gone over. The Treaty Party and 2000 other Cherokee removed to Oklahoma; this group is known as the “Old Settlers” that are documented by the emigration roll of 1817.⁵⁸ The majority of the Cherokee in the East chose to remain on their beloved land. The result for the latter was the horrific Trail of Tears.

No matter how much the Cherokee Nation would like it to be so, The Trail of Tears was not our fault, and everyone was given the chance to move free of their own accord. Even some of our own communities’ member’s families were forced to march on, and even flee from, the Trail themselves so we were by no means spared from its effects. It was a horrible situation that no one should have ever been put in but that can not be changed. Leadership plays a key role in a Cherokee Bands decision to move or stay, and that process can be seen with our discussion we have just had about the destruction of the lower towns, and the warpaths that followed during the Border Wars, as all it takes is one leader to say, “let's stop”, and a Band will go to council to determine as to if to abandon its cause. As Cherokee people we follow the decisions made by our leaders, as in council they speak on behalf of the peoples, and when this is done, we respect the decisions made, so years of warring will be thrown to the side if we are told to stop as we are loyal to our Chieftains.

⁵⁸ “Cherokee Emigration Rolls, 1817 - 1838.” National Archives Catalog. National Archives and Records Administration. Accessed April 8, 2022. <https://catalog.archives.gov/id/595427>.

To understand how Band loyalties aligned with political leadership, we must go back to the creation of the Cherokee government in the early 1800s to go over the political splits within the Cherokee Nation of Old, as a result of the American Revolution, and how by the end of the War of 1812 we would see our tribal bodies divided into two completely different entities politically and geographically, these two nations would become dubbed as two completely separate factions by the federal government, and how these bodies had sway over the peoples at hand. The first one was, in no particular order, the Cherokee Nation “West”, as acknowledged by the federal government, with their population later becoming known as “Old Settlers” as a whole after The Trail of Tears, this includes our Cherokee people who were the “Old Settlers” from the emigration roll and after, as the best way to put it is that we were adopted by the original “Old Settlers” coming to the lands of the Ozarks in later years. This integration, being the adoption of us as the new emigrating Cherokees post-1817, pre-Trail of Tears, with those Cherokee Bands who were already west of the Mississippi, was a fairly easy thing to do seeing as prior to the Removals Era, and after, we as the Ridge Faction, or Treaty Party, had respected and renewed our ties with the Chickamauga Bands in the Ozarks; these relations between the various Bands go back to the early foundations of the Treaty Party when our clansman were on the warpath with the Chickamauga, when leaders like Major Ridge and Chief John Watts were in cahoots together in 1788 as we have gone over, and thus after moving west and covering down on the Old Settlers form of government, we lived in harmony.⁵⁹ Now, going back to before The Trail of Tears, the other Cherokee Nation was that of the Cherokee Nation “East”, which was

⁵⁹ Wilkins, Thurman. *Cherokee Tragedy*. London: Macmillan, 1970.

claimed to be headed by John Ross and his followers. I would like to state that the Cherokee Nation's claim now, and way back when the Cherokee Nation "East" was in the lands of Old, to Ross's overall power as head Chieftain over the tribe has always been disputed since his days of politicking. Cherokee politics are very complicated as I can assume you are at least coming to understand by now. Politics have always come first for the Cherokee taking center stage in many matters. Just as any other history, the faction that won the war gets to write the "His-tory". In this case, backed by the federal government, it has been the Ross faction successors who have dictated how Cherokee history has been viewed.

Back to the matters at hand, by the early 1820s there were factions of Cherokee in the Ozarks and in the Appalachian mountains with the population equally split between the two regional locales at the time; however, the Cherokee Nation would like you to believe that the Ross faction spoke for the majority of the peoples even though they were but one party of the split Confederacy, being that of the Cherokees in the "East", and those who lived in the "West", as defined by the federal government. So, just to go back over it, not long after the American Revolution Bands of die-hard allied warriors, some being our ancestors, set out to defend our lands on raids in the Border Wars. As we discussed, during these raids, agreements were made across the southern towns between groups like the Chickamauga and the Ridge Faction. Groups were formed in their pairings and these peoples were mix bands from multiple Indian nations. In other words, Cherokee towns came from multiple tribes who, at the time, were the equivalent to Indian refugees living together in united enclaves, as they were inter displaced peoples, and this practice continued over the generations; but over the course of time and space we developed our own unique identity within the Cherokee Nation of Old. During this

reorganization some indigenous peoples kept the ties to their identities from their original groups better than others, such as those with ties to the Eastern Siouan tribes who later became known as the Blackfoots in Cherokee ranks,⁶⁰ because of white encroachment on their ancestral lands in Virginia and North Carolina. Our Bands of mixed Indigenous populations were a galvanizing factor in solidifying the political factions as distinct entities within the Cherokee and should never be understated.

Understanding that each town has its own set of needs for leadership and laws, the “Old Settlers” had stuck to the way, and continued with performing the traditional council system rule, in where most of the governmental power is placed on the community in the townships and not in the federal court system or leadership of our white and red councils, rather than invoke a written constitution which would then federalize our government and reverse the power balance as it stood. However, after the influx of Native American immigrants from 1835 to 1838, the “Old Settlers” had to negotiate how to live with these new “Ross Party”, or the “late Immigrant” Cherokees as they were known by the Old Settlers, who wished to force their form of government onto them.⁶¹ After the influx of peoples, a delegation was sent to Washington D.C. for treaty negotiations. Yet there were no negotiations to be had. This delegation of Chickamauga Old Settler Chiefs was bought off, they traded their lands to remove further west siding with the Ross group. As we have covered, politics came first, Cherokee Bands follow leadership, and thus, only half removed further; with many opting to ignore Ross’s claims

⁶⁰ “Saponi Tutelo Saponi Nation: Monacan - Lost Creek.” The lost Creek Settlement. Accessed April 8, 2022. <https://lost-creek.org/genealogy/documents/Saponi%20Blacks.pdf>.

⁶¹ Wilkins, Thurman. Cherokee Tragedy. London: Macmillan, 1970.

to authority over the tribe and continuing on to self govern as they were doing before his arrival.

Because the United States ultimately ignored the Old Settlers treaty rights from the Cherokee Nation “West” altogether, and then tried to force them to live under the rule of the Ross faction, the Old Settlers started to splinter, with half staying under Band rule, rather than a federalize system of leadership. As Old Settlers worked under a form of government which was reminiscent of the courts of the Cherokee Confederacy of Old; this meant that each Band, or enclave, made the decision to go to Indian Territory on their own feeling that no one delegation had the right to remove them from their improvements. This also meant that it was common in the 1800s for Bands to move back and forth from one locale to another, from Missouri into Indian Territory and back as leadership could change, and thus a shift in the political alignments as well. As you have seen, the 1828 treaty was a good illustration of this practice. We can also look to migrations within the current recognized Cherokees to see this practice play out, being that the faction that is now the “Eastern Band of Cherokee Indians” that is in North Carolina and Tennessee, in the 1800s was a group of united towns that were ruled by their perspective family groups, with the leadership of the said groups, deciding at various times to move their family groups, or Sub-Bands, from North Carolina and Tennessee, and in some cases back, as they seen fit throughout the 1800s, to Indian Territory.

After the 1828 treaty, by removing further into Indian Territory, each Band understood that they would be agreeing to live under the leadership of the Ross faction and their westernized government, while by staying in their places of locale within Missouri and Arkansas they new they were making the stance to out right deny this factions leadership once more, and

their autocratic claims to supremacy over the Cherokee who were in the Ozarks, which many Chickamaugans did, still holding governmental Chickamaugan Council meetings in Tahlonteeskee, per oral tradition. The government structure, and adoption of the Treaty Party by these rebellious Chickamauga Bands to the Ross leadership at the time of the Removals Era is best described by Thrumman Wilkins, in where he states on the matter that, "On arriving in the West the Treaty Party had accepted the government of the Western Cherokees as their own, with no questions about its simple and primitive workings. There was no written constitution, and only a few written laws. Twice a year the Old Settlers met in council at Tahlonteeskee, their capital, where in a rude council house not far from Illinois River they elected their chiefs and other national officers — councilmen, judges, and lighthorsemen to keep the peace. The Cherokee Nation West was divided into four districts, and they were governed in a loose manner, in much the same way that the old nation had been governed twenty years before."⁶² So in short, Bands of Chickamauga, and Treaty Party Cherokee, never fell under the leadership of Tahlequah; later some of these Chickamaugan and Treaty Party Bands became involved with the newly created Capital of Webber Falls, named after the Chickamaugan Old Settler Chief Walter Webber,⁶³ as members of the Southern Cherokee during the Civil War.⁶⁴ The final split came with the end of the Civil War, as we have discussed, and as much was the case for the rest of the country; there was a sharp division among the Cherokee leadership as to whether to support the North or the South. The peoples were fractured even more from the turmoil that

⁶² Ibid.

⁶³ U.S. Department of the Interior. (n.d.). Webbers Falls. National Parks Service. Retrieved March 7, 2022, from https://www.nps.gov/articles/000/webbers_falls_old_settlers.htm

⁶⁴ Gaines, W. C. (2017). *The confederate cherokees: John Drew's regiment of mounted rifles*. Louisiana State University Press.

had transpired since the early 1800s within the Nation. Shortly after the beginning of the Civil War, efforts were made to secure the allegiance of the tribes in Indian Territory by both the CSA and the Union. Old wounds were re-opened and both the North and South exploited that fact. By the end of the war, cumulative factors were at a saturation point. The result was members of the Treaty Party, by now referred to as Southern Cherokee, having to leave Oklahoma or face death as we have touched on.

If one can look objectively at the factors that led to the slow, and finally, permanent divisions between the Cherokee Nation and the Southern Cherokee, then it isn't hard to see that the Ross faction was by far more Machiavellian, back then, and the Cherokee Nation still is now, in their actions towards us than people would like to believe. The thing is that Major Ridge was doing what he thought would be the best for the future of the Nation, whereas, at every intersection he could get away with it at, it seems Ross and members of his party chose instead to vine for power and self-enrichment over any type of tribal betterment. Formerly close friends, these two men became bitter enemies, as each moved to implement their own philosophy to put their own message out to the Cherokee peoples about how they planned on "saving the Nation" as leaders of their factions. However, the result of the good intentions, power plays, military alignments, on the parts of both men, were disastrous. The outcome would be two separate Nations. Sadly, the Treaty Party/Southern Cherokee members were not safe in Missouri either and wouldn't be for more than a century. The following history will lay out the process that resulted in the split within the Nation and the factors that caused our people to live a sequestered life for about a century.

Our Chickamaugan/Old Settler, and Trail of Tears refugee, families' ancestors that remained in the area in Missouri, that add to the numbers that make up our community now, refused to leave our homelands in the Missouri Ozarks in the 1830s-1840, as they considered moving into, and being forced to conform to the Ross Party leaderships way of rule, as a violation of the Treaty of the July 8th, 1817 agreements they had signed in the past; the Old Settlers leadership that went on to take Dawes allotments continued to make this argument within the courts as late as the 1890s.⁶⁵ While some of our peoples would go to stay with those that had just completed the Trail of Tears, joining together into the tribal body that would then become the Cherokee Nation taking their claims to court, ultimately quitting the Cherokee Nation of Oklahoma as it was known at the time in 1950, and becoming the group of what is now the United Keetoowah Band of Cherokee Indians,⁶⁶ as differences between the Old Settlers and the Ross faction, and subsequently its successors and their fellowship, could never be resolved. The early signs of these issues could be seen when the majority of the Cherokee fought for the CSA, but the Keetoowah, the long held assassins and foot soldiers of the Cherokee National Council, the men who were used against our peoples during the Cherokee Civil War, felt betrayed by the Ross leadership, defecting to the Union, and then after the Civil War, sanctioned the Cherokee National Council for signing a treaty with the CSA to Begin with.⁶⁷ Remember, as of the pre-negotiations of the treaty with the Cherokees of 1866 that

⁶⁵ "United States v. 'Old Settlers.' 'Old Settlers' v. United States." Legal Information Institute. Cornell Law School. Accessed April 8, 2022. <https://www.law.cornell.edu/supremecourt/text/148/427>.

⁶⁶ "United Keetowah Band: The Encyclopedia of Oklahoma History and Culture." United Keetowah Band | The Encyclopedia of Oklahoma History and Culture. Accessed April 8, 2022. <https://www.okhistory.org/publications/enc/entry.php?entry=UN006#:~:text=Keetoowahs%20trace%20their%20lineage%20to,the%20structure%20of%20the%20government>.

⁶⁷ Ibid.

were held at Fort Smith, the Cherokee National Council, i.e. the Northern, or Loyal Cherokee, were classified as the leadership of a different nation from us, as we, the Treaty Party, or Disloyal Cherokee, were, post-treaty, established as the Southern Cherokee, and thus had been classified as a separate nation by this point with, jurisdiction over the Cooweescoowee and Canadian districts in Indian Territory. The Dawes process was a furiously heated situation for the Keetoowah, who as Old Settlers strongly opposed allotment and single statehood.⁶⁸ So by the 1890s they found themselves in court suing over the way they had been played by the Ross faction and the federal government over the past 70 years by that point, as they had been used by them in multiple wars, and manipulated over forced movements.⁶⁹

Regardless to how the Cherokee Nation paints him today, John Ross was truly the Niccolo Machiavelli of the Cherokee, always playing both sides so that he himself could benefit, as seen with the negotiation of the 1835 treaty, when he was going to sell to remove too, just for more money, but then enacted the blood law on us, the Treaty Party, for doing it before he could make the deal for a higher amount, and throughout his various deals politicking, convincing leaders to leave the old ways to become a new Westernized Cherokee government that would run the Nation as the whites did theirs, as he had started his days in Cherokee politics at a young age; by 25 he was chosen to be part of a delegation to Washington, D.C. in 1815,⁷⁰ and in just two years he had become a main state within the leadership, as he was fundamental in the creation of the Cherokee bicameral government for the Cherokee Nation

⁶⁸ Ibid.

⁶⁹ "United States v. 'Old Settlers.' 'Old Settlers' v. United States." Legal Information Institute. Cornell Law School. Accessed April 8, 2022. <https://www.law.cornell.edu/supremecourt/text/148/427>.

⁷⁰ Goss, G. W. (n.d.). *The Debate over Indian Removal in the 1830s*. theses - scholarworks at UMass Boston. Retrieved April 12, 2022, from https://scholarworks.umb.edu/cgi/viewcontent.cgi?article=1045&context=masters_theses

“East”, in 1817, and then he assumed power of the tribal body at large through his new written laws, and gaining the presidency of the National Committee in 1818.⁷¹ Ross continued to make shady deals as he served in this westernized Cherokee government of his molding, and on delegations to Washington, until he was elected Principal Chief in 1828.⁷² After not getting his way, he then usurped the governance of the Old Settlers after the removals, putting up his westernized government in its place, and acting as a true autocrat, he give the image of a choice through voting to the parties in the Ozarks, while at the same time, in the same form as that of a Dictator, he used the Keetoowah to quail his naysayers and to influence the poles by violently going after the Treaty Party and aligned Chickamaugan peoples in Indian Territory as we have covered, and then when he signed the CSA treaty, only to defect over to the Union when he felt the CSA was starting to lose, he tried to talk his way out of it as if it had never happened as you will see. When he passed on, his successors, taught by him, sold out the Keetoowah once more, and the Cherokee Nation at large, for the Dawes. As I have just made mention of, at no point is Ross’s two sidedness made clearer than at the 1866 treaty pre-negotiations, in where he tries to act as if he had no roll in the treaty with the South, however, he is taken to task by Elias C. Boudinot for his life of snake like behavior that he had engaged in over the course of his years on this earth; the situation played out as such:

Commissioner Cooley then turned to the Southern Delegation, which included Freemasons John Jumper, Winchester Colbert, Stand Watie, Samuel Checote, and Peter Pitchlyn, and asked them if they had any comment on the declaration. Before they

⁷¹ Ibid.

⁷² Ibid.

would answer, Brother Ross rose to his defense: I claim to be as loyal a man as any citizen of the United States...I have been forty odd years Chief of the Cherokees, elected time after time. They re-elected me in my absence and I came on to the council at my advanced age, after burying my wife and burying my son I had three sons in your army, also three grandsons and three nephews. If I had been disloyal I would not have shrunk from going where the enemies of the United States were. I came on with the hope that I might be useful to my people, to those of my people who had separated from the Nation, and to the Government of the United States. I came here not for the purpose of resisting the policy of the United States... I have never been charged with being an enemy of the United States...Far from a desire to use influence to prejudice any against the interests of the U.S., I resisted to the last moment the policy of disunion that was set out by a portion of the border states of Arkansas and Texas. No sooner had Ross issued up his defense that Elias C. Boudinot rose to challenge his character: But, Sir, there are serious charges which I will make against him... The fact is the Cherokee Nation has long been rent in twin by dissensions and I here charge these upon the same John Ross. I charge him with it here today and I will do it tomorrow. I will show that the treaty made with the Confederate States was made at his instigation. I will show the deep duplicity and falsity that have followed him from his childhood to the present day, when the winters of 65 or 70 years have silvered his head with sin, what can you expect of him now."⁷³

⁷³ Mingos, Patrick N. *Slavery in the Cherokee Nation The keetoowah Society and the Defining of a People, 1855-1867*. London: Routledge, 2003.

Ross, through his mastery of policy writing, politics, and deceit managed to chip away at the Old Settlers ranks so that he could insure his westernized government, that he had set up in the East, flourished in the West. He did this by coaxing young chiefs in Washington to move their bands into Indian Territory under his rule through the 1828 treaty.

However, after the signing of the 1828 treaty many Bands would stay in both the Arkansas and Missouri Ozarks and outlining areas like the Arkansas River Valley Banks and Ouachita Mountains, swearing never to remove again, as they did not see the Ross faction as having overall rule. These Bands later became the basis of peoples that would ultimately create the White River & Sac River Bands of the Chickamauga Cherokees, the fragmented Western Cherokee groups found in the borderland region of the tri-state area, and a lesser connection to the Northern Cherokee Nation in the upper part of the Missouri Ozarks, but one does exist. At this moment in time, and to the best of our knowledge, rolls, leadership, and citizenship issues within some of these Bands/Gatherings do exist today, we do not place judgement, we don't have the right to do so, I am only stating this as a matter of facts. There are also a plethora of fraudulent entities that claim a tribal status as well within the Ozarks who have no connection to tribal peoples citing these splits as the time of their communities founding, but then have no proof of documentation in any form or fashion to back it up; these groups hurt our communities and give the Cherokee Nation ample ammunition to attack legitimate groups by using them as examples, and then passing laws within the state legislature where it makes it illegal to identify as Cherokee unless you are from the Cherokee Nation, going after state

recognized tribal members on criminal charges who sale things as Indian-made,⁷⁴ for not being from a recognized tribe, even though it is legal if you are a member of a state recognized tribal body to do so, as in the Native American Arts and Craft law it states that if you are from a state or federally recognized group you can claim this right, planting their Citizens into the state politics like State Rep. Rocky Miller in Missouri to achieve said ends.⁷⁵

Going back, in the 1840s, after the removals, our Cherokee peoples were at war among ourselves. This war was fueled by the Cherokee Blood law, with many Chickamaugan and Treaty Party leaders being assassinated in the 1840s through the 1850s. This conflict among our peoples is known as the Cherokee Civil War, as I have mentioned, and its violence and bloodshed reverberated between the factions of our once great tribe with active skirmishes well into the early 1900s, and its effects are still felt today. During the Cherokee Civil War Chickamaugans and Treaty Party members became targets within the new Cherokee Nation located on the fringes of the Ozarks and thus often lived in fear while in, or fled from, the lands of eastern Oklahoma. This was because the Old Settlers had alignments and blood ties with the signers of the Treaty of New Echota, which were the Chiefs and tribal leaders that were blamed for the resulting Trail of Tears, leading to the prior stated assassinations of many of our tribal leaders. During the Cherokee Civil War, these migrations were so severe that the whites in Northwest Arkansas started to call for the removal of the more abrasive and aggressive Indians from the state.⁷⁶

⁷⁴ "Artist Sues over Missouri's 'Indian-Made' Law." AP NEWS. Associated Press, October 21, 2019. <https://apnews.com/article/1404b5e6a7044b2d8f90b9d324360c39>.

⁷⁵ Ibid.

⁷⁶ SMITHERS, GREGORY D. Cherokee Diaspora: An Indigenous History of Migration, Resettlement, and Identity. YALE University Press, 2018.

So, to recap, prior to the Anglo settlement of the Southeastern states the Cherokees were once a great Confederacy. This Confederacy was made up of all different regional tribal groups, such as the lower town, valley town, middle town, out town, and the over hill town Cherokees,⁷⁷ that were united by culture, religion, and language, but separated by geographical boundaries, political ties, and warring practices. After years of Cherokee land being systematically taken from us by the United States of America, through countless broken treaties, and being forced on to lands hundreds of miles away from where our ancestors were laid to rest, our peoples were left fractured in our politics. By the early 1800s the leadership within our bands started to view the situation of assimilation in different lights than each other. There was a strong division between our peoples and other Cherokee tribal groups. So, there is no doubt that the United States of America knew by the mid-1800s, during a hot Civil War within our Nation, that we were a divided peoples.

Our problems were well known by 1846, as us Cherokees were already viewed by members of the U.S. Congress and President James K. Polk by this time as a tribe that had formed deep splits between the leadership and did not look as if it would ever be fixed. In a special message to Congress written by then President Polk he spoke on the matter stating, "In my annual message of the 2nd of December last it was stated that serious difficulties of long standing continued to distract the several parties into which the Cherokee tribe of Indians is unhappily divided; that all the efforts of the Government to adjust these difficulties had proved to be unsuccessful, and would probably remain so without the aid of further legislation by

⁷⁷ RODNING, CHRISTOPHER B. "CHEROKEE TOWNHOUSES: ARCHITECTURAL ADAPTATION TO EUROPEAN CONTACT IN THE SOUTHERN APPALACHIANS." NORTH AMERICAN ARCHAEOLOGIST. Tulane University. Accessed April 9, 2022. <https://www.tulane.edu/~crodring/rodning2011B.pdf>.

Congress. Subsequent events have confirmed this opinion.”⁷⁸ These internal disputes between the various political factions, being that of the Chickamauga Old Settlers who stayed aligned with the Treaty Party or Ridge faction living in enclaves spread out across the Missouri and Arkansas Ozarks, the Treaty and the Ross Parties, the Keetoowah, and the Old Settlers who sided with the Ross bunch post-Trail of Tears, were on the radar of the federal government there can be no question. However, the Ross group aligned itself with enough Old Settlers, and used the Keetoowah effectively as their foot soldiers and assassins throughout the Cherokee Civil War, and beyond, taking on inter displaced factions from other tribes such as the Shawnee and the Delaware, to ultimately come to control the government-to-government relationship between the U.S. and the Cherokees by the late 1800s.

The leadership within the Ross faction managed to do this by making the argument that the Cherokee Nation could not be split up, because if it was, it would prove that no Indian nation could adequately move from savagery to civilized governance. During the negotiations of the treaty of 1866 the Ross group, in not so many words, said that if the Cherokees could not manage to maintain their own courts and institutions as one Nation on their own then the federal government would be shooting themselves in the foot trying to convince other tribes to do so in the future as they will always look to Cherokees as an epic failure and glaring reason for why they shouldn't, and in the end it would just leave the U.S. with egg on their face if they allow the factions to separate, and for this reason alone they should not.⁷⁹ Apparently these

⁷⁸ Matthews, Darla Gene. “The Southern Cherokee Indian Tribe Tsalagi Tsuganwv (Also Known as the Treaty Tribe).” Missouri, United States, Newburg, 30 Apr. 2015

⁷⁹ Purvis, R. “Maintaining Intact Our Homogeneousness: Race, Citizenship, & Reconstructing Cherokee,” 2012.

arguments won out in the end as they were able to usurp the power from the other factions that were secured in the Treaty of 1866. In 1866 Bands of Old Settler Chickamaugans and Treaty Party Cherokee were organized under social clubs called Blue Lodges, their political organization was known as the “Southern Cherokee” after the war, and the federal government had started to refer to this faction as the “Disloyal Cherokees”. As we have covered the other faction was that of the Old Settlers and Keetoowah aligned with the Cherokees led by the Cherokee National Council, controlled by the Successors of Ross in the Reconstruction Era and their inter displaced tribal fellowship post-Civil War.⁸⁰ The Ross faction successors went about administering the Dawes act, fraudulently enrolling vast quantities of non-natives with no tribal affiliations at all, and dissolving the Cherokee Nation in 1906 in favor of private land ownership at the expense of the authentic Cherokee population that decided to follow these leaders.⁸¹

In researching our cultural breakdowns for the purposes of writing this document, four contributing factors are nearly universal among the various societies of Cherokee across space and time: societal, political, religious, and economical influence. We have just illustrated how these elements affected the strong and well-defined foundation of our Cherokee peoples pre-contact. Add to these the generational split within the Confederacy as a whole, and later, the deviation of the Cherokee Confederacy of Old into two separate nations in the early 1800s, being the Cherokee Nation “East” and “West”, then the split in those nations perspective themselves

⁸⁰ “The Keetoowah Society and the Avocation of Religious Nationalism in the Cherokee Nation, 1855-1867 - Chapter 5. Race, Religion and the Trail of Tears. Cherokee, Native American. U.S. Data Repository, USGenNet Inc..” U.S. Data Repository . Accessed April 8, 2022. <http://www.us-data.org/us/minges/keetood5.html>.

⁸¹ Purvis, R. “Maintaining Intact Our Homogeneousness: Race, Citizenship, & Reconstructing Cherokee,” 2012.

between the factions, such as the disputes in the nation in the East between the Ross faction and the Treaty Party, and the various issues going on with the Bands of Old Settlers in the newly formed nation in the West and the other tribes and nations they cohabited with, from the Bowls group to Tallonteeskee, as they negotiated terms of moving into a new lands and establishing governance; not to mention the internal disputes within the Cherokees as a whole, such as the issues cropping up between the full-blood Cherokees versus the half-bloods; plus the split in philosophy on whether to westernize our two nations any further, and this was the powder keg of political unrest that our peoples lived under throughout most of the 1800s, that resulted in multiple hot Civil Wars among our peoples.

These schisms, regardless to what other federally recognized nations would like you to believe, were never fully resolved at any point in time for all the Cherokee factions that were involved, after multiple treaties throughout the 1800s. Thus, even though America has seemed to have forgotten our existence, we are still here, and the neglect from the federal government does not negate our rights owed to us secured by the end of the American Civil War through our ratified treaty. Reconstruction was supposed to result in the creation of a new Cherokee nation in the Ozarks to stop infighting, not drawn by geographical locations, but rather through political ties and warring allegiances. However, instead of having our treaty rights upheld we were forced into hiding and off our lands as we have gone over. According to the treaty, these new Cherokee nations were to be created out of the result of years of political unrest, and thus the negotiations of the 1866 treaty officially separated them into two groups, as we've covered, and while the Ross delegates sought to make the argument the the Cherokee Nation as it stood

was too big to fail,⁸² and with the lack of ample documents to show this as a result of our tribe being neglected, the Cherokee Nation says it never happened, however, as I have proved, this isn't the case. Because in lieu of how the situation is perceived today, the ratification of said treaty resulted in the creation of our two nations, at the behest of our Southern Cherokee Representatives, as separate Cherokee tribal bodies with businesses, courts, and land districts⁸³ in what was then Indian Territory, being that of: the Cherokee Nation and the Southern Cherokee as two separate but equal factions.⁸⁴ As put by Rachel Purvis in her dissertation titled, *Maintaining Intact Our Homogeneousness: Race, Citizenship, & Reconstructing Cherokee*, where she states:

A problem with the current consensus on Reconstruction is the absence of discussion of how native peoples and the west were effected by or influenced the drama of the era. The acquisition of the west in the 1840s under the banner of Manifest Destiny influenced America's racial history more than historians have acknowledged in their investigations of American race relations. Westward expansion triggered a racial crisis and fear of racial conflict and mixing. It is crucial to examine the ways in which American fascination with the west factored into the process of reuniting the war-torn nation during Reconstruction. The federal government successfully fulfilled the terms of the ideology of Manifest Destiny in the

⁸² "Treaty with the Cherokee, 1866." Treaty with the Cherokee, 1866 - Tribal Treaties Database. Oklahoma State University Libraries . Accessed April 9, 2022. [https://treaties.okstate.edu/treaties/treaty-with-the-choerokee-1866.-\(0942\)](https://treaties.okstate.edu/treaties/treaty-with-the-choerokee-1866.-(0942)).

⁸³ Ibid.

⁸⁴ Ibid.

postwar period with the complete consolidation of its control over the entire continental United States. During Reconstruction, the federal government was concerned with uniting not only the south, but also the west, and the inhabitants of those regions with the north. The process of Reconstruction required the final conquest of the west and its native inhabitants and their incorporation into American society. Reconstruction was a time of great uncertainty about racial definitions and as a result Americans increasingly turned to science to make sense of the postwar world. The enlarged federal government worked to figure out how to incorporate the varied groups, both economically and culturally, into the American mainstream because a national economy and a national culture provided a common ground for all sections of the country. The federal policies employed for inclusion of African Americans and Native Americans after the war were often very similar. ... The history of the Cherokee Nation during Reconstruction is an excellent example of the federal government's postwar desire to unite north, south, and west, as well as white, black, and red. The process of the Cherokee Nation's Reconstruction shows that the final conquest of the west was a top priority of the federal government as it rebuilt the American nation in the aftermath of the Civil War.⁸⁵

⁸⁵ Purvis, R. "Maintaining Intact Our Homogeneousess: Race, Citizenship, & Reconstructing Cherokee," 2012.

For the Southern Cherokee, we did not want to be U.S. Citizens, we just wanted a Cherokee Nation of our own so that we could live in peace and finally put an end to the now ongoing tensions that had been present within the Cherokees for about a century. But rather the hostilities were held over from the bad blood of the past. In June 23, 1865, at Fort Towson in the Choctaw Nations' area of Oklahoma Territory, Stand Watie, one of our Chiefs, signed the cease-fire agreement with Union representatives, becoming the last Confederate general in the field to stand down. Stand Watie in 1862 was elected our principal chief of the "Southern Cherokee Nation." The Cherokee Nation argues he was never Chief. That he didn't win the election. Well, it is for that reason that our nations had to negotiate the 1866 treaty. To insure we had our own say in our leaders as our own separate and equal nation of Cherokee peoples. After Watie's death in 1871, the Southern Cherokee Nation fell into disarray. While many stayed in Oklahoma for a time being, many more members of the nation moved to Kentucky, Texas, Arkansas, Missouri and Louisiana continuing to live together and govern themselves. Our nation was established by the 1866 treaty, the same one that made freedmen Cherokee citizens, in article 4, with many of our peoples being forced out of Cherokee Nation by violence and blood shed during the Civil War and after through Reconstruction, with the main body of our faction of Southern Cherokees tribal leadership heading into Missouri to try to stay safe from the hostilities present in Indian Territory during reconstruction, leaving satellite communities of family groups in the Canadian and Cooweescoowee districts in Indian Territory, then later to be known as Oklahoma, and we never disbanded, or voted to rejoin the Cherokee Nation, holding our continued communities ever since within the area of the Central Missouri Ozarks, within a few localized towns, and family groupings found within Oklahoma, and these

satellite settlements would make trips from Oklahoma for marching orders from our leadership in Missouri, and to attend functions and gatherings, from reconstruction on.

For the federal government though, the focus was on the National narrative for the United States and thus the optics of reconstruction post Savagery for Indian tribes weighed heavy in their decision making process in D.C., as stated earlier, as the goal was to kill the Indian and to save the man,⁸⁶ so after the Civil War, by 1873, the federal government only became concerned with the Ross Party's successors, and what they saw as the three groups in Oklahoma that were starting to form in the Cherokee Nation under their leadership drawn along racial lines. These groups were the "full bloods, mixed bloods, and Negroes",⁸⁷ and considerable fighting broke out amongst the three. Various Old Settler/Chickamaugan families felt stuck in the middle of this political infighting within Cherokee Nation, with many who had left for Indian Territory in the 1830s-40s deciding to leave Oklahoma, now breaking ties with the Ross faction once more and moving back into Missouri and Arkansas. This was during a time I have dubbed the Alien Era within the states of Arkansas and Missouri, which lasted from 1845 through 1909, as Indians lived an existence much like that of an illegal alien today as you had to have the right papers to travel out of Indian territory into Missouri or Arkansas, and doing so without the proper paperwork while possible came with high risks, as getting caught had much greater consequences than the ramifications of the actions of an illegal alien today. Thus,

⁸⁶ "Kill the Indian, and Save the Man': Capt. Richard H. Pratt on the Education of Native Americans." HISTORY MATTERS. The U.S. Survey Course on the Web. Accessed April 9, 2022.
<http://historymatters.gmu.edu/d/4929/>.

⁸⁷ Matthews, Darla Gene. "The Southern Cherokee Indian Tribe Tsalagi Tsuganwv (Also Known as the Treaty Tribe)." Missouri, United States, Newburg, 30 Apr. 2015.

indigenous peoples had to hide their identities within parts of the Ozarks or face serious consequences that could quite possibly result in one's death, and as a result Cherokees decided to stay secluded to protect their peoples. Our ancestors thus lived in small enclaves in the hills.

Our communities have numerous locations where we gather, in the past and now, such as our family homesteads and farms, that established distinct identities within our perspective Bands. There is, and was, also the use of the Blackfoot identifier that some families within our tribe use to acknowledge their family's piedmont Indian Siouan roots as the Ozarks was, and is, still full of many intertribal Indian refugee inter displaced peoples communities that were founded in the 1800s and prior. Regardless to this multiculturalism we all are still identified as Native Americans, as Southern Cherokee. Race was a central idea to the process of reconstruction in America, no more so than in the American south, and Jim Crow helped to usher in a binary view of race in the 21st century. One that was only of white and black, stripping communities like ours of our indigeneity through this racism and these Jim Crow laws and restrictions.

The federal government's goal post-Civil War was a more perfect Union, and this was what they set out to achieve it any cost. The problem is that the South didn't want racial unification in any sense of the words, and so the federal government, in their goal to conquer the West, over looked this, allowing Jim Crow to take its course. With their eyes set on "a more perfect Union", they seen the Ross' successors as the leaders of the westernized government of the "Cherokee Nation", and thus being open to westernized societal governance, they sought out their help as the way to achieve this "perfect Union" in Indian Territory not caring about the fates of those who did not want to go along with the plan; such as the completely separate

Southern Cherokees and their government and leadership. So, through the Cherokee National Council, the two parties went about the process of dissolving the Cherokees lands and sovereignty to make their peoples private landowners through the Dawes Act. While at the same time the federal government ignored the Southern Cherokee and our Sovereignty rights, and our position as a peer-to-peer tribe as the Reconstruction Era drudged on and after, into the Gilded Age, until we were ultimately lost into the winds during the Progressive Era. I started this paper off by saying the “so-called” Cherokee Nation. I did this because no Cherokee would act in the way these people do. We are accepting peoples, if someone is misrepresenting a facet of my culture, I would teach them the right way; If they didn’t listen, I wouldn’t care, as I would never go to war with a man over that, as a combat veteran it quite frankly isn’t worth it. I would ignore it and drive on, I have more principles than that, but then again, I do come from Principled Peoples.