

**Who Belongs?
Becoming Tribal Members in the South**

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A dissertation submitted to the faculty of the University of North Carolina at Chapel Hill in partial fulfillment of the requirements for the degree of Doctor of Philosophy in the Department of History.

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Abstract

MIKAELA M. ADAMS: *Who Belongs? Becoming Tribal Members in the South*
(Under the direction of Theda Perdue and Michael D. Green)

As a third race in the Jim Crow South, Indians struggled to maintain their political sovereignty and separate identity in the face of racial legislation and discrimination. To protect their status as tribal members and to defend their resources from outsiders, Indians developed membership criteria that reflected their older notions of kinship and culture, but also the new realities of a biracial world. This dissertation examines the responses of four southeastern Indian peoples to the problem of defining who legally belonged to Indian tribes. Although the Pamunkeys, Catawbias, Eastern Band of Cherokees, and Florida Seminoles dealt with similar questions regarding reservation residency, cultural affinity, intermarriage, “blood,” and race, each developed different requirements for tribal membership based on their unique histories and relationships with federal and state officials. The varying experiences of these southeastern tribes belie the notion of an essential “Indian,” and instead show that membership in a tribe is a historically-constructed and constantly-evolving process.

To my parents, Karen Elizabeth Cummings Adams and David Erwin Adams

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talk about tribal membership criteria for hours, and kept me happy and well-fed throughout the process. Quite simply, David, I could not have finished the dissertation without you.

Preface

As a French-born American citizen who spent most of my childhood in Europe, questions of identity and national belonging have always intrigued me. Growing up in England, France, and Scotland, I was acutely aware of the difference of the legal status of my family from that of the people around us. Our frequent trips to American embassies in London and Paris drove home the point, as did the rare, but memorable, taunts of other children to “go back to my country.” When I finally returned to the United States at the age of thirteen, I was surprised to discover that I did not quite fit in there either. Years apart from the country of my citizenship made me feel like an outsider, despite what it said on my passport. These experiences raised questions. What does it mean to belong to a nation? What is the relationship between identity and citizenship?

Questions of identity and belonging drew me to American Indian history. As an undergraduate sophomore at Miami University, I was excited to learn about peoples whose kin ties, cultural practices, and connections to place seemed to provide them with something so foreign to me—knowledge of who they were and where they belonged. Under the guidance of Dr. Daniel Cobb, I soon realized that this story was more complex. American Indians, like people across the globe, negotiate and renegotiate their identities in a dynamic world. I became particularly intrigued by cross-cultural encounters and the way that contact with “others” encouraged Indians, and the people they met, to reconsider their identities and

reconceptualize who belonged to their communities. My interest in these interactions propelled me to graduate school.

During my first semester as a graduate student at the University of North Carolina, I undertook a historiographical project on Maroon communities across the Americas. This paper rekindled my interest in cross-cultural encounters, especially as I learned about the early interactions between escaped African slaves and the Seminole Indians in Florida. My academic adviser, Dr. Theda Perdue, suggested that I pursue this interest but look at a later time. As she noted, a number of scholars had researched eighteenth and early nineteenth-century encounters between southeastern Indians and outsiders, but few had touched upon the ways those relationships changed in the South after the majority of Indians forcibly relocated west of the Mississippi. Armed with a time period, a region, and a theme, I set out to write my master's thesis.

My master's thesis, "Savage Foes, Noble Warriors, and Frail Remnants: Florida Seminoles in the White Imagination, 1865-1934," explored how shifting white American perceptions of Seminole Indians in the late nineteenth and early twentieth centuries reflected concerns about their own identities in a changing world. As I wrote this thesis, I began working on another project that addressed the same theme in reverse. I asked how the Seminoles made sense of racial "others" during the time period covered in my thesis, and how they used cross-cultural encounters to bolster their own sense of identity as conditions changed in Florida. This second paper provided a nucleus for my dissertation.

As I moved forward in my research, Dr. Perdue encouraged me to think not only about what encounters meant for people's identities and perceptions of "others," but, more

concretely, how Indians used what they learned from these interactions to make decisions about who legally belonged to their tribes. Reading more about tribal sovereignty and the political status of Native nations, I realized the significance of this question. For American Indians, there are tangible, legal consequences to holding a political identity as a tribal member. Equivalent to citizenship in any nation, tribal membership is related to, but distinct from, identity. As I had discovered as a child, it is possible to legally belong to a nation without identifying with it, and, conversely, to live in a nation and share in its customs without legal recognition as a citizen. I wanted to know how these distinctions played out in Indian country. Through studying the experiences of four southeastern tribes—the Pamunkeys, the Catawbas, the Eastern Band of Cherokees, and the Florida Seminoles—I hoped to reveal how each tribe arrived at its particular decision on who belongs and what this has meant for the future of its political identity and tribal sovereignty.

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Introduction

In 1994, Sharon Flora wrote to the editor of the *Cherokee One Feather*, the official newspaper of the Eastern Band of Cherokee Indians in North Carolina. “It is unfair that I cannot be recognized as a Cherokee Indian,” she complained, “simply because I cannot locate my ancestors’ names on the rolls.” Referring to the Baker Roll of 1924, which serves as the basis for modern Eastern Band tribal membership, Flora expressed her frustration with the tribe’s standards of belonging and asserted that “those of us who cannot enroll...feel the same pride in our hearts of being Cherokee that they do, but we are always on the outside looking in.”¹ This letter touched upon a critical issue in Indian country today: tribal membership.² Who can lay claim to a legally-recognized Indian identity? Who decides whether or not an individual qualifies?

¹ Sharon Flora to Editor, *Cherokee One Feather* (October 19, 1994).

² Scholars often use the terms “tribal membership” and “tribal citizenship” interchangeably. For the purposes of my study, however, I make a slight distinction between the terms. Tribal members are individuals who are legally recognized as belonging to a tribe. Tribal citizens are people who have political rights in that tribe. In general, these categories overlap; however, certain tribes restrict the political rights of particular members, and other tribes grant legal citizenship rights to people they may not consider full members. For example, the Pamunkey Tribe of Virginia limits voting rights to male members who reside on the tribe’s reservation. These men are Pamunkey citizens. Pamunkey women and Pamunkey men who live away from the reservation are still considered tribal members, but they do not enjoy the full rights of citizens. In other cases, certain individuals might have the legal rights of tribal citizens without being considered full tribal members by either the tribe or the federal government. In *The Seminole Freedmen: A History*, for example, Kevin Mulroy distinguishes between tribal “members” and “citizens” when discussing the political rights of the descendants of black Seminole freedmen in the Seminole Nation of Oklahoma. In this case, the tribe afforded freedmen descendants the right to vote in tribal elections, but did not consider them “Indian” or grant them certain other rights as tribal members because they were not Seminole “by blood.” The federal government supported this point: the Bureau of Indian Affairs insisted that the Seminole Tribe accept freedmen as citizens, but until 2003 refused to grant freedmen Certificate Degree of Indian Blood (CDIB) cards, thereby denying the freedmen descendants access to federally-funded Seminole programs. After the Seminole Nation of Oklahoma tried to exclude the freedmen from political rights in the tribe, however, the federal government began issuing CDIB cards to freedmen

Although Indian identity is an important element of belonging to an Indian tribe, one cannot claim membership to a tribe based solely on one's identity. Other criteria, determined by the tribe, come into play. Tribal membership confers political rights and thus is distinct from racial, ethnic, and cultural identities. As David E. Wilkins has explained, the legal status of Indians "derives from their recognized cultural and political citizenship in a tribal nation, which is wholly unlike the status of other minority groups in the U.S."³ Tribal as opposed to individual identities correspond to nationalities and in the past the federal government made formal agreements with tribal nations—treaties—that guaranteed particular rights to tribal members. Individuals may have indigenous ancestry or cultural ties to a Native community, but without official tribal membership they lack legal standing as Indians. The political identity of Indians is based on the inherent sovereignty of Indian nations as well as the historical interactions between tribes and the United States.

Tribal membership is fundamental to tribal sovereignty. As Kirsty Gover has argued, "tribal membership rules constitute the 'self' that is to 'self-govern,' by defining the class of persons entitled to share in tribal resources and participate in tribal politics."⁴ By determining their membership, tribes can police the borders of their political identity and ensure that

descendants, thereby blurring the lines between "citizens" and "members." (See Kevin Mulroy, *The Seminole Freedmen: A History* (Norman: University of Oklahoma Press, 2007), 312-322). The confusion between tribal "members" and tribal "citizens" relates to the dual conception of Indians as belonging to a race and to nations. Tribal officials may see an individual as belonging racially and genealogically to an Indian tribe, but deny them full political rights in that nation based on other criteria, such as gender, blood quantum, or reservation residency. Conversely, for historical and legal reasons, someone may have political rights in a tribe without being recognized as genealogically or racially "Indian." To complicate matters further, some individuals—like Sharon Flora—may have Indian heritage and a cultural identity without being considered either a member or citizen of any tribal nation.

³ David E. Wilkins, *American Indian Sovereignty and the U.S. Supreme Court: The Masking of Justice* (Austin: University of Texas Press, 1997), 21.

⁴ Kirsty Gover, *Tribal Constitutionalism: States, Tribes, and the Governance of Membership* (Oxford: Oxford University Press, 2010), 109.

outsiders do not appropriate or usurp their unique legal status. Membership criteria provide tribes with guidelines for identifying tribal citizens and for deciding who can take advantage of communally-owned lands, programs, and resources. Without the authority to draw boundaries of membership, tribes would be powerless to protect their resources and rights from outsiders. Legal scholar Francine R. Skenandore has pointed out that mainstream American society may not agree with a tribe's criteria for defining its membership, but for tribes to maintain their unique sovereign status, they must have authority over their own internal affairs.⁵

In recent years, controversies surrounding tribal membership rolls have drawn considerable news coverage. Tribes across the country have engaged in heated enrollment debates, which have led to local power struggles within tribes as well as to intense national discussions about tribal sovereignty. N. Bruce Duthu has noted that many of these membership disputes developed in the wake of tribal success in gaming activities. Tribal enrollment offices have faced severe pressure from people seeking membership in order to have access to tribal benefits, including a share of the tribe's gambling revenue.⁶ Most of these cases are resolved in tribal courts, yet the tensions between individual and group rights manifested in these disputes "often cause lawmakers and policy leaders to question the legitimacy of tribal sovereignty as both a legal and moral concept."⁷ On December 12, 2011, for example, *The New York Times* ran an article critical of the Picayune Rancheria of the Chukchansi Indians of California's decision to remove from the roll over fifty members, "for

⁵ Francine R. Skenandore, "Revisiting *Santa Clara Pueblo v. Martinez*: Feminist Perspectives on Tribal Sovereignty," *Wisconsin Journal of Law, Gender & Society*, 17 (Fall, 2002): 357.

⁶ N. Bruce Duthu, *American Indians and the Law* (New York: The Penguin Group, 2008), 157.

⁷ *Ibid*, 163.

the crime of not being of the proper bloodline.”⁸ The article insinuated that the tribe’s motives were financial, although the author acknowledged that “tribal governments universally deny that greed or power is motivating disenrollment, saying they are simply upholding membership rules established in their constitutions.”⁹ Without a clear understanding of how tribes historically determined membership criteria, outsiders can perceive tribal decisions to exclude certain individuals as arbitrary or malice-driven.

Most controversial of all, in 2007, the Cherokee Nation in Oklahoma voted to exclude non-Indian tribal citizens, including the descendants of freedmen, the former African slaves of elite Cherokee planters. According to former Cherokee Nation Principal Chief Chad Smith, the tribe acted within its sovereign rights to set its own membership criteria.¹⁰ Former U.S. Representative Diane Watson (D-California) contended, however, that the Cherokees were guilty of a Jim Crow-like exclusion of black citizens and that the tribe should lose its federal status as a result of its actions.¹¹ On September 21, 2011, a federal court order guaranteed 2,800 freedmen descendants citizenship rights in the Cherokee Nation, which allowed them to vote in the tribe’s election for principal chief.¹² The new principal chief, Bill John Baker, has remained guarded about his position on the freedmen, but the Cherokee

⁸ James Dao, “In California, Indian Tribes with Casino Money Cast Off Members,” *The New York Times* (December 12, 2011).

⁹ Ibid.

¹⁰ Chad Smith, “Smith: Cherokees Vote for Indian Blood,” *Indian Country Today* (March 9, 2007).

¹¹ Diane Watson, “Jim Crow in Indian Country,” *The Huffington Post* (September 3, 2010).

¹² Chris Casteel, “Freedmen to Remain Cherokee Nation Citizens until Federal Lawsuit Is Resolved,” *NewsOK* (September 22, 2011).

Nation continues to pursue a federal lawsuit against the freedmen descendants as an assertion of its sovereign right to make membership decisions.¹³

Although a central aspect of tribal sovereignty, tribal membership has a history. Nations have the sovereign right to define their membership, yet Indian tribes have had to defend that right over centuries of contact with the United States. Tribes were not always free to decide who belonged. In the nineteenth and early twentieth centuries in particular, as the federal government asserted more power over Indian nations and southern state legislators endeavored to enforce Jim Crow segregation, non-Indian officials frequently claimed this authority for themselves. Tribes fought back by setting their own criteria and by manipulating the language used by white politicians and bureaucrats to serve their own purposes. Current membership debates are the products of these historical interactions.

My study explores how four southeastern tribes struggled to define who belonged to their nations in the late nineteenth and twentieth centuries. The Pamunkeys of Virginia, the Catawbias of South Carolina, the Eastern Band of Cherokees in North Carolina, and the Florida Seminoles faced similar pressures in the Jim Crow South, but each tribe developed different requirements for tribal membership based on their unique histories and relationships with federal and state officials. Their stories demonstrate that Native peoples do not blindly or universally adopt notions of tribal identity. Instead, using a variety of criteria, such as reservation residency, cultural affiliation, gendered notions of kinship, and racial identity, Indians have created different strategies for delineating who can legitimately claim rights as members of their tribes. My research contributes to a growing scholarly discourse on tribal

¹³ Jarrel Wade, "Cherokees to Continue with Freedmen Lawsuit," *Tulsa World News* (November 25, 2011).

sovereignty by showcasing the complex ways that tribes have asserted authority over their membership criteria to defend their political status and resources from outsiders.

The history of tribal membership is tightly bound to that of tribal sovereignty. Tribal sovereignty is a historically-contingent, slippery concept.¹⁴ There is nothing inherent about its significance, and, as legal scholar Charles F. Wilkinson has observed, “during the modern era, the existence of tribal sovereignty, and what it means, has been the subject of heated and extensive debate.”¹⁵ Originating as a legal concept with the presumed divine powers of monarchs and popes in medieval Europe, “sovereignty” evolved in modern nation-states, Joanne Barker has suggested, as a way to understand “the relationship between the rights and obligations of individuals (citizens) and the rights and obligations of nations (states).”¹⁶ Despite the term’s European origin, however, at the time of contact between Europe and the Americas, Indian tribes exercised sovereign powers.¹⁷ They were politically distinct peoples with defined territorial limits.¹⁸ They governed themselves and delineated who belonged to their communities. This inherent sovereignty of tribal nations predated European arrival and the foundation of the United States.¹⁹ As Wilkins and K. Tsianina Lomawaima have

¹⁴ Joanne Barker, “For Whom Sovereignty Matters,” in *Sovereignty Matters: Locations of Contestation and Possibility in Indigenous Struggles for Self-Determination* (Lincoln & London: University of Nebraska Press, 2005), 26.

¹⁵ Ibid, 21; Charles F. Wilkinson, *American Indians, Time, and the Law: Native Societies in a Modern Constitutional Democracy* (New Haven & London: Yale University Press, 1987), 55.

¹⁶ Barker, “For Whom Sovereignty Matters,” 2.

¹⁷ Duthu, *American Indians and the Law*, 4.

¹⁸ Wilkinson, *American Indians, Time, and the Law*, 54.

¹⁹ Wilkins, *American Indian Sovereignty and the U.S. Supreme Court*, 19-20.

explained, “tribes existed before the United States of America, so theirs is a more mature sovereignty.”²⁰

When Europeans arrived in the Americas, they implicitly recognized the sovereignty of Native nations, but they did not necessarily treat Indian tribes on a basis of equality. In their effort to acquire land and resources and to prevent other European powers from wresting away control of the new continents from them, Europeans invented the “Doctrine of Discovery” to assert power over territories they colonized. This doctrine, as interpreted by Supreme Court Chief Justice John Marshall in 1823, maintained that American Indians were not full sovereigns of the lands they possessed, but rather were users of the land. Europeans claimed that the land itself belonged to whichever Christian nation supposedly “discovered” it.²¹

In spite of European assumptions of their superior right to American land, the realities of the colonial world necessitated that they treat with Indian nations. As Deborah A. Rosen has explained, “limited military capacity in the colonies meant that [Europeans] sometimes had no choice but to acquiesce in the independence of Indian nations.”²² Treaties had emerged as a custom within international law to assert nationhood and recognize national

²⁰ David E. Wilkins and K. Tsianina Lomawaima, *Uneven Ground: American Indian Sovereignty and Federal Law* (Norman: University of Oklahoma Press, 2001), 5.

²¹ *Johnson v. McIntosh*, 21 U.S. 543, 5 L. Ed. 681, 1823 U.S., 8 Wheat. 543; Barker, “For Whom Sovereignty Matters,” 7-8.

²² Deborah A. Rosen, *American Indians and State Law: Sovereignty, Race, and Citizenship, 1790-1880* (Lincoln & London: University of Nebraska Press, 2007), 2.

sovereignty, and when European powers made treaties with Indian tribes, they created legally-binding compacts that acknowledged the sovereign status of Indian nations.²³

When the United States declared its independence from Great Britain, the new nation continued to make treaties with Indian tribes. Between 1778 and 1871, the United States ratified 371 treaties with indigenous nations, thereby recognizing their sovereign status.²⁴ The United States also provided for a relationship between Indian tribes and the federal government in its governing document. The United States Constitution expressly stated that only Congress had the power to regulate commerce with Indian tribes.²⁵ The commerce clause acknowledged that tribal relations with the United States were beyond the purview of individual states and that authority to deal with tribal nations—as sovereign entities—rested solely with the federal government.

Treaties recognized the sovereign status of tribes and established relationships between tribes and the federal government. For a variety of historical reasons, however, not all tribes made treaties with the United States. Some tribes, like the Pamunkeys and Catawbias, made agreements with colonial governments and, after the American Revolution, maintained relations with the successor states of colonies, rather than forming new treaties with the federal government. This situation created problems: although state governments recognized the inherent and retained sovereignty of these tribes, the federal government did not because it had no treaties or government-to-government relationships with them. State-recognized tribes struggled to maintain their national identities without the protections

²³ Barker, “For Whom Sovereignty Matters,” 4.

²⁴ Ibid, 9.

²⁵ Duthu, *American Indians and the Law*, xi.

afforded federally-recognized tribes by the United States. In some cases this worked to their advantage: they were not subject to federal policies that threatened tribal sovereignty. They were more vulnerable, however, to the pressures of land-hungry local whites and the whims of state legislators.

As tribes adapted to the pressures of the new American nation, they began changing their conceptions of belonging. Prior to the nineteenth century, tribal membership did not exist apart from kinship. Indians knew who belonged by tracing their familial ties, which in the southeast were often reinforced by membership in a matrilineal clan. Children belonged to the clan of their mother and owed obligations to their clan relatives that helped bind the community together. Even after southeastern Indians began intermarrying with non-Indians, the importance of kinship continued. As Theda Perdue has argued in *“Mixed Blood” Indians*, the children of these unions were readily accepted as long as they had Indian mothers with clan affiliations.²⁶

Over time, however, Indians confronted new questions of belonging as intermarriage increased, tribal members acquired African slaves, and Indians began adopting Euro-American patterns of inheritance. Circe Sturm has argued that in the late eighteenth and early nineteenth centuries, tribes like the Cherokees found it necessary to move toward a more unified tribal identity and centralized system of governance in order to deal more effectively with Americans and protect their land base. Defining themselves against whites and articulating their own racial separateness, they nonetheless internalized the view of blacks

²⁶ Theda Perdue, *“Mixed Blood” Indians: Racial Construction in the Early South* (Athens: The University of Georgia Press, 2003), 40.

held by Euro-Americans, thereby linking ideas of citizenship with emerging ideas of race.²⁷ Race became a standard measure of social and political belonging, and the Cherokees even passed a series of anti-miscegenation laws in order to create social distance between themselves and their African slaves.²⁸

Marriage laws, according to Fay Yarbrough, helped define the boundaries of Indians' national identity because marriage produces citizens.²⁹ As more Cherokee women began choosing spouses outside of the Nation in the nineteenth century and as an increasing population of foreign men sought Cherokee wives to gain access to resources, Cherokee legislators began policing interracial marriage and interracial sex.³⁰ The first targets of these new laws were people of African descent, reflecting the Cherokees' internalization of racial discourse. In 1824, the Cherokees passed a law prohibiting intermarriage with blacks.³¹ As Claudio Saunt has shown, the Creeks passed similar laws to restrict black intermarriage.³² The Creek law code of 1818 included a version of the Southern states' black code and it discouraged intermarriage between Creeks and Africans. According to Gary Zellar, the Creeks wrote these laws to assuage white fears in the surrounding areas.³³ To protect

²⁷ Circe Sturm, *Blood Politics: Race, Culture, and Identity in the Cherokee Nation of Oklahoma* (Berkeley and Los Angeles: University of California Press, 2002), 40-47.

²⁸ Ibid, 52.

²⁹ Fay A. Yarbrough, *Race and the Cherokee Nation: Sovereignty in the Nineteenth Century* (Philadelphia: University of Pennsylvania Press, 2008), 4.

³⁰ Ibid, 10.

³¹ Ibid, 32.

³² Claudio Saunt, *Black, White, and Indian: Race and the Unmaking of an American Family* (Oxford: Oxford University Press, 2005).

³³ Gary Zellar, *African Creeks: Estelvyse and the Creek Nation* (Norman: University of Oklahoma Press, 2007), 22.

resources from Americans, Indian lawmakers also incrementally complicated the process for intermarriage between white men and Native women. According to nineteenth-century Cherokee marriage laws, white men who married Cherokee women could not draw annuity funds or hold high political office. In a nod to Euro-American patrilineal descent, white fathers could pass property down to their Cherokee children, but their Cherokee wives also retained their individual property rights.³⁴ During this time of transition, Indians looked for ways to protect their resources and tribal sovereignty by managing their ideas about kinship at the national level.

While tribes redrew boundaries of belonging in the early nineteenth century, the United States looked for ways to make legal sense of Indian nations. The Supreme Court established the legal status of federally-recognized Indian tribes when Chief Justice John Marshall characterized tribes as “domestic dependent nations.” In three cases, *Johnson v. McIntosh* (1823), *Cherokee Nation v. Georgia* (1831), and *Worcester v. Georgia* (1832), Marshall conceived of a model that called for largely autonomous tribal governments subject to an overriding federal authority, but free of state control.³⁵ His interpretation maintained that although tribes were under the protection of the “stronger” government of the United States, they had not forsaken their legal claims to self-government and other sovereign rights as a result of that protection. Among these reserved rights was the tribal prerogative to delineate membership. The Marshall trilogy provided the basis for the trust relationship

³⁴ Yarbrough, *Race and the Cherokee Nation*, 29-30.

³⁵ Charles F. Wilkinson, “Indian Law at the Beginning of the Modern Era,” in *Constitutionalism and Native Americans, 1903-1968*, edited by John R. Wunder (New York & London: Garland Publishing, Inc., 1996), 24.

between tribes and the federal government, which bound the United States to protect the political integrity and territorial possessions of tribal nations under its supervision.³⁶

Despite the legal relationship that the Supreme Court established between tribes and the United States, land-hungry white Americans were not eager to share the continent with Indian nations. The Andrew Jackson administration pushed through the Indian Removal Act of 1830, which authorized the federal government to make removal treaties with eastern Indians and exchange their land for territory west of the Mississippi.³⁷ Often conducted fraudulently or signed under duress, these treaties led to the forced removal of thirteen thousand Cherokees and many other tribal peoples from their southeastern homelands.³⁸ When tribes removed, they took with them their government-to-government relationship with the United States. The scattered Indians who remained in the Southeast were left without a federal relationship or protection. In the years that followed, remnant tribes like the Eastern Band of Cherokees and the Florida Seminoles, as well as state-recognized tribes like the Catawbas and Pamunkeys, rebuilt their nations and strove to regain external recognition of their tribal sovereignty, including the right to control their membership.

Removal shifted notions of tribal belonging by complicating the legal process of distinguishing tribal members. Tribal enrollment emerged during these years as a new way of defining “Indianness.” Prior to removal, the federal government was interested in population statistics of Indian tribes, but less concerned with the question of who belonged to these

³⁶ Duthu, *American Indians and the Law*, xxv-xxvi.

³⁷ Francis Paul Prucha, *The Great Father: The United States Government and the American Indians*, abridged edition (Lincoln: University of Nebraska Press, 1984), 65.

³⁸ Theda Perdue and Michael D. Green, *The Cherokee Nation and the Trail of Tears* (New York: The Penguin Group, 2007), 134.

nations. When the government signed removal treaties, however, officials made promises to tribal members. They needed to know who was entitled to land, resources, and funds under the terms of the treaties, and to answer this question, they developed tribal rolls. For the Cherokee Nation, for example, the removal roll determined who was eligible for transportation and subsistence under the Treaty of New Echota. Cherokees left behind in the southeast relied on a list of people granted reservations in an 1819 treaty to remain legally in their homes. South Carolina promised the Catawbas annual stipends in exchange for land cessions made in the 1840 Treaty of Nations Ford, and state officials compiled a list of eligible tribal members to distribute these funds. The increased involvement of federal and state officials in questions of tribal belonging encouraged Indian tribes to reconsider their tribal membership criteria. Late nineteenth and early twentieth-century federal policies made this process more difficult.

In 1871, Congress unilaterally ended the practice of treaty-making with Indian tribes. According to Duthu, this action gave rise to a paradox in Indian law: the retained sovereignty of tribal nations was recognized as predating the formation of the United States, yet that authority was considered to be subordinate to federal power.³⁹ In the decades that followed, the United States Supreme Court ruled on a number of cases that eroded tribal sovereignty. In *McBratney v. United States* (1882), *United States v. Kagama* (1886), and *Lone Wolf v. Hitchcock* (1903), the court extended federal jurisdiction over Indian lands and claimed Congress had plenary power to abrogate former treaties with tribal nations. As Wilkinson has explained, these court cases “implicitly conceptualized tribes as lost societies without power,

³⁹ Duthu, *American Indians and the Law*, xxvii.

as minions of the federal government.”⁴⁰ In the same period, Congress passed the General Allotment Act of 1887, which aimed to bring Indian people into the mainstream by dividing tribal territories into individual plots and selling surplus lands to American citizens. By 1934, Indian land holdings across the United States had fallen from approximately 138 million acres to around 48 million acres.⁴¹

A low point for tribal sovereignty, the late nineteenth and early twentieth centuries witnessed a rise in the importance of tribal membership rolls. Allotment policy called for a division of tribal assets. To distribute these resources, officials had to create lists of recognized tribal members. Although most southeastern tribes avoided allotment, the threat of this policy prompted the Eastern Band of Cherokees to develop an official tribal roll in 1924.

Euro-Americans wrote their concepts of race into allotment rolls when they recorded the “degree of Indian blood,” or “blood quantum,” possessed by tribal members. This fraction purported to describe how “Indian” an individual was by noting the racial identities of his or her ancestors. Federal agents recorded the child of a white father and Indian mother, for example, as “1/2 Indian blood.” Although officials did not impose blood quantum restrictions on tribal membership, they tied competency to “blood”: the more “white blood” an Indian had, the more capable officials presumed he or she would be in managing affairs in the “civilized” world. Some Indians rejected such ideas, but notions of blood degree increasingly took hold within tribes. Soon Indians began using blood as a way of categorizing people in their own communities and tying blood quantum to culture. So-called

⁴⁰ Wilkinson, “Indian Law at the Beginning of the Modern Era,” 24.

⁴¹ Duthu, *American Indians and the Law*, 75.

“full bloods” were supposedly more culturally “Indian” than their “mixed blood” counterparts. This was not a universal process: not all tribes adopted blood quantum membership criteria, and even among those that did, blood requirements varied dramatically. For some tribes, however, blood became an index of “Indianness.” As Gover has explained, “the administrative apparatus of blood quantum in the United States, then, is preexisting, familiar, and easily adapted by tribes for use in their membership regimes.”⁴²

Allotment policy ended with the Indian Reorganization Act of 1934; however, New Deal federal policies also posed challenges to the sovereign right of tribes to define their membership. The act opened the door for previously unrecognized tribes like the Catawbas and Florida Seminoles to achieve federal status, but it compelled them to consider the adoption of modern constitutional principles, which meant new tribal governments that rivaled older structures of authority.⁴³ The Indian Reorganization Act also required tribes to legally delineate who belonged to their nations. As Carole Goldberg has observed, the act did not dictate who could qualify for tribal membership under a tribal constitution, but it “provided a definition of ‘Indian’ for purposes of determining who could take advantage of the authority to establish a constitutional government in the first place.” This definition included a blood quantum restriction of no less than “one-half Indian blood” for individuals not belonging to a tribe that already was federally-recognized.⁴⁴ In 1935, the Bureau of Indian Affairs urged tribes to develop rules that limited membership to “persons who

⁴² Gover, *Tribal Constitutionalism*, 83.

⁴³ Wunder, *Constitutionalism and Native Americans*, xi.

⁴⁴ Carole Goldberg, “Members Only: Designing Citizenship Requirements for Indian Nations,” in *American Indian Constitutional Reform and the Rebuilding of Native Nations*, edited by Eric D. Lemont (Austin: University of Texas Press, 2006), 113.

reasonably can be expected to participate in tribal relations and affairs.” This statement, according to Duthu, encouraged tribes to restrict membership “without any regard to the social and cultural realities by which Indian people organize and perceive themselves as Indian people.” Such policies stemmed from federal desires to limit, and eventually eliminate, the number of Indians eligible for federal benefits.⁴⁵

Although problematic in terms of its effects on tribal membership, the Indian Reorganization Act ushered in a new era of respect for tribal sovereignty. In the 1940s, for example, Secretary of the Interior Harold L. Ickes and Commissioner of Indian Affairs John Collier commissioned legal scholar Felix Cohen to compile a handbook of federal Indian law. Ickes declared that the work “should give to Indians useful weapons in the continual struggle that every minority must wage to maintain its liberties, and at the same time it should give to those who deal with Indians, whether on behalf of the federal or state governments or as private individuals, the understanding which may prevent oppression.”⁴⁶ Looking at the Marshall trilogy, Cohen argued that tribal sovereignty was “perhaps the most basic principle of all Indian law.”⁴⁷ He disputed late nineteenth and early twentieth-century legal cases that challenged tribal sovereignty and moved to restore the concept to a place of authority in United States-Indian relations. Wilkinson has maintained that “Cohen’s view—the Marshall-Cohen formulation—effectively stemmed the tide of opinions that threatened to

⁴⁵ Duthu, *American Indians and the Law*, 31.

⁴⁶ Harold L. Ickes, “Forward,” in *Handbook of Federal Indian Law*, by Felix S. Cohen, United States Department of the Interior, Office of the Solicitor (Washington, D.C.: United States Government Printing Office, 1941), v.

⁴⁷ Wilkinson, *American Indians, Time, and the Law*, 57.

bury the doctrine of tribal sovereignty.” Cohen’s work, cited repeatedly by the courts, “attained something of the weight of a Supreme Court opinion.”⁴⁸

Tribal sovereignty faced another setback in the 1950s, however, after the federal government implemented its termination policy. In 1953, House Concurrent Resolution 108 recommended the immediate withdrawal of federal aid, services, and protection from federally-recognized tribes. Public Law 280, also passed that year, authorized certain state governments to extend their jurisdiction over Indian reservations. Like allotment, termination promised to bring Indians into the mainstream by ending the relationship between tribes and the federal government, and by dividing and distributing commonly-held tribal lands and resources.⁴⁹ Like allotment, termination required the creation of tribal rolls so that tribes could fairly disburse their assets to recognized members. This policy prompted tribes like the Catawbas to revise and refine their membership criteria.

Despite the threat of termination—and perhaps in reaction to this policy—tribal sovereignty reemerged as a valued term within indigenous communities, according to Joanne Barker, “to signify a multiplicity of legal and social rights to political, economic, and cultural self-determination.”⁵⁰ Throughout the 1960s and 1970s, tribal members rallied around the call for self-determination to express their vision of rights for Indian peoples. These efforts culminated in the 1975 Indian Self-Determination and Education Assistance Act, which reversed termination and promised to uphold tribal sovereignty. Three years later, in 1978, the Supreme Court acknowledged the sovereign right of tribes to determine their membership

⁴⁸ Ibid, 57-58.

⁴⁹ Wunder, *Constitutionalism and Native Americans*, xi-xii.

⁵⁰ Barker, “For Whom Sovereignty Matters,” 1.

in *Santa Clara Pueblo v. Martinez*. In this case, Julia Martinez, a lifelong member and resident of the Santa Clara Pueblo, brought suit against her tribe for refusing to admit her children to its membership rolls.⁵¹ Martinez had married outside the tribe, and, according to the tribal enrollment law of Santa Clara, the Pueblo only granted membership to the children of male Pueblo members. In its landmark decision, the Supreme Court declined to interfere with the right of the Santa Clara Pueblo to define its own membership, even if its criteria for inclusion seemed to violate laws against gender discrimination.⁵² As the court stated, “a tribe’s right to define its own membership for tribal purposes has long been recognized as central to its existence as an independent political community.”⁵³ Indians consider this case to be an important victory for tribal sovereignty.

More recently, indigenous scholars like Joanne Barker have critiqued the concept of tribal sovereignty, fearing that it may distort rather than translate understandings of indigenous epistemologies, laws, governments, and cultures.⁵⁴ Other scholars have pointed out that modern tribes are not unlimited sovereigns. David Wilkins and Tsianina Lomawaima, for example, captured the complexity of the situation tribes face: “The political realities of relations with state and local governments, competing jurisdictions, complicated local histories, circumscribed land bases, and overlapping citizenships all constrain their sovereignty.”⁵⁵ Although problematic, sovereignty remains a valuable tool for tribes to assert

⁵¹ *Santa Clara Pueblo v. Martinez*, 436 U.S. 49 (1978). For a brief discussion of the case, see Gary A. Sokolow, *Native Americans and the Law: A Dictionary* (Santa Barbara, CA: ABC-CLIO, 2000), 207.

⁵² *Ibid*, 207.

⁵³ *Santa Clara Pueblo v. Martinez*, 436 U.S. 49 (1978). See Duthu, *American Indians and the Law*, 155.

⁵⁴ Barker, “For Whom Sovereignty Matters,” 25.

⁵⁵ Wilkins and Lomawaima, *Uneven Ground*, 5.

their right to self-determination against the political dominance of the United States. As Wilkins has explained, “the cardinal distinguishing features of tribal nations are their reserved and inherent sovereign rights based on their separate, if unequal, political status.”⁵⁶

Despite the critical importance of tribal membership to tribal sovereignty, few scholars have explicitly addressed the issue. Wilkins and Lomawaima have characterized “the relationship between American Indian tribes and the U.S. federal government as an ongoing contest over sovereignty,” and have asserted that the question of “who defines tribes” is fundamental to this struggle, yet they have not explored the creation of tribal definitions of belonging in depth.⁵⁷ Duthu and Wilkinson have cited the magnitude of the *Santa Clara Pueblo v. Martinez* case in affirming the “sovereign prerogative” of tribes to define their membership, but they have not investigated how tribes have exercised this power over time, or why membership questions have been so critical to the survival of certain tribes at particular historical moments.⁵⁸ More interested in the relationship between tribes and the United States, scholars of tribal sovereignty have neglected the internal decisions tribes made to maintain authority over their membership.

In part, this dearth of scholarship stems from the fact that tribal membership criteria are often difficult to access. Scholars have examined the framing of tribal constitutions that set legal standards of belonging, but some tribes do not publish their constitutions. For those that do, it can be unclear how they govern membership, and why they prefer a particular set

⁵⁶ Wilkins, *American Indian Sovereignty and the U.S. Supreme Court*, 27.

⁵⁷ Wilkins and Lomawaima, *Uneven Ground*, 5.

⁵⁸ Duthu, *American Indians and the Law*, 31, 155; Wilkinson, *American Indians, Time, and the Law*, 113.

of rules over others.⁵⁹ Moreover, by focusing almost exclusively on criteria set out in tribal constitutions adopted after the Indian Reorganization Act of 1934, scholars have neglected the historical interactions that produced membership criteria prior to the establishment of official rolls.⁶⁰ In contrast, my work illustrates that tribes grappled with questions of who belonged long before they adopted constitutions. Although tribal constitutions fixed in place legal requirements for membership and made it politically difficult for tribes to change these criteria, they capture only a snapshot of a complex and ongoing process.⁶¹

Another problem that scholars have faced is the diversity of membership criteria. In her discussion of tribal membership requirements, for example, legal scholar Carole Goldberg pointed out that “citizenship is intimately entangled with fundamental cultural, social, economic, and political dimensions of tribal life, which vary from tribe to tribe.”⁶² Similarly, in her exhaustive study of tribal constitutions and membership criteria across the United States, Canada, Australia, and New Zealand, Gover asserted that “tribes have adopted widely varied strategies in the design of membership criteria.” According to her analysis, “they borrow from the measures used by settler governments to identify indigenous persons, but also develop their own tribe-specific rules and concepts.”⁶³ There is no universal formula for understanding how tribes decide who belongs. Each case is specific to the particular conditions of one tribe, its historical interactions with federal and state officials, and its

⁵⁹ Gover, *Tribal Constitutionalism*, 109.

⁶⁰ Gover, *Tribal Constitutionalism*, 130.

⁶¹ Goldberg, “Members Only,” 122.

⁶² *Ibid.* 108.

⁶³ Gover, *Tribal Constitutionalism*, 2.

political, economic, and cultural goals. Large comparative studies can identify trends, but they fail to reveal the intricacies of specific tribal efforts to determine membership criteria. They exclude the human dimension of the membership process and they neglect the historical and cultural influences that led to particular decisions on tribal belonging. In contrast, by exploring the stories of four tribes in depth, my work illuminates decision-making processes at a tribal level, and lends an ethnohistorical perspective to the study of tribal membership.

My work also compares the membership struggles of tribes with and those without federal recognition. Scholars have pointed out the pervasive influence of federal law and policy in shaping the membership requirements of federally-recognized Indian nations. Goldberg, for example, has maintained that federal law “creates a constraining and rewarding framework within which Indian nations must produce the citizenship requirements.”⁶⁴ Within this framework, according to Alexandra Harmon, “Indians partly yielded to and partly gave their own meanings to U.S. law.”⁶⁵ Instead of adopting federal conceptions of Indian identity blindly, Indians and officials have engaged in an “incomplete mutual education and accommodation.”⁶⁶ Yet, researchers have not paid as much attention to the membership dilemmas of unrecognized tribes. My work reveals that state-recognized tribes also faced pressures and constraints on their membership decisions, which required equally-nuanced negotiations between tribes and state officials. The lack of a federal relationship made tribes like the Pamunkeys and Catawbases, for example, particularly vulnerable to the loss of status

⁶⁴ Goldberg, “Members Only,” 122.

⁶⁵ Alexandra Harmon, “Tribal Enrollment Councils: Lessons on Law and Indian Identity,” *The Western Historical Quarterly*, 32 (Summer, 2001): 178.

⁶⁶ *Ibid*, 179.

and even identity in the Jim Crow era. Although these tribes were not subject to federal interference in the same way as federally-recognized tribes like the Eastern Band of Cherokees were, notions of Indian identity held by state and local officials nevertheless influenced their membership decisions. In addition, by exploring the transition of the Catawbas and Florida Seminoles from state-recognized to federally-recognized tribes, my work illuminates how the political status of tribes influenced their conceptions of belonging.

My project also contributes to scholarship on the Jim Crow South by highlighting the ways that southern Indians manipulated racial ideas of Indian identity to assert their separate political status in a biracial society. J. Kēhaulani Kauanui has explained that “in the realm of U.S. recognition of indigeneity through federal policy, a people’s racial difference has to be proved as part of their claim to sovereignty.” Thus, although Native status is a political category, it has been historically linked to “race” and “culture.”⁶⁷ These links put indigenous people in the difficult position of having to defend their tribal sovereignty by policing the borders of their racial and ethnic identities. The racial context of the Jim Crow South proved particularly challenging to Indians who remained in the region following the removals of the 1830s and 1840s because it presumed only two categories of people: “white” and “colored.” Indians fought for status as a third race in this world, and, more importantly, asserted their separate political identity in a society that classified people based on skin color. Their efforts to do so challenged the entire basis of Jim Crow racial classification.

In recent years, several scholars have made inroads into the long-neglected topic of Indians in the Jim Crow South. These researchers have explored how southern Indians

⁶⁷ J. Kēhaulani Kauanui, *Hawaiian Blood: Colonialism and the Politics of Sovereignty and Indigeneity* (Durham, NC: Duke University Press, 2008), 9.

responded to the ideologies of the time and how they used and manipulated racial concepts to bolster their tribal identities. In her study of racial laws in the late nineteenth and early twentieth centuries, for example, Ariela Gross noted that southern whites saw “Indians as disappearing whenever they mixed with other populations, especially Africans and African Americans.”⁶⁸ To maintain their place in the racial hierarchy, Indians frequently had to distance themselves from their African-American relatives and heritage.⁶⁹ As Malinda Maynor Lowery has argued, tribes like the Lumbee Indians of North Carolina developed new layers of identity during the Jim Crow years to distinguish themselves from blacks and whites. Although they fundamentally understood tribal belonging as a product of kinship and connection to place, Lumbees insisted upon separate churches and schools to avoid classification as “colored.”⁷⁰ Lowery has maintained that the Lumbees geared this behavior towards preserving their own community rather than simply replicating the dominant society’s racial hierarchies.⁷¹ Similarly, Katherine Osburn has observed that tribes like the Mississippi Choctaws appropriated and refashioned the language of “full blood” in order to differentiate themselves from “pretenders,” protect their resources, and maintain their sovereign political position. According to Osburn, the use of racial language by Indians obscured “the boundaries between racial and cultural delineations of ethnic identity” and

⁶⁸ Ariela J. Gross, *What Blood Won’t Tell: A History of Race on Trial in America* (Cambridge, MA: Harvard University Press, 2008), 113.

⁶⁹ *Ibid.*, 138-139.

⁷⁰ Malinda Maynor Lowery, *Lumbee Indians in the Jim Crow South: Race, Identity, and the Making of a Nation* (Chapel Hill: University of North Carolina Press, 2010), xiv, 21.

⁷¹ *Ibid.*, 48-49.

served as “a form of political capital” in southern tribes’ efforts at resurgence.⁷² My study complements the work of these scholars by showing not only how southern tribes appropriated racial concepts to reinforce their identities, but also how they wrote these ideas into their official membership criteria as a survival strategy. By carefully guarding their political identity using language that white America understood, southern tribes demanded that outsiders recognize their existence and respect their tribal sovereignty.

Like the Lumbees, Mississippi Choctaws, and other southern Indians, the Pamunkeys, Catawbass, Eastern Band of Cherokees, and Florida Seminoles faced extreme pressures in the Jim Crow South. Whites in the region frequently denied their existence, and their uncertain political status as un-removed Indians in a black-and-white world made them vulnerable to attacks on their tribal sovereignty. In this context, questions of tribal membership arose as each tribe struggled to maintain its political position and defend its resources. Despite facing similar pressures, Pamunkeys, Catawbass, Eastern Band of Cherokees, and Florida Seminoles developed different strategies to determine who legitimately belonged to their tribes. By comparing their experiences, my project reveals the historically- and culturally-specific factors that influenced each tribe to make its unique membership decisions.

My first chapter, “Policing Belonging, Protecting Identity,” examines the story of the Pamunkey Indians of Virginia. Once a powerful member of the Powhatan Confederacy, the Pamunkey Tribe had dwindled to a small and forgotten community centered on reservation land in King William County by the nineteenth century. Virginia whites of the time ignored the tribe, and scholars generally have followed suit, with the notable exception of

⁷² Katherine M. B. Osburn, “The ‘Identified Full-Bloods’ in Mississippi: Race and Choctaw Identity, 1898-1918,” *Ethnohistory*, 56 (Summer, 2009): 423.

anthropologist Helen C. Rountree. Rountree's careful ethnological and ethnohistorical work on the Pamunkeys in *Pocahontas's People* reveals their longstanding efforts to preserve their tribal identity, despite years of warfare, disease, and official neglect.⁷³ Her article "The Indians of Virginia: A Third Race in a Biracial State," explores the tribe's struggle to maintain their racial status as Indian in the Jim Crow South in the face of state officials who claimed tribal members were actually black.⁷⁴ Although critical for scholars interested in the tribe, Rountree's work does not explicitly address how Pamunkeys historically defined tribal belonging. My chapter builds upon her research to show how these Indians created membership criteria that both spoke to external expectations of their "Indianness," and to their internal political, economic, and cultural needs. In particular, I show how their status as a state-recognized tribe influenced their membership decisions, both in terms of the threat that the lack of federal acknowledgement placed on their legal status as Indian, and in terms of the freedom the Pamunkeys enjoyed to define belonging without federal interference.

As a state-recognized tribe, the Pamunkeys did not face federal pressure to establish an official membership roll until very recently when they sought federal recognition. This did not mean that the tribe was exempt from external influence on their membership decisions, but it gave the Pamunkeys flexibility to develop and modify membership criteria based on their particular needs at different times. Of primary concern to the Pamunkeys in the late nineteenth and twentieth centuries was the protection of their reservation lands. Reserved to

⁷³ Helen C. Rountree, *Pocahontas's People: The Powhatan Indians of Virginia Through Four Centuries* (Norman: University of Oklahoma Press, 1990).

⁷⁴ Helen C. Rountree, "The Indians of Virginia: A Third Race in a Biracial State," in *Southeastern Indians Since the Removal Era*, edited by Walter L. Williams (Athens: University of Georgia Press, 1979), 27-48.

them in treaties with the colony of Virginia, these twelve hundred acres represented the heart of the tribe, where core members of the community lived, hunted, fished, farmed, and raised their families. The Pamunkeys' fear of losing control of this land motivated many of their membership decisions, particularly after white Virginians equated the Pamunkeys' tribal right to the reservation with their racial identity as "Indian." To protect their land, the Pamunkeys developed strategies to bolster their Indian identity and increase their visibility in Virginia, while simultaneously distancing themselves from African Americans to avoid classification as "colored." They also searched for ways to keep the reservation in the hands of core members of the tribe after some Pamunkeys moved elsewhere and intermarried with whites. The tribe developed unique residency rules, gendered definitions of belonging, and a tiered system of tribal citizenship to meet these challenges. The Pamunkey story illuminates one way that a tribe used membership criteria to preserve its territorial sovereignty and to bolster its political status.

My second chapter, "From Fluid to Fixed," explores the experiences of the Catawba Nation of South Carolina. Like the Pamunkeys, the Catawbans played an important role in colonial politics, but by the late nineteenth century had shrunk to a small, state-recognized tribe with limited land and resources. Also like the Pamunkeys, few scholars have paid attention to the Catawbans, particularly in the period after they signed a removal treaty with the state of South Carolina in 1840. James Merrell's *The Indian's New World* provides a valuable treatment of the tribe up to that point, focusing particularly on Catawba diplomacy and the ways that the tribe dealt with newcomers through treaties and land leases.⁷⁵ His

⁷⁵ James H. Merrell, *The Indians' New World: Catawbans and Their Neighbors from European Contact through the Era of Removal* (Chapel Hill: University of North Carolina Press, 1989).

article, “The Racial Education of the Catawba Indians,” offers insight into how Catawbans internalized and manipulated concepts of race.⁷⁶ Both of these works, however, give only cursory treatment to the years that followed the failed attempt to remove the tribe. Although Douglas Summers Brown’s work touches on Catawba experiences in the late nineteenth and twentieth centuries, including the conversion of the majority of the tribe to Mormonism in the 1880s, it does not provide significant analysis of how the tribe conceptualized belonging during these years.⁷⁷ Charles M. Hudson’s monograph reconstructs how the Catawbans used Mormonism to bolster their “distinctiveness” in a plural society and points out the effects of racial legislation in South Carolina on Catawba identity, but neglects the development of legal membership criteria.⁷⁸ The only scholar to have addressed explicitly Catawba tribal membership is Thomas J. Blumer in his two-page article in *7th Generation Catawba News*.⁷⁹ This piece summarizes critical moments in the development of Catawba membership criteria, but it fails to delve into the ethnohistorical reasons the tribe chose to include some people, but not others, on their membership rolls. In contrast, my chapter examines how Catawba tribal membership criteria shifted over time based on the changing political, economic, and cultural needs of the tribe in South Carolina. In particular, I explore the ways that tribal

⁷⁶ James H. Merrell, “The Racial Education of the Catawba Indians,” *The Journal of Southern History*, 50 (Aug., 1984): 363-384.

⁷⁷ Douglas Summers Brown, *The Catawba Indians: The People of the River* (Columbia: The University of South Carolina Press, 1966).

⁷⁸ Charles M. Hudson, *The Catawba Nation* (Athens: University of Georgia Press, 1970), 53

⁷⁹ Thomas J. Blumer, “A History Behind the Catawba Nation Tribal Roll, 1943-1999,” in *7th Generation Catawba News*, 1 (April 1999), edited by Cynthia A. Walsh, File: Blumer, Thomas J., “A History Behind the Catawba Nation Tribal Roll, 1943-1999,” mp, Thomas J. Blumer Collection on the Catawba Nation Native American Studies Collection, Medford Library, the University of South Carolina, Lancaster, South Carolina.

members pressured state officials to accommodate their ideas of belonging on state appropriations lists, and how federal recognition in 1943 transformed these lists into an official tribal roll.

As a state-recognized tribe, the Catawbas faced similar pressures to those experienced by the Pamunkeys in the Jim Crow South. They worried about losing their political status and reservation land if whites failed to acknowledge their Indian identity. Catawbas had an additional incentive to guard their tribal membership from outsiders: each year tribal members received per capita payments from the state for lands ceded to South Carolina in 1840. To distribute this money, the tribe had to negotiate their definitions of belonging with state officials who made the payments to ensure that only legitimate community members received a share. Complicating this process, the tribe underwent several significant social changes in the late nineteenth and early twentieth centuries. After a majority of the tribe converted to Mormonism, a small contingent of Catawbas migrated west with missionaries. Catawbas wondered if these migrants still deserved shares of the tribe's assets. Meanwhile, Catawbas in South Carolina began intermarrying with whites, which raised questions over the status of their children. While confronting these issues, the Catawbas achieved federal recognition, which entailed the creation of an official tribal roll. The Catawba story demonstrates how one tribe used its membership criteria to respond to changing social conditions, and highlights how the shift from state to federal recognition altered the process of defining belonging.

My third chapter, "Contests of Sovereignty," focuses on the experiences of the Eastern Band of Cherokee Indians of North Carolina. A remnant Indian population that survived in the South after the Cherokee Nation removed west, Eastern Cherokees had to

reassert their political identity and rebuild themselves as a tribal nation. Larger and more prominent than the Pamunkey and the Catawba tribes, the Eastern Band of Cherokees has received wider scholarly attention. In particular, the works of John R. Finger trace the history of this tribe through nearly two centuries of change. In *The Eastern Band of Cherokee, 1819-1900*, Finger explored the tribe's effort to reassert itself politically after removal.⁸⁰ Despite achieving federal recognition in 1868, the tribe's status remained uncertain as federal and state officials debated whether the Indians were federal "wards" or state "citizens." By incorporating under state laws in 1889, the Cherokees pursued an alternative route to tribal sovereignty and claimed corporate control of their tribal lands, known as the Qualla Boundary. In *Cherokee Americans*, Finger followed the tribe's story into the twentieth century, when Cherokees tried to reconcile their tribal identity with their conception of themselves as Americans.⁸¹ Critical for their elucidation of Eastern Band politics, Finger's works nevertheless only lightly touch on questions of tribal membership. Other scholars, including Christina Taylor Beard-Moose, Virginia Moore Carney, Laurence French, Sharlotte Neely, and John Gulick have explored the contours of Eastern Band identity and cultural persistence, but none has focused on how the Band made its membership decisions.⁸²

⁸⁰ John R. Finger, *The Eastern Band of Cherokees, 1819-1900* (Knoxville: University of Tennessee Press, 1984).

⁸¹ John R. Finger, *Cherokee Americans: The Eastern Band of Cherokees in the Twentieth Century* (Lincoln: University of Nebraska Press, 1991).

⁸² Christina Taylor Beard-Moose, *Public Indians, Private Cherokees: Tourism and Tradition on Tribal Ground* (Tuscaloosa: University of Alabama Press, 2009); Virginia Moore Carney, *Eastern Band Cherokee Women: Cultural Persistence in Their Letters and Speeches* (Knoxville: University of Tennessee Press, 2005); Laurence French, *The Qualla Cherokee Surviving in Two Worlds* (Lewiston, NY: E. Mellen Press, 1998); Sharlotte Neely, *Snowbird Cherokees: People of Persistence* (Athens & London: The University of Georgia Press, 1991); John Gulick, *Cherokees at the Crossroads* (Chapel Hill: Institute for Research in Social Science, University of North Carolina, 1960).

My chapter posits that tribal membership debates were central to the Cherokees' efforts to protect their land, resources, and political identity in North Carolina. The interference of federal officials in Cherokee membership rolls unleashed a struggle for sovereignty that took decades to resolve.

By the early twentieth-century, membership in the Eastern Cherokees had evolved from a clan-based network of kin to a political identity that provided tangible economic and legal rights. Adapting to these new conditions—and helping to create them—the Cherokees developed criteria for belonging that aimed to protect their resources and sovereign rights from outsiders. This effort became particularly important after the Band sold valuable tracts of land and tribally-owned timber, and distributed the profits to tribal members. In addition, the threat of federal allotment of Eastern Band land forced the tribe to carefully consider questions of belonging. During the enrollment process, which culminated with the Baker Roll of 1924, the Eastern Band of Cherokees searched for legal membership criteria that could stand up to the scrutiny of federal officials while limiting tribal rights to those individuals who belonged to the core Cherokee community centered on the Qualla Boundary. The federal government's involvement in this process and its rejection of criteria established by the Band threatened to destroy the tribe's economic base and its political future. The Eastern Band experience highlights the vital interconnections between the control of tribal membership and the preservation of tribal sovereignty.

My final chapter, "Nation Building and Self-Determination," explores the story of the Florida Seminoles. Like the Eastern Cherokees, the Seminoles were people left behind in the

South following the removal of most tribal members to Indian Territory. Also like the Cherokees, the Seminoles have attracted substantial scholarly attention. Drawn by the unique life ways of tribal members in Florida, some scholars have focused on the cultural and artistic elements of Seminole life that historically distinguished them from surrounding populations.⁸³ Other scholars, like Patsy West, have been intrigued by the ways Seminoles linked cultural and economic practices together to make livings that accommodated their traditional values.⁸⁴ Harry A. Kersey, Jr.'s trilogy on the tribe provides a particularly useful overview of the history of the Florida Seminoles.⁸⁵ His work traces the late nineteenth and early twentieth-century relationships of the Seminoles with white traders, the economic shifts the tribe underwent during the New Deal era, and the ways that the Seminoles reasserted their political sovereignty in the 1950s and 1960s by gaining federal recognition for two separate tribal entities: the Seminole Tribe of Florida and the Miccosukee Tribe of Indians of Florida. Jessica R. Cattelino has brought the story of the Florida Seminoles to the present by examining the economic boom that followed their late twentieth-century foray into the world of high stakes gaming.⁸⁶ My chapter adds another dimension to the work of these scholars by focusing on how Seminoles guarded their membership as a survival strategy in Florida, and

⁸³ Dorothy Downs, *Art of the Florida Seminole and Miccosukee Indians* (Gainesville: University Press of Florida, 1995).

⁸⁴ Patsy West, *The Enduring Seminoles: From Alligator Wrestling to Ecotourism* (Gainesville: University Press of Florida, 1998).

⁸⁵ Harry A. Kersey, Jr., *Pelts, Plumes, and Hides: White Traders among the Seminole Indians, 1870-1930* (Gainesville: The University Presses of Florida, 1975); Harry A. Kersey, Jr., *The Florida Seminoles and the New Deal, 1933-1942* (Boca Raton: Florida Atlantic University Press, 1989); Harry A. Kersey, Jr., *An Assumption of Sovereignty: Social and Political Transformation among the Florida Seminoles, 1953-1979* (Lincoln: University of Nebraska Press, 1996).

⁸⁶ Jessica R. Cattelino, *High Stakes: Florida Seminole Gaming and Sovereignty* (Durham and London: Duke University Press, 2008).

later used belonging (and refusing to belong) to one of two tribes as expressions of their disparate political, economic, and cultural goals.

Linguistically diverse and geographically scattered in late nineteenth-century Florida, the Seminoles were united by their memories of three brutal wars fought against the United States. To preserve their political independence in Florida and to avoid future removal attempts, the Seminoles established rules of conduct and rigorously policed interactions with outsiders. Increased contact with Americans brought change. Tribal members differed in their responses to missionaries, educators, reservation lands, and economic programs, which opened new divisions that cut deeper than old linguistic and geographical differences. When official political status through federal recognition threatened to lock the tribe into one political identity, tribal members responded by breaking into two federally-recognized tribes, as well as a third group that denied political affiliation with either tribe. Tribal members chose to belong to the tribe that most accurately reflected their political beliefs, thereby using membership to delineate their worldview. The Seminole story shows that for some tribes, discussions of tribal membership not only raised questions of who belonged, but also of what kind of tribe the Indians belonged to. The Seminoles brought ideas of tribal membership and tribal sovereignty full circle: they claimed authority over their membership decisions, but they also asserted their right to individual self-determination.

Faced with outside pressures and external assumptions of their racial identity, southern Indians struggled to control their own criteria for tribal membership in the late nineteenth and twentieth centuries. Balancing their national identities against the racial classifications and assimilationist pressures of the United States, Indians preserved their tribal autonomy and protected their resources by creating their own definitions of who

belonged. In the process, the Pamunkey Tribe of Virginia, the Catawba Nation of South Carolina, the Eastern Band of Cherokee Indians of North Carolina, and the Florida Seminoles contradicted an essentialist construction of “Indian,” and affirmed instead the historical creation of tribal membership criteria. The experiences of these four tribes show that the political identities of Indian people are molded and shaped by years of discussions, debates, and decisions. Eager to preserve a political identity as members of tribal nations, Indians rejected Euro-American efforts to reduce them to another racial minority. Tribes’ efforts to combat federal and state decisions about tribal membership reveal the struggles of Indian peoples to protect their unique political position and defend their tribal sovereignty against the expansionist pressures of the United States. Their fight to build tribal nations and citizenries that reflected their particular needs and goals as peoples illustrates their longstanding and ongoing commitment to self-determination.

Chapter 1

Policing Belonging, Protecting Identity:

Tribal Membership and the Pamunkey Indians of Virginia

On October 14, 2010 the Pamunkey Indian Tribe of Virginia submitted a formal petition to the United States federal government for tribal recognition. After reviewing the application, the director of the Office of Federal Acknowledgement, R. Lee Fleming, wrote a letter to the tribe's lawyers that described "obvious deficiencies or significant omissions apparent in the documented petition." One problem apparent to Fleming was that the application lacked specific tribal membership requirements, one of the criteria for recognition established by the Interior Department. Although the Pamunkeys claimed that "all current members descend from 40 direct lineal ancestors," they failed to provide any information other than a statement that "Pamunkey Tribal membership requires sufficient documentation of ancestry back to certain identified Tribe members *and* a social connection to the Tribe and current Tribal members residing on the Pamunkey Indian Reservation." If the Pamunkeys did not fully delineate membership requirements and provide other documentation, Fleming warned, their application faced rejection "because of technical problems."¹

The failure of the Pamunkeys to spell out their membership criteria for the Office of Federal Acknowledgement did not mean that they lacked an understanding of who belonged

¹ R. Lee Fleming, Director of the Office of Federal Acknowledgment, to Robert Gray, April 11, 2011, United States Department of the Interior, Office of the Secretary, Washington, D.C.

to their tribe. Indeed, Pamunkey tribal membership had a long and complicated history fraught with stressful situations and difficult choices. As a small, state-recognized tribe in racially-divided Virginia, the Pamunkeys fought bitter battles to preserve their Indian identity in the late nineteenth and early twentieth centuries. Insisting that outsiders recognize their tribal status and that the Virginia legislature uphold their rights to reservation land, the Pamunkeys developed membership requirements designed to highlight and project their identity as Indians. Race became a critical factor to Pamunkeys as they strove to defend themselves against Jim Crow classification as “colored.” The tribe also developed rules that distinguished tribal “members” from tribal “citizens.” These distinctions helped ensure that the core Pamunkey community living on the reservation maintained authority over Pamunkey land even as tribal members moved away and married whites. Although their criteria for belonging were not always clear to outsiders, the Pamunkeys had historical reasons for including some and rejecting others from their tribe.

The Pamunkeys inhabited a small tract of land that the colony of Virginia set aside as a reservation for them in the seventeenth century. This reservation was part of the larger territory occupied by the Powhatan Confederacy at the time of contact with the English in 1607. White squatters continually made inroads on Pamunkey territory, and a series of cessions reduced the Indians’ land base. Following Bacon’s Rebellion in 1676, the Indians appealed to the colonial legislature to have their lands officially restored. An Order of Assembly passed in February 1677 confirmed the Pamunkeys’ reservation and guaranteed them hunting and fishing rights on Englishmen’s unfenced patented lands. Land sales and cessions continued into the eighteenth century, however, as outsiders pressured the Indians. Finally, in 1748, the Virginia Assembly appointed three white trustees to oversee Pamunkey

land sales. This began a long process of white oversight of Pamunkey actions.² By the removal era, the Pamunkeys were an often-ignored, but legally-entrenched part of Virginia.

Unlike many southeastern tribes, the Pamunkeys never directly faced the threat of removal west. Small in numbers in the 1830s, the Pamunkeys seemed inconspicuous and innocuous to white observers. Indeed, many Virginians denied the Pamunkeys were Indian at all. Because these Indians had adopted so much of the surrounding culture, whites imagined they were no longer “real” Indians. Instead, they viewed them as members of the free non-white social strata in Virginia, “persons of color.” As such, they were not worth the effort and expense of removal.³ The Pamunkeys soon found, however, that white attitudes towards their racial identity were just as threatening to their survival in Virginia as federal removal policy was to other tribes. Pamunkey efforts to defend their Indian identity and to preserve their tribal land base ultimately had profound effects on their definitions of tribal belonging.

Despite the general indifference Virginians displayed towards Pamunkeys, some whites in the state did seek the dissolution of the Indians’ land base during the removal years. In 1836, the Pamunkeys heard a rumor that local whites planned to petition the state’s General Assembly to sell the reservation on the grounds that non-Pamunkeys, including free blacks, also resided on the land.⁴ In 1842, Thomas W. S. Gregory, a white Virginian, made good on this threat and circulated a petition for the termination of the Pamunkey reservation. Gregory asserted that “the claims of the Indian no longer exist—his blood has so largely

² Helen C. Rountree, *Pocahontas’s People: The Powhatan Indians of Virginia Through Four Centuries* (Norman: The University of Oklahoma Press, 1990), 110, 113, 164.

³ Ibid. 187.

⁴ Ibid, 194.

mingled with the negro race as to have been obliterated all striking features of Indian extraction.” He argued that the presence of a legally-constituted free non-white community put white Virginians in danger, and he described the reservation as “the haunts of vice, where the worthless and abandoned whiteman may resort and find everything to gratify his depraved appetite; where spirituous liquors are retailed without license; the ready asylum of runaway slaves, and a secure harbor for everyone who wished concealment.”⁵ He called for the Indians’ immediate expulsion from the state.

The Pamunkeys responded to Gregory’s actions with two counter petitions to the General Assembly. In particular, they refuted the accusation that they had married extensively with free blacks “until their Indian character has vanished.”⁶ They asserted they were hardworking and honest people who lived together like a large extended family and took care of each other. Moreover, they insisted, many people on the reservation were fully Indian and others were more than half Indian in ancestry.⁷ The tribe’s white trustees supported their claims, and the General Assembly rejected Gregory’s petition. The Pamunkey reservation was safe; however, the experience taught the Pamunkeys that in the future they would have to be careful about their associations with outsiders in order to protect their Indian identity, and, by extension, their land rights in Virginia.

⁵ A Petition from Citizens of King William County, Virginia, to the General Assembly of Virginia, January 20, 1843, File: Clerk’s Correspondence, 1923-1929, Rockbridge County Clerk’s Records, Clerk’s Correspondence (A.T. Shields) (W.A. Plecker to A.T. Shields), 1872-1936, 1912-1943, Broken Series, Accession 1160754, Box 1, The Library of Virginia, Richmond, Virginia (Hereafter The Library of Virginia). This effort came just over a decade after Nat Turner’s 1831 insurrection, which prompted increasingly severe restrictions on the state’s non-white population, both slave and free.

⁶ Legislative Petitions, King William County, January 20, 1843. See Rountree, *Pocahontas’s People*, 194.

⁷ Legislative Petitions, King William County, November 26, 1842, and January 12, 1843. See Rountree, *Pocahontas’s People*, 194-195.

The 1843 petition failed to drive the Pamunkeys from their homes, but Virginia whites persisted in questioning the Pamunkeys' racial identity. After John Brown's unsuccessful raid at Harpers Ferry in 1859, the state temporarily disarmed the Pamunkeys.⁸ This move not only hurt Pamunkey hunters economically, but also threatened their Indian identity once again by conflating them with free blacks. When the Pamunkeys protested this action, the governor of Virginia responded by suggesting that officials take an annual census to determine who was entitled to treatment as a "tributary Indian." The governor added that "if any become one fourth mixed with the Negro race then they may be treated as free negroes or mulattoes."⁹ The state never compiled the proposed censuses. Like the 1843 petition, however, the governor's remarks warned the Pamunkeys about the consequences of association with African Americans.

Officially, Virginia recognized the Pamunkeys as an Indian tribe based on colonial-era treaties with them, yet the state's treatment of the Pamunkeys did not foster good feelings. When Virginia seceded from the Union in April, 1861, a number of Pamunkeys fled to Canada to avoid conscription in the Confederate service. Some reasoned that as long as Virginia declined to treat them as equal citizens, they had no obligation to fight for the state. Other Pamunkeys went further and joined Union forces, serving as soldiers, guides, and seamen.¹⁰ They may have thought that a Union victory would bring greater recognition of their rights in Virginia. Contrary to their expectations, however, the Confederate defeat did

⁸ James Mooney, *The Powhatan Confederacy, Past and Present*, Draft of Article, 1907, Manuscript 2199, Smithsonian Institution, National Anthropological Archives, Washington, D.C. (Hereafter NAA Washington).

⁹ Executive Letter Book 1856-1860, p. 47-49. See Rountree, *Pocahontas's People*, 198.

¹⁰ Mooney, *The Powhatan Confederacy, Past and Present*, Manuscript 2199, NAA Washington

not improve their status in Virginia's racial regime. Instead, the Pamunkeys found themselves subject to even stricter social and racial codes.¹¹

After the Civil War, Virginia Indians' fears of identity loss grew more pronounced. White Virginians increasingly divided the state's population into two categories: "white" and "colored." This system of social and legal classification left little room for Virginia Indians. Uninformed reporters asserted that "their aboriginal blood is so mingled with the imported African that their identity as Indians is almost lost and merged in the negro or mulatto."¹² Such claims deeply disturbed Pamunkeys who feared a repeat of earlier efforts to break up their reservation. Determined to avoid racial as well as tribal extinction in the eyes of whites, the Pamunkeys fought back by refusing the label of "colored," developing their own ideas about race, and building their own segregated institutions. These efforts, born out of a desperate need to defend their Indian identity, had a lasting legacy on the way the tribe defined belonging.

Segregation hit Virginia even before the official end of Reconstruction. Churches that had once welcomed parishioners of any color barred blacks and Indians as soon as the Civil War ended. Pamunkeys, most of whom had belonged to the Calosse Baptist Church in King William County, found themselves without a religious home.¹³ Refusing to attend black churches, in 1865 they established a separate place of worship on the reservation "under the

¹¹ For more information on Pamunkey involvement in the Civil War, see Laurence M. Hauptman, *Between Two Fires : American Indians in the Civil War* (New York: Free Press, 1995).

¹² "Letter from Richmond: The Pamunkey and Mattaponi Indians—The Jennings Association," *The Baltimore Sun* (March 12, 1877): 4. Accessed through ProQuest Historical Newspapers.

¹³ "An Old Pamunkey Buried," *The Atlanta Constitution* (August 6, 1899): 19. Accessed through ProQuest Historical Newspapers.

trees during the summer, and in the members' homes in winter.”¹⁴ The next year they constructed the Pamunkey Indian Baptist Church.¹⁵ The dedication of the first Indian church in Virginia reportedly “was a joyous one for that group of earnest Christian Indians,” one that represented a triumph over the limitations of biracial segregation in the South.¹⁶

The tribe permitted only Indian or white ministers to preach at the new church.¹⁷ They designed this rule to emphasize that the church was “Indian,” not “colored.” The Pamunkeys also fostered relationships with white Baptists by joining the Dover Baptist Association in Virginia, which was willing to accept them as a separate congregation. The tribe sent delegates to annual meetings of this white-dominated organization. White members marveled at the “curious looking men” with “real copper” complexions and “long, black and straight” hair who attended the meetings, but did not turn them away.¹⁸ At various points, the association even appointed white ministers to serve the tribe.¹⁹ By taking an active role in the Dover Baptist Association, the Pamunkeys highlighted their ongoing dedication to their faith and their religious, if not political, equality to whites.

¹⁴ Martha Pfaus, *Our Indian Neighbors* (Richmond, VA: Dover Baptist Association, 1947), 7, Helen C. Rountree, Rountree Collection of Virginia Indian Documents, 2005, Accession 42003, Personal Papers Collection, Box 4, The Library of Virginia.

¹⁵ Rountree, *Pocahontas's People*, 200.

¹⁶ Pfaus, *Our Indian Neighbors*, 7.

¹⁷ Robert Reeves Solenberger to Judge J. Hoge Ricks, February 28, 1942, File: IV (20F1g) Speck, Frank G., General and Historical—g. Draft classification of Virginia Indians, 1940-1946, 82 items, Ms. Coll. 126, Frank G. Speck Papers, Sub-Collection 1, Box 13, American Philosophical Society, Philadelphia, Pennsylvania (Hereafter APS Philadelphia).

¹⁸ Mrs. Thos. P. Bagby, *Tuckahoe: A Collection of Indian Stories and Legends* (New York: Broadway Publishing Co., 1907), 70-71.

¹⁹ Helen C. Rountree, “Powhatan’s Descendants in the Modern World: Community Studies of the Two Virginia Indian Reservations, with Notes on Five Non-Reservation Enclaves,” *The Chesapeake: A Journal of North American Archaeology*, 10 (June 1972): 68.

On the reservation, the Pamunkey Indian Baptist Church became a center for community gathering and received “the hearty support of the whole tribe.”²⁰ The church held services every Sunday, and nearly all the Pamunkeys on the reservation attended.²¹ One tribal member later recalled, “What I remember about church on the reservation is that you didn’t think about whether or not you were going to go...you went to church on Sunday morning because it was something you did with the whole family.” Church attendance was “something that the entire community did together” and “most of the activities in the community were centered on the church.” Children attended Sunday school and adults joined together in singing, preaching, and prayer. The church helped emphasize community belonging and also the specific roles of tribal members. For example, Pamunkey men and women sat on different sides of the church aisle, a division that reflected their different responsibilities as tribal members.²² Church membership also reinforced tribal identity by including community members, but excluding those the Pamunkeys considered racial inferiors. Indeed, observers noted that “the membership of the church and that of the whole tribe [were] almost coextensive.”²³ Born out of Virginia’s efforts to segregate “white” from “colored,” the Pamunkey Indian Baptist Church became a strong marker of Pamunkey identity.

²⁰ Rountree, *Pocahontas’s People*, 201-203; Bagby, *Tuckahoe: A Collection of Indian Stories and Legends*, 70-71.

²¹ John Garland Pollard, *The Pamunkey Indians of Virginia*, Bureau of American Ethnology, Bulletin 17, (Washington, D.C.: Government Printing Office, 1894), 12.

²² Joyce Bradby Krigsvold, quoted by Kenneth Bradby, Jr. in *Pamunkey Speaks: Native Perspectives*, edited by Bill O’Donovan (Charleston, S.C.: BookSurge, 2008), 68.

²³ Bagby, *Tuckahoe: A Collection of Indian Stories and Legends*, 70-71.

Segregated schools had a similar effect. The Pamunkeys refused to send their children to “colored” schools and petitioned the governor of Virginia to establish a free, Indian school on their reservation.²⁴ Virginia finally heeded this plea in 1877 by establishing a small school for the Pamunkeys. The governor stipulated, however, that the Pamunkeys pay school taxes to support the institution. He also insisted that public support of the reservation school did not entitle the Indians to any other political rights in Virginia. According to white Virginians, the Pamunkeys were not entitled to full citizenship because of their status as “tributary Indians” in the state. Their land was exempt from taxation, and “as they are not subject to the burdens” of citizenship, neither did they deserve the privileges.²⁵ The Pamunkeys accepted these terms in order to send their children to school.

Finding a teacher for the reservation school, however, proved problematic. When the state appointed a black teacher to educate Pamunkey children, the Indians sent her back to Richmond.²⁶ The Pamunkeys, however, accepted white teachers at their reservation school. In later years, Pamunkey youths also attended Bacone High School in Oklahoma and the Cherokee Boarding School in North Carolina, both designed to serve Indian students.²⁷ Some of these students left the reservation permanently, but others returned to teach Pamunkey

²⁴ Chief Thomas Cook and Pamunkey Councilmen to Legislators of Virginia, February 13, 1877, Memorial of the Pamunkey Tribe, 1877, File: 15, Box 4, Virginia Secretary of the Commonwealth, Miscellaneous Records, 1872-1906, Accession 25299, State Government Records Collection, The Library of Virginia.

²⁵ “Letter from Richmond,” 4.

²⁶ “Powhatan’s Men Yet Live,” *Washington Evening Star* (April 25, 1894): 6. Albert Samuel Gatschet, *Pamunkey Notebook, post 1893*, Manuscript 2197, NAA Washington

²⁷ Kermit J. Schmidt, to Senator Ted Dalton, August 19, 1949, File: 5, Bacone College, Oklahoma, Correspondence, 1947-1955, Virginia Department of Education, Indian School Files, 1936-1967, Accession 29632, State Government Records Collection, Box 1, the Library of Virginia; Helen C. Rountree, “The Indians of Virginia: A Third Race in a Biracial State,” in *Southeastern Indians Since the Removal Era*, edited by Walter L. Williams (Athens, GA: The University of Georgia Press, 1979): 44-45, Helen C. Rountree Collection of Virginia Indian Documents, 2005, Accession 42003, Personal Papers Collection, the Library of Virginia.

children.²⁸ The Pamunkeys provided their own teachers to ensure that there was no question about the status of their school as an “Indian” rather than “colored” institution.²⁹

Over time, the reservation school, like the Pamunkey Indian Baptist Church, became a community focal point and a symbol of Pamunkey identity. Pamunkey children felt welcome there, even when surrounding whites rejected them on account of race. Tribal member Louis Steward, who was born in 1916, recalled that he and his siblings had tried to attend a white school in Richmond while their parents worked in the city. School officials, however, kicked them out, claiming they “had too much black blood.” Instead of enrolling in a “colored” school, the children returned to the reservation and attended school there.³⁰ Tribal members shared common memories of the small schoolhouse that contributed to their sense of separation from local black and white populations. Proud of their separate education system, Pamunkey parents were distressed when Virginia finally integrated schools in the 1960s.³¹ While it lasted, the school provided the Pamunkeys with an institutional marker of their distinct ethnic identity and helped them assert that they were Indians and not blacks.³²

In addition to establishing their own segregated institutions, the Pamunkeys strongly defended themselves against outside assumptions about their racial identity. When a white

²⁸ Martha Pfaus, *Our Debt to Virginia Indians* (Richmond, VA: Dover Baptist Association, 1949), 9-10, Helen C. Rountree Collection of Virginia Indian Documents, 2005, Accession 42003, Personal Papers Collection, Box 4, The Library of Virginia.

²⁹ “Tribe of Pamunkey: Conclusion of Their Most Interesting History,” *The Daily Times*, Richmond, VA (Nov. 2, 1890), Albert Samuel Gatschet, *Pamunkey Notebook, post 1893*, Manuscript 2197, NAA Washington

³⁰ Bradby, Jr., *Pamunkey Speaks*, 28.

³¹ Interview with Edna Bradby Allmond by Helen C. Rountree, July 19, 1970, File: Helen C. Rountree, Fieldnotes, 1969-1973, Helen C. Rountree Papers, Box 2, NAA Washington

³² Edgar R. Lafferty, Jr., on behalf of Chief T.D. Cook and the Pamunkey Tribal Council, to Helen C. Rountree, October 29, 1971, Helen C. Rountree Papers, Box 1, NAA Washington

neighbor taunted a Pamunkey man about being a “mulatto” in 1889, for example, the Indian took the matter to court and proved “that he had no negro blood in his veins.”³³ In a similar case in 1904, the Pamunkey chief traveled to Richmond to consult a lawyer and seek “damages against a white man of wealth...who is alleged to have said on a train that the tribe was composed of ‘half-niggers.’”³⁴ In addition to suing people who labeled them black, Pamunkeys who visited Virginia cities refused to use services designated as “colored.” In West Point, for example, Pamunkeys annoyed local whites by insisting on “color privileges” and patronizing white barber shops.³⁵ Pamunkeys refused to accept the racial categorization to which whites assigned them. Instead they continually fought against Virginia color codes to preserve their Indian identity.

The Pamunkeys fought one of their most successful battles against Jim Crow over railroad coaches. In 1855, the Richmond and York River Railroad had run a track through part of the reservation. The Pamunkeys resented this action because the company failed to compensate them for the land.³⁶ Nevertheless, the Indians became frequent railroad customers, taking the train into the state capital to work and to purchase supplies. In July 1900, however, railroad companies began complying with a new Virginia law that demanded the segregation of railroad coaches by race.³⁷ The Pamunkeys decried the interpretation of

³³ “The Pamunkey Indians: Life Among Virginia Aborigines on Their Tidewater Reservation,” *The Baltimore Sun* (September 7, 1889): 6. Accessed through ProQuest Historical Newspapers.

³⁴ “Pamunkeys Resent Being Classed as ‘Half Niggers,’” *The Baltimore Sun* (January 23, 1904): 10. Accessed through ProQuest Historical Newspapers.

³⁵ F. Snowden Hopkins, “Modern Survivors of Chief Powhatan: A Virginia Tribe Still Dwells in Its Ancient Stronghold,” *The Baltimore Sun* (October 16, 1932): M4. Accessed through ProQuest Historical Newspapers.

³⁶ Rountree, *Pocahontas’s People*, 196.

³⁷ “Pamunkey Indians Angry: Virginia Tribes Object to Riding in ‘Jim Crow’ Cars,” *The New York Times* (July 29, 1900): 1. Accessed through ProQuest Historical Newspapers.

the law, which compelled them to ride in Jim Crow coaches.³⁸ According to a journalist, the “order of the company requiring the red men to go into coaches provided for colored people has made them howling mad.”³⁹ Their anger only increased after white train conductors physically ejected Pamunkey travelers from white coaches.⁴⁰ The Indians refused to accept the law and planned ways to combat it.

The first effort of the Pamunkeys to defeat the new law was in the King William County court. On July 28, 1900, the court ruled against their suit and insisted they belonged in the “colored” coaches.⁴¹ Not easily dissuaded, the Pamunkeys held a tribal meeting a few days later and appointed a committee to appeal directly to the Southern Railroad Company. They told company officials that they had been “treated with indignity,” and they protested that “some of the most aristocratic families” in Virginia claimed descent from Pocahontas and other historic Natives, while maintaining a white racial identity.⁴² They argued that if these whites traveled in white coaches, Pamunkeys should, too. Their persistent assertion of their rights finally captured the attention of the superintendent of the Richmond Division of the Southern Railroad.⁴³ On August 21, 1900, Captain W. T. West forwarded a telegram to the Pamunkey chief: “Please notify Chief Dennis, of the Pamunkey Indian tribe, that the

³⁸ “Validity of Virginia’s New Law,” *Zion’s Herald*, 78 (August 15, 1900): 1028. Accessed through American Periodicals Online.

³⁹ “Pamunkey Indians Angry,” 1.

⁴⁰ “Jim Crow Car Law Violated: Alleged Abuses on the Southern’s Trains—Pamunkey Indians Aggrieved,” *The Washington Post* (July 29, 1900): 11. Accessed through ProQuest Historical Newspapers.

⁴¹ Rountree, *Pocahontas’s People*, 212.

⁴² “Pamunkey Indians,” *The Baltimore Sun* (July 31, 1900): 8. Accessed through ProQuest Historical Newspapers; “‘Jim Crow’ Law to Be Tested: Virginia’s Pamunkey Indians Indignant,” *The New York Times* (August 4, 1900): 1. Accessed through ProQuest Historical Newspapers.

⁴³ Rountree, *Pocahontas’s People*, 212.

matter is all right now in regard to riding in cars with the whites.”⁴⁴ A small concession on the part of the railroad company, this decision represented a major victory for the Pamunkeys. Through their refusal to accept classification as “colored,” the Indians overcame Virginia’s Jim Crow conveyance codes and forced whites to recognize their Indian identity.

Following their fight to ride in white coaches, the tribe began issuing official certificates of tribal membership. These passports clearly identified the Pamunkeys as Indian, “to prevent annoyance when traveling.”⁴⁵ If train conductors questioned their right to board white coaches, the Pamunkeys simply pulled out their certificates. The Pamunkeys hoped that official documents would cement their identity as Indian in the eyes of white Virginians. Nevertheless, they knew that the battle against classification as “colored” was far from over. Whites only recognized their rights as Indians as long as they maintained distance from blacks.

Although the Pamunkeys conceded that whites were their equals—and hoped that whites recognized them as such as well—they considered “blacks far beneath their social level.”⁴⁶ Visitors to the reservation often commented on the Pamunkeys’ “race pride.”⁴⁷ To showcase the perceived differences in their positions, Pamunkeys hired local African Americans to work as farm laborers on the reservation.⁴⁸ These men and women farmed

⁴⁴ “Pamunkey Indians Will Ride with the Whites,” *The Baltimore Sun* (August 21, 1900): 8. Accessed through ProQuest Historical Newspapers.

⁴⁵ “The Powhatans,” *The American Antiquarian and Oriental Journal* 31 (June 1, 1909): 147. Accessed through American Periodicals Online.

⁴⁶ “Powhatan’s Men Yet Live,” 6.

⁴⁷ Pollard, *The Pamunkey Indians of Virginia*, 10.

⁴⁸ “They Want Wives: Indians Are Sending Among the Cherokees for Brides,” *The Atlanta Constitution* (March 24, 1895): 3. Accessed through ProQuest Historical Newspapers.

Pamunkey land and spent their days in close association with the Indians, but they did not socialize with their employers. By overseeing black laborers, the Pamunkeys established not only that they were above such menial work, but also that they belonged to a different class of people than African Americans.

Above all, Pamunkeys decried intermarriage between tribal members and African Americans. James Mooney, an ethnographer who visited the tribe in the late nineteenth century, explained that their “one great dread is that their wasted numbers may lose their identity by absorption in the black race.”⁴⁹ To prevent the ethnic extinction predicted for them by many Virginia whites, the Pamunkeys developed strict social codes to limit relationships between tribal members and blacks. They rigidly prohibited social contact with African Americans and refused “to allow marriages or even visiting between the young people.”⁵⁰ The tribal council formalized this position in its 1886 reservation laws. The very first resolution stated that “no member of the Pamunkey Indian Tribe shall intermarry with anny [sic] Nation except White or Indian under penalty of forfeiting their rights in Town.”⁵¹

For Pamunkeys who dared marry African Americans, the tribe’s reaction was draconian. Family members turned their backs on kin because of race. In the 1970s, anthropologist Helen C. Rountree met a phenotypically black man who claimed Pamunkey descent. Jesse L. S. Pendleton explained that his Pamunkey grandmother, Roxanna Miles, had married a black boat captain. Shunned by the Indian community, the couple moved to

⁴⁹ James Mooney, “The Powhatan Confederacy, Past and Present,” *American Anthropologist*, 9: 145. Copy of article in Helen C. Rountree Collection of Virginia Indian Documents, 2005, Accession 42003, Personal Papers Collection, Box 3, The Library of Virginia.

⁵⁰ “The Pamunkey Indians: Life Among Virginia Aborigines on Their Tidewater Reservation,” 6.

⁵¹ Pollard, *The Pamunkey Indians of Virginia*, 16.

Newport News and raised a family. As a child, Pendleton visited the reservation a few times with his grandmother, but he developed the impression that tribal members were “hostile to outsiders.” Although Miles tried to maintain contact with her Pamunkey relatives, the tribe rejected her children and grandchildren on account of their black ancestry. This rebuff led to bitter feelings. Pendleton claimed “there wasn’t much of anybody [his grandmother] didn’t hate.” Indeed, Miles may have suffered self-hatred as well. Pendleton—who was raised primarily by his grandmother—grew up ashamed of “being colored,” an attitude he may have acquired from Miles.⁵²

According to some reports, the Pamunkeys took their efforts to exclude blacks from tribal membership even further. A journalist asserted in 1902 that the Pamunkeys had “excluded from membership in their tribe a large number of those who showed plainly the marks of negro ancestry.”⁵³ Another reporter described a tribal committee set up in the late 1880s “to exclude from their reservation certain black sheep who have crept into their fold.” Stipulating that tribal members prove at least one-fourth Indian ancestry, this committee denied tribal rights to those who could not.⁵⁴ The question of black ancestry in the tribe became a deeply sensitive issue for the Pamunkeys. They refused to talk about the subject with outsiders, and they even avoided the topic among themselves.⁵⁵ As late as the 1970s, the

⁵² Interview with Jesse L.S. Pendleton, February 19, 1971, File: Helen C. Rountree, Fieldnotes, 1969-1973, Helen C. Rountree Papers, Box 2, NAA Washington

⁵³ “Their Origin a Puzzle: Strange Groups of People Along the Atlantic Coast,” *The Washington Post* (Nov. 23, 1902): 17. Accessed through ProQuest Historical Newspapers.

⁵⁴ “The Pamunkey Indians: Life Among Virginia Aborigines on Their Tidewater Reservation,” 6.

⁵⁵ “Their Origin a Puzzle,” 17.

Pamunkeys insisted that researchers recognize their prolonged efforts “to maintain their blood lines.”⁵⁶

Pamunkeys not only rejected relationships with African Americans, but they also tried to bolster their Indian identity through intermarriage with people from other Native communities. By the late nineteenth century, most members of the small tribe were closely related to every other person on the reservation.⁵⁷ This tight network of kin made finding suitable marriage partners within the tribe difficult.⁵⁸ Tribal members understood the dangers of incest, but Pamunkeys preferred Indian spouses to white or black partners. They hoped marriage with other Indians would “restore the blood of their tribe and save themselves from extinction.”⁵⁹ Such marriages also promised to highlight their Indian identity to Virginia whites. Unable to always find appropriate partners on the reservation, the Pamunkeys turned to other tribes.

Historically, Pamunkeys occasionally engaged in relationships with Indians outside of Virginia. In the mid-nineteenth century, for example, a Pamunkey man named John Mush (or Marsh) married a Catawba woman and went to live with his wife’s tribe in South Carolina. The couple’s children also married Catawbas.⁶⁰ Members of this family visited their

⁵⁶ Letter from Edgar R. Lafferty, J., on behalf of Chief T.D. Cook and the Pamunkey Tribal Council, to Helen C. Rountree, October 29, 1971, Helen C. Rountree Papers, Box 1, NAA Washington

⁵⁷ “They Want Wives,” 3.

⁵⁸ When two families decided they were distantly related enough to marry, they took advantage of the situation. In 1901, for example, William G. Sweat, a “full-blooded” Pamunkey fisherman, took Cruisa A. Bradby as his third wife. His first wife had been “a sister of his newly-made bride.” “Indians Wedded in Church Parsonage,” *The Washington Post* (January 18, 1901): 9. Accessed through ProQuest Historical Newspapers.

⁵⁹ “They Want Wives,” 3.

⁶⁰ James Mooney, to Albert S. Gatschet, September 20, 1887, File: Albert S. Gatschet, *Letters Received*, Manuscript 4047, NAA Washington

Pamunkey relatives on several occasions. In the late 1880s, the Catawba family of Ep Harris, Margaret Harris, and their daughter, Maggie, journeyed to Virginia and lived among the Pamunkeys for two years.⁶¹ Tuscarora Indians from North Carolina, like Peter Cussic, also made homes among the Pamunkeys.⁶² The Pamunkeys were glad to have such individuals live with them because they provided the community with potential spouses.⁶³ Indeed, some Pamunkey men urged visiting Indian women to marry them. A newspaper article in 1900 reported that the reservation's school teacher, a woman who claimed to have Indian ancestry, finally resigned after she grew tired of the persistent efforts of Pamunkey men, including the chief, to court her.⁶⁴

To increase the number of unions with members of other tribes in the late nineteenth century, Pamunkey leaders devised plans to attract non-Virginia Indians to the state. The tribal council entered into negotiations with the Eastern Band of Cherokees in North Carolina, for example, "to procure brides for their unmarried sons and husbands for their unmarried daughters." Southern newspapers romanticized these efforts, claiming that "the male Pamunkeys understand the eastern Cherokee women to be exceptionally pretty, modest and sensible, and the female Pamunkeys regard the eastern Cherokee braves as handsome, loyal and industrious, calculated to make model husbands." Whether or not this was the case, the Pamunkeys certainly preferred Cherokees to local non-Indians as partners. The tribal

⁶¹ File: IV (21F2h), Theodore Stern, Pamunkey—h. "Pamunkey Pottery," 1941, 1 item, Ms. Coll. 126, Frank G. Speck Papers, Sub-Collection I, Box 14, APS Philadelphia.

⁶² Photo 74-4898, Jamestown Exposition of 1907, Chief Tecumseh D. Cook, Collection of Pamunkey Photos, Photo-Lot 87-6, NAA Washington

⁶³ Solenberger to Ricks, February 28, 1942, Ms. Coll. 126, APS Philadelphia.

⁶⁴ "A Teacher Needed: Difficult to Secure One for the Pamunkey Children," *The Baltimore Sun* (October 26, 1900): 8. Accessed through ProQuest Historical Newspapers.

council even sent Pamunkey emissaries to North Carolina to visit Cherokee Chief Nimrod J. Smith. They hoped that a personal appeal might “bring the negotiations to a favorable conclusion.”⁶⁵

In addition to making appeals to the Cherokees, the Pamunkey tribal council sent a representative to the 1893 World’s Columbian Exposition in Chicago. William Terrell Bradby, who later became chief of the Pamunkeys, traveled to Richmond before his trip to obtain from the governor a certificate that attested to the tribe’s ownership of reservation land. Bradby hoped that the promise of land would lure western Indians to Virginia as marriage partners for Pamunkeys.⁶⁶ Before going to Chicago, Bradby also stopped in Washington, D.C. He met Otis Tufton Mason of the U.S. National Museum and donated several Pamunkey artifacts to the collection. Once in Chicago, Bradby introduced himself to the chief of the Ethnological Department of the World’s Fair and became an honorary assistant in the department.⁶⁷ He met Indians from western tribes at the Exposition and tried to convince them “to join the Pamunkeys in an effort to keep the blood lines purely aboriginal.”⁶⁸

Pamunkey efforts to draw Cherokees and western Indians to Virginia ultimately failed, but their hard work was not wasted. Although they did not bring home spouses, their search for Native husbands and wives attracted attention from white reporters and

⁶⁵ “They Want Wives,” 3.

⁶⁶ “Looking for New Blood: Mission of the Chief of the Virginia Pamunkeys to Chicago,” *The Washington Post* (July 7, 1893): 1. Accessed through ProQuest Historical Newspapers.

⁶⁷ Rountree, *Pocahontas’s People*, 210.

⁶⁸ Bradby, *Pamunkey Speaks*, 101.

lawmakers. Indeed, the Pamunkeys made sure this was the case. Prior to their visits to North Carolina and Chicago, they sent emissaries to the state governor in Richmond, purportedly to receive “valuable suggestions from him as to the best manner” of securing “the contemplated alliance[s].” The governor may not have known how to help them find partners, but the delegations left a strong impression that the Indians were doing everything in their power to restore “the good Pamunkey breed again.”⁶⁹ White reporters from the *Atlanta Constitution* and *The Washington Post* relished in the story, comparing the Pamunkey case to “that of the primitive Romans and the Sabines” and rooting for the Indians to find spouses.⁷⁰ This publicity drew public attention to the Pamunkeys’ assertion of Indian identity. Thus, even without non-Virginia Indian spouses, the Pamunkeys encouraged white Virginians’ perception of their status as Indians.

The Pamunkeys were more successful at arranging marriages with Indians from other Virginia tribes. The Pamunkeys had a long history of interaction with the Mattaponis and Chickahominies in particular, and the tribe raised no objection to members marrying within these groups.⁷¹ At the turn of the century, several Pamunkeys resided among the Chickahominies in Charles City and New Kent Counties and “both bands are much intermarried.”⁷² The bonds of kinship were so firm between the Pamunkeys and the Mattaponis—who lived on a reservation a mere ten miles from the Pamunkeys—that for

⁶⁹ “They Want Wives,” 3.

⁷⁰ Ibid; “Looking for New Blood,” 1.

⁷¹ Hopkins, “Modern Survivors of Chief Powhatan: A Virginia Tribe Still Dwells in Its Ancient Stronghold,” M4.

⁷² Mooney, *The Powhatan Confederacy, Past and Present*, Manuscript 2199, NAA Washington.

many years the two groups acted politically as one tribe. Over time, however, differences between the tribes separated them into distinct entities.

The Mattaponis lived on a seventy-acre reservation along the Mattaponi River.⁷³ Like the Pamunkeys, they had established early treaty relationships with the colony of Virginia that acknowledged their presence and affirmed their rights to their reservation land. At one point their reservation was connected to the Pamunkey reservation by a small strip of land; however, oral tradition suggests that whites tricked the Indians into selling this tract for a barrel of rum sometime before the nineteenth century.⁷⁴ By the late nineteenth century, the forty or so Mattaponis who resided on the reservation lived “principally from lumbering and farming.” Having “no chief or council” of their own, they combined their political affairs with the Pamunkeys.⁷⁵ Anthropologists who visited the two tribes in the early twentieth century observed “no differences in community life” between them and noted that extensive intermarriages had “completely merged [the Pamunkeys and Mattaponis] in blood.”⁷⁶

Despite external similarities, Pamunkeys and Mattaponis made internal distinctions between their members. Although formally the tribes shared a single political organization, in practice the Mattaponis recognized their own headmen. The ten miles distance between the tribes created different community needs and goals. These differences grew more apparent

⁷³ “The Last of the Virginia Indians,” *Christian Advocate and Journal*, 30 (March 15, 1855): 44. Accessed through American Periodicals Online.

⁷⁴ Frank G. Speck, “Chapters on the Ethnography of the Powhatan Tribes of Virginia,” *Indian Notes and Monographs*, 1 (New York: Museum of the American Indian, Heye Foundation, 1928): 254, Helen C. Rountree Collection of Virginia Indian Documents, 2005, Accession 42003, Personal Papers Collection, Box 3, The Library of Virginia.

⁷⁵ “Surviving Indian Tribes,” *The American Antiquarian and Oriental Journal*, 30 (November/December 1908): 342. Accessed through American Periodicals Online.

⁷⁶ Speck, “Chapters on the Ethnography of the Powhatan Tribes of Virginia,” 249.

after the first ethnographers visited the tribes in the late nineteenth century. Rountree has suggested that Mattaponis may not have agreed with some of the activism that researchers inspired among the Pamunkeys.⁷⁷ They may have distanced themselves from Pamunkey cultural revitalization projects and the tribe's efforts to project a "pure" Indian identity to outsiders.

Another possibility is that racial tensions led to a split in the political organization of the tribes. Ethnographer James Mooney reported that Mattaponis had "more negro than Indian blood in them," but declared that Pamunkeys were "tolerably pure from mixture with other colors."⁷⁸ If he made similar observations to the Indians, the Pamunkeys may have felt it expedient to separate themselves politically from individuals with perceived black ancestry. Whatever the cause, the Mattaponi and Pamunkey tribes officially split in 1894. That year, the General Assembly of Virginia appointed white trustees for the Mattaponis and the tribe wrote its own reservation laws.⁷⁹ From that point on, the Indians made distinctions between Mattaponi and Pamunkey tribal members.

Despite perceived racial differences between the tribes, the Mattaponis established taboos against intermarriage between Indians and blacks that were just as strict as those of their Pamunkey neighbors. Rountree reported in the 1970s that the tribe refused to sanction marriages with blacks and that "no mixed couple would be allowed to live on the reservation;

⁷⁷ Rountree, *Pocahontas's People*, 211. In a 1972 letter, Rountree wrote that she found the idea of a connection between anthropologist James Mooney's visit to the Pamunkeys and Mattaponis and the split in the tribes "both intriguing and probable." However, she said, "any definite evidence of influence by Mooney would be hard to ascertain from the Indians, as the Mattaponi have a mild rivalry with the Pamunkey and prefer to establish their own identity by convincing the public that their separate history goes back into aboriginal times." See Helen C. Rountree to William M. Colby, October 19, 1972, Helen C. Rountree Papers, Box 1, NAA Washington

⁷⁸ Mooney, *The Powhatan Confederacy, Past and Present*, Manuscript 2199, NAA Washington.

⁷⁹ Rountree, *Pocahontas's People*, 211.

the tribe would disown them.”⁸⁰ In recognition of Mattaponi efforts to maintain racial distance from blacks, Pamunkeys continued to marry Mattaponis despite the political separation of the tribes. Social and cultural ties between the tribes continued even after they legally divided their political membership.

The Pamunkeys remained a particularly strong and separate Indian community in Virginia, a fact that impressed researchers who visited the tribe. When Mooney visited them in the 1890s, he discovered that they “have maintained their organization as a tribe under colonial and state government, and have kept up more of the Indian form and tradition than any of the [other Virginia tribes].”⁸¹ The Pamunkeys were proud of their relationship with Virginia, and the tribal council kept copies of their treaties with the state, which they showed to reservation visitors.⁸² The state held their reservation land “in trust for their benefit” and promised tribal members rights to “oystering, fishing, gathering Tuckahoe, curenemmons, wild oats, rushes, and puckwone.”⁸³ Although Virginia did not pay the tribe annuities, it exempted tribal members from state taxes.⁸⁴ In return for these privileges, the tribe presented

⁸⁰ Interview with June Langston, Mattaponi, by Helen C. Rountree, June 19, 1970, File: Helen C. Rountree, Fieldnotes, 1969-1973, Helen C. Rountree Papers, Box 2, NAA Washington

⁸¹ Mooney, “The Powhatan Confederacy, Past and Present,” 129-52.

⁸² Speck, “Chapters on the Ethnography of the Powhatan Tribes of Virginia,” 238.

⁸³ “Tribe of Pamunkey: Conclusion of Their Most Interesting History” Manuscript 2197, NAA Washington; Speck, “Chapters on the Ethnography of the Powhatan Tribes of Virginia,” 238. “Tuckahoe” a rootstock of one of two plants, *Peltandra virginica* or *Orontium aquaticum*, was used as food by Native Virginians since before the seventeen century.

⁸⁴ Chief Thomas Cook and Councilmen to Governor James L. Kemper, February 9, 1877, File: James L. Kemper, Executive Papers, 1877 February, Virginia, Governor’s Office, Executive Papers of Governor James L. Kemper, 1874-1877, Accession 43755, State Government Records Collection, Box 4, The Library of Virginia; “Tribe of Pamunkey: Conclusion of Their Most Interesting History,” Manuscript 2197, NAA Washington.

the governor with a symbolic annual fall tribute of game and fish.⁸⁵ The governor appointed white trustees to manage external tribal affairs, and every four years the Indians elected a chief and headmen to deal with internal issues.⁸⁶ To vote, eligible male members over eighteen years old deposited either a grain of corn or a bean, each representing one of two candidates, into a ballot box, and the man with the most votes won.⁸⁷ In later years, the Pamunkey tribal council also chose the tribe's white trustees. Annual picnics brought men of the tribe and the white trustees together, where they renewed their alliance.⁸⁸

Pamunkey land consisted of a twelve hundred acre reservation located in a bend of the Pamunkey River in King William County. Much of this territory was boggy swampland and underbrush, but in the northern area the Indians held around three hundred acres suitable for homes and gardens. By the 1890s, the arable land was reportedly "in a good state of cultivation."⁸⁹ The Indians lived in weather-boarded, frame homes with two to four rooms.⁹⁰ They grew corn, potatoes, and a few fruit trees.⁹¹ Their preferred modes of subsistence, however, were hunting and fishing. Deer and wild turkey abounded on the reservation, and Pamunkey fishermen also took "large quantities of herring and shad by seine, according to

⁸⁵ "Tribute from Red Men: Pamunkey Indians Take a Fine Deer to Governor Swanson," *The Baltimore Sun* (December 31, 1907): 5. Accessed through ProQuest Historical Newspapers.

⁸⁶ "Tribe of Pamunkey: Conclusion of Their Most Interesting History," Manuscript 2197, NAA Washington

⁸⁷ "Powhatan's Men Yet Live," *The Washington Evening Star* (April 25, 1894): 6, Gatschet, Albert Samuel, *Pamunkey Notebook, Post 1893*, Manuscript 2197, NAA Washington

⁸⁸ Interview with Chief T.D. Cooke, Pamunkey, August 22, 1970, File: Helen C. Rountree, Fieldnotes, 1969-1973, Helen C. Rountree Papers, Box 2, NAA Washington

⁸⁹ "Virginia Letter: The Pamunkey Indians and Their Little Reservation," *The Washington Chronicle* (December 14, 1890), File: Gatschet, Albert Samuel, *The Pamunkey Indians and Their Little Reservation*, December 14, 1890, Manuscript 55, NAA Washington

⁹⁰ "They Want Wives," 3.

⁹¹ "Virginia Letter: The Pamunkey Indians and Their Little Reservation," Manuscript 55, NAA Washington

the season, with ducks, reedbirds, and an occasional sturgeon.”⁹² Indeed, the Pamunkeys valued hunting and fishing so much that they refused “to vote upon selling or burning the woods on their reservation because this would destroy the game.”⁹³ Both activities were communal endeavors. All able-bodied men joined in the annual tribute drive, which provided game to the Virginia governor in lieu of state taxes.⁹⁴ Fishermen also worked together, spending an average of four hours a day in their boats from early spring to fall.⁹⁵ To supplement their incomes, the Indians sold their fish, game, furs and surplus farm products in Richmond and Baltimore.⁹⁶ By the late nineteenth century, the reservation had both a post office and a railroad station, which helped Pamunkey hunters and fishermen bring their products to market.⁹⁷ The reservation provided the Indians with their livelihoods and reservation life contributed to the Pamunkeys’ sense of tribal identity.

The Pamunkeys developed a unique system of land use that incorporated notions of communal ownership and private tenure. As a whole, the reservation belonged to the tribe, not to individual tribal members. This communal ownership was reinforced by state law: the tribe could not legally alienate or divide the land unless the Virginia legislature approved.⁹⁸ Pamunkey families claimed parcels of land, however, where they built homes and planted

⁹² Mooney, “The Powhatan Confederacy, Past and Present,” 147.

⁹³ “Virginia Letter: The Pamunkey Indians and Their Little Reservation,” Manuscript 55, NAA Washington.

⁹⁴ Interview with Chief and Mrs. Tecumseh Deerfoot Cook, by Helen C. Rountree, July 15, 1970, File: Helen C. Rountree, Fieldnotes, 1969-1973, Helen C. Rountree Papers, Box 2, NAA Washington

⁹⁵ File: IV (21F2d), Speck, Frank G., Pamunkey—d. “Virginia Indians Past and Present,” newspaper article, n.d., 1 item, Ms. Coll. 126, Frank G. Speck Papers, Sub-Collection I, Box 14, APS Philadelphia.

⁹⁶ “They Want Wives,” 3.

⁹⁷ Mooney, “The Powhatan Confederacy, Past and Present,” 147.

⁹⁸ “Tribe of Pamunkey: Conclusion of Their Most Interesting History,” Manuscript 2197, NAA Washington.

gardens. Each family held about ten tillable acres.⁹⁹ Although tribal members bought and sold houses among themselves, land was not heritable: each new generation had to present a land request to the tribal council and have their choice accepted.¹⁰⁰ In addition to the home plots, the tribe divided marsh land into six hunting territories bid on annually by individual tribal members.¹⁰¹ The highest bidder rented the land for the duration of the year, and no other tribal member had the right to hunt on the plot without permission. In later years, some Pamunkeys sublet their plots to white sportsmen from Richmond, especially if they were too old to hunt themselves.¹⁰² Tribal members continued to hunt on these sublet lands, however, while the lessees were away.¹⁰³ Rental fees paid by tribal members went to the tribal treasury and were used to maintain the reservation roads and provide other tribal services. Access to tribal lands was a right and privilege of tribal membership.

The Pamunkeys had lost their native language by the mid-nineteenth century, yet they were “by no means culturally barren.”¹⁰⁴ Mooney reported that middle-aged members of the tribe remembered their parents having conversational knowledge of the old language half a century before, and Pamunkeys continued to pass down “elements of folk-belief, medicine

⁹⁹ Gatschet, Albert Samuel, *Pamunkey notebook, post 1893*, Manuscript 2197, NAA Washington.

¹⁰⁰ “They Want Wives,” 3; Interview with Chief T. D. Cooke, by Helen C. Rountree, August 22, 1970, File: Helen C. Rountree, Fieldnotes, 1969-1973, Helen C. Rountree Papers, Box 2, NAA Washington.

¹⁰¹ Speck, “Chapters on the Ethnography of the Powhatan Tribes of Virginia,” 314.

¹⁰² Interview with Chief T. D. Cooke, by Helen C. Rountree, August 22, 1970, File: Helen C. Rountree, Fieldnotes, 1969-1973, Helen C. Rountree Papers, Box 2, NAA Washington.

¹⁰³ Rountree, “Powhatan’s Descendants in the Modern World,” 74-75.

¹⁰⁴ File: IV (21F2d), Speck, Frank G., Pamunkey—d. “Virginia Indians Past and Present,” newspaper article, n.d., 1 item, Ms. Coll. 126, Frank G. Speck Papers, Sub-Collection I, Box 14, APS Philadelphia.

lore, local legend and social practices” even after use of the Pamunkey language faded.¹⁰⁵ Pamunkey parents taught their children about the glory days of the Powhatan Confederacy: Opechacanough, the militant brother of Powhatan, was their hero.¹⁰⁶ They boasted that they were “the descendants of Powhatan’s warriors” and they loved “to tell how bravely and stubbornly their forefathers resisted the encroachments of the whites.”¹⁰⁷ They also told more recent tales of resistance. A favorite story was that of Terrill Bradby’s escape from Confederate soldiers during the Civil War. According to the tale, the soldiers rounded up Pamunkey men who refused to fight and marched them to Richmond for execution. Along the way, Bradby outmaneuvered his captors by pretending he had lost a boot. As the Confederates looked around for the shoe, Bradby ran into the woods. Although the soldiers fired at him, he evaded capture by using his superior knowledge of the landscape and by swimming across a creek. He hid in a railroad culvert until he heard that the governor had pardoned the Pamunkey men. The Pamunkeys proudly named his hiding place “Terrill’s Culvert.”¹⁰⁸ Such stories reminded the Pamunkeys of their persistent struggle for survival and fostered a sense of community pride in their shared history.

Pamunkey children grew up with an intimate knowledge of tribal land. From an early age, they learned to distinguish such things as different types of mud beds in the marshlands

¹⁰⁵ Mooney, “The Powhatan Confederacy, Past and Present,” 146; File: IV (21F2d), Speck, Frank G., Pamunkey—d. “Virginia Indians Past and Present,” newspaper article, n.d., 1 item, Ms. Coll. 126, Frank G. Speck Papers, Sub-Collection I, Box 14, APS Philadelphia.

¹⁰⁶ “Pamunkey Indians: Vanishing Remnant of a Once Powerful Tribe,” *Los Angeles Times* (June 3, 1894): 9. Accessed through ProQuest Historical Newspapers.

¹⁰⁷ “Women’s Board of Home Missions,” *New York Evangelist*, 69 (April 21, 1898): 17. Accessed through American Periodicals Online; “Pamunkey Indians: Vanishing Remnant of a Once Powerful Tribe,” 9.

¹⁰⁸ Interview with James Page by Thomas Blumer, 1980s, File: Pamunkey Indians, Oral History, Thomas J. Blumer Collection on the Catawba Nation Native American Studies Collection, Medford Library, the University of South Carolina, Lancaster, South Carolina (Hereafter Thomas J. Blumer Collection).

along the river. Fishermen made reference to “woods mud,” “marsh mud,” floaty-bed mud,” and “river mud” and boys acquired “expertness in traversing these dangerous endroits...as soon as they learned to walk.”¹⁰⁹ The Indians also took note of “weather signs and signals” like the hoots of the barred owl, which called out the tides to remind the fishermen to tend to their nets. Pamunkeys also believed that blooming field pansies announced the run of shad in late March. For this reason, they called these pansies “shad flowers.” Although they were Baptists, they revered the Pamunkey River as “old man river” and “folk-lore pil[ed] up around the seeking of fish.”¹¹⁰ Pamunkeys also retained traditional healing knowledge that linked them to their land. Although they sent for white doctors if medical cases grew serious, they treated minor illnesses with teas made from local roots and herbs.¹¹¹

Although for the most part Pamunkeys dressed like local whites, the Indians wore some distinctive elements of clothing.¹¹² John Garland Pollard, who visited the tribe as part of a Bureau of American Ethnology investigation in the early 1890s, reported that the Pamunkeys had “an inclination to the excessive use of gaudy colors in their attire.”¹¹³ Ethnographers were even more intrigued by the Pamunkey tradition of weaving turkey feathers to create elaborate, decorated mantles. Mattaponi and Pamunkey informants told researchers about earlier times when women made “capess covered with turkey-feathers as

¹⁰⁹ File: IV (21F2d), Speck, Frank G., Pamunkey—d. “Virginia Indians Past and Present,” newspaper article, n.d., 1 item, Ms. Coll. 126, Frank G. Speck Papers, Sub-Collection I, Box 14, APS Philadelphia. “Endroit” is a French word meaning “place.”

¹¹⁰ Ibid.

¹¹¹ Bagby, *Tuckahoe: A Collection of Indian Stories and Legends*, v.

¹¹² “Pamunkeys’ Past is Obscure: Remnant of the Virginia Aborigines Live, Dress, and Worship like Whites,” *The Washington Post* (November 26, 1899): 13. Accessed through ProQuest Historical Newspapers.

¹¹³ Pollard, *The Pamunkey Indians of Virginia*, 12.

to be warm and durable as well as beautiful.” Mothers passed down this knowledge to their daughters. By the 1920s, anthropologist Frank G. Speck described Margaret Adams, “the oldest woman at Pamunkey town,” as the tribe’s finest weaver of turkey feather garments.¹¹⁴ Men and women also made jewelry to adorn their outfits. Pamunkey women did beadwork, which was time-consuming but rewarding: beadwork provided them with distinctive decorative elements both to wear and to sell.¹¹⁵ Chief Paul Miles collected discarded animal bones and combined them with baked clay beads to create “a pretty bauble to add to his Indian costume, perhaps to sell to some visitor as a souvenir.”¹¹⁶ Distinctive ornaments and clothing helped mark the Pamunkeys’ Indian identity and separate them from outsiders.

Another distinctive Pamunkey craft was pottery-making. In oral interviews, Pamunkeys recalled that they had made pottery on the reservation “ever since we can remember.” Primarily a female pursuit, women taught their daughters and daughters-in-law how to collect clay and mold it into useful forms.¹¹⁷ They used white clay found about six feet beneath the surface of the soil in certain areas of the reservation and passed down knowledge of the location of clay mines from one generation to the next. In the 1940s, an elderly Pamunkey woman asserted that her grandmother, born around 1796, collected clay from the same mine she used. Any tribal member could “use the clay from private property without (being guilty of) trespassing,” and no one owned the land of the reservation’s main

¹¹⁴ Speck, “Chapters on the Ethnography of the Powhatan Tribes of Virginia,” 435.

¹¹⁵ Interview with Chief and Mrs. Tecumseh Deerfoot Cook, by Helen C. Rountree, July 15, 1970, File: Helen C. Rountree, Fieldnotes, 1969-1973, Helen C. Rountree Papers, Box 2, NAA Washington.

¹¹⁶ File: IV (21F2d), Speck, Frank G., Pamunkey—d. “Virginia Indians Past and Present” newspaper article, n.d., 1 item, Ms. Coll. 126, Frank G. Speck Papers, Sub-Collection I, Box 14, APS Philadelphia.

¹¹⁷ Interview with Mrs. T. D. Cooke, assisted by Mrs. Dora Cook Bradby, by Helen C. Rountree, June 17, 1970, File: Helen C. Rountree, Fieldnotes, 1969-1973, Helen C. Rountree Papers, Box 2, NAA Washington.

clay mine.¹¹⁸ To emphasize the common ownership of the tribe's natural resources, the opening of a clay mine was a community affair: "the whole tribe, men, women, and children, were present, and each family took home a share of the clay."¹¹⁹

Once they collected the clay, Pamunkey women then dried it, beat it, passed it through a sieve, and pounded it in a mortar. They added burnt fresh-water mussels, "flesh as well as shells," to the prepared clay to serve as temper, and then saturated the mixture with water. Once kneaded, the "substance is then shaped with a mussel shell to the shape of the article desired and placed in the sun to dry." Potters rubbed dried pieces with a stone to produce a gloss, heated them with a slow fire, and finally burnt them in a kiln.¹²⁰ Although Pamunkey artists may have drawn on the techniques of visiting Catawba potters and borrowed some European pottery forms, the articles they produced were "tempered and shaped by native methods."¹²¹ In particular, their use of mussels both to shape the pieces and to protect them from thermal shock during firing connected the pottery to the Pamunkeys' livelihood as fishermen, just as the clay connected them to the land.

The Pamunkeys made pottery for their own use and to sell to white neighbors, but by the end of the nineteenth century, the rise of cheap, manufactured earthenware began

¹¹⁸ File: IV (21F2h), Stern, Theodore, Pamunkey—h. "Pamunkey Pottery," 1941, 1 item, Ms. Coll. 126, Frank G. Speck Papers, Sub-Collection I, Box 14, APS Philadelphia.

¹¹⁹ Bagby, *Tuckahoe: A Collection of Indian Stories and Legends*, 78.

¹²⁰ *Ibid.*, v.

¹²¹ M.R. Harrington, "Catawba Potters and their Work," *American Anthropologist* (Jul., Aug., Sept., 1908): 406, South Caroliniana Library, The University of South Carolina, Columbia, South Carolina (Hereafter South Caroliniana Library).

challenging this craft and only a few elderly Pamunkeys continued to build pots.¹²² Scholarly interest in Pamunkey pottery, however, helped revive the tradition.¹²³ In the early twentieth century, potters began collecting shells along the river to make fresh designs on their wares. Pocahontas Cook, for example, decorated her jars by imprinting “the contour of such mollusks upon the surface in serial order.” Other Indians used fossilized sharks’ teeth to create comb-like indentations on clay pipe stems. Drawing inspiration from the river that sustained them, Pamunkey potters cut “criss-cross marks upon the wooden paddle used to ornament the surface of the pot,” which reflected “the cross-hatched pattern as ‘shad-net.’”¹²⁴ Like their distinctive jewelry and turkey-feather clothing, Pamunkey pottery became a cultural symbol that the Indians used to showcase their identity to outsiders.

Ethnographic interest in Pamunkey crafts inspired Virginia state legislators to take notice of tribal art as well. In 1932, the state began an educational program to revive and commercialize native arts and crafts.¹²⁵ Legislators hoped the program would relieve some of the poverty on the reservation caused by the Great Depression. When members of the State Board of Education asked the Pamunkeys what sort of program they thought would be most

¹²² “Powhatan’s Men Yet Live,” 6, Manuscript 2197, NAA Washington; In 1908, anthropologist M. R. Harrington wrote that “the few vessels manufactured now by the Pamunkey for curio hunters are plainly crude attempts to resuscitate the art practiced by the grandmothers of the present generation.” See Harrington, “Catawba Potters and their Work,” 406.

¹²³ File: IV (21F2d), Speck, Frank G., Pamunkey—d. “Virginia Indians Past and Present” newspaper article, n.d., 1 item, Ms. Coll. 126, Frank G. Speck Papers, Sub-Collection I, Box 14, APS Philadelphia. The visits of scholars like Frank G. Speck “served as a powerful stimulus in the recollection of elements fast passing into oblivion.” See Theodore Stern, “Pamunkey Pottery Making,” *Southern Indian Studies*, 3 (October, 1951): 65, Helen C. Rountree Collection of Virginia Indian Documents, 2005, Accession 42003, Personal Papers Collection, Box 4, The Library of Virginia.

¹²⁴ File: IV (21F2d), Speck, Frank G., Pamunkey—d. “Virginia Indians Past and Present” newspaper article, n.d., 1 item, Ms. Coll. 126, Frank G. Speck Papers, Sub-Collection I, Box 14, APS Philadelphia.

¹²⁵ Ibid.

useful, tribal councilmen suggested a pottery school.¹²⁶ The Pamunkeys eagerly participated in the program and welcomed a pottery instructor who arrived on the reservation to teach new techniques. The methods differed from traditional Pamunkey practices, and included the use of commercial glazes and a modern kiln. The changes allowed Pamunkey potters to experiment with styles and to produce a greater supply of pieces to sell to tourists.¹²⁷ The pottery school also provided a social environment for Pamunkey women. Anthropologist Theodore Stern reported that “at the school, they relax at their work and talk: for rarely does an operation require such concentration that the potter cannot converse at the same time.”¹²⁸ In this way, the pottery school helped strengthen community bonds much in the same way that clay mine openings had brought Pamunkey people together. Pottery, like distinctive dress, helped Pamunkeys assert an Indian identity and delineate who was part of their community.

In the late nineteenth and early twentieth centuries, Pamunkeys exploited a growing public interest in their past by embracing the story of Pocahontas and John Smith. White Virginians were proud of this account because it rivaled the one of the Pilgrims at Plymouth and gave the South a place in white America’s founding. Many white Virginians claimed descent from Pocahontas, which gave them prestige as members of one of the first families of Virginia. The Pamunkeys created their own dramatic reenactment of the tale, and several

¹²⁶ File: IV (21F2h), Stern, Theodore, Pamunkey—h. “Pamunkey Pottery,” 1941, 1 item, Ms. Coll. 126, Frank G. Speck Papers, Sub-Collection I, Box 14, APS Philadelphia.

¹²⁷ Interview with Mrs. T. D. Cooke, assisted by Mrs. Dora Cook Bradby, by Helen C. Rountree, June 17, 1970, File: Helen C. Rountree, Fieldnotes, 1969-1973, Helen C. Rountree Papers, Box 2, NAA Washington.

¹²⁸ File: IV (21F2h), Stern, Theodore, Pamunkey—h. “Pamunkey Pottery,” 1941, 1 item, Ms. Coll. 126, Frank G. Speck Papers, Sub-Collection I, Box 14, APS Philadelphia.

prominent tribal councilmen starred in the production.¹²⁹ They published fliers in 1898 that announced their performance of a “Green Corn Dance, Pamunkey Indian Marriage, Snake Dance by Deerfoot, War Dance, [and] Capture of Capt. John Smith and the saving of his life by Pocahontas.”¹³⁰ In 1899, the Pamunkeys sent a delegation to Richmond to ask the governor to fund their production company on a trip to the Paris Exposition, where they hoped to perform for an international audience.¹³¹ Although they never made it to Paris, the Pamunkeys continued to display their history for local white spectators. In 1935, the State Board of Education helped sponsor a pageant that included twenty-five Pamunkey actors from the reservation. The play reenacted “the meeting of their tribesmen with the men of Capt. John Smith and subsequent events in the relationships between whites and Indians.”¹³² Pamunkeys saw plays and pageants as a way to make their Indian identity and long history in Virginia visible to white audiences.

The Pamunkeys also increased their political visibility during these years by making elaborate productions out of their annual visits to the state governor in Richmond. The tribe had paid symbolic annual tribute to the governor since the seventeenth century, but in the late nineteenth and early twentieth centuries this gesture became more public and drew the attention of reporters.¹³³ In 1907, for example, the chief and councilmen carried into the city

¹²⁹ “Pamunkeys Want a Sea Trip,” *Morning Times*, Washington, D.C. (July 6, 1899), Gatschet, Albert Samuel, *Pamunkey notebook, post 1893*, Manuscript 2197, NAA Washington.

¹³⁰ “Notice! Powhatan’s Pamunkey Indian Braves Will Perform,” 1898, Manuscript 4969, NAA Washington.

¹³¹ “Pamunkeys Want a Sea Trip,” Manuscript 2197, NAA Washington.

¹³² “Pamunkeys to Go on Warpath in Richmond Colonial Pageant,” *The Washington Post* (May 29, 1935): 19. Accessed through ProQuest Historical Newspapers.

¹³³ The Treaty of 1677 specified that the chiefs of Virginia tribes “in the Moneth of March every year, with some of their Great Men, shall tender their Obedience to the Right Honourable His Majesties Governour at the place of his Residence, wherever it shall be, and there pay the accustomed Tribute of Twenty Beaver Skins to

a freshly-killed deer “swung on a sapling cut on the reservation.” Chief G. M. Cooke used the spectacle as an opportunity to make a speech before the governor and bystanders. He proclaimed that “the Virginia Governor had always been considerate of his people and that the red men desired to express their good will in the only way open to them.”¹³⁴ With this simple address, Cooke not only affirmed the state’s relationship with the tribe but also showcased the Pamunkeys’ cultural persistence as hunters. The following year, the Pamunkeys’ visit coincided with Thanksgiving, and a delegation carried to Richmond “half a dozen wild turkeys and a saddle of venison.”¹³⁵ By providing the governor with his Thanksgiving dinner, the Pamunkeys drew on depictions of the Pilgrims and the first Thanksgiving to express both their Indian identity and their long-lasting friendship with white Americans.

Pamunkey visibility drew further attention from ethnographers and anthropologists that had mixed results. James Mooney provided evidence that the Pamunkeys were not on the verge of extinction by publishing a list of thirty-nine Pamunkey heads of households in 1907. This census included Pamunkeys on the reservation and those who had migrated elsewhere, indicated their marriage partners and the number of children in their families, and noted which Indians had married Mattaponi, other Indian, or white spouses. According to Mooney,

the Governour, and also their Quit-Rent aforesaid, in acknowledgement they hold their Crowns and Lands of the Great King of England.” See “May 1677—With Pamunkeys, Weyanocks, Nottoways, Nansemonds, Ratified 1680, with additional signers: Appamattucks, Monacans, Meherrins, Saponis, and a combination of nanzatico/Nanzemunch/Portobaccos,” in *Early American Indian Documents: Treaties and Laws, 1609-1789, Vol. 4: Virginia Treaties, 1607-1722*, edited by W. Stitt Robinson (Frederick, Maryland: University Publications of America, 1983), 82-87, Helen C. Rountree Collection of Virginia Indian Documents, 2005, Accession 42003, Personal Papers Collection, Box 3, The Library of Virginia.

¹³⁴ “Tribute from Red Men: Pamunkey Indians Take a Fine Deer to Governor Swanson,” *The Baltimore Sun* (December 31, 1907): 5. Accessed through ProQuest Historical Newspapers.

¹³⁵ “Surviving Indian Tribes,” 342.

he compiled the census “from information furnished in conference by the principal men of each band, and [the census] may therefore be considered as an official statement of their membership as recognized by themselves.”¹³⁶

Frank G. Speck addressed the issue of intermarriage. He asserted that elimination of the tribe on the ground of “there being no longer pure-blood Indians among them...would involve a maze of controversy, for it would mean that many existing Indians groups all over North, Central, and South America, maintaining active tribal tradition, even government, would be consigned to the anomaly of classification as ‘whites’ or ‘colored people.’”¹³⁷ In the view of researchers like Mooney and Speck, the Pamunkeys were just as “Indian” as any other tribe.

Unfortunately for Virginia Indians, the work of ethnographers and anthropologists as well as the cultural revitalization efforts of tribes like the Pamunkeys brought unwelcome attention. White Virginians uncomfortable with the idea of an anomalous “third race” in the state lashed out at the claims of researchers. Anthropological work on Virginia tribes particularly riled the head of Virginia’s Bureau of Vital Statistics, Walter Ashby Plecker.¹³⁸ Plecker staunchly believed that only two races existed in Virginia: white and “colored.” As a eugenicist, he believed that “the worst forms of undesirables born amongst us are those when parents are of different races” and he argued that “the intermarriage of the white race with

¹³⁶ Mooney, *The Powhatan Confederacy, Past and Present*, Manuscript 2199, NAA Washington.

¹³⁷ Speck, “Chapters on the Ethnography of the Powhatan Tribes of Virginia,” 236-237.

¹³⁸ Rountree, “The Indians of Virginia: A Third Race in a Biracial State,” 41.

mixed stock must be made impossible.”¹³⁹ Plecker assumed that anyone asserting Indian identity was in fact attempting to “pass” as white in order to intermarry with whites, and thus saw Indianness as a dangerous way station between blackness and whiteness.¹⁴⁰ Plecker made it his mission to prove all people in Virginia who claimed to be Indians were actually the descendants of African Americans.¹⁴¹ He banned Frank Speck’s 1928 *Chapters on the Ethnology of the Powhatan Tribes of Virginia*, and looked for ways to legally destroy the Indian identity of Virginia Natives.¹⁴²

Plecker bolstered his efforts with Virginia laws. On March 8, 1924, the Virginia legislature passed the Act to Preserve Racial Integrity. This act aimed to identify so-called “near white” people who had taken advantage of segregated white services despite distant black ancestry. White Virginians worried that these individuals contaminated the supposedly pure racial stock of whites in the state through their proximity in schools and other public

¹³⁹ Bureau of Vital Statistics, State Board of Health, *Eugenics in Relation to the New Family and the Law on Racial Integrity* (Richmond: Davis Bottom, Supt. Public Printing, 1924): 6-7, File: Clerk’s Correspondence, 1924, , Rockbridge County Clerk’s Records, Clerk’s Correspondence (A.T. Shields) (W.A. Plecker to A.T. Shields), 1872-1936, 1912-1943, Broken Series, Accession 1160754, Box 1, Library of Virginia, Richmond, Virginia; W.A. Plecker, “The New Virginia Law to Preserve Racial Integrity,” *Virginia Health Bulletin*, 56 (March, 1924):5, File: Clerk’s Correspondence, 1924, Rockbridge County Clerk’s Records, Clerk’s Correspondence (A.T. Shields) (W.A. Plecker to A.T. Shields), 1872-1936, 1912-1943, Broken Series, Accession 1160754, Box 1, Library of Virginia; in a 1924 pamphlet, Plecker directed Virginians that “Eugenics may be wisely applied by the young man or young woman when considering marriage, the greatest and most important of human relations, or it may be applied by statesmen, law makers and others who are responsible for the future of the State and welfare of the race.” See Bureau of Vital Statistics, *Eugenics in Relation to the New Family and the Law on Racial Integrity*, 3-4.

¹⁴⁰ In 1926, Plecker wrote that he and his colleagues at the Bureau of Vital Statistics “expect to bend all of our energies to listing as accurately as possible all who are claiming admittance into the white race, either through the Indian route or directly through extensive white intermixture.” See W.A. Plecker, State Registrar, to A.T. Shield, Rockbridge County Clerk’s Office, April 2, 1926, File: Clerk’s Correspondence, 1923-1929, Rockbridge County Clerk’s Records, Clerk’s Correspondence (A.T. Shields) (W.A. Plecker to A.T. Shields), 1872-1936, 1912-1943, Broken Series, Accession 1160754, Box 1, Library of Virginia.

¹⁴¹ Rountree, “The Indians of Virginia: A Third Race in a Biracial State,” 41.

¹⁴² Bertha Pfister Wailes, *Backward Virginians: A Further Study of the Win Tribe* (Richmond: University of Virginia, 1928); See Helen Rountree’s Notes of the Wailes Thesis, Helen C. Rountree Collection of Virginia Indian Documents, 2005, Accession 42003, Personal Papers Collection, Box 3, The Library of Virginia.

institutions, and through instances of intermarriage. Although many of these individuals were “scarcely distinguishable as colored,” the new law insisted that even one drop of African “blood” made them black. The law defined white people as those “with no trace of the blood of another race, except that a person with one-sixteenth of the American Indian, if there is no other race mixture, may be classed as white,” an exception that accommodated prominent white Virginians who claimed descent from Pocahontas. The act instructed clerks of court to investigate the racial claims of people desirous of marriage licenses and made it “a felony for any person willfully or knowingly to make a registration certificate false as to color or race.” Violators of the law faced a year in prison.¹⁴³ Plecker believed that the Virginia Racial Integrity Act of 1924 “definitely places upon the Bureau of Vital Statistics the responsibility of correctly classifying racially the population of the State in vital statistics records.”¹⁴⁴

An act unanimously passed by the Virginia Legislature in 1930 reinforced and refined the 1924 Racial Integrity Act. Designed to protect unsuspecting “pure” white children from contact with “white children of mixed blood” in schools, it classed “anyone with any ascertainable degree of negro blood...as a colored person.”¹⁴⁵ The act made an exception, however, for members of the Pamunkey and Mattaponi tribes. Individuals “with one-fourth

¹⁴³ Plecker, “The New Virginia Law to Preserve Racial Integrity,” 4.

¹⁴⁴ W.A. Plecker, State Registrar, to John Collier, Commissioner of Indian Affairs, April 6, 1943, File: Pamunkey Indians, 138, 1942-1946, Cherokee Indian Agency, Series 6, General Records, Correspondence, Indian Field Service Filing System, 1926-1952, Box 45, RG 75, National Archives and Records Administration, Atlanta, Georgia (Hereafter NARA Atlanta); Plecker’s racial ideas were bolstered by the writings of other eugenicists, like Arthur Howard Estabrook and Ivan E McDougale, who disparaged mixed-race communities in their 1926 book, *Mongrel Virginians: The Win Tribe* (Baltimore: Williams & Wilkins, 1926).

¹⁴⁵ “Virginia Passes ‘One Drop’ Bill Unanimously: Designed to Check Mixing in Schools,” *The Pittsburgh Courier* (February 22, 1930): 20. Accessed through ProQuest Historical Newspapers; W.A. Plecker, State Registrar, to Annie Belle Crowder, July 23, 1945, File: 13, General Correspondence, 1945-64, Virginia Department of Education, Indian School Files, 1936-1967, Accession 29632, State Government Records Collection, Box 1, The Library of Virginia.

or more Indian blood and less than one-sixteenth negro blood” could be classed as Indian rather than as “colored” as long as they lived on their reservations.¹⁴⁶ The act also insisted that Indians promise “to marry only with others of the same racial and tribal classification.”¹⁴⁷ These exceptions placated tribal members, who had declared that they would rather “be banished to the wilds of Siberia” than to “submit to a loathsome, humiliating Negroid classification.”¹⁴⁸ The act placed new legal strictures on notions of Indian identity and tribal belonging, however, by limiting the amount of both black and white ancestry tribal members could possess in order to have rights as Indians on the reservations. It also set a geographical boundary to recognized Pamunkey and Mattaponi identity. Outsiders’ racial definitions of Indian identity increasingly affected how reservation Virginia Indians thought about tribal membership.

State law did not exempt Pamunkeys and Mattaponis from Plecker’s attacks. He maintained that Pamunkeys had always been classed as “free negroes” in historical records, and he described the amendment to the 1930 Act that recognized the Indian identity of the Pamunkeys and Mattaponis as “jocular.” Although forced to comply with the law, he declared that “when they leave the reservation, they take their proper classification as colored.”¹⁴⁹ He made sure that Indians could not attend white public schools or institutions of

¹⁴⁶ W.A. Plecker, State Registrar, to Annie Belle Crowder, July 23, 1945, File: 13, General Correspondence, 1945-64, Virginia Department of Education, Indian School Files, 1936-1967, Accession 29632, State Government Records Collection, Box 1, The Library of Virginia.

¹⁴⁷ “Virginia Passes ‘One Drop’ Bill Unanimously,” 20.

¹⁴⁸ William Jones, “Day by Day: Negroid Indians in Virginia,” *The Baltimore Afro-American* (October 31, 1925): 9. Accessed through ProQuest Historical Newspapers.

¹⁴⁹ W.A. Plecker, State Registrar, to Annie Belle Crowder, July 23, 1945, File: 13, General Correspondence, 1945-64, Virginia Department of Education, Indian School Files, 1936-1967, Accession 29632, State Government Records Collection, Box 1, The Library of Virginia.

higher education. He warned white hospitals not to treat Indian patients. He even provided hospital staff “with lists of names including all native Indians” so they would know whom to turn away.¹⁵⁰ In a 1924 health bulletin, Plecker insisted that “the term ‘Indian’ will no longer be accepted” on birth certificates, except for those of “known pure Indian blood, or those mixed with white.”¹⁵¹ He did not believe any such people lived in the state.¹⁵² According to Plecker, there were “no descendants of Virginia Indians claiming or reported to be Indians who are unmixed with negro blood.”¹⁵³

To legitimize his work of racial reclassification, Plecker employed a genealogist, Eva Kelley, to trace “practically all of the families of our so-called ‘Indian’ groups back to the 1830 U.S. Census.” This census had listed “free negroes” and Plecker assumed that all of

¹⁵⁰ James R. Coates to Frank G. Speck, December 2, 1944, File: IV (20F1g) Speck, Frank G., General and Historical—g. Draft classification of Virginia Indians, 1940-1946, 82 items, Ms. Coll. 126, Frank G. Speck Papers, Sub-Collection 1, Box 13, APS Philadelphia.

¹⁵¹ Plecker, “The New Virginia Law to Preserve Racial Integrity,” 1. If midwives challenged him, he responded with threats. In a letter to midwife Mary F. Adkins in 1942, for example, Plecker asserted that the term “Indian” was “no longer accepted as a correct one on a birth or death certificate” and told her that he expected her “to make out a correct certificate, giving the race of both parents as colored.” If she refused, Plecker warned, “it may become necessary to revoke your permit and advertise you to the midwives, local registrars, and others...as being no longer permitted to practice midwifery.” If she practiced without a license, she would be fined and taken to court. Plecker informed another midwife, Martha V. Wood, that “giving the wrong color in registering a birth certificate is a penitentiary offense.” He told her that she was making herself “liable to trouble” if she reported Indians as anything but “colored.” See W.A. Plecker, State Registrar, to Mary F. Adkins, January 23, 1942, File: Pamunkey Indians, 138, 1942-1946, Cherokee Indian Agency, Series 6, General Records, Correspondence, Indian Field Service Filing System, 1926-1952, Box 45, RG 75, NARA Atlanta; W.A. Plecker, State Registrar, to Martha V. Wood, November 23, 1925, File: Clerk’s Correspondence, 1923-1929, Rockbridge County Clerk’s Records, Clerk’s Correspondence (A.T. Shields) (W.A. Plecker to A.T. Shields), 1872-1936, 1912-1943, Broken Series, Accession 1160754, Box 1, Library of Virginia.

¹⁵² For individuals who managed to keep their original listing as “Indian,” Plecker took “the liberty, without investigating the individual case, of inserting a warning notice behind his certificate implying that he is really to be treated as a negro.” This warning cited the Encyclopedia Britannica and the 1843 petition to insist that Pamunkeys were “all mixed-bloods; some negro mixture.” Solenberger to Ricks, February 28, 1942, Ms. Coll. 126, APS Philadelphia; Document Issued by Bureau of Vital Statistics, 1947, James R. Coates Papers, 1833-1947, Accession 31577, Personal Papers Collection, The Library of Virginia.

¹⁵³ Document Issued by Bureau of Vital Statistics, 1947, James R. Coates Papers, 1833-1947, Accession 31577, Personal Papers Collection, The Library of Virginia.

these individuals were black. He did not take into account that census takers often listed Indians in this category as well. Plecker was proud of the Bureau's efforts to rat out supposed pseudo-Indians through genealogy. He bragged in a 1943 letter that "Hitler's genealogical study of the Jews is not more complete."¹⁵⁴ This statement was particularly shocking considering the recent entry of the United States into the Second World War.

Virginia Indians ran into new racial classification issues when America went to war in late 1941. The military segregated servicemen into "white" and "colored" units, and the State Headquarters for Selective Service in Richmond directed local boards to delay registering Indians until they could make "the proper determination of classification." Although Indians supposedly received classification as white, any rumor of black ancestry was enough to record them as black. The boards individually reviewed the cases of over 170 individuals.¹⁵⁵ Plecker weighed in on the issue and insisted that Virginia classify as "negro" all Indians entering military services in the state.¹⁵⁶

Although they wanted to fight for the United States, Indian servicemen protested attempts to reclassify them. In July, 1942, the Pamunkeys sent a petition to the state governor expressing their distress. They declared that their "whole pride of living is in our Tribe, and its recognition by our great Commonwealth," and they poignantly asked the governor, "is our

¹⁵⁴ W.A. Plecker, State Registrar, to John Collier, Commissioner of Indian Affairs, April 6, 1943, File: Pamunkey Indians, 138, 1942-1946, Cherokee Indian Agency, Series 6, General Records, Correspondence, Indian Field Service Filing System, 1926-1952, Box 45, RG 75, NARA Atlanta.

¹⁵⁵ Memorandum No. 336, from State Headquarters from Selective Service, Richmond, VA., to All Local Boards, January 7, 1942, File: IV (20F1g) Speck, Frank G., General and Historical—g. Draft classification of Virginia Indians, 1940-1946, 82 items, Ms. Coll. 126, Frank G. Speck Papers, Sub-Collection 1, Box 13, APS Philadelphia.

¹⁵⁶ Lawrence E. Lindley, to John Collier, February 26, 1942, File: IV (20F1g) Speck, Frank G., General and Historical—g. Draft classification of Virginia Indians, 1940-1946, 82 items, Ms. Coll. 126, Frank G. Speck Papers, Sub-Collection 1, Box 13, APS Philadelphia.

pride and happiness to be made a casualty of this war?”¹⁵⁷ When the state failed to protect their Indian status in the armed forces, some Indians preferred prison to enrollment as “colored.” In 1943, a Virginia judge sentenced two Indian men to two years in jail after they refused to enroll with the draft board other than as Indian.¹⁵⁸ Advocates for Virginia Indians wrote to the commissioner of Indian Affairs and complained that Plecker’s efforts were “a real injustice to many Indians who have worked and sacrificed over many years to maintain their recognition of status.”¹⁵⁹ Pamunkeys and other Virginia Indians beseeched the Bureau of Indian Affairs to help them in their battle against reclassification.

As a state-recognized tribe, the Pamunkeys had never established a treaty relationship with the federal government. This meant that although they maintained an independent political tradition and held reservation lands, the federal government did not officially recognize their tribal sovereignty. Allies of the Pamunkeys thought that if the tribe secured federal recognition, they would be better equipped to defend themselves against Plecker’s attacks and to protect their resources. When Commissioner of Indian Affairs John Collier implemented the tribal-friendly Indian Reorganization Act in 1934, for example, B. H. Van Oot of the Virginia Board of Trade and Industrial Education and W. Carson Ryan of the Carnegie Foundation for the Advancement of Teaching both wrote to the Indian Office and

¹⁵⁷ Council of Pamunkey Tribe of Indians to Colgate W. Darden, Governor of the Commonwealth of Virginia, July 23, 1942, James R. Coates Papers, 1833-1947, Accession 31577, Personal Papers Collection, The Library of Virginia.

¹⁵⁸ W.A. Plecker, State Registrar, to John Collier, Commissioner of Indian Affairs, April 6, 1943, File: Pamunkey Indians, 138, 1942-1946, Cherokee Indian Agency, Series 6, General Records, Correspondence, Indian Field Service Filing System, 1926-1952, Box 45, RG 75, NARA Atlanta.

¹⁵⁹ Lawrence E. Lindley, to John Collier, February 26, 1942, File: IV (20F1g) Speck, Frank G., General and Historical—g. Draft classification of Virginia Indians, 1940-1946, 82 items, Ms. Coll. 126, Frank G. Speck Papers, Sub-Collection 1, Box 13, APS Philadelphia.

asked whether the federal government could help the Pamunkeys buy more land.¹⁶⁰ Assistant Commissioner of Indian Affairs William Zimmerman responded to these letters, but he was not encouraging. He did not think it fair “to divert any funds which could be used for the benefit of Indians who are now and who have been for generations wards of the Federal Government” to aid state tribes like the Pamunkeys.¹⁶¹ Although under the terms of the 1934 act members of unrecognized tribes could receive federal benefits if they proved that they were “one-half or more Indian blood,” Zimmerman wrote that “even if it should be determined that these Indians are eligible, in accordance with this provision, I seriously question the advisability of Federal intervention in the affairs of this group.”¹⁶² The Pamunkeys remained unrecognized by the federal government.

Despite the refusal of the Bureau of Indian Affairs to recognize the Pamunkeys, John Collier made personal efforts to help the tribe. After receiving a number of appeals from and on behalf of Virginia Indians, the commissioner of Indian Affairs confronted Plecker directly. In a series of letters, Collier questioned the validity of the “slavish” efforts by the Bureau of Vital Statistics to follow genealogical records and census listings to determine the racial identities of Native Virginians. Collier pointed out that these methods were “known to be susceptible to a high degree of error,” and argued that “ethnological students of Virginia

¹⁶⁰ W. Carson Ryan, Jr. to William Zimmerman, February 11, 1938, Records of the Offices of Chief Clerk and Assistant Commissioner of Indian Affairs, Correspondence of Assistant Commissioner William Zimmerman, 1935-48, Box 2, RG 75, National Archives and Records Administration, Washington, D.C (Hereafter NARA Washington).

¹⁶¹ William Zimmerman to Dr. W. Carson Ryan, The Carnegie Foundation for the Advancement of Teaching, New York, March 10, 1938, Records of the Offices of Chief Clerk and Assistant Commissioner of Indian Affairs, Correspondence of Assistant Commissioner William Zimmerman, 1935-48, Box 2, RG 75, NARA Washington.

¹⁶² William Zimmerman to B. H. Van Oot, State Supervisor of Trade and Industrial Education, Richmond, VA, March 10, 1938, Records of the Offices of Chief Clerk and Assistant Commissioner of Indian Affairs, Correspondence of Assistant Commissioner William Zimmerman, 1935-48, Box 2, RG 75, NARA Washington.

Indians are generally of the opinion that the physical features of these groups incline more to the Indian than to the negro or white.” The commissioner asserted that it seemed “grossly unfair to classify as negroes persons who are obviously more Indian than anything else even if there are negroid characteristics present.” He asked Plecker to develop “a more realistic definition of an Indian” that did not simply presume “colored” identity based on rumored black ancestry.¹⁶³

In response to Collier’s letters, Plecker vilified the state’s Indian population and condemned the efforts of anthropologists like Frank G. Speck to assist tribal revitalization projects.¹⁶⁴ Despite Plecker’s antagonism, such scholars continued to work with Indians in the state to prove their ethnic identity. One man in particular, James Coates, made it his mission to combat Plecker and the Virginia Bureau of Vital Statistics. After Plecker sent out a circular in 1943 to local registrars, doctors, nurses, clerks of court, school superintendents, and public health workers that supposedly “outed” certain individuals as black, Coates did his own research into the complicated history and genealogies of Virginia Indians.¹⁶⁵ He collected testimony from white Virginians who confirmed that the Pamunkeys were “good hard working people and have tried to uphold their race and traditions.”¹⁶⁶ In another

¹⁶³ John Collier to W.A. Plecker, May 1, 1943, File: Pamunkey Indians, 138, 1942-1946, Cherokee Indian Agency, Series 6, General Records, Correspondence, Indian Field Service Filing System, 1926-1952, Box 45, RG 75, NARA Atlanta.

¹⁶⁴ W.A. Plecker, State Registrar, to John Collier, Commissioner of Indian Affairs, April 6, 1943, File: Pamunkey Indians, 138, 1942-1946, Cherokee Indian Agency, Series 6, General Records, Correspondence, Indian Field Service Filing System, 1926-1952, Box 45, RG 75, NARA Atlanta; W.A. Plecker to John Collier, October 26, 1943, File: Pamunkey Indians, 138, 1942-1946, Cherokee Indian Agency, Series 6, General Records, Correspondence, Indian Field Service Filing System, 1926-1952, Box 45, RG 75, NARA Atlanta.

¹⁶⁵ Rountree, “The Indians of Virginia: A Third Race in a Biracial State,” 43.

¹⁶⁶ J.L. Prince, April 11, 1945, James R. Coates Papers, 1833-1947, Accession 31577, Personal Papers Collection, The Library of Virginia.

petition, white citizens in King William and New Kent Counties called upon the State of Virginia to recognize the Indian identity of the Pamunkeys, and objected to the claims of “certain prejudiced individuals” that the Pamunkeys had black ancestry.¹⁶⁷ Such support from undeniably white Virginians bolstered the Pamunkeys’ claims and helped combat Plecker’s assertions.

Coates knew that official tribal documentation of members would help Virginia tribes prove their Indian identity by making the line between tribal members and non-tribal “colored” people less ambiguous. Consequently, he sent letters to the chiefs of Virginia tribes asking them each to produce a list of tribal members in good standing. Coates expected these lists to serve as tribal membership rolls that legally defined Virginia Indian identity and showed “exactly who we are fighting for in our effort to obtain official recognition and proper classification as native Virginia Indians.” Coates advised the chiefs to take “the greatest of care to see that no one rightfully entitled to the distinction of being on the list is omitted.” He also strategically recommended that no one “be permitted to appear on the list whose good standing and blood relation is other than pure Indian or Indian and white.” Coates made this final suggestion to aid the tribes in their battle against “colored” classification; it had the effect of encouraging tribes to once again purge from membership individuals with hints of black ancestry. The Chickahominies and other non-reservation communities quickly responded to Coates with membership lists.¹⁶⁸ The Pamunkey chief

¹⁶⁷ Petition, March 1, 1945, James R. Coates Papers, 1833-1947, Accession 31577, Personal Papers Collection, The Library of Virginia.

¹⁶⁸ James R. Coates to Tribal Chiefs of Virginia Tribes, January 14, 1947, James R. Coates Papers, 1833-1947, Accession 31577, Personal Papers Collection, The Library of Virginia.

wrote to Coates, telling him “that his council had finally decided to compile the census [he] requested some months ago”; however, no roll was forthcoming for several years.¹⁶⁹

In a 1954 letter, the Virginia Superintendent of Public Instruction claimed that, according to Pamunkey and Mattaponi chiefs, “no accurate census has been taken on the reservations.” Chief T. D. Cook of the Pamunkeys estimated the total tribal population at between 60 to 65 members.¹⁷⁰ It is not clear whether he included off-reservation Pamunkeys in this count. In their 2010 federal recognition petition, however, the Pamunkeys claimed that they did prepare a tribal census that year.¹⁷¹ They may have done so in response to an amendment passed by the Virginia General Assembly in 1954 that confirmed state-recognized Indian identity for “members of Indian tribes existing in this Commonwealth having one-fourth or more of Indian blood and less than one-sixteenth of Negro blood.”¹⁷² The roll, however, was neither officially approved by the state nor recognized by the federal government. Instead, it remained a flexible document subject to change at the tribe’s discretion.

Anthropologists like Speck and Coates encouraged Virginia Indians to develop strategies to distinguish tribal members officially from outsiders. Speck made another suggestion, however, that the Pamunkeys declined to accept. Beginning in the 1920s, Speck

¹⁶⁹ James R. Coates to Frank G. Speck, November 6, 1945, File: IV (20F1g) Speck, Frank G., General and Historical—g. Draft classification of Virginia Indians, 1940-1946, 82 items, Ms. Coll. 126, Frank G. Speck Papers, Sub-Collection 1, Box 13, APS Philadelphia.

¹⁷⁰ Dowell J. Howard, Superintendent of Public Instruction, to Mrs. F. C. Beverley, September 8, 1954, File: 13, General Correspondence, 1945-64, Virginia Department of Education, Indian School Files, 1936-1967, Accession 29632, State Government Records Collection, Box 1, The Library of Virginia.

¹⁷¹ Fleming to Gray, April 11, 2011.

¹⁷² Rountree, *Pocahontas’s People*, 239.

encouraged the descendants of all the Powhatan groups in Virginia to organize into corporate associations and consolidate their forces. Speck believed the Indians had power in numbers and that by working together, they could “avert obliteration of their names and racial tradition.”¹⁷³ Tribes without reservation land, like the Chickahominies, welcomed this opportunity. The Pamunkeys saw the situation differently. In their view, association with other Virginia tribes weakened rather than strengthened their identity claims. Tecumseh Cook explained the tribe’s concerns to James Coates in 1944: “Some of these people whom Dr. Speck wants us to unite with are not even recognized as Indians by the State of Virginia...we feel that it is best to fight for Pamunkey Tribe exclusively and let the other tribes fight for themselves.”¹⁷⁴ Although Pamunkeys certainly took interest in the fate of other Virginia tribes, with whom they intermarried, their primary concern was to preserve their own, unique tribal identity. In this way, Pamunkeys distinguished their membership not only from outsiders but also from other Virginia tribes.

Walter Ashby Plecker finally retired from the Virginia Bureau of Vital Statistics in 1946. The next registrar continued a weaker version of Plecker’s policies; in 1959, however, a new registrar abandoned these practices altogether and destroyed Plecker’s Racial Integrity File.¹⁷⁵ Conditions improved for Virginia Indians after Plecker departed, but his actions left a lasting legacy for the Pamunkeys. They had defended their Indian identity against the claims of outsiders since the early nineteenth century, and Plecker’s work showed them how quickly

¹⁷³ Speck, “Chapters on the Ethnography of the Powhatan Tribes of Virginia,” 452-453.

¹⁷⁴ Tecumseh Cook to James Coates, December 18, 1944, File: IV (20F1g), Speck, Frank G., General and Historical—g. Draft classification of Virginia Indians, 1940-1946, 82 items, Ms. Coll. 126, Frank G. Speck Papers, Sub-Collection 1, Box 13, APS Philadelphia.

¹⁷⁵ Rountree, “The Indians of Virginia: A Third Race in a Biracial State,” 45.

they could lose ground if they did not vigilantly police the racial identities of their tribal members. Years after Plecker's death, the Indians "still hate[d] his memory." Moreover, according to Rountree, they continued to agonize over questions of race. After conducting fieldwork with the tribe in the early 1970s, Rountree explained that to the Pamunkeys the "'Colour Bar'...[is] literally everything."¹⁷⁶ The tribal membership criteria created by the Pamunkeys during and shortly after Plecker's term as head of the Bureau of Vital Statistics reflected their racial classification fears.

Although white Virginians like Plecker fought to prevent marriages between Indians and whites in the late nineteenth and early twentieth centuries, such unions occurred. The Pamunkeys had a long history of intermarriage with whites. Tribal member Terrill Bradby informed Mooney, for example, that "the numerous Bradbys of the Pamunkey and Chickahominy tribes all have descent from a white man, his great-grandfather." Such relationships continued into the twentieth century, whether or not the state legally recognized them. In 1907, Mooney recorded at least three Pamunkey men with white wives.¹⁷⁷ When they could not find marriage partners within their own community or among the members of other Virginia tribes, the only option acceptable to the Pamunkeys was marriage with whites.¹⁷⁸

Unlike black intermarriage, white intermarriage did not threaten the Pamunkeys' Indian identity in the eyes of outsiders. White Virginians generally perceived the children of

¹⁷⁶ Helen C. Rountree to W. Grosvenor Pollard, III, August 28, 1972, Helen C. Rountree Papers, Box 1, NAA Washington.

¹⁷⁷ Mooney, *The Powhatan Confederacy, Past and Present*, Manuscript 2199, NAA Washington.

¹⁷⁸ Rev. E. D. Gooch, April 24, 1945, James R. Coates Papers, 1833-1947, Accession 31577, Personal Papers Collection, The Library of Virginia.

these unions to be Indian, not white. White intermarriage, however, raised new concerns for the tribe, especially in regards to protecting tribal resources. Although white intermarriage could not destroy the Indian identity of the Pamunkeys, Pamunkeys worried about the influence individual white spouses might exert over tribal affairs. They developed tribal rules to address these concerns.

In the colonial era, Pamunkeys traced descent and kinship through the female line.¹⁷⁹ Chiefs, known as “weroances,” acquired their positions by matrilineal inheritance: a ruling position passed from a female ancestor to her sons, then daughters, then the sons and daughters of her oldest daughter. Pamunkeys also historically recognized female rulers. The weroansqua Cockacoeske, for example, led the tribe in the mid-seventeenth century.¹⁸⁰ Matrilineal inheritance meant that Pamunkey identity rested on the identity of an individual’s mother. Pamunkey women bore and raised Pamunkey children, no matter the racial identity of the fathers. Over the years, however, contact with patriarchal Euro-Americans shifted Pamunkey constructions of gender. As the Indians became more male-focused and Pamunkey women lost some of their economic power, the tribe began modeling its notions of descent and female citizenship rights on those of the surrounding Anglo-Virginian society. This set off a process by which Pamunkeys distinguished between genealogical tribal “members” and tribal “citizens” with full political rights.

¹⁷⁹ Speck, “Chapters on the Ethnography of the Powhatan Tribes of Virginia,” 306.

¹⁸⁰ Rountree, *Pocahontas’s People*, 9-10, 110. For more information on Cockacoeske, see “Cockacoeske, Queen of Pamunkey: Diplomat and Suzeraine,” by Martha W. McCartney, in *Powhatan’s Mantle: Indians in the Colonial Southeast*, edited by Gregory A. Waselkov, Peter H. Wood, and Tom Hatley (Lincoln and London: University of Nebraska Press, 2006), 243-266.

By the late nineteenth century, the Pamunkeys had abandoned matrilineal descent in favor of bilateral inheritance. The children of both Indian fathers and Indian mothers had full rights as tribal members, as long as they could prove their lineage and other tribal members recognized their tribal connection.¹⁸¹ In a nod to Virginia's racial statutes that defined as Indian those who lived on state reservations "with one-fourth or more Indian blood and less than one-sixteenth negro blood," however, the tribe adopted blood quantum restrictions for reservation residency.¹⁸² To live on the reservation, Pamunkeys had to be at least a "quarter blood" Indian.¹⁸³ Tribal members still considered individuals without the necessary ancestry kin, but these Pamunkeys did not enjoy all the privileges of tribal citizenship, such as access to reservation lands or voting rights in tribal elections. Even more controversial were the differences in citizenship rights the tribe granted male and female tribal members.¹⁸⁴

Pamunkey voting practices reflected gender imbalances on the reservation. The tribe's political tradition was a point of pride for the Indians: it represented an unbroken continuation of their tribal sovereignty from Powhatan across years of hardship and external pressures. They limited political rights in the tribe, however, to Pamunkey men. A young man became an eligible voter when he turned eighteen and paid a voter registration fee of \$1.00. He could vote in every election thereafter, as long as he paid the tribe \$6.00 a year in

¹⁸¹ Interview with Chief William Miles of the Pamunkey Indian Reservation, by B. Hammje, for Rountree's Virginia Indians Class, October, 1986, Helen C. Rountree Papers, Box 3, NAA Washington.

¹⁸² W.A. Plecker, State Registrar, to Annie Belle Crowder, July 23, 1945, File: 13, General Correspondence, 1945-64, Virginia Department of Education, Indian School Files, 1936-1967, Accession 29632, State Government Records Collection, Box 1, The Library of Virginia.

¹⁸³ Interview with Chief William Miles of the Pamunkey Indian Reservation, by B. Hammje, for Rountree's Virginia Indians Class, October, 1986, Helen C. Rountree Papers, Box 3, NAA Washington.

¹⁸⁴ Student fieldnotes by Leslie Willis, October, 1986, File: Helen C. Rountree, Fieldnotes, April 1986-December 1986, Helen C. Rountree Papers, Box 3, NAA Washington.

taxes and maintained residency on the reservation. In earlier times, the tribe had imposed an upper age limit of sixty-five years on voter participation, but by the mid-twentieth century this stipulation had disappeared as the reservation population aged. Men over sixty-five did not have to attend tribal meetings, but they still voted. The tribe imposed a 50 cent fine on younger men who missed meetings without an excuse.¹⁸⁵ Pamunkey women did not have voting rights, no matter their age or resident status, a franchise initially modeled on that of the state of Virginia.¹⁸⁶ Even after women gained voting rights in the United States, however, the tribe continued to deny Pamunkey women the vote.

Although they may have influenced the voting habits of their husbands and sons, Pamunkey women resented their lack of direct political power on the reservation.¹⁸⁷ In 1939, the State Supervisor of Trade and Industrial Education reported to Frank Speck that there were “considerable controversies between the men-folk and the women-folk” on the reservation.¹⁸⁸ Dissatisfaction apparently grew. By the 1970s, Rountree noted that certain Pamunkey women were “not entirely happy” with the voting situation on the reservation, “for they feel that women have as much sense as men.”¹⁸⁹ Some Pamunkey men sympathized

¹⁸⁵ Interview with Chief T. D. Cook, by Helen C. Rountree, August 22, 1970, File: Helen C. Rountree, Fieldnotes, 1969-1973, Helen C. Rountree Papers, Box 2, NAA Washington.

¹⁸⁶ Rountree, “Powhatan’s Descendants in the Modern World,” 72-73.

¹⁸⁷ One of Helen C. Rountree’s anthropology students noted that among the Mattaponi, “wives play a big role in influencing their husbands’ vote.” Like the Pamunkeys, the Mattaponis limited suffrage to men, but women played political roles behind-the-scenes. In the early 1980s, the wife of the Mattaponi chief, Gertrude Custalow, exerted “great influence over the chief’s decisions.” See Notes on Fieldtrip to the Pamunkey and Mattaponi Reservations, November, 1983, File: Helen C. Rountree, Fieldnotes, 1983-1985, Helen C. Rountree Papers, Box 2, NAA Washington.

¹⁸⁸ B.H. Van Oot, State Supervisor of Trade and Industrial Education, to Frank Speck, December 14, 1939, File: IV (21F2s) Speck, Frank G., Pamunkey—s. Correspondence with Informants, 1921-1940, 7 items, Ms. Coll. 126, Frank G. Speck Papers, Sub-Collection I, Box 14, APS Philadelphia.

¹⁸⁹ Interview with Mrs. T. D. Cooke, assisted by Mrs. Dora Cook Bradby, June 17, 1970, by Helen C. Rountree, File: Helen C. Rountree, Fieldnotes, 1969-1973, Helen C. Rountree Papers, Box 2, NAA Washington.

with their mothers, sisters, and wives and tried to effect change in the tribe's voting policy. In the 1970s, for example, Edward Bradby advocated for female suffrage until the tribe stripped him of his own voting rights due to his failure to meet the tribe's residency requirement.¹⁹⁰ In his opinion, reservation women were "harder workers than the men and they should have the right."¹⁹¹ The chief at the time, Tecumseh D. Cooke, also recognized "that some women want the vote, and the law may have to be changed in the future."¹⁹² Ultimately, however, Pamunkey women could not muster enough male votes to turn their desire into reality.¹⁹³ Many men on the reservation were "reactionary on that subject" and blocked efforts to promote female suffrage.¹⁹⁴ They believed that there was not "much to interest women in politics, and they have so much to do at home."¹⁹⁵

An issue that rankled Pamunkey women even more than voting rights was that of reservation residency. Pamunkey tradition allowed "a man of the tribe to bring his alien wife to the reservation, but a girl who marries an outsider has to depart and reside off the

¹⁹⁰ August 15, 1970, File: Helen C. Rountree, Fieldnotes, 1969-1973, Helen C. Rountree Papers, Box 2, NAA Washington.

¹⁹¹ Interview with Edward Bradley, by Helen C. Rountree, August 15, 1970, File: Helen C. Rountree, Fieldnotes, 1969-1973, Helen C. Rountree Papers, Box 2, NAA Washington.

¹⁹² Interview with Chief T. D. Cooke, by Helen C. Rountree, August 22, 1970, File: Helen C. Rountree, Fieldnotes, 1969-1973, Helen C. Rountree Papers, Box 2, NAA Washington.

¹⁹³ Helen C. Rountree, "Indian Virginians on the Move," in *Indians of the Southeastern United States in the Late 20th Century*, edited by J. Anthony Paredes (Tucaloosa: University of Alabama Press, 1992), 18, Helen C. Rountree Collection of Virginia Indian Documents, 2005, Accession 42003, Personal Papers Collection, Box 5, The Library of Virginia.

¹⁹⁴ August 15, 1970, File: Helen C. Rountree, Fieldnotes, 1969-1973, Helen C. Rountree Papers, Box 2, NAA Washington.

¹⁹⁵ Interview with Chief T. D. Cooke, by Helen C. Rountree, August 22, 1970, File: Helen C. Rountree, Fieldnotes, 1969-1973, Helen C. Rountree Papers, Box 2, NAA Washington.

reservation.”¹⁹⁶ According to Rountree, the Pamunkeys never officially codified this rule into law, but they enforced it nevertheless.¹⁹⁷ Pamunkey men reasoned that white men had no place on the reservation because they lacked political rights in the tribe. If they lived there, they would take up “land that could otherwise be allotted to men who could be active in reservation affairs.”¹⁹⁸ Since only Indian men could vote, it was impossible for a white man to become a naturalized citizen in the tribe. Therefore, Pamunkey men asserted, “if he were in his right mind [a white man] would not want to live there, anyway.”¹⁹⁹ Pamunkey women wondered if another motivation was also at play. One woman speculated that “the more whites who come onto the reservation to live, the less the Indians will be in control.”²⁰⁰ Tribal elders, she claimed, feared that “the white men will take over.”²⁰¹ White women, like Pamunkey women, had no political rights in the tribe, so white wives did not threaten Pamunkey authority over the reservation.²⁰² Tribal leaders worried, however, that white husbands would not take disfranchisement lightly.

¹⁹⁶ Speck, “Chapters on the Ethnography of the Powhatan Tribes of Virginia,” 251.

¹⁹⁷ Rountree, *Pocahontas’s People*, 205.

¹⁹⁸ Interview with Chief T. D. Cooke, Pamunkey, by Helen C. Rountree, August 22, 1970, File: Helen C. Rountree, Fieldnotes, 1969-1973, Helen C. Rountree Papers, Box 2, NAA Washington.

¹⁹⁹ Rountree, “Powhatan’s Descendants in the Modern World,” 74.

²⁰⁰ B. Drummond Ayers, “Last Stand Nears for Tiny Indian Tribe’s Identity: ‘I Can’t Remember When a Pamunkey Last Married a Pamunkey,” *The New York Times* (January 16, 1989): A8. Accessed through ProQuest Historical Newspapers.

²⁰¹ Joe Volz, “Two Indian Women Fighting Tribal Law that Bars White Husband from Reservation,” *The Indian Trader* (April, 1989): 16, File: Pamunkey Indians, Clippings, 27 Sep 1884—Aug 2001, n.d., Thomas J. Blumer Collection.

²⁰² Hilary Appelman, “Va. Indian Wives Fight to Stay on Reservation: Pamunkey Women Who Marry Outsiders Must Give Up Residency,” *The Washington Post* (January 14, 1989): B8. Accessed through ProQuest Historical Newspapers.

The tribal policy against the residency of white husbands and their Pamunkey wives preserved Pamunkey control over tribal land, but it affected the reservation population. Once they married whites, Pamunkey women who wanted to live there had to move away and raise their children elsewhere. Without enough young families to take the place of their elders, the reservation population aged. By the 1980s, only sixty Indians remained on the reservation, most of them elderly.²⁰³ In contrast, the Mattaponi had a similar rule about intermarriage and residency, but it was not strictly enforced.²⁰⁴ Leniency regarding the residency of women with white husbands attracted more young people to the Mattaponi reservation and encouraged them to stay.

The controversy over white husbands and Pamunkey reservation residency continued into the late twentieth century. In 1989, the media picked up the story when the twin granddaughters of former chief Tecumseh Deerfoot Cook married white men and challenged the tribe's residency policy. Kim Cook Taylor and Cam Cook Porter wanted permission to live on the reservation with their husbands. As Porter put it, "my roots are here and there are advantages to living here...I want to live here." Sick of male-dominated Pamunkey politics, the sisters declared "this is the 1980's and this is America, not the 1600's and Jamestown."²⁰⁵ They circulated a petition on the reservation and sought signatures from Pamunkeys who lived off the reservation in places like New Jersey and Tennessee. They predicted that "as many as 20 Indian women who married whites would return to the reservation if the laws are

²⁰³ Volz, "Two Indian Women Fighting Tribal Law that Bars White Husband from Reservation," 16.

²⁰⁴ Appelman, "Va. Indian Wives Fight to Stay on Reservation," B8.

²⁰⁵ Ayers, "Last Stand Nears for Tiny Indian Tribe's Identity," A8.

changed and the racial barrier is broken.”²⁰⁶ The sisters collected over two dozen signatures, and the tribal council agreed to meet with them once they completed the petition drive.²⁰⁷ Although the Pamunkey chief agreed that eventually the tribe would have to change its policy or risk “totally disappear[ing],” the issue remained unresolved.²⁰⁸

Just as Pamunkey women enjoyed tribal membership but lacked citizenship rights in the tribe, Pamunkey men who migrated away from the reservation continued to be tribal members, but did not have all the privileges that came with reservation residency. Pamunkeys had long been a mobile people. Although strongly connected to the reservation by kinship and historical ties, individual Indians could not always make a living for their families if they stayed there.²⁰⁹ State laws during the Jim Crow years made finding gainful employment difficult. Lured by the promise of more jobs and less discrimination, many Pamunkeys migrated to cities where their race was not known or to northern states.²¹⁰ In 1907, for example, Mooney recorded that tribal members lived in Philadelphia, Richmond, Petersburg, Newport News, and New York.²¹¹ In the 1920s, Speck noted that the Pamunkeys on the reservation numbered about one hundred and fifty people, but that had they “been able to keep together without the young men having to emigrate to the cities to find employment,

²⁰⁶ Volz, “Two Indian Women Fighting Tribal Law that Bars White Husband from Reservation,” 16.

²⁰⁷ Appelman, “Va. Indian Wives Fight to Stay on Reservation,” B8.

²⁰⁸ Ayers, “Last Stand Nears for Tiny Indian Tribe’s Identity,” A8.

²⁰⁹ Pamunkeys felt strongly connected to the reservation. According to Francis Elizabeth Scott Bagby, when confronted with the idea that the tribe should sell their land and “move to a more healthful location in 1907, the Pamunkey Chief proclaimed that the Pamunkeys could not possibly “sell the graves of our ancestors.” Even if they moved away, Pamunkeys recognized the reservation as the home land of their ancestors and gathering point of the tribe. See Bagby, *Tuckahoe: A Collection of Indian Stories and Legends*, vi.

²¹⁰ Bradby, Jr., *Pamunkey Speaks: Native Perspectives*, 106-107.

²¹¹ Mooney, *The Powhatan Confederacy, Past and Present*, Manuscript 2199, NAA Washington.

the number would now be much larger.”²¹² Jim Crow legislation affected Pamunkey migration patterns in other ways as well. Some Indians chose to move away in order to “pass” as white. Tribal member Louis Stewart, for example, recalled that his paternal uncle, George Stewart, married a white woman and never returned to the reservation because “he didn’t want trouble” for his daughters, who worked outside of Richmond at the Phillip Morris factory, which hired only whites.²¹³

Upon leaving the reservation, some Pamunkeys found jobs in maritime and fishing industries that utilized their intimate knowledge of the Pamunkey River.²¹⁴ Other Indians trained as mechanics and plumbers. Some became day laborers in Richmond and Baltimore. The Depression years saw the return to the reservation of a number of Indians who could no longer find work in the cities. These migrants, however, soon discovered “that if times are bad in the cities, neither are they flourishing on the reservation, the ancient pursuits of agriculture and trapping having declined in profit.”²¹⁵ Lack of opportunity at home forced many to move away again.

The involvement of the United States in the First and Second World Wars also encouraged Pamunkeys to leave the reservation. Numerous Pamunkey men signed up to fight for the United States, and some even gave their lives. In 1918, for example, twenty-four-

²¹² Speck, “Chapters on the Ethnography of the Powhatan Tribes of Virginia,” 250-251.

²¹³ Bradby, Jr., *Pamunkey Speaks: Native Perspectives*, 63.

²¹⁴ Hopkins, “Modern Survivors of Chief Powhatan: A Virginia Tribe Still Dwells in Its Ancient Stronghold,” M4. In 1895, a newspaper article reported that twenty Pamunkeys and Mattaponis served “as boatmen on steamers plying the Virginia rivers.” See “They Want Wives,” 3.

²¹⁵ Hopkins, “Modern Survivors of Chief Powhatan,” M4.

year-old Private Joseph I. Miles died in France from wounds he received in action.²¹⁶

Fourteen tribal members served in the Second World War. Pamunkeys who enlisted in the military necessarily left the reservation during their time in training camps and in combat overseas. When they returned to the United States, some men chose to pursue careers in the armed forces and moved permanently away from the reservation.²¹⁷

Pamunkey migrations accelerated after the Second World War. Young people, in particular, “[broke] the bonds of the reservation—choosing to work and marry and live beyond its confines.”²¹⁸ These young people may not have wanted to leave, but economic necessity forced them to find jobs away from home. Some attended college and found profitable employment as accountants, executives, and occupational therapists in cities.²¹⁹ Others made conscious decisions to relocate because they objected to reservation politics and tribal rules. Edna Bradby Allmond, a Chickahominy, and her Mattaponi-Pamunkey husband, for example, lived just off of the reservation because they disliked “how houses on [the] reservation can only be sold to other Indians.”²²⁰ Although they usually felt connected to the tribal community, by the 1950s, at least nineteen Pamunkeys lived elsewhere in the state and

²¹⁶ “Pamunkey Indian Killed in France,” *The Atlanta Constitution* (November 26, 1918): 7. Accessed through ProQuest Historical Newspapers.

²¹⁷ G.W. J. Blume, “Present-Day Indians of Tidewater Virginia,” *Quarterly Bulletin of the Archaeological Society of Virginia*, 6 (December, 1951): 1-8, Helen C. Rountree Collection of Virginia Indian Documents, 2005, Accession 42003, Personal Papers Collection, Box 4, The Library of Virginia.

²¹⁸ Lon Tuck, “There’s No Wow in Pamunkey Pow: Customs Disappear,” *The Washington Post, Times Herald* (October 24, 1965): E2. Accessed through ProQuest Historical Newspapers.

²¹⁹ Paul Muse, “Where’d the Indians Go? Mattaponi, Pamunkey Gradually Leaving Reservation,” *Virginian-Pilot* (August 29, 1965), File: 19, Historical Data, 1965-66, Virginia Department of Education, Indian School Files, 1936-1967, Accession 29632, State Government Records Collection, Box 1, The Library of Virginia.

²²⁰ Interview with Edna Bradby Allmond, by Helen C. Rountree, July 19, 1970, File: Helen C. Rountree, Fieldnotes, 1969-1973, Helen C. Rountree Papers, Box 2, NAA Washington.

forty-five resided outside of Virginia.²²¹ In 1965, only twenty-nine individuals lived permanently on the reservation. Many of these were older Pamunkeys who came back in their retirement reportedly “to farm and fish for shad.”²²² Whether they migrated out of necessity or by choice, their decisions came with costs.

While they lived away from the reservation, tribal members forfeited their rights as tribal citizens. Men who were absent from the reservation for more than six months lost their right to vote in tribal elections.²²³ This rule applied whether the men lived one mile or hundreds of miles away. If they stayed away for more than two years, they also lost their land: their reservation plots reverted to the tribe and became available to someone else.²²⁴ The tribe reasoned that these individuals were “more orientated toward the outside world” and therefore did not deserve political and land rights in the tribe during their absence.²²⁵ Indeed, in the late nineteenth century, ethnographer Albert Samuel Gatschet insisted that the tribe no longer recognized as full Pamunkeys “those Indz who live outside the settlement.”²²⁶ These individuals did not lose their tribal connection, however, as long as they chose to maintain it. Every August, the tribe held a “well-attended homecoming, with Indians who live away from the reservation coming home for an afternoon service which forms the beginning of a week-long revival.” Young Pamunkeys also returned to the reservation at

²²¹ Blume, “Present-Day Indians of Tidewater Virginia,” 1-8.

²²² Muse, “Where’d the Indians Go? Mattaponi, Pamunkey Gradually Leaving Reservation.”

²²³ Rountree, “Powhatan’s Descendants in the Modern World,” 74.

²²⁴ Interview with Chief T. D. Cooke, by Helen C. Rountree, August 22, 1970, File: Helen C. Rountree, Fieldnotes, 1969-1973, Helen C. Rountree Papers, Box 2, NAA Washington.

²²⁵ Rountree, “Powhatan’s Descendants in the Modern World,” 71.

²²⁶ Gatschet, Albert Samuel, collector, *Yavapai and Havasupai notebook, 1883-1888*, Manuscript 1144, NAA Washington.

other times to visit older relatives. Many migrants came back permanently once they retired.²²⁷ These individuals remained Pamunkeys while they were away; they simply did not have all the rights of tribal citizens.

The Pamunkeys denied citizenship rights to off-reservation Indians, but they fully reincorporated returning migrants into the tribe. Pamunkey men regained the right to vote and hold political office if they returned to the reservation and spent at least half the year with the tribe. Chief Paul Miles, for example, spent seven years as a linesman on river steamers before returning to the reservation and taking on a leadership role in the 1920s and 1930s.²²⁸ Similarly, Tecumseh Deerfoot Cook worked at the Campbell Soup Company in Philadelphia for two decades before returning to Virginia. He became chief in 1942 and served in that capacity for the next forty years.²²⁹ If migrants returned and spent at least sixty days a year on the reservation, they also kept their home plots.²³⁰ Pamunkey men always had the potential for full citizenship rights. These rights simply depended on reservation residency.

The distinction the tribe made between members and citizens allowed for flexibility in Pamunkey notions of belonging. The number of people in residence on tribal land was “only a fraction of the people genealogically entitled to live on the reservation.”²³¹ In 1964, a

²²⁷ Rountree, “Powhatan’s Descendants in the Modern World,” 71.

²²⁸ Hopkins, “Modern Survivors of Chief Powhatan,” M4.

²²⁹ Bradby, Jr., *Pamunkey Speaks: Native Perspectives*, 106-107.

²³⁰ Thomas Howard, “Attrition Affecting State’s Reservation Indians,” *Richmond Times—Dispatch* (March 12, 1964): 2B, File: 18, Historical Data, 1951-64, Virginia Department of Education, Indian School Files, 1936-1967, Accession 29632, State Government Records Collection, Box 1, The Library of Virginia.

²³¹ Rountree, “Indian Virginians on the Move,” 10.

reporter noted that “though the resident members number less than 100, both the Pamunkeys and the Mattaponis claim as many as 400 tribesmen each.”²³² From an outsider’s perspective this ambiguous mix of “core,” “fringe,” and “genealogically eligible” people made Pamunkey tribal membership confusing and imprecise. For the Pamunkeys themselves, however, it was simply a matter of knowing and recognizing their relatives. Only those on the reservation, however, had full tribal rights. In this way, Pamunkeys married whites and migrated freely without losing their identity, but the tribe protected its land base from outside interests by limiting the legal rights of non-residents.

Over the years, Pamunkeys established membership criteria and categories that reflected their need to protect their Indian identity and tribal land from outsiders. They created racial barriers to membership to protect against “colored” classification, and they distinguished between tribal “members” and “citizens” to ensure that Pamunkeys always controlled the reservation. Despite establishing these standards, the Pamunkeys did not create a formal membership roll. James Mooney’s 1901 census, published in 1907, provided an unofficial count of the tribal population. The 1954 roll supplied another list of tribal members. Both lists lacked official standing, and neither the state nor the federal government called upon them to create a formal membership roll. The non-binding format of these lists reflected Pamunkey desires to monitor tribal membership closely. Formal criteria may have permitted certain people to claim “technical” membership, but flexible definitions based on historical and ongoing needs allowed the tribe to maintain strict control over who belonged.

²³² Howard, “Attrition Affecting State’s Reservation Indians,” 2B.

Without federally-approved tribal membership criteria and an official tribal roll, Pamunkeys today are free to define tribal belonging on their own terms. In general, proof of belonging rests upon the memories of recognized tribal members.²³³ If tribal members recall the genealogies of applicants for membership, they include those individuals as Pamunkeys. If not, they deny them the right to live on the reservation. By the early 1990s, the Pamunkeys had a permanent reservation population of about fifty individuals.²³⁴ Many more “fringe” members lived away from the reservation, occasionally returning to the “core” community to visit friends and relatives and renew tribal ties.²³⁵ In their 2010 petition for federal recognition, the Pamunkeys claimed that membership depended on direct lineal descent from forty ancestors. These individuals may have been those listed on Mooney’s early twentieth-century census. The Pamunkeys also mentioned the 1954 list, although they did not provide a copy of this roll to the Office of Federal Acknowledgement. The roll they provided the Office includes 182 currently-recognized tribal members, all descended from the original forty.²³⁶

Genealogical descent, however, is not enough to guarantee membership: the Pamunkey tribal council also screens potential members for character because, Rountree concluded, “public image means a great deal to such a small ethnic minority.”²³⁷ This system

²³³ Rountree, “Powhatan’s Descendants in the Modern World,” 74.

²³⁴ Rountree, *Pocahontas’s People*, 255.

²³⁵ Rountree uses the terms “fringe” and “core” to distinguish between off-reservation and reservation Pamunkeys. See Rountree, *Pocahontas’s People*, 276. According to her research, some individuals eligible for membership based on their genealogical descent chose not to join the tribe, either because of geographical distance or lack of interest. See Rountree, “Indian Virginians on the Move,” 21.

²³⁶ Fleming to Gray, April 11, 2011.

²³⁷ Rountree, “Indian Virginians on the Move,” 21.

allows the tribe to ensure that members maintain a social connection to the tribe and to core Pamunkeys on the reservation.²³⁸ It may also subtly permit the tribe to perpetuate racial barriers to membership. A 1965 newspaper article reported that “of the tribal rules, the one most rigorously enforced is a ban against Indian marriages to Negroes.”²³⁹ A 1969 Ordinance of the tribe confirmed this position by declaring that “no members of the Pamunkey Indian tribe shall intermarry with other person (sic) except those of white or Indian blood” on pain of tribal expulsion. All marriages between tribal members and non-residents of the reservation had to meet the approval of the chief and tribal council or the tribe denied these individuals and their children the right to live on the reservation.²⁴⁰ By requiring subjective “character” screenings for applicants for membership, the tribe presumably can deny tribal rights to individuals with black ancestry or to those who marry African Americans, although there is no evidence that they do so today. According to their 2010 membership petition, the tribe still conducts “in-person interviews” for citizenship.²⁴¹

Pamunkeys continue to distinguish between “members” who are genealogically Pamunkey Indians and “citizens” who have full tribal rights on the reservation. Men over the age of eighteen can become voting citizens of the tribe with the approval of the elected council, while all men under eighteen and all women are members, but cannot vote or hold political office. Voters must reside on the reservation, and they must have paid their taxes to

²³⁸ Fleming to Gray, April 11, 2011.

²³⁹ Tuck, “There’s No Wow in Pamunkey Pow: Customs Disappear,” E2

²⁴⁰ Rountree, “Powhatan’s Descendants in the Modern World,” 74.

²⁴¹ Fleming to Gray, April 11, 2011.

the tribal council.²⁴² The tribe has apparently dropped the blood quantum requirement for reservation residency imposed by the state of Virginia in the early twentieth century, perhaps as a result of increasing intermarriage with whites over the years. As late as the 1990s, however, the tribe continued to deny residency to women who married whites.²⁴³

Many of the historical struggles the Pamunkeys faced in their effort to preserve their reservation and Indian identity came as a result of their status as a state tribe. Without federal recognition, the Pamunkeys lacked assurances that whites would recognize them as Indians, especially during the Jim Crow years. To avoid extinction through either legislation or amalgamation, real or imagined, the Pamunkeys had to make hard decisions about their standards for belonging. In particular, they used “race” and social distance from African Americans as proof that they deserved separate categorization. Virginia’s biracial codes threatened Pamunkey identity, but also, more tangibly, “colored” classification threatened Pamunkey land. If whites did not believe they were Indian, they feared, Virginia might not hold up its treaty obligations to the tribe, including common ownership of their reservation. Distinguishing Pamunkey tribal members from blacks was thus a matter of both political and economic survival. The tribe’s decision to distinguish between “members” and “citizens” also reflected its goal of preserving the tribal land base. The tribe denied full rights to Pamunkey women—especially those who married whites—and off-reservation Pamunkeys because Pamunkey men on the reservation feared losing their control of the land. Historical factors, experiences, and fears influenced how the Pamunkeys decided who belonged.

²⁴² Fleming to Gray, April 11, 2011.

²⁴³ Rountree, *Pocahontas’s People*, 257.

Concerns about their land rights and their tribal status may explain the current application of the Pamunkeys for federal recognition. If the Pamunkeys choose to pursue federal acknowledgement, however, they will find their membership criteria increasingly subject to outside scrutiny. According to Fleming, the Office of Federal Acknowledgment deems it extremely important that the Pamunkeys “accurately” define their membership if they desire federal recognition. “Otherwise,” he warned the tribe, “the petitioner runs the risk of failing to meet other criteria because the group, as defined by its membership list, represents only a portion of a community or, conversely, includes a large number of people who are not demonstrably part of the community.”²⁴⁴ Although tribes have the legal right to fix their membership, the federal government has the legal right to deny recognition to tribes with “incomplete” acknowledgement applications. To achieve federal acknowledgement, the Pamunkeys may have to formally codify their membership criteria. The tribe must decide whether recognition is worth altering their long-established system of defining who belongs.

²⁴⁴ Fleming to Gray, April 11, 2011.

Chapter 2
From Fluid to Fixed:
Tribal Membership and The Catawba Nation of South Carolina

In January 2000, Cynthia Ann Walsh wrote a heated email to the editors of the Rock Hill *Herald*. The descendant of Catawba Indians who migrated west in the last decades of the nineteenth century, Walsh could not understand why her family had been excluded from the membership rolls of the Catawba Nation in South Carolina. “The Bureau [of Indian Affairs] simply is unable or unwilling to make up their minds what the criteria [for membership] ought to be,” she charged. “I find it an outrage that a federal agency has acted with such willful contempt for the clear language of federal laws entrusted to it to apply and enforce.”¹ Walsh and her family blamed their exclusion from the tribe on the mishandling of Catawba membership rolls by federal officials and the Catawba Nation. They demanded clear qualifications for membership so they could make their case for inclusion in the tribe.

Despite Walsh’s allegations of modern mystifying of Catawba membership criteria, defining Catawba tribal membership had never been simple. Before 1943 it was a fluid process that involved ongoing negotiations between Catawbans and South Carolina agents over per capita state appropriations payments made to tribal members. Social changes such as the arrival of Mormon missionaries on the reservation, the departure of some Catawbans for

¹ Susan J. Stabley, “Lawyer wants inclusion on tribe’s roll,” *The Herald* (January 31, 2000), in Judy Canty Martin, *My Father’s People: A Complete Genealogy of the Catawba Nation* (Cortez, Colorado: J. Martin, 2002), South Caroliniana Library, The University of South Carolina, Columbia, South Carolina (Hereafter South Caroliniana Library).

the West, and increasing intermarriage between Catawbas and outsiders led to decades of discussions, debates, and decisions on the meaning of belonging. The tribe, through the state, granted some Catawbas access to state appropriations, but denied the rights of others whom they did not consider tribal members. State appropriations lists reflected their changing ideas. The membership roll of 1943, which was compiled by Interior Department officials after the tribe gained federal recognition, was only a snapshot of this complex process, but it legally fixed Catawba tribal membership. For those left off, the 1943 roll seemed arbitrary and imposed by outsiders. Yet, the tribe had been actively involved in creating membership criteria all along, even if the Catawbas had not always uniformly agreed with final membership decisions. The 1943 roll ended the flexibility of Catawba tribal belonging, but it provided the Indians with an important legal tool to define concretely their political identity and to draw up official boundaries of citizenship.

The Catawbas, like the Pamunkeys, remained in the South following removal. Although the Catawbas had sustained a friendly alliance with the state of South Carolina for decades, white settlers looked enviously upon the Indians' extensive landholdings. Reduced in numbers by warfare and disease, the Catawbas could not farm all of their land, so they supplemented their incomes by renting much of their territory to white leaseholders beginning in the late eighteenth century. Initially this arrangement worked well, and Catawba community ties may have strengthened through lease holding.² By the 1830s, however, white lessees began to resent this situation. Year after year, these tenants sent petitions to the state legislature demanding that the Indians give up their reservation and transfer title of the lands

² James H. Merrell, *The Indians' New World: Catawbas and Their Neighbors from European Contact through the Era of Removal* (Chapel Hill: University of North Carolina Press, 1989), 234.

to whites. In 1832, the state appointed commissioners to negotiate with the Catawbas for the sale of their land.³

Under pressure from the state, white tenants, and non-Indian trespassers, in 1840 the Catawbas finally signed the Treaty of Nations Ford. The Indians agreed to give up their land in exchange for five thousand dollars that the state promised to use to purchase a new reservation in North Carolina. South Carolina also agreed to pay the Indians \$2,500 when they left their current homes and \$1,500 a year for nine years.⁴ This was meager compensation for the 144,000 acres of rich farmland ceded by the Indians, but the Catawbas had little choice but to sign. The treaty left the Catawbas without a place in South Carolina. Divided over where to go, some Catawbas drifted northward and joined the Eastern Cherokees in North Carolina. Others considered moving west and settling among the Choctaws or Chickasaws in Indian Territory. Still others preferred to stay where they were. For a time, at least, the Catawbas seemed disjointed and dissolved as a people.

South Carolina eventually abandoned its efforts to remove the Catawbas. Officials failed to purchase a suitable replacement for the lands the Catawbas ceded in 1840 or to appropriate the entirety of the promised treaty money. Instead of acquiring a new reservation for them in North Carolina, in 1842 their financial agent secured for the Catawbas a small tract of land on the Catawba River in South Carolina. The soil was poor, the terrain was hilly, and the land was covered in forest. Nevertheless, this tract, known as the “Old Reservation,”

³ Ibid, 247.

⁴ Ibid, 250.

became home for the Indians who returned to South Carolina in the mid-nineteenth century. The tribe gradually regrouped and reorganized a political system on this land.⁵

Instead of the funds provided by the treaty, in 1849 South Carolina governor Whitmarsh T. Seabrook promised to pay the Catawbas a six percent annual interest on their withheld funds. The state made these small annual payments to the tribe on a per capita basis until the 1940s, except during the Civil War.⁶ From 1840 to 1910, state appropriations totaled about \$86,900. From the 1910s through the 1930s, the state paid the tribe about \$9,500 annually. Some of the money funded a small school for Catawba children on the reservation in South Carolina.⁷ The financial agent paid the reservation's teacher, physician, and others who provided services to the tribe.⁸ Most of the money, however, was "doled out in small per capita payments," ranging from \$20 to \$40 for each tribal member. The Catawbas survived on this money, combined with what they could produce in their small gardens and cornfields, by hunting and fishing, or through selling their pottery.⁹ State officials believed that these payments fairly compensated the Catawbas for the land they lost in the 1840 treaty.¹⁰ The

⁵ Douglas Summers Brown, *The Catawba Indians: The People of the River* (Columbia: The University of South Carolina Press, 1966), 329, 320-321.

⁶ Louise Pettus, *Leasing Away a Nation: The Legacy of Catawba Indian Land Leases* (Spartanburg, S.C.: Palmetto Conservation Foundation, 2005), 50.

⁷ D'Arcy McNickle, Memorandum to the Commissioner, Subject: Catawba Indians, 1937, File 12492-1930-(011), Central Classified Files, 1907-39, General Service, 81591-1923-011 to 12492-1930-001 Part 2, Box 6, Record Group 75 (Hereafter RG 75), National Archives and Records Administration, Washington, D.C. (Hereafter NARA Washington).

⁸ Charles L. Davis, Special Indian Agent, to Commissioner of Indian Affairs, January 5, 1911, File 8990-1908-052, Central Classified Files, 1907-39, General Service, 41394-1935-051 to 36201-1908-052, Box 193, RG 75, NARA Washington.

⁹ Brown, *The Catawba Indians*, 322.

¹⁰ D'Arcy McNickle, Memorandum to the Commissioner, Subject: Catawba Indians, 1937, File 12492-1930-(011), Central Classified Files, 1907-39, General Service, 81591-1923-011 to 12492-1930-001 Part 2, Box 6, RG 75, NARA Washington.

Catawbas maintained that the state owed them a just settlement for the thousands of acres ceded at Nations Ford, but they took the state payments as temporary compensation for their considerable loss.¹¹

To determine which Catawbas were eligible for state payments, the tribe's financial agent kept annually-updated lists of tribal members. These lists included the names of individual Indians ordered in family groups and noted whether each person was married or single. The lists recognized both male and female household heads and indicated how much state money each individual received.¹² Until 1883, the agent published the lists each year in the state's reports and resolutions file. After that date, they were no longer published, although agents continued to compile lists in order to distribute payments.¹³ The Catawbas annually provided their agent with the names of people they believed the state should include on the appropriations lists.¹⁴ State payments created an incentive for Catawbas to consider formally what it meant to belong to the tribe, a process that profound social changes made more difficult.

Like the Pamunkeys, the Catawbas began distancing themselves from African Americans early in the nineteenth century after witnessing whites' racial attitudes to blacks

¹¹ B.S. Massey, *Report to the Governor of South Carolina on the Catawba Indians* (Columbia, S.C.: R.W. Gibbes & Co., State Printers, 1854), 5, South Caroliniana Library.

¹² *Survey of Conditions of the Indians in the United States, Hearings before a Subcommittee of the Committee of Indian Affairs*, United States Senate, 71st Congress, Part 16 (March 28, 1930): 7574-7575, File: Catawba Indians, Administrative, Catawba Indian Nation, Tribal Rolls, 1930, Thomas J. Blumer Collection on the Catawba Nation Native American Studies Collection, Medford Library, the University of South Carolina, Lancaster, South Carolina (Hereafter Thomas J. Blumer Collection).

¹³ Thomas J. Blumer, "A History Behind the Catawba Nation Tribal Roll, 1943-1999," in 7th *Generation Catawba News*, 1(April 1999), edited by Cynthia A. Walsh, File: Blumer, Thomas J., "A History Behind the Catawba Nation Tribal Roll, 1943-1999," mp, Thomas J. Blumer Collection.

¹⁴ Davis to Commissioner of Indian Affairs, January 5, 1911, File 8990-1908-052, Central Classified Files, 1907-39, General Service, 41394-1935-051 to 36201-1908-052, Box 193, RG 75, NARA Washington.

and observing—and participating in —slave systems.¹⁵ This process began early in Catawba history as the Indians forged military and trade alliances with white Americans, but it took on new urgency in the late nineteenth and early twentieth centuries with the development of Jim Crow segregation. As Indians, the Catawbas suffered racial prejudice at the hands of their white neighbors that only heightened following Reconstruction and the establishment of strict racial codes in the South. Aware of whites' even greater antipathy towards African Americans, the Catawbas, according to anthropologist Frank G. Speck, lived "in obsessed fear of being regarded as 'colored' and classified with negroes."¹⁶ The Catawbas discovered that harboring racial prejudice against black people helped distinguish them from African Americans in the eyes of whites. Negative attitudes towards blacks became a fundamental part of Catawba identity.¹⁷ By setting up strict racial boundaries, the Catawbas attempted to preserve their separate Indian identity at a time when whites would have readily lumped them into the general category of "colored." These ideas, in turn, limited who Catawbas viewed as potential marriage partners and helped create racial boundaries to Catawba tribal membership.

Even though the Indians lived in a region with a large African American population, they made every effort to avoid contact with blacks, a fact that astonished Special Indian Agent Charles L. Davis in 1911. Davis observed no friction between the Catawbas and their black neighbors, but he reported that "it seems to be simply the resolution of the little band to

¹⁵ For a detailed discussion of the development of Catawba racial thought, see James H. Merrell, "The Racial Education of the Catawba Indians," *Journal of Southern History* 50 (1984): 363-84.

¹⁶ File IV (18E6), Speck, Frank G., Racial Status, 1938, 3 items, Ms. Coll. 126, Frank G. Speck Papers, Sub-Collection 1, Box 12, IV (18E1)-IV (19E7), APS, Philadelphia.

¹⁷ Merrell, "The Racial Education of the Catawba Indians," 380.

keep clear of the colored population for their own wellbeing.”¹⁸ The Catawbas refused to marry blacks or even to engage in illicit sexual relationships with black neighbors. If any such unions existed, they remained hidden and unacknowledged. Most white observers agreed with the Catawbas’ assertion that “there is not a drop of negro blood in their veins.”¹⁹ Even those skeptical of the Indians’ claims to racial purity, “judging merely from the complexion of one or two families,” had to acknowledge that “if there is colored blood it dates many years back, and is quite limited in scope.”²⁰ For the Catawbas, as for the Pamunkeys, racial labeling as “colored” threatened the tribe’s survival as well as the legal rights and social privileges of tribal members.

Mormon missionaries arrived in the context of this move towards hardening racial ideas and contributed to the trend. Hoping to convert the region’s white population in the early 1880s, missionaries redirected their attention after a chance encounter with Catawbas at Rock Hill. They integrated themselves into Catawba community life, built a church, and set about educating Catawba children. Although local whites resisted Mormon efforts among the Catawbas—one elder was whipped by a mob and chased off the reservation—the Indians protected the missionaries and welcomed them into their homes.²¹ The first Catawbas to convert to the new faith were Robert Harris, Pinkney Head, John Saunders, and Jim Harris.

¹⁸ Davis to Commissioner of Indian Affairs, January 5, 1911, File 8990-1908-052, Central Classified Files, 1907-39, General Service, 41394-1935-051 to 36201-1908-052, Box 193, RG 75, NARA Washington.

¹⁹ “Woes of the Catawbas; Charlotte Lawyer to Take Their Appeal for Justice to High Court,” *The York Inquirer* (Aug. 24, 1929), Manuscript 4639, NAA Washington.

²⁰ Davis to Commissioner of Indian Affairs, January 5, 1911, File 8990-1908-052, Central Classified Files, 1907-39, General Service, 41394-1935-051 to 36201-1908-052, Box 193, RG 75, NARA Washington.

²¹ C.A. Callis, “Converted Lamanites,” *Liahona, the Elders’ Journal*, Vol. 6 (June 27, 1908):48-49, File: Catawba Indians, Mormon Church, Clippings, (1855-1997), Thomas J. Blumer Collection; Life of Chief Samuel T. Blue, July 28, 1955, p. 2, File: Blue, S.T. Autobiography, 1955, Watson, Ian M., Catawba Indian Genealogy Collection, 1750-1986, South Caroliniana Library.

These influential men soon induced other tribal members to follow their example, and by 1934 ninety-five percent of the Catawbas participated in Mormon meetings.²²

The Mormon message appealed to the Catawbas because it provided a counter-narrative to the racial prejudice of white South Carolinians against Indians. Although the Mormons, like other whites at the time, believed in the superiority of the white race, they also believed in the mutability of racial lines, at least when it came to Indians. They taught the Catawbas that they were members of a lost tribe of Israel, the Lamanites, who had been punished by God but who were still capable of salvation. Missionaries promised the Indians that sincere repentance, faithfulness to the gospel, and purity of life would “surely obtain for you forgiveness from God and...restore you to his favor.”²³ They guaranteed the Catawbas not only spiritual transformation, but also physical transfiguration. The descendants of the converted would eventually become white as a sign of God’s forgiveness.²⁴ As Catawba leader Sam Blue explained, the Mormons “brought a book [that was the] direct history of our fore father[s], which we had no other history before this book came along.”²⁵ According to historian Douglas Summers Brown, the Mormon message “gave them a place—and a respectable place—among the peoples of the world.”²⁶

²² File: Catawba Religious Beliefs, Mortuary Customs, and Dances, 1939, 3 items, Ms. Coll. 126, Frank G. Speck Papers, Sub-Collection 2, Box 21, Series I, Series II: A-E, American Philosophical Society, Philadelphia, Pennsylvania (Hereafter APS Philadelphia); Brown, *The Catawba Indians*, 341.

²³ Callis, “Converted Lamanites,” 48-49, Thomas J. Blumer Collection.

²⁴ Stanley Kimball, “Book of Mormon Promises to Indians Coming True, Says Chief,” *Desert News* (May 1, 1954): 7, File: Catawba Indians, Mormon Church, Clippings, (1855-1997), Thomas J. Blumer Collection.

²⁵ Life of Chief Samuel T. Blue, July 28, 1955, p. 2, File: Blue, S.T. Autobiography, 1955, Watson, Ian M., Catawba Indian Genealogy Collection, 1750-1986, South Caroliniana Library.

²⁶ Brown, *The Catawba Indians*, 341.

Although the Mormon message gave the Catawbas renewed pride that counteracted the racial discrimination they faced in South Carolina, the Mormons were less charitable towards African Americans. Whereas the book of Mormon promised Indians that if they converted their descendants would eventually gain the privilege of whiteness, no such redemption was offered blacks.²⁷ Mormon missionaries among the Catawbas taught that in ancient times God and the devil fought an epic battle. One third of the world's spirits fought for God and became Mormons. Another third fought with the devil and became those who reject Mormonism. The final third "remained neutral, and constitute the Negro race," marked as disgraced by their color.²⁸ Mormon missionaries directed their Catawba converts to have nothing to do with the members of this so-called degraded race. At a conference held on the Catawba reservation in 1908, the presiding Mormon official told the Indians of the "glorious promises that God had made to the house of Israel, and reminded his hearers of their ancestry." He went on to instruct them to be "industrious, sober, honest, law-abiding and not to contaminate themselves and their posterity by intermarrying with the negro race."²⁹ The Catawbas readily complied with this final command.

The combination of Catawba fears of being classified as "colored" and the direct exhortations of Mormon missionaries to avoid intermarriage with blacks deepened negative Catawba attitudes towards African Americans. By the 1930s, one government official proclaimed that these Indians did "not mix with negroes, nor interbreed with them," and that

²⁷ Kimball, "Book of Mormon Promises to Indians Coming True, Says Chief," 7, Thomas J. Blumer Collection.

²⁸ William Burton Hopper, "The Pernicious Mormon Doctrines," *Rock Hill Record* (Sept. 23, 1912): 6, File: Catawba Indians, Mormon Church, Clippings, (1855-1997), Thomas J. Blumer Collection.

²⁹ Callis, "Converted Lamanites," 48-49, Thomas J. Blumer Collection.

“negroes have a wholesome fear of the Indians and do not come upon the reservation.”³⁰ For the Indians, non-interaction with blacks was a point of pride and also a way of appealing to the sympathy of their white neighbors. Appeals to whites by demonstrating common racial thought partially paid off. Special Agent Davis insisted that “this one thing has done much to retain the respect and sympathy of the white population of the vicinity.”³¹ In terms of tribal membership, Catawba attitudes towards blacks meant that although the tribe, unlike the Pamunkeys, did not officially bar membership to those who married blacks, such a decree was unnecessary. Intermarriage with African Americans was unthinkable, and black Catawbas did not exist in the eyes of the tribe.

In addition to influencing Catawba racial thought, Mormon missionaries also encouraged some Catawba converts to move west. This effort ultimately had profound ramifications for the tribal membership rolls. Beginning in the late nineteenth century, missionaries sent tribal members to Salt Lake City and elsewhere in the West where they could receive further instruction and help build the Mormon community.³² In 1887, for example, five Catawba families headed by James Patterson, John Alonzo Canty, Alexander

³⁰ Supplement to Report on Catawba Indian Situation, March, 1935, File 12492-1930-(001), Central Classified Files, 1907-39, General Service, 81591-1923-011 to 12492-1930-001 Part 2, Box 6, RG 75, NARA Washington. Similarly, in 1946, W.R. Bradford noted that “not now, nor at any time in the past, has there been social intermingling between the Catawbas and negroes.” He reported that one old Catawba man, upon being asked how the tribe got along with blacks, replied, “Fine. We have nothing to do with them, and they have nothing to do with us. There hasn’t been a negro on the Reservation in five years.” See W.R. Bradford, “The Catawba Indians of South Carolina,” *Bulletin of the University of South Carolina*, New Series, 34, February, 1946, File: Catawba Reservation—Withdrawal, 130, 1944-1959, Cherokee Indian Agency, General Records Correspondence, Indian Field Service Filing System, 1926-1952, Box 44, RG 75, National Archives and Records Administration, Atlanta, Georgia (Hereafter NARA Atlanta).

³¹ Davis to Commissioner of Indian Affairs, January 5, 1911, File 8990-1908-052, Central Classified Files, 1907-39, General Service, 41394-1935-051 to 36201-1908-052, Box 193, RG 75, NARA Washington.

³² Hazel Lewis Scaife, *History and Condition of the Catawba Indians of South Carolina* (Philadelphia: Office of Indian Rights Association, 1305 Arch Street, 1896), 14.

Timms, Hillary Harris, and Pinkney Head, departed with the Latter-Day Saints for southern Colorado.³³ Some Catawbas returned to South Carolina, but many did not. Those Catawbas who stayed in the West built new lives for themselves, intermarried with whites and Latinos, and spread out to new homes in Utah, Colorado, and New Mexico. Although these Catawbas retained a sense of their Indian heritage and of their kin ties to the people they left behind, their geographical distance from the core Catawba community in South Carolina eventually called into question their rights as tribal members.

When Catawbas moved out of state, South Carolina faced a dilemma. Should state appropriation payments owed the tribe be paid to non-residents? At first state agents continued dispersing payments to Catawbas who migrated. In 1887, the General Attorney of South Carolina advised that Catawbas were “entitled to their pro rata share of such fund...so long as they belong to the tribe, and not upon their residence in this state.”³⁴ Pinkney Head and his family drew their appropriations for two years after leaving South Carolina.³⁵ Then the payments stopped. Under pressure from officials who had received complaints from South Carolina Catawbas about dwindling per capita payments, the agents refused to pay any more money to Catawbas outside of the state.³⁶ In 1892, this stance was formalized when the state legislature passed a resolution prohibiting payment to those Indians who left South

³³ Catawba Membership Petition, Applications of Viola Elizabeth (Patterson) Garcia Schneider, Brenda Kaye Scheider, Aric Grant Schneider Bartle (minor), Cynthia Ann Schneider Walsh, and Debra Sue Schneider, 1994, Thomas J. Blumer Collection.

³⁴ “The Catawba Indians,” *Rock Hill Herald* (March 31, 1887): 3, File: Catawba Indians, Legal, Court Cases, South Carolina (1887), Thomas J. Blumer Collection.

³⁵ Pinkney H. Head, to Secretary of the Interior, January 20, 1909, File 4985-09-211, Central Classified Files, 1907-39, General Service, 73560-1908-211 to 25139-1910, Box 592, RG 75, NARA Washington.

³⁶ Blumer, “A History Behind the Catawba Nation Tribal Roll, 1943-1999,” Thomas J. Blumer Collection.

Carolina.³⁷ From then on, the financial agent excluded western Catawbas from the appropriations lists.

Despite numerous appeals by Catawbas in the west and elsewhere, in 1905 South Carolina reaffirmed the ruling against paying Catawbas out of state. According to the new Attorney General, only those Indians on the reservation could get a share of the tribe's assets.³⁸ In 1909, the Assistant Attorney General for the state interpreted the law to mean "permanent residence in the State" and was set to deny appropriations even to those Catawbas who returned to South Carolina after some time away.³⁹ Although not every agent enforced the rule with such rigor, by the early twentieth century South Carolina officials were committed to reserving payments for South Carolina residents only. Special Agent Charles Davis explained in 1911 that "the State naturally objects to distributing what it terms gratuities to residents of other states."⁴⁰ This position infuriated western Catawbas who believed the State was cheating them out of their heritage and inheritance. In 1892, for example, Nancy Harris from Gainesville, Texas complained to the South Carolina governor

³⁷ Agent A.E. Smith to Nancy Harris, January 16, 1892, File: Catawba Indians, Administrative, SC, Agents, Smith, A.E. (1883-1897), Thomas J. Blumer Collection. That year, the financial agent remarked in his report to the Comptroller General of South Carolina that "heretofore my instructions have been to pay out equally to Catawba Indians, whether residents of this State or not, so long as they maintained their tribal relation...the provisions in the last Act limited appropriation to those living in this State only." See Report of the Comptroller General of the State of South Carolina to the General Assembly for the Fiscal Year Ending October 31, 1892 (Columbia, S.C.: Charles A. Calvo, Jr., State Printer, 1892), 200, File: Catawba Indians, Administrative, State of SC, Reports, Reports of the Comptroller General, Thomas J. Blumer Collection.

³⁸ "Claims of the Catawba," *Rock Hill Herald* (17 April, 1907):1, File: Catawba Indians, Legal, Court Cases, South Carolina (1905), Thomas J. Blumer Collection.

³⁹ M.P. DeBruhl, Assistant Attorney-General, to J.D. Lesslie, Agent Catawba Indians, April 9, 1909, cited in Report of J. Fraser Lyon, Attorney General to the General Assembly of South Carolina for the Fiscal Year, 1909 (Columbia, S.C.: Gonzales and Bryan, State Printers, 1910): 64, File Catawba Indians, Legal, Reports, State of South Carolina, Attorney General, Thomas J. Blumer Collection.

⁴⁰ Davis to Commissioner of Indian Affairs, January 5, 1911, File 8990-1908-052, Central Classified Files, 1907-39, General Service, 41394-1935-051 to 36201-1908-052, Box 193, RG 75, NARA Washington.

that she and her children had been cut out of their “just Rites.” Invoking the Catawbas’ long history of friendship with the United States, she demanded that the governor imagine himself in her situation: “if you was to move over in Georgia or north C would the members of the legetlater [sic] have a rite to take your home from you?”⁴¹

Some western Catawbas made direct appeals to the federal government for recognition of their rights as Indians. In 1895, a group calling themselves “the Catawba Indian Association” in Fort Smith, Arkansas held a convention and sent a petition to Washington asking for land allotments.⁴² This association represented two hundred and fifty-seven Catawbas and their descendants from the Indian Territory, Oklahoma, Arkansas, and Texas who had migrated west during the mid-nineteenth century.⁴³ They beseeched the federal government to investigate their situation and “to secure the Catawba Indians equal rights to share in the Public Domain the same as other Indians.”⁴⁴ They wanted to know if, as non-reservation Indians, they had rights to land or property in South Carolina, and also whether they could benefit from homesteading laws in their states and territories of residence.⁴⁵ The commissioner of Indian Affairs replied that he saw no reason why these

⁴¹ Nancy Harris, to Governor Tillman, February 10, 1892, File: Catawba Indians, Administrative, SC, Agents, Smith, A.E. (1883-1897), Thomas J. Blumer Collection.

⁴² Petition and Memorial in the Matter of Claims and Demands of the Catawba Indian Association to the United States (Fort Smith, Ark.: Thomas A. Higgins, Printers, 15 Apr., 1895), File: Catawba Indians, Administrative, US-BIA, Correspondence, 18 MS., 10 Apr. 1857—15 Apr. 1895, Thomas J. Blumer Collection.

⁴³ Richard Franklin Pettigrew, *The Catawba Tribe of Indians*, Committee on Indian Affairs, Senate, Department of the Interior, S.doc.144, Congress 54-2, February 1, 1897.

⁴⁴ Petition and Memorial in the Matter of Claims and Demands of the Catawba Indian Association to the United States (Fort Smith, Ark.: Thomas A. Higgins, Printers, 15 Apr., 1895), File: Catawba Indians, Administrative, US-BIA, Correspondence, 18 MS., 10 Apr. 1857—15 Apr. 1895, Thomas J. Blumer Collection. It is unclear whether these Indians ever received homesteads.

⁴⁵ James Bain, President of the Catawba Indian Association, to Commissioner of Indian Affairs, March 4, 1896, File: Catawba Indians, Administrative, US-BIA, Correspondence, 14 MSS., 18 Dec. 1895—17 Apr. 1905, Thomas J. Blumer Collection.

Indians should not “take up lands in severalty” in the West, but he remained silent on their rights to South Carolina Catawba assets.⁴⁶

In lieu of asking for rights as South Carolina Catawbas, some individuals who migrated west asked the government to grant them rights as members of western tribes. In 1896, the commissioner of Indian Affairs received a petition from Pinkney Head and seventy-five other Catawbas in Sanford, Colorado, “who claim to have once resided in South Carolina but are no longer ‘recognized’ by said State.” The petitioners asked to become members of the Ute Indian tribe on the Uintah Reservation, “receiving and enjoying in common with them all rights and privileges and the protection on the government.”⁴⁷ This petition did not reflect a relinquishment of Catawba identity on the part of Pinkney Head and his relatives, but simply showed that these Catawbas were looking for alternative ways to receive benefits in their new western homes. With South Carolina’s refusal to grant them shares of the state’s appropriation payments, union with the Utes seemed a viable alternative. Although Pinkey Head and his relatives may have hoped for allotments as Utes under the terms of the General Allotment Act of 1887, the federal government had no intention of adding to the rolls of western tribes.⁴⁸ The unintended consequence of this petition was to make both state officials and South Carolina Catawbas believe that Pinkney Head’s group had given up their rights in the Catawba Nation.

⁴⁶ D. M. Browning, Commissioner of Indian Affairs, to R.V. Belt, March 28, 1896, File: Catawba Indians, Administrative, US-BIA, Correspondence, 14 MSS., 18 Dec. 1895—17 Apr. 1905, Thomas J. Blumer Collection.

⁴⁷ Pettigrew, *The Catawba Tribe of Indians*, S.doc.144, Congress 54-2, February 1, 1897.

⁴⁸ Ibid.

South Carolina officials did not want to pay appropriations to Indians outside of the state, and South Carolina Catawbas supported this decision. In part, their motivations were financial. Desperately poor with few opportunities for employment, late nineteenth- and early twentieth-century Catawbas often depended on state money for survival. As one state agent explained to the governor of South Carolina, the Catawbas frequently bought goods on credit with the promise that they would pay back storekeepers once their appropriations came in. In this way, they were advanced both money and supplies that were critical for their daily needs even when they could not find jobs.⁴⁹ Catawbas took pride in maintaining “their good name in matter of credit,” yet the small amount of money they received barely covered living expenses.⁵⁰ One white woman married to a Catawba man recalled that the meager appropriations were “usually spent three or four times over before the year rolled around.”⁵¹ The Catawbas realized that if appropriations money went out of state, they would be left with even less credit and fewer means of feeding their families. For this reason, according to the agent, “the Indians have made a rule that if one of their number does not live on the reservation or in the State six months before they are paid off they will not be entitled to a share.”⁵² The decision to restrict the rights of western Catawbas was not simply imposed by the state, but something that South Carolina Catawbas also approved and promoted.

⁴⁹ J. D. Lesslie, Catawba Agent, to Governor Martin F. Ansel, July 5, 1907, File: Catawba Indians, Administrative, SC, Agents, Lesslie, J.D., (1906-1911), Thomas J. Blumer Collection.

⁵⁰ Davis to Commissioner of Indian Affairs, January 5, 1911, File 8990-1908-052, Central Classified Files, 1907-39, General Service, 41394-1935-051 to 36201-1908-052, Box 193, RG 75, NARA Washington.

⁵¹ Interview with Mae Bodiford Blue, December 30, 1971, Samuel Proctor Oral History Program, Oral History Collections, George A. Smathers Libraries, University of Florida Digital Collections, Gainesville, Florida (Hereafter Samuel Proctor Oral History Program).

⁵² Lesslie to Ansel, July 5, 1907, File: Catawba Indians, Administrative, SC, Agents, Lesslie, J.D., (1906-1911), Thomas J. Blumer Collection. Chief James Harris explained to reporters in 1907 that he had no objection to old tribal members returning to South Carolina and being reincorporated as full participants in the fund; however,

Catawba desires to restrict payments to tribal members in the state reflected their financial needs, but also may have showcased their cultural ideas about belonging. To be a Catawba, an individual had to be part of the Indian community. The core of that community was centered on and around the reservation lands in South Carolina, and for the Catawbas, physical presence on that land correlated with community belonging. As one Catawba man later described it, “Reservation life when I grew up was a caring, sharing extended family.”⁵³ Catawbas who moved away from South Carolina were not able to participate in the events and traditions that defined Catawba identity. They might maintain kinship ties to the core Catawba community and they might eventually return and reintegrate into community life, but as long as they lived apart from the Catawba community in South Carolina, they held a different status in the eyes of those Catawbas who remained in the state. In particular, western Catawbas who had migrated away generations before seemed undeserving of an equal share in the tribe’s assets.

Life on and near the reservation provided the Indians with knowledge of how to be Catawba that people raised elsewhere did not acquire. Although outside observers frequently assumed that Catawba culture was fading, community members continued to pass on unique life ways to their children, as well as to adapt and develop new cultural practices to maintain ethnic boundaries.⁵⁴ The Catawba language mostly disappeared in the early twentieth century (the last native speaker died in 1959), but Catawba worldviews persisted. Stories were a

he objected to Catawbas returning for money and departing again as soon “as they are paid off.” See “Claims of the Catawba,” 1, Thomas J. Blumer Collection.

⁵³ Fred Sanders Biography, in April 1999, 7th Generation Catawba Newsletter, quoted in Judy Canty Martin, *My Father’s People: A Complete Genealogy of the Catawba Nation* (Cortez, Colorado: J. Martin, 2002), 84, South Caroliniana Library.

⁵⁴ Scaife, *History and Condition of the Catawba Indians of South Carolina*, 19-20.

particularly important form of Catawba identity expression. In the 1930s, Catawba elder Bob Harris explained to anthropologist Frank Speck “that story-telling was intended to develop the mind, to make children think, to teach them about the ways of life.”⁵⁵ Among the old men and women who lived on the reservation “were always many tellers of tales who educated and frightened and amused the children, and entertained the adults.”⁵⁶ South Carolina Catawbas grew up hearing stories that projected a specific worldview and ethos. Those who lived away from South Carolina did not share this experience.

From their elders, Catawbas learned about “wild Indians,” who were mischievous creatures with a proclivity for upsetting small children. In an oral interview, Nola Campbell recalled that the older Catawbas warned her not to go out and play at night or put her feet on the ground lest the wild Indians get her.⁵⁷ Mrs. Roy Brown similarly recalled that the wild Indians, who were “little people, like little elves,” would lay in wait beneath floorboards. If children sat on a crack, the wild Indians would pull their feet through.⁵⁸ According to Catawba tradition, these little people lived in the old Catawba cemetery and elsewhere along the Catawba River, so only South Carolina Catawbas had to worry about them.⁵⁹ They ate

⁵⁵ Interviews taken by Frank Speck with Mrs. Samson Owl, Margaret Wiley Brown, Sally Gordon, and Sam Brown, p. 90, File: Catawba Texts—Page Proofs, 1933, 1 item, Ms. Coll. 126, Frank G. Speck Papers, Sub-Collection 2, Box 21, Series I, Series II, A-E, APS, Philadelphia.

⁵⁶ South Carolina Economic Association, “Rock Hill, South Carolina: Catawba Indian Reservation,” (Rock Hill, S.C.: S.C.E.A., 1940), South Caroliniana Library.

⁵⁷ Interview with Nola Campbell, by Frances Wade, October 22, 1973, p.1-2, Samuel Proctor Oral History Program.

⁵⁸ Interview with Mrs. Roy Brown, by Emma Echols, October 14, 1972, p.7-8, Samuel Proctor Oral History Program.

⁵⁹ Robert Harris, Wild Indians, B. Ward “Children of King Hagler,” EH, June 15, 1940, File: Catawba Indians, Folklore, TJB Research Notes, Thomas J. Blumer Collection.

acorns, tree roots, fungi, turtles, and tadpoles.⁶⁰ If they captured children, they would take them away and tie their hair in tree branches.⁶¹ One woman remembered that the wild Indians stole her younger brother. When the family found him, he was shivering and alone on a big tree stump in the middle of a pond. The wild Indians had sucked all the blood out of one of his arms and he was nearly dead, but in return the little people had given him healing knowledge.⁶² Stories of wild Indians terrified Catawba children, but they also provided common childhood memories and taught children important lessons—especially about obeying their parents at bedtime!

Catawbas told many stories specific to the landscape of their homeland. Community members knew, for example, that “the baldness which characterizes the Roan Mountain” arose from three ancient battles the Catawbas fought against enemy tribes. After the Catawbas carried the day, “the Great Spirit caused the forests to wither from the three peaks of the Roan Mountain where the battles were fought.” In their place grew crimson flowers, “nourished by the blood of the slain.”⁶³ South Carolina Catawbas also knew about a place in the Catawba River where noises heard among a row of rocks were “said to be caused by old Indians crossing there.” At another point near the reservation, tribal members sometimes heard ghostly Catawbas dancing and singing. One man even claimed he “once saw a woman dressed in the ancient manner with bow and arrows and a bundle on her back” down by the

⁶⁰ Frank G. Speck, *The Catawba Texts* (New York: Columbia University Press, 1934), 27, South Caroliniana Library.

⁶¹ Robert Harris, Wild Indians, B. Ward “Children of King Hagler,” EH, June 15, 1940, File: Catawba Indians, Folklore, TJB Research Notes, Thomas J. Blumer Collection.

⁶² Speck, *The Catawba Texts*, 27, South Caroliniana Library.

⁶³ Swanton, J.R., *Excerpts from Published Sources*, No. 1 Myths and Customs of the Cherokee, Catawba, and Choctaw, from “Adventures in the Wilds of the United States and British Provinces,” by Charles Lanman, 2 vols., Philadelphia, 1856, Manuscript 4146, NAA Washington.

river. She vanished from view as quickly as she appeared.⁶⁴ Tribal member Nola Campbell remembered a story about a mysterious white horse that “walked up and down that road past where Georgia and Douglas Harris lived.”⁶⁵ Although she never saw the horse herself, the story was ingrained in her memory in part because of the familiar geographical space and residence that it evoked. Non-resident Catawbas could not have shared the knowledge relayed by such stories because they did not share the same familiarity with the landscape of South Carolina.

In the 1930s, anthropologist Frank G. Speck worried that younger members of the tribe were beginning to forget the stories of their ancestors with the introduction of Euro-American schooling. He argued that the Catawba children he encountered possessed “practically no knowledge of the native tales and traditions which made animal life and nature in general so mysterious to their ancestors.”⁶⁶ It may have been true that knowledge-systems were changing on the reservation; however, this did not mean the end of story-telling traditions. Catawbas often adapted Euro-American tales to make them fit within the world the Indians knew. For example, Speck recorded a Catawba story reminiscent of the Judeo-Christian account of Noah’s Ark. In the Catawba version, “it rained so much that the river rose,” an idea that would not have been unfamiliar to people who lived along the Catawba River and occasionally dealt with severe floods, such as the Great Flood of July, 1916. Instead of escaping on an ark, the Catawbas in the story climbed up trees on an island and

⁶⁴ John Reed Swanton, *Catawba Linguistic and Miscellaneous Notes*, 1922, Manuscript 4278, NAA Washington.

⁶⁵ Interview with Nola Campbell, by Frances Wade, October 22, 1973, p.1-2, Samuel Proctor Oral History Program.

⁶⁶ Speck, *The Catawba Texts*, xiv, South Caroliniana Library.

remained there for a long time. Finally, like Noah, they sent a dove away to discover if the land had dried. The dove returned, but instead of an olive leaf, “it brought back corn in its mouth.”⁶⁷ For the Catawbas, the introduction of this new story, adapted into a Catawba framework, did not mean a loss of tradition. It simply signaled the evolving nature of their culture and the addition of new tales to their repertoire of stories.

In addition to providing an environment for shared storytelling, residency on or near the reservation also provided Catawbas with the opportunity for participation in community activities such as dancing. Like stories, dancing evolved as a Catawba tradition. Older Indians recalled earlier times when their people “made a fire outside and danced around it.” Traditional dances were led by old men and continued long into the night.⁶⁸ These physical expressions of cultural identity were reserved strictly for community members. According to Margaret Brown, who spoke with Frank Speck in the 1920s, years earlier a black man who worked on the reservation had attempted to join in the festivities. Up until that point the young man had been treated with “considerable freedom” on the reservation, but when he tried to join the Catawba dancers, his employers turned on him. The black man “fled through the woods, the horde behind him...it is said they might have killed him had they caught him then.”⁶⁹ This event may have partially reflected the Catawbas’ hardening ideas of race. It certainly reflected their sense that dancing was a critical marker of Catawba identity reserved only for members of the community.

⁶⁷ File 497.3, Sp3, Speck, Frank G., Catawba Texts, (pt. 1), 1971, 1595 ms, APS, Philadelphia.

⁶⁸ Ibid.

⁶⁹ File: Catawba Dances and Musical Instruments, n.d., 2 items, Ms. Coll. 126, Frank G. Speck Papers, Sub-Collection 2, Box 21, Series 1, Series II: A-E, APS, Philadelphia.

Traditional dances began to fade by the late 1870s.⁷⁰ The influence of Mormon missionaries may account for their decline. Dancing, however, did not end. Certain community members like Sam Blue made it their mission to preserve knowledge of traditional Catawba practices like dancing, and they passed this information on to their children and grandchildren.⁷¹ In addition, as with stories, the Catawbas adapted Euro-American dances to serve as new forms of Catawba identity expression. Nola Campbell remembered that every Saturday night Catawbas gathered at a different tribal member's house and held square dances. Even though the homes were small, they would simply "tear the beds down and throw them in the back room and just dance up a breeze in their living room." Such dances were not as exclusive as the traditional Catawba dances. Campbell recalled that her relatives sometimes hired "a colored man by the name of Charlie Crawford to pick a guitar," while an intermarried Cherokee named Major Beck sometimes played the fiddle.⁷² Nevertheless, they served as important community gatherings where friends and relatives met, laughed, and shared a good time. Western Catawbas missed out on this opportunity.

A particularly critical marker of Catawba identity on the reservation that withstood the test of time was pottery-making.⁷³ Mothers taught their daughters how to dig, wash, and knead clay and the best ways to build pots. Arzada Sanders recalled that she learned to build

⁷⁰ Ibid.

⁷¹ Charles C. Moore, "An Interview with the Chief of the Catawba Indians: Billy Gilbert Blue," *The Lance: The Literary Magazine of the University of South Carolina, Lancaster, S.C.*, 11 (Fall, 1973): 20-30, Thomas J. Blumer Collection.

⁷² Interview with Jessie Harris and Nola Campbell, by Frances Wade, November 4, 1974, Samuel Proctor Oral History Program.

⁷³ "Indian Tribe Gradually Fading: Catawbas Drop Old Customs for New," *Chicago Daily Tribune* (Aug. 19, 1962): 38. Accessed through ProQuest Historical Newspapers. Catawbas refer to building, not making, pots.

“the old timey pottery” such as “big bowls for holding flowers” and big pots decorated with “heads and three legs” by watching her mother and grandmother.⁷⁴ Similarly, Isabel George remembered how her mother made her beat clay as a child. After she finished preparing her mother’s clay, she got a small piece of clay and practiced building her own pots. Even when at play, George recalled, she dug out “old red, stiff mud,” sat out on the road, and practiced building pots like her mother.⁷⁵ By the time a young Catawba woman married, she was “normally able to continue the tradition as a master potter in her own household.”⁷⁶

Pottery building was a family affair. Women were usually in charge, but their husbands and children helped them by digging clay and scraping and polishing pots.⁷⁷ The rubbing rocks used to smooth finished pieces became family heirlooms passed through generations. Mrs. Roy Brown noted that one had belonged to her great aunt and must have been at least a century old.⁷⁸ Catawba potters artistically crafted “fantastic designs” on their many of their wares, including representations of “squirrels, turtles, birds, pots, shoes, and other familiar objects.” Not only did potters showcase their artistic talents, but their creations also provided valuable income for their families. In the 1890s, Catawba women carried “their wares to Rock Hill, where they barter them for old clothes or anything that is offered for

⁷⁴ D. Ke Wright, “Catawba Pottery Maker: Mrs. Arzada Sanders,” *The Lance: The Literary Magazine of the University of South Carolina, Lancaster, S.C.*, 11 (Fall, 1973): 31-39, Thomas J. Blumer Collection.

⁷⁵ Interview with Isabel George, February 6, 1972, Samuel Proctor Oral History Program.

⁷⁶ Stephen G. Baker, “Catawba Indian Trade Pottery of the Historic Period,” (Columbia, S.C.: Columbia Museum of Art, 1973), South Caroliniana Library.

⁷⁷ Baker, “Catawba Indian Trade Pottery of the Historic Period,” South Caroliniana Library; Vladimir J. Fewkes, “Catawba Pottery-Making, With Notes on Pamunkey Pottery-Making, Cherokee Pottery-Making, and Coiling,” (Philadelphia: University Museum, University of Pennsylvania, 1944), 73, South Caroliniana Library.

⁷⁸ Interview with Mrs. Roy Brown, by Emma Echols, October 14, 1972, Samuel Proctor Oral History Program.

them.”⁷⁹ In later years they sold pots at Winthrop College and to tourists and collectors who visited the reservation.⁸⁰

Catawba pottery, like stories, was a product of a particular landscape. Potters knew the locations of the best clay holes and they were careful to keep these places in good order. One potter recalled that clay was dug so often from a particular place that “now the hole is big.” Catawbas kept the clay fresh by filling the hole with dirt in between visits.⁸¹ They used two different types of clay, “a fine-grained stiff variety called ‘pipe clay’” and “a course, lighter, crumbly kind known as ‘pan clay.’” In 1908, the Catawbas mined three sites in South Carolina for pan clay, and five for pipe clay. They worked each clay hole until “it becomes troublesome to keep free of water, then abandon it and begin another one near by.”⁸² Knowledge of clay holes and pottery building was intimately tied to the natural landscape and cultural environment of South Carolina.

In addition to providing raw materials for manufactured goods, the land around the reservation contained plants and animals critical for traditional forms of Catawba healing. Many reservation Indians believed that evil spirits or ghosts caused sickness. Fortunately, Catawbas knew how to prepare and take medicine for recovery.⁸³ The bark of slippery elm,

⁷⁹ Scaife, *History and Condition of the Catawba Indians of South Carolina*, 19.

⁸⁰ Raven I. McDavid, to Eleanor Roosevelt, July 9, 1939, Central Classified Files, 1907-39, General Service, 81591-1923-011 to 12492-1930-001 Part 2, Box 6, RG 75, NARA Washington.

⁸¹ File: 497.3, Sp3, Speck, Frank G., *Catawba Texts*, (pt. 1), 1971, 1592ms, APS, Philadelphia.

⁸² M.R. Harrington, “Catawba Potters and Their Work,” *American Anthropologist* (Jul., Aug., Sept., 1908): 402-404, South Caroliniana Library.

⁸³ Frank G. Speck, “Catawba Medicines and Curative Practices,” *Twenty-Fifth Anniversary Studies: Philadelphia Anthropology Society*, edited by D.S. Davidson (Philadelphia: University of Pennsylvania Press, 1937), 180-181, South Caroliniana Library.

for example, cured consumption and “the chills might be cured by rolling up a granddaddy-long-legs in a dough and swallowing it.” Parents gave babies tea made out of powdered turtle hearts to ensure long life.⁸⁴ When they had headaches, Catawbas wrapped their heads with snakeskin.⁸⁵ According to Gilbert Blue, who became chief of the tribe in the 1970s, a local herb called fireweed had power as “a potence builder in males.” He said that his grandfather, Sam Blue, used to swear by fireweed, “and he himself had twenty-three children.”⁸⁶ Some natural remedies were exported by migrating Catawbas. For example, Susannah Harris married a Cherokee named Samson Owl and moved to North Carolina, but she still recalled that a rabbit’s foot could be used as a love charm and that sassafras wood should not be burned in the summer or the burner would tell lies.⁸⁷ Thomas Morrison, who moved to Arkansas as a child and later returned to South Carolina as a respected healer, also retained a wealth of Catawba healing knowledge.⁸⁸ For the most part, however, medicinal knowledge, like stories, dances, and pottery, remained community-specific information related to life on the reservation in South Carolina.

Reservation life was important to Catawba identity, but barriers between South Carolina and western Catawbas were not impermeable. If individuals returned and rejoined the community in South Carolina, the core Catawbas on the reservation welcomed them and

⁸⁴ John Reed Swanton, *Catawba Linguistic and Miscellaneous Notes*, 1922, Manuscript 4278, NAA Washington.

⁸⁵ Frank G. Speck, *Catawba Texts*, 1921-1928, Manuscript 1777, NAA Washington.

⁸⁶ Moore, “An Interview with the Chief of the Catawba Indians: Billy Gilbert Blue,” 20-30, Thomas J. Blumer Collection.

⁸⁷ Frank G. Speck, *Catawba Texts*, 1921-1928, Manuscript 1777, NAA Washington.

⁸⁸ Frank G. Speck, “Catawba Herbals and Curative Practices,” *Journal of American Folklore*, Vol. 57 (Jan.-Mar., 1944):37-50, File: Speck, Frank G., Catawba Herbals and Curative Practices, 1937, Frank T. Siebert Papers, Ms. Coll 97, Series II: Catawba, Box 14, APS, Philadelphia.

granted them equal rights to tribal assets. A powerful example of this flexibility was the case of Thomas Morrison. Morrison left South Carolina as a child in 1853 and moved with his parents to Arkansas.⁸⁹ In the 1880s he returned to South Carolina as a grown man. According to anthropologist Frank G. Speck, who worked with Catawbas in the early twentieth century, Morrison was well known to the Indians as a “medicine doctor.” The Catawbas respected his knowledge of the traditional Catawba art of curing and welcomed his reintegration into community life. Morrison ingratiated himself by refusing to charge Indians for his services, although he did collect payments from whites whom he treated. He conveyed to Catawba leader Sam Blue much of his knowledge, especially “herbs and nature potencies” for healing. Morrison even served as an interim chief of the tribe in 1886. He stayed in South Carolina for several years, and during this time he drew a share of the tribal funds from the state. Eventually he returned to Arkansas around 1900, but while he lived in South Carolina he was a full and active community member.⁹⁰ Morrison’s story illustrates that South Carolina Catawbas did not deny the Catawba identities of those who moved west or reject the possibility of them rejoining the tribe; they simply believed that these individuals should return to the community before they received payments as tribal members.

Although South Carolina Catawbas may have agreed with the state’s restrictions on paying appropriations to western Catawbas, they were less pleased when South Carolina denied funds to Catawba children who left the state to attend boarding schools. Beginning in the 1890s, a steady stream of Catawba youth left home to attend school at the Cherokee

⁸⁹ Brown, *The Catawba Indians*, 335. This was the time of a smallpox epidemic in South Carolina, and Morrison’s parents may have fled hoping to escape the virus. See Speck, “Catawba Herbals and Curative Practices,” 37-50.

⁹⁰ Speck, “Catawba Herbals and Curative Practices,” 37-50.

boarding school in North Carolina and at the Carlisle Indian Industrial School in Pennsylvania. Catawbas had mixed feelings about the boarding schools. Although parents wanted their children to have new opportunities, they worried about their wellbeing, especially when students like Rosa Harris returned from Carlisle in poor health.⁹¹ The death of Wade Ayers at Carlisle in 1903 from a smallpox vaccination was a severe blow to the tribal community.⁹² Parents wondered if it were worth sending their children away. They also worried about how children's absence from South Carolina would affect family finances.

When Catawba children left South Carolina to attend boarding school, the state cut off their annual appropriation payments. This situation put Catawba parents in a bind. Although they saw graduates of Carlisle return "to their people masters of a trade, industrious and thrifty," they worried about how the family would manage in the meantime. As a result, many parents "were more than ready to keep their children home and thereby deprive them of the benefits which they might have received at Carlisle." Advocates for Indian education tried to address this problem. Mrs. R. E. Dunlap, a teacher at the Catawba Indian School on the reservation, wrote the governor of South Carolina and pleaded the children's case.⁹³ Through her efforts, the issue reached the level of a scandal, and for a time, students received their state pensions. Gradually, however, the dispersing agents for the state began denying pupils their payments once again.⁹⁴ Despite the appeals of federal agents to the commissioner

⁹¹ Carlisle Indian Industrial School—Catawba Chronology (1893-1911), compiled by TJB, File: Catawba Indians, Education, Carlisle Industrial School (1893-1911), Thomas J. Blumer Collection.

⁹² William M. Goins, editor, *South Carolina Indians Today: An Educational Resource Guide* (Columbia, S.C.: Phoenix, 1998), 19, South Caroliniana Library.

⁹³ "Strange Conditions of the Indian School," *The State* (Wednesday, January 20, 1904).

⁹⁴ Thomas J. Blumer, "The Development of the Current Catawba Nation Tribal Roll," Mar. 1997, Thomas J. Blumer Collection. See also Davis to Commissioner of Indian Affairs, January 5, 1911, p. 2, File 8990-1908-

of Indian Affairs on the matter, the Catawbas, as a state-recognized tribe, had to deal with state officials rather than with the federal government. The issue of state appropriations and boarding school students continued to fester without clear resolution.

State residency played into evolving Catawba notions of belonging, but so too did shifting ideas of kinship. Kinship traditionally had defined Catawba tribal belonging, and as a matrilineal society the Catawbas customarily traced kinship exclusively through the mother's line. Over time, however, the Catawbas began to rethink their views on kin. Repeatedly decimated by disease over the course of the nineteenth century, the tribe's population dwindled to around one hundred by 1900. With only a few Catawba spouses to choose from, tribal members began looking elsewhere for marriage partners. Exogamous marriages, however, had consequences for Catawba ideas of tribal membership. If only one parent was Catawba, did a child really belong to the tribe? Did inheritance patterns apply equally to the children of male and female Catawbas? What status would non-Catawba spouses hold in the tribe? The resolution of these questions had important implications.

As time passed, it grew more difficult for the Indians to find non-related partners within their tight-knit community.⁹⁵ Southeastern Indians had long-standing taboos against incest, and these concerns were heightened by personal experiences with the results of such

052, Central Classified Files, 1907-39, General Service, 41394-1935-051 to 36201-1908-052, Box 193, RG 75, NARA Washington. The superintendent of the Cherokee boarding school summarized the ongoing problem in 1910: "If the per capita was paid just the same whether the children were on the reservation or elsewhere, no doubt the attitude of the parents regarding sending their children away to be educated would undergo a change." See Frank Kyselka, Superintendent, to Commissioner of Indian Affairs, March 25, 1910, p. 3, File 8990-1908-052, Central Classified Files, 1907-39, General Service, 41394-1935-051 to 36201-1908-052, Box 193, RG 75, NARA Washington.

⁹⁵ Howard George explained this dilemma in a 1972 oral interview: "Well, in a way if you married your own race of people...down there on the Catawba Indian Reservation, you'd marry your own kin people some way or another 'cause they was all kin one way or another." See interview with Howard George, November 16, 1972, Samuel Proctor Oral History Program.

unions. Frank Speck's Catawba informants told him in the 1930s that if close relatives married, "something might happen to produce spoiled (defective) children...their minds might not be good."⁹⁶ Similarly, tribal member Howard George's grandfather warned him that "some his people married like that into people and said then their children were born blind."⁹⁷ Like the Pamunkeys, Catawbas worried about the effects that years of endogamy might have on the vitality of future generations. Rather than engage in relationships with close kin, Catawbas began seeking spouses outside of the tribe.

Intermarriage with other Indians was one option the Catawbas pursued to remedy the problem of marriage within a small, closely-related community. In the early nineteenth century, for example, a Catawba woman married a Pamunkey man named John Mush (or Marsh). This Pamunkey left his relatives in Virginia and moved onto Catawba land. He and his wife had several children, and he eventually died among her people about 1860. According to anthropologist James Mooney, who visited the tribe in the late nineteenth century, the Mush children married Catawbas. By the 1880s, there were at least twelve members of the family out of a reservation population of barely one hundred. Although Mooney suggested that some of the other Catawbas disliked the Mush family on account of their "sullen disposition," they nonetheless considered the family fully Catawba.⁹⁸ After all, the Mush children descended from a Catawba mother.

⁹⁶ File: Catawba Texts—Page Proofs, 1933, 1 item, Ms Coll. 126, Frank G. Speck Papers, Sub-Collection 2, Box 21, Series I, Series II: A-E, APS, Philadelphia.

⁹⁷ Interview with Howard George, November 16, 1972, Samuel Proctor Oral History Program.

⁹⁸ James Mooney to Albert S. Gatschet, September 20, 1887, Manuscript 4047, Gatschet, Albert S., Letters received, 1880-1891, NAA Washington.

Although they had been traditional enemies, Catawbas also began marrying Cherokees in the mid-nineteenth century after some of the tribe moved to North Carolina following the 1840 Treaty of Nations Ford. Most Catawbas eventually returned to South Carolina after “latent tribal jealousies broke out,” but a few remained—mostly intermarried women. Contact between the two tribes continued, and Catawbas and Cherokees occasionally married each other. James Mooney reported that in 1898 two Catawba women, Nettie Harris Owl and Susannah Harris Owl, lived among the Eastern Band, both married to Cherokee men. These women were expert potters and shared their methods with their husbands’ tribe.⁹⁹ Susannah later became a key Catawba informant for anthropologist Frank G. Speck in the early twentieth century.¹⁰⁰ She had begun her married life among her own people, but then moved to her husband’s reservation so that their children could attend the Cherokee school.¹⁰¹

Over the years, a few Cherokees also moved south to the Catawba Reservation, usually accompanying Catawba spouses. In some cases, intermarriages between the two tribes spanned generations and included multiple family ties. Lily Beck, a woman of Cherokee ancestry, met Joseph Sanders, a Catawba man, in the first decade of the twentieth century while he was visiting friends in North Carolina. The pair soon moved back to the Catawba Reservation and married.¹⁰² Not long after, Lily Beck’s grown son from a previous

⁹⁹ Notes on James Mooney, File IV (18E15), Cadwalader, John, Catawba Tribal History, n.d., 8 items, Ms. Coll. 126, Frank G. Speck Papers, Sub-Collection 1, Box 12, APS, Philadelphia.

¹⁰⁰ Frank G. Speck, *Catawba Texts* (New York: Columbia University Press, 1934), x.

¹⁰¹ Thomas J. Blumer, “Catawba Influences on the Modern Cherokee Pottery Tradition,” *The Appalachian Journal* (Winter, 1987): 156, File: Blumer, Thomas J., Watson, Ian M., Catawba Indian Genealogy Collection, 1750-1986, South Caroliniana Library.

¹⁰² Interview with Sally Brown Beck, by Emma Echols, October 5, 1972, Samuel Proctor Oral History Program.

relationship, Fletcher Beck, went to South Carolina to visit his mother. Fletcher soon found a Catawba spouse as well and married in 1914.¹⁰³ Other couples met at the Carlisle Indian Industrial School. After a Catawba man brought back a Cherokee wife from Carlisle, the woman's brother, Major Beck, visited the Catawba Reservation. His Catawba wife later recalled, "he never did go back...I guess the young girls would not let him go back."¹⁰⁴ Donna Curtis, the current enrollment officer for the tribe, has recalled that her grandfather, Major Beck, gave up his claims to Cherokee tribal membership when he moved onto the Catawba reservation and married Lula Beck. The couple's children appeared on the Catawba appropriations list; other cousins who lived in North Carolina were on the Cherokee tribal roll.¹⁰⁵

Catawbas who married Cherokees had to make choices about the legal identity of their children. Some, hoping to benefit from Eastern Band timber money and claims settlements, enrolled their children in that tribe. When they did this, however, their children forfeited their rights as Catawbas because neither the federal government nor South Carolina tolerated dual tribal citizenship. Commenting on one such case in 1909, the Assistant Attorney General for South Carolina insisted that if "the father is Cherokee" and if the family's two children were "enrolled for participation in the settlement with the eastern Cherokees," then these children were "certainly not entitled to the provision made by the State of South Carolina for the Catawba." In his view, this held true even though the

¹⁰³ Interview with Cora Ethel Beck Warner, by Frances Wade, October 1, 1975, Samuel Proctor Oral History Program.

¹⁰⁴ Interview with Lula Blue Beck, by Emma Echols, March 4, 1994, Samuel Proctor Oral History Program.

¹⁰⁵ Personal Communication with Donna Curtis, Catawba Indian Nation, S.C., 4 May, 2011.

children's mother was Catawba and the family had moved back to South Carolina.¹⁰⁶ Other families welcomed the opportunity to list their children as Catawbas from the start. This was especially true for certain members of the Beck family whose rights as Cherokees were questionable because the family had lived apart from the Eastern Band for many years in Georgia.¹⁰⁷ Unable to enroll officially as Cherokees, the Becks who married Catawbas moved to South Carolina and registered their children with the Indian agent there.

Non-Catawba Indian spouses provided one solution for the problem of Catawbas marrying close kin, but this was not practical for everyone on the reservation. Catawbas had much more contact with non-Indians in the surrounding counties of South Carolina than they did with Indians from other states. Although they refused to marry African Americans, Catawbas were open to relationships with whites. Catawba women had begun marrying white traders in the eighteenth century, a practice revived in the nineteenth. Whether due to the uneven effects of disease, alcohol, and stress or to random chance in a small population, Catawba women outnumbered men in the late nineteenth century. This meant that Catawba men usually could find Catawba wives, but eligible bachelors were not as readily available to Catawba women. Genealogist Ian Watson has proposed that this gender imbalance encouraged Catawba women to seek relationships with whites.¹⁰⁸ Whether the unions were brief or permanent, Catawbas considered children resulting from these relationships fully

¹⁰⁶ M.P. DeBruhl, Assistant Attorney-General, to J.D. Lesslie, Agent Catawba Indians, April 9, 1909, cited in Report of J. Fraser Lyon, Attorney General to the General Assembly of South Carolina for the Fiscal Year, 1909 (Columbia, S.C.: Gonzales and Bryan, State Printers, 1910): 64, File Catawba Indians, Legal, Reports, State of South Carolina, Attorney General, Thomas J. Blumer Collection.

¹⁰⁷ Interview with Sally Brown Beck, by Emma Echols, October 5, 1972, Samuel Proctor Oral History Program.

¹⁰⁸ Ian Watson, *Catawba Indian Genealogy* (Geneseo, NY: The Geneseo Foundation and the Department of Anthropology, State University of New York at Geneseo, 1995), 86.

Catawba. They inherited their right to a place on the tribe's appropriations list through their mother's line.

Catawba women led the way in interracial relationships, but soon Catawba men also began seeking white spouses.¹⁰⁹ Job opportunities on nearby farms or in town exposed these men to whites, and budding friendships with white men led to interactions with their white sisters and cousins. Evelyn MacAbee George, a white woman, recalled that her cousin encouraged her romance with a Catawba youth. The daughter of an overseer, she met her future husband when he came to work at the farm. Her cousin became friends with the young Catawba, and began telling Evelyn "things that Mac said and telling Mac things that [she] said that [they] did not say." He eventually arranged a date for the pair.¹¹⁰ Although some white families objected to such matches, others, like the MacAbees, accepted their Catawba sons-in-law.

The anti-miscegenation laws of South Carolina complicated these relationships. Although Radical Republicans had repealed such laws after the Civil War, state legislators enacted new sanctions in 1879.¹¹¹ Not only did the new law bar marriages between blacks and whites, but it also prohibited intermarriage between whites and Indians. Legislators reinforced this ruling in subsequent legal codes of the state. In 1918, a Catawba man named

¹⁰⁹ Charles Davis reported that there was "ample evidence that many members of the tribe marry whites." He noted that, "it is about necessary for them to marry outside the tribe by reason of its limited numbers, and all left is the low class of white with which they seem to affiliate somewhat." See Davis to Commissioner of Indian Affairs, January 5, 1911, p. 3, File 8990-1908-052, Central Classified Files, 1907-39, General Service, 41394-1935-051 to 36201-1908-052, Box 193, RG 75, NARA Washington.

¹¹⁰ Interview with Evelyn MacAbee George, by Emma Echols, September 2, 1976, Samuel Proctor Oral History Program.

¹¹¹ Joel Williamson, *After Slavery: The Negro in South Carolina during Reconstruction, 1861-1877* (New York: W.W. Norton, 1975), 297.

Ben P. Harris wrote to the Attorney General of the state to inquire about “intermarriage of races.” The Attorney General replied by quoting Section 385 of South Carolina’s Code of Laws of 1912: “It shall be unlawful for any white man to intermarry with any women of either the Indian or negro races, or any mulatto, mestizo, or half-breed, or for any white woman to intermarry with any person other than a white man.” The law declared that marriages in violation of this rule would be “utterly null and void and of non effect.” Moreover, people engaging in such unions were guilty of a misdemeanor and could be fined five hundred dollars and imprisoned for a year.¹¹² Despite these legal barriers, however, Catawba men and women continued to marry whites. Even if South Carolina did not legally sanction these marriages, interracial partners lived together as husband and wife, and white families and tribal members recognized them as legitimate spouses.

Although Catawbas accepted interracial couples, it took time for white spouses to become integrated into Catawba community life. Catawbas interacted with whites on a regular basis, but “because of the treatment that they received at their hands,” some Indians felt bitter towards and suspicious of whites who joined the reservation community. One white woman who married a Catawba remembered that she “did everything to make friends with them,” including freely dividing produce from her garden with her neighbors, yet she “felt like they resented [her].” Only after years of patience and friendship did she finally feel that they “accepted [her] as one of them.” Once fully incorporated into community life, however,

¹¹² Attorney General of South Carolina to Ben P. Harris, April 27, 1918, File 49246, Central Classified Files, 1907-39, General Service, 109179-1916-173.1 to 94533-1920-173.1, Box 542, RG 75, NARA Washington. This reply evidently upset Harris, for not long after the financial agent for the Catawbas wrote the Interior Department demanding to know if South Carolina’s anti-miscegenation laws were constitutional. The Assistant Commissioner replied that they were. See C.F. Hauke, Acting Assistant Commissioner, to Financial Agent for Catawba Indians, June 20, 1918, File 49246, Central Classified Files, 1907-39, General Service, 109179-1916-173.1 to 94533-1920-173.1, Box 542, RG 75, NARA Washington.

the woman explained that the Catawbas were “just as close to me as my own kin.”¹¹³

Through bonds of kinship and friendship, whites eventually became part of the reservation community.

Some intermarried white women integrated so fully into the Catawba community that they took up Catawba traditions such as pottery-building. Mae Bodiford Blue, who married a son of Chief Sam Blue, recalled that when her husband lost his job, her father-in-law encouraged her to build pots. Mae took his advice and soon fashioned sculptures of ducks, turtles, and canoes as well as ashtrays and other pieces to sell. She found out that she “had a knack for doing this” and subsequently contributed to her family’s income through pottery sales.¹¹⁴ Nola Campbell recalled that her white mother, Maggie Price Harris, also made pottery: “She did not make a whole lot, but she made some.”¹¹⁵

For a time, Catawba women did not mind that their white sisters- and daughters-in-law built pots. When the Indians went to sell their wares at Winthrop College and elsewhere, they emphasized the Catawba-origin of the pots no matter who the individual artist was. Pottery was typically fashioned in a communal setting with extended families sharing in the process and in the production of the final pieces. As long as white women contributed to Catawba family economies, Catawbas welcomed their efforts.¹¹⁶ Over time, however, some Catawba women worried about how the presence of white potters might affect outside

¹¹³ Interview with Mrs. Mae Bodiford Blue, December 30, 1971, Samuel Proctor Oral History Program.

¹¹⁴ Ibid.

¹¹⁵ Interview with Nola Campbell, by Emma Echols, September 4, 1992, Samuel Proctor Oral History Program.

¹¹⁶ Whites and the Pottery Tradition (TJB research notes), File: Catawba Indians, Pottery, Non-Indians (Whites) Making, Thomas J. Blumer Collection.

perceptions of this Catawba tradition. When pottery-building was no longer essential for family incomes, some Catawba women began to object to white women representing the community with their pieces. In an oral interview conducted in 1977, Frances Wade recounted how one Catawba woman, Doris Blue, demanded that Mae Blue end her practice of building pots. She did so after a buyer specifically visited Mae to buy Catawba pots.¹¹⁷ This shifting attitude suggests that as the importance of Catawba pottery as an economic practice waned, its importance as a cultural—and racial—marker grew.

Non-Catawba spouses held an ambiguous position on the reservation. At times they seemed like fully included members of the community, yet they lacked the rights of tribal members. Non-Indian spouses were not permitted to attend tribal meetings, for example, and if widowed, they had to leave the reservation.¹¹⁸ The Catawbas designed these rules to protect the community. Although outsiders could become kin, the Catawbas held them at arm's length legally to ensure that Catawba rights and resources remained reserved for tribal members alone. These rulings extended to the payment of state appropriations. Intermarried whites lived in the Catawba community and had Catawba children and even appeared on reservation censuses, but they never drew payments from the state along with their Catawba spouses and children. The names on the appropriations lists exclusively belonged to individuals who claimed Catawba "blood."

An extreme case illustrating the rigidity of the rule against white spouses drawing a stipend is that of a woman named Leola Watts. Leola was born in the late nineteenth century,

¹¹⁷ Other Catawba women agreed with Doris. According to Wade, Georgia Harris demanded that Mae return one of her borrowed rubbing rocks. See Oral Interview with Frances Wade, May 20, 1977, File: Catawba Indians, Pottery, Non-Indians (Whites) Making, Thomas J. Blumer Collection.

¹¹⁸ Personal Communication with Thomas J. Blumer, Medford Library, Lancaster, S.C., 3 May, 2011.

the daughter of a white woman. At the time of her conception, Leola's mother lived with a black man. Suspecting his partner of infidelity, the man swore he would kill her if the baby was not born black. According to oral tradition, Leola's mother knew the baby would be white, so she hid her labor, and gave birth in a nearby barn. She then took the infant to her Catawba neighbors, James and Mary Jane Watts, and begged them to raise her.¹¹⁹ The Watts took in the child and brought her up within the Catawba community. Leola learned the traditions of her adopted parents. She wore her hair long, built pottery, and even learned to speak a few Catawba phrases. She married a prominent member of the tribe, Nelson Blue, who was the son of Chief Sam Blue, and bore him several children.¹²⁰ Despite Leola Watts' full integration into the Catawba community, however, her racial identity precluded her from inclusion on the South Carolina appropriations lists.

In addition to denying membership to intermarried whites, Catawbas also initially refused rights to the children of non-Catawba mothers. As a matrilineal people, Catawbas considered only the children of Catawba mothers to be Catawba. When Catawba women began intermarrying other Indians and whites, these relationships posed no problems since their children enjoyed all the privileges of tribal membership. The intermarriage of Catawba men and outsiders, however, was a different story. Special Agent Charles Davis reported in 1911 that "with the Catawbas of South Carolina, children of white mothers are wholly excluded."¹²¹ He noted that the reservation included ninety-seven people descending from

¹¹⁹ Interview with Sallie Wade, February 5, 1981, p. 9, Samuel Proctor Oral History Program.

¹²⁰ Interview with Mamie Blue Adams by Emma Echols, November 9, 1993, p. 2, and interview with Nelson Blue by Emma Echols, December 31, 1971, p. 6, Samuel Proctor Oral History Program.

¹²¹ Report on Eastern Cherokee Enrollments and Contest for the Commissioner of Indian Affairs by Charles L. Davis, February 21, 1911, p.443, Copybook of Special Agent Charles L. Davis, 1910-11, Enrollment Records Relating to Enrollment of Eastern Cherokees, Copybook of Special Agent Charles L. Davis, 1910-11, Entry

Catawba mothers and thirteen people descending from white mothers; yet the state, adopting the tribe's rule, allocated money only to those with Catawba mothers. In his estimation, this restriction protected "the enrollment from having illegitimate whites charged to it," a problem that Davis had seen happen among the Eastern Band of Cherokees.¹²² For the Catawba fathers of half-white children, however, this rule seemed to place an undue burden on their families.

The first Catawba father to demand rights for his half-white children was Jefferson Davis Ayers in 1894. That year, he applied for appropriations money from the financial agent for his children. When the agent denied his request, Ayers hired a lawyer to pursue his children's claim. Other tribal members considered Ayers' demands outrageous. They threatened to hold the agent responsible for the money if he acquiesced to Ayers, and when Ayers confronted them in the streets of Rock Hill, "they denounced him for delaying the payment of the money." One Catawba man, John Brown, was so incensed that he physically attacked Ayers. Only the intervention of nearby Catawba women prevented the breakout of a serious fight.¹²³ The financial agent submitted the case to the State Attorney-General for resolution. In his reply, the Attorney-General proclaimed, "it must be taken for granted that the Legislature intended the distribution to be made to the Catawba Indians as heretofore...I

595, Records of and Concerning the Eastern Cherokee Enrolling Commission, Numerical Index to Enrollment Records, 1929, Entry 596, Box 1, RG 75, NARA Washington.

¹²² Davis to Commissioner of Indian Affairs, January 5, 1911, p. 3, File 8990-1908-052, Central Classified Files, 1907-39, General Service, 41394-1935-051 to 36201-1908-052, Box 193, RG 75, NARA Washington.

¹²³ *Rock Hill Herald* (May 5, 1894): 3, cited in Judy Canty Martin, *My Father's People: A Complete Genealogy of the Catawba Nation* (Cortez, Colorado: J. Martin, 2002), 5, South Caroliniana Library.

would most certainly follow their *law* on the subject and not our *law*.”¹²⁴ The Ayers children lost their payments and the Catawba tribe maintained its right to rule on matters of belonging.

After the Ayers incident, the issue of appropriations for the children of non-Catawba mothers diminished for a time, although it never disappeared. In 1904, a newspaper article referred to the “strange condition” among the Catawbas: “the children, if born of white mothers even in wedlock, are deprived of the pension share, while a child of an Indian mother with a white father may realize the benefits whether the parents are married or not.”¹²⁵ Catawba notions of tribal belonging conflicted with Euro-American concepts of legitimacy, making the Indians’ position difficult for outsiders to understand. As more Catawba men married white women in the early twentieth century, they, too, questioned the tribe’s position and once again began clamoring for their children’s rights.

In 1915, a Catawba man, like Ayers before him, approached the financial agent and inquired about the rights of his children. The wife of this unnamed man was “half white and half Indian,” but because her mother was white, both she and her children were left off the appropriations list. The financial agent appealed to the Attorney-General for advice. Unlike his predecessor, this official ruled against the tribe. He argued that there was no distinction between the mixed-ancestry children of Catawba mothers and Catawba fathers and that both should get equal shares of the tribe’s resources. The tribe immediately protested the decision

¹²⁴ Report of the Comptroller-General of the State of South Carolina to the General Assembly for the Fiscal Year Ending October 31, 1894 (Columbia, S.C.: Charles A. Calvo, Jr., State Printer, 1894), File: Catawba Indians, Administrative, State of SC, Reports, Reports of the Comptroller General, Thomas J. Blumer Collection.

¹²⁵ “Strange Conditions of the Indian School,” *The State* (January 20, 1904). A 1909 report echoed this observation: “In the event of an Indian being the husband of a white woman the husband receives his share but his wife and children are ignored...on the other hand if a white man married an Indian, the rule is reversed.” See “A Day with the Catawba Indians,” *Rock Hill Herald* (May 1, 1909):1, File: Catawba Indians, General, Clippings, 25 Mar. 1875-5 Jul. 1951, Thomas J. Blumer Collection.

and hired lawyers to file an injunction. Catawba fathers on the other side of the dispute hired their own attorneys and geared up for battle. The judge in the case dismissed the Catawba's appeal for an injunction on the Attorney-General's ruling, but the case lingered in the courts.¹²⁶ A month later, there was still no clear resolution.¹²⁷

Outsiders believed the children of Catawba fathers and white mothers deserved rights, but the tribe took longer to come around to this point of view. Finally, in 1917, a Catawba chief, David Adam Harris took it upon himself to change the tribal law. According to Catawba tradition, Harris did this as much for personal as for political reasons.¹²⁸ Although previously married to a Catawba, the chief began a relationship with a white woman named Dorothy Price. Rumors circulated that Harris murdered his Catawba wife, Della George, so that he could marry Price. Having been tried and acquitted for the crime, Harris turned his attention to the Catawba inheritance law. To ensure the inclusion of his children by Price, he convinced the tribe to place the children of white women on the appropriations lists.¹²⁹

In 1921, the South Carolina Attorney General confirmed the tribe's new position. When tribal member Ben P. Harris wrote to verify the eligibility of his children for payments, the Attorney General responded that although such children were illegitimate due to the state's anti-miscegenation laws, they "certainly could not be classed as white persons or citizens of the State" if their father was Indian, so they must be Catawbas. The Attorney

¹²⁶ "The True Status of the Catawbas," *The Record*, Rock Hill, S.C. (June 14, 1915), File: Catawba Indians, General, Clippings, 25 Mar. 1875-5 Jul. 1951, Thomas J. Blumer Collection.

¹²⁷ "The Catawba Nation," *The Columbia Record* (July 19, 1915): 2, File: Catawba Indians, Matrilineal Inheritance, Thomas J. Blumer Collection.

¹²⁸ File: Thomas J. Blumer, "The Development of the Current Catawba Nation Tribal Roll," March 1997, Thomas J. Blumer Collection.

¹²⁹ Personal Communication with Thomas J. Blumer, Medford Library, Lancaster, South Carolina, 3 May, 2011.

General also issued a warning to those Catawbas who might complain about the decision, which revealed his stance on miscegenation: “If counting these children as Catawba Indians reduces the pro rata of the appropriation made by the General Assembly from year to year for the support of this tribe, the Catawba Indians have no one to blame for the condition but themselves...they certainly cannot consistently oppose having these children participate in the appropriation and at the same time continue to practice these illegitimate relationships.”¹³⁰ For white South Carolinians, Indian blood made these children Catawba no matter who their mother was. Although not all Indians agreed with this position, the tribe grudgingly accepted the children of white mothers onto the appropriations lists.

The inclusion of the children of white mothers on tribal rolls was a welcome relief to Catawba fathers who married outside of the tribe. However, the end of matrilineal inheritance opened a new can of worms: illegitimacy. Whereas there was never a question about the identity of children of Catawba mothers, children who claimed Catawba fathers had few ways to unequivocally prove their ancestry in an era before DNA testing. Agents complained that some unscrupulous whites contracted marriages with the Catawbas “for the express purpose of an outside white trying to share in that last farthing which is left to these people.”¹³¹ They worried about white children illegitimately finding their way on to the appropriations lists and they closely policed the racial identities of the individuals claiming payments. Agents demanded “to have some proof showing that these applicants have Indian

¹³⁰ S.M. Wolfe, Attorney General, to O.K. Williams, Financial Agent for Catawba Indians, May 12, 1921, Annual Report of the Attorney General for the State of South Carolina to the General Assembly for the Fiscal Year ending December 31, 1921, File: Catawba Indians, Administrative, SC, Agents, Williams, O.K. (1915-1923), Thomas J. Blumer Collection.

¹³¹ Supplement to Report on Catawba Indian Situation, March, 1935, File: 12492-1930-(001), Central Classified Files, 1907-39, General Service, 81591-1923-011 to 12492-1930-001, Part 2, Box 6, RG 75, NARA Washington.

blood in their veins, since their mother is a white woman” and required sworn affidavits attesting to parentage.¹³² Whereas Catawbas, with Mormon support, erected a barrier between blacks and Indians, state officials tried to ensure there was also a boundary between whites and Catawbas. State money only went to Catawbas by blood, forcing the Indians to delineate and codify kinship and belonging.

The rights of individuals to appear on South Carolina’s appropriations lists for the Catawbas evolved over the course of the late nineteenth and early twentieth centuries as tribal members and state officials negotiated the terms of inclusion. These lists determined which Indians were entitled to a share of the tribe’s assets, and the appearance of individuals on these lists became an important marker of community belonging. Race, residency, and inheritance rules all played a role in making these determinations. The flexibility of the appropriations lists left room for the tribe to explore their evolving ideas about Catawba identity. This fluidity, however, was not to last. The state could no longer ignore the Indians’ poverty in the 1930s, and when the tribe sought the resolution of ongoing land claims in South Carolina, the federal government got involved. Ultimately, the Interior Department replaced state appropriations lists with an official tribal roll that fixed Catawba tribal membership. Once in place, this roll became the basis for all future Catawba membership rolls.

Since the Treaty of Nations Ford in 1840, members of the Catawba tribe had steadfastly believed that the state had given them a raw deal. The treaty promised a new

¹³² John M. Daniel, Assistant Attorney-General, to Messrs. Dunlap & Dunlap, Attorneys at Law, May 11, 1923, Annual Report of the Attorney General for the State of South Carolina to the General Assembly for the Fiscal Year Ending December 31, 1923, File: Catawba Indians, Legal, Reports, State of South Carolina, Attorney General, Thomas J. Blumer Collection.

reservation in North Carolina where the Indians could settle and make a new life, but this land never materialized. Instead, South Carolina reserved for them a tiny and barren fraction of the thousands of acres they had ceded to the state. Convinced that the state had violated their rights, the Indians held firm to the conviction that South Carolina needed to make up for its transgressions and false promises. In particular, they cast their eyes on tracts of land that they had leased to white settlers before the 1840 treaty. Although supposedly South Carolina took over these leases under the terms of the treaty, the state had not properly compensated the tribe for the loss. When the leases began expiring in the early twentieth century, Catawbas hired lawyers to look into their claims.

Beginning about 1905, whites living on leased land started worrying that the Catawbas had a legitimate claim. Newspapers stories proclaimed, “The Catawba Indians May Recover Land,” and warned that the Indians “have a good claim.” Even if the tribe was unsuccessful in its bid, the Catawbas’ assertions put “a cloud on the title to over 9,000 acres of land” held by white South Carolinians.¹³³ South Carolina took the matter seriously enough that the issue even went before the state legislature to see if officials could arrange a compromise.¹³⁴ State officials dreaded the matter going to court “as the Indians’ lands are now worth many thousands of dollars.”¹³⁵

¹³³ “The Catawba Indians May Recover Land,” *The Record* (September 19, 1905):1, File: Catawba Indians, Legal, Court Cases, South Carolina (1905), Thomas J. Blumer Collection.

¹³⁴ In 1921 the state made an effort to settle with the Catawbas, but this effort fell through. See Thomas J. Blumer, “The Settlement Attempt of 1921,” Research and Written for the Native American Rights Fund, 1981, File: Catawba Indians, Legal, Court Cases, Settlement Attempt (1921-1925), Thomas J. Blumer Collection.

¹³⁵ Superintendent Frank Kyselka, to Commissioner of Indian Affairs, March 25, 1910, File: 8990-1908-052, Central Classified Files, 1907-39, General Service, 41394-1935-051 to 36201-1908-052, Box 193, RG 75, NARA Washington.

The extreme condition of poverty on the Catawba reservation also attracted the attention of state officials. Since the Treaty of Nations Ford, the Catawbais had suffered economically on their reduced lands. In 1894, one journalist described their condition as “wretched indeed.”¹³⁶ Yet, the worst was still to come. The Great Depression of the 1930s hit the rural Catawbais hard and deprived them of most opportunities they had for work outside the reservation.¹³⁷ Chief Sam Blue despaired that his people were in a “starving condition” because their land was “so poor and rough” they could not earn a living on it. Only seven members of the tribe had jobs in 1934, and despite their yearly appropriations payments, the Indians could not afford to pay their bills.¹³⁸ Year after year, individual Catawbais racked up debt as they struggled to make ends meet. In 1936, the State Auditing Department reported that as a whole the tribe owed more than \$9,200 to its creditors.¹³⁹ By that time, the Catawbais had defaulted on so many bills that their agent reported the impending loss of medical care. He explained that “the local doctors are reluctant, in fact most of them are declining to render medical aid on account of the non-payment of the accumulated bills.”¹⁴⁰ President Franklin

¹³⁶ W.B. Ardrey, “The Catawba Indians,” *The American Antiquarian and Oriental Journal*, 16 (Sept. 1894): 266. Accessed through American Periodicals Online.

¹³⁷ Their financial agent at the time exclaimed that they were in a “pitiful condition,” living in “one-room shacks.” Some, he said, were “dependent entirely upon charity.” See T.O. Flowers, Financial Agent of Catawba Indians, to John Collier, Commissioner of Indian Affairs, August 15, 1933, file: Catawba Indians, Administrative, US-BIA, Correspondence, 45 MSS., 12 Jun., 1933—2nd Apr., 1935, Thomas J. Blumer Collection.

¹³⁸ Chief Sam Blue to President Franklin D. Roosevelt, Feb. 13, 1934, File: 12492-1930-(011), Central Classified Files, 1907-39, General Service, 81591-1923-011 to 12492-1930-001, Part 2, Box 6, RG 75, NARA Washington.

¹³⁹ State Auditing Department, Audit of State Institutions, Report on Indebtedness of Catawba Indians, September 7, 1936, File: 55, Catawba Indian Agent, 1936, Governor Johnston, General Subject Files, 1935-1939, Series S540007, RG 540000, Box 1, South Carolina Department of Archives and History, Columbia, South Carolina (Hereafter SCDAH Columbia).

¹⁴⁰ T.O. Flowers, Financial Agent of Catawba Indians, to Governor Olin D. Johnston, July 22, 1936, File: 54, Catawba Indian Agent, 1936, Governor Johnston, General Subject Files, 1935-1939, Series S540007, RG 540000, Box 1, SCDAH Columbia.

D. Roosevelt's plans to combat the Depression and the appointment of a new commissioner of Indian Affairs, John Collier, who was sympathetic to the plight of the country's Natives, prompted the chief to beg Washington for relief.¹⁴¹

After receiving numerous pleas from state officials and the Catawbas to address their impoverished condition, the Indian Office finally sent an agent to South Carolina to investigate the situation. D'Arcy McNickle, an enrolled Salish Kootenai and a long-time Indian activist, visited the reservation and advised the commissioner of Indian Affairs to enter into negotiations with the State Budget Commission to learn if a cooperative arrangement could be worked out between state and federal officials for the care of the tribe. He reported that the state was prepared to spend \$100,000 to purchase new lands for the Catawbas and to rehabilitate the tribe. The state expected this money to serve as a settlement with the Indians for unfulfilled treaty obligations and a release of South Carolina from future responsibilities to the Catawbas. The Indians, McNickle said, were in favor of this idea, as long as they could keep their old reservation which housed "the burying place of their people for many generations now."¹⁴² All that was left was for the federal government to support the plan.

In response to McNickle's letter, in 1937 legislators in Congress presented a bill for the relief of the Catawba Indians. This bill authorized the secretary of the Interior to enter into a contract with the state of South Carolina "for the agricultural assistance, industrial

¹⁴¹ Chief Sam Blue to President Franklin D. Roosevelt, Feb. 13, 1934, File: 12492-1930-(011), Central Classified Files, 1907-39, General Service, 81591-1923-011 to 12492-1930-001, Part 2, Box 6, RG 75, NARA Washington.

¹⁴² D'Arcy McNickle, Memorandum to the Commissioner, Subject: Catawba Indians, 1937, File: 12492-1930-(011), Central Classified Files, 1907-39, General Service, 81591-1923-011 to 12492-1930-001, Part 2, Box 6, RG 75, NARA Washington.

advancement, and social welfare, including relief, of the Catawba Indians.”¹⁴³ Although initially opposed by Assistant Secretary of the Interior Ebert K. Burlew, who challenged the Catawbas’ Indian identity and right to federal services, in 1941 Congress finally authorized a small appropriation of \$7,500 to enable the Office of Indian Affairs to begin working out a plan with the state of South Carolina.¹⁴⁴ The entry of the United States into the Second World War delayed these efforts, but in 1943, the Interior Department, the state of South Carolina, and the Catawba tribe finally reached an agreement.

The memorandum of understanding that resulted from these negotiations was divided into three parts. First, the state of South Carolina promised to contribute \$75,000 to purchase federal trust lands for the Catawbas and to pay \$9,500 annually for two years to aid in “rehabilitating” the tribe. In addition, the state agreed to protect the rights of Catawbas as full citizens of South Carolina “without discrimination,” including their right to attend white public schools and state institutions of higher learning. Second, the Catawba tribe agreed “to organize on the basis of recommendations of the Office of Indian Affairs for the effective transaction of community business” and “to carry on the program of rehabilitation” as prescribed by federal and state officials. Finally, the Office of Indian Affairs promised to contribute annually to the welfare of the Catawbas, to aid in the development of arts and crafts programs on the reservation, to create educational programs for the Catawbas, to

¹⁴³ A Bill to Provide for the Relief of the Catawba Indians in South Carolina, 75th Congress, 1st Session, H.R. 5938, March 25, 1937, File: 12491-1930-(001), Central Classified Files, 1907-39, General Service, 81591-1923-011 to 12492-1930-001, Part 2, Box 6, RG 75, NARA Washington.

¹⁴⁴ Memorandum for Secretary Ickes by E. K. Burlew, January 8, 1938, File: 12492-1930-(011), Central Classified Files, 1907-39, General Service, 81591-1923-011 to 12492-1930-001, Part 2, Box 6, RG 75, NARA Washington; William Zimmerman, Jr. to J.M. Smith, State Auditor, Columbia, SC, August 28, 1941, File: 12492-1930-(011), Central Classified Files, 1907-39, General Service, 12492-1930-011, Part 2 to 13123-1939-011, Box 7, RG 75, NARA Washington.

provide medical services to the Indians, and to offer Catawbas loans and grants for economic development.¹⁴⁵ In effect, this act granted federal acknowledgement to the Catawbas, shifting their status from a state-recognized to a federally-recognized tribe.

As part of the memorandum of understanding, the federal government required the compilation of an official tribal membership roll. D'Arcy McNickle encouraged this action even before officials finalized the memorandum. In 1940, he predicted that once the federal government started provided services to the Catawbas, "individuals will begin drifting in from North Carolina and elsewhere" demanding rights.¹⁴⁶ A roll promised to provide a concrete basis for tribal membership and to ensure that federal resources went to the right people. To expedite the process, federal agents turned to the appropriations lists held by the tribe's financial agent.¹⁴⁷ These lists had long identified Catawbas for the distribution of state annuities and it seemed natural that they would serve a similar purpose for the federal government. Government agents did not consult the Catawba chief, councilmen, or tribal elders on the question of membership, but instead relied exclusively on state records to make the 1943 roll.¹⁴⁸ For the most part, South Carolina Catawbas did not seem troubled by this.

¹⁴⁵ Memorandum of Understanding Between the State of South Carolina, the Catawba Indian Tribe, and the Office of Indian Affairs of the United States Department of the Interior, 1943, File: Catawba Indians—Standard Application for Tribal Lands, 130, 1943-1949, Cherokee Indian Agency, General Records, Correspondence, Indian Field Service Filing System, 1926-1952, Box 44, RG 75, NARA Atlanta.

¹⁴⁶ Memorandum for Mr. Armstrong from D'Arcy McNickle, August 14, 1940, File: 12492-1930-(011), Central Classified Files, 1907-39, General Service, 12492-1930-011, Part 2 to 13123-1939-011, Box 7, RG 75, NARA Washington.

¹⁴⁷ Personal Communication with Thomas J. Blumer, Medford Library, Lancaster, South Carolina, 3 May, 2011. Also see 1952 document from Minneapolis Area Office of Bureau of Indian Affairs describing condition of Catawba Tribe, which states "The Federal Government accepted the roll recognized by the State when the Federal Government assumed responsibility," File: Catawba Reservation—Withdrawal, 130, 1944-1959, Cherokee Indian Agency, General Records, Correspondence, Indian Field Service Filing System, 1926-1952, Box 44, RG 75, NARA Atlanta.

¹⁴⁸ Blumer, "A History Behind the Catawba Nation Tribal Roll, 1943-1999," Thomas J. Blumer Collection.

When they noticed in the following year that officials had omitted a few of their number, they simply sent a letter to their new federal agent and requested “that their names be added to the Catawba Tribal Roll and the per-capita payment of \$18 be made to each of them.”¹⁴⁹ The government complied with this request.

The final roll included 306 names, almost none of which belonged to Catawbas living in the West.¹⁵⁰ The exclusion of Catawbas outside of South Carolina may have occurred simply as agents transferred names from the list to the roll, but it also may have been an intentional decision made by South Carolina legislators who objected to using the funds they had promised for people living outside of the state.¹⁵¹ South Carolina Catawbas did not protest this decision.

Although the Roll of 1943 excluded western Catawbas from tribal membership, there were some exceptions. Two brothers, Ben E. Rich Garcia and Edward Guy Garcia, had returned to the reservation in South Carolina in the late 1930s and married Catawba women. The Garcia brothers descended from western Catawba grandparents who left South Carolina with Mormon missionaries in the 1880s.¹⁵² Despite the family’s long absence from the core Catawba community, the tribe welcomed the brothers back into the fold and granted them

¹⁴⁹ Chief Douglas Harris to Superintendent C.M. Blair, Cherokee, N.C., January 18, 1945, File: 063.0 Roll, Tribal—Catawba, Office of the Commissioner, Cherokee Agency, Records Relating to the Catawba Indian Tribe, 1940-62, 061-065, Box 2, RG 75, NARA Washington.

¹⁵⁰ Membership and Family Roll of the Catawba Tribe of South Carolina, and Other Related Information Pertaining to Tribal Members as of October 17, 1958, File: 063.0 Rolls, Tribal—Catawba, Office of the Commissioner, Cherokee Agency, Records Relating to the Catawba Indian Tribe, 1940-62, 061-065, Box 2, RG 75, NARA Washington.

¹⁵¹ Personal communication with Fred Sanders, Catawba Indian Nation, South Carolina, 4 May, 2011.

¹⁵² Copy of the Catawba Membership Petition, Applications of Viola Elizabeth (Patterson) Garcia Schneider, Brenda Kaye Scheider, Aric Grant Schneider Bartle (minor), Cynthia Ann Scheider Walsh, and Debra Sue Scheider, 1994, p. 12, Thomas J. Blumer Collection.

rights on the reservation. Although these men did not initially appear on the financial agent's appropriations list, the tribal council voted to include them.¹⁵³ This decision was reminiscent of earlier moments in Catawba history when returning Indians like Thomas Morrison were reincorporated into the tribe even after long absences. As long as such individuals proved that they were ready and willing to rejoin the community and act as kin, the South Carolina Catawbas had no objection to their full inclusion.

Perhaps the Garcia brothers acted strategically in their decision to return to South Carolina at that particular moment. For years, western Catawbas had monitored the situation in South Carolina, periodically inquiring about their rights as Indians and asserting their Catawba identity. In 1921, for example, Wilford M. Canty in Sanford, Colorado, wrote the Office of Indian Affairs, "I would like to know if I can get my share of Indian land here in Colorado...I belong to the Catawba Tribe."¹⁵⁴ The Indian Office continually denied such requests, yet western Catawbas remained vigilant of opportunities. As rumors spread about a possible agreement among the state, the federal government, and the Catawba tribe in South Carolina, western Catawba letters flowed into Washington.¹⁵⁵ Garcia family members asked their state senator in Colorado to write a letter on their behalf. Senator Edwin C. Johnson told the Indian Office that this family was "interested in securing their share in the deal and are

¹⁵³ Blumer, "A History Behind the Catawba Nation Tribal Roll, 1943-1999," Thomas J. Blumer Collection.

¹⁵⁴ Wilford M. Canty, Sanford, Colorado, to Office of Indian Affairs, July 11, 1921, File: Catawba Indians, Administrative, US-BIA, Correspondence, 32 MSS., 21 Sept. 1911-5 Jun. 1933, Thomas J. Blumer Collection.

¹⁵⁵ In 1935, Pinkney H. Head wrote the president of the United States requesting that western Catawbas also receive a final settlement that would place them under federal jurisdiction. The commissioner of Indian Affairs responded that neither the state's proposal for the tribe nor the congressional bill under consideration made any provision for Catawbas in the West. See F.H. Daiker, Assistant to the Commissioner, to P.H. Head, Farmington, N.M., April 3, 1935, File: Catawba Indians, Administrative, United States, BIA Correspondence, 30 MSS., 3 Apr., 1935—10 Aug., 1937, Thomas J. Blumer Collection.

anxious to learn whether it will be necessary for them to return to South Carolina in order to claim their portion.”¹⁵⁶

When the commissioner of Indian Affairs informed western Catawbas that the plan for the tribe included the purchase of new lands in South Carolina and that “the members of the Catawba Tribe residing elsewhere could only share in the benefits by returning to South Carolina,” members of the Garcia family confronted a difficult choice.¹⁵⁷ Family members recalled that they had left South Carolina to begin with because “the land that was given us or left to us was land that is no good.” They worried about returning to a place where people had to build “pots to sell that they may have enough to keep themselves alive.”¹⁵⁸ Yet, certain family members decided to try their luck and move back to the East. When Ben E. Rich Garcia and Edward Guy Garcia met and married Irene Minerva Beck and Juanita Betty Blue on the South Carolina reservation, they decided to stay. This decision guaranteed their place on the 1943 roll.

Although the Garcia brothers made it on the Catawba tribal roll, their siblings in the West did not.¹⁵⁹ Their sister, Viola Elizabeth Garcia Schneider, remained in Colorado, and

¹⁵⁶ Senator Edwin C. Johnson of Colorado to J.M. Stewart, Director of Land Division, Office of Indian Affairs, November 23, 1937, File: 12492-1930-(001), Central Classified Files, 1907-39, General Service, 81591-1923-011 to 12492-1930-001, Part 2, Box 6, RG 75, NARA Washington.

¹⁵⁷ As the commissioner pointed out, they had to consider “whether these benefits are likely to be sufficient to warrant them leaving their present locality and surrendering or losing whatever property, opportunities, etc. which they may have acquired.” See William Zimmerman, Jr. to Senator Edwin C. Johnson of Colorado, December 7, 1937, File: 12492-1930-(001), Central Classified Files, 1907-39, General Service, 81591-1923-011 to 12492-1930-001, Part 2, Box 6, RG 75, NARA Washington.

¹⁵⁸ Elbert Garcia to Senator Edwin C. Johnson of Colorado, December 20, 1937, File: 12492-1930-(001), Central Classified Files, 1907-39, General Service, 81591-1923-011 to 12492-1930-001, Part 2, Box 6, RG 75, NARA Washington.

¹⁵⁹ Catawba Membership Petition, Applications of Viola Elizabeth (Patterson) Garcia Schneider, Brenda Kaye Scheider, Aric Grant Schneider Bartle (minor), Cynthia Ann Schneider Walsh, and Debra Sue Schneider, 1994, Thomas J. Blumer Collection.

she did not appear on the South Carolina appropriations list. Such an omission created an unusual circumstance whereby full siblings held different political statuses, based exclusively on their geographical location. Western Catawbas felt frustrated by their exclusion. Viola's daughter, Cynthia Ann Walsh, later explained on her family's membership petition in the 1990s that both her mother and her aunt attended the Haskell Institute and graduated as Catawba Indians. She insisted that the tribe and their agent even granted her mother an official "Certificate Degree of Indian Blood" in 1937.¹⁶⁰ Despite this recognition of the family's ethnic identity as Catawba, the 1943 roll omitted these individuals, thereby denying them membership in the tribe.

Despite the problems associated with the 1943 Catawba roll, the tribe accepted it and made it the basis of citizenship in their new tribal constitution, which was created as part of the memorandum of understanding. The second article of the constitution defined membership as "all persons of Indian blood whose names appear on the tribal roll of July, 1, 1943, as recognized by the State of South Carolina" and "all children born to any member of the Catawba Tribe, who is a resident of the State of South Carolina at the time of the birth of said children."¹⁶¹ With this document, the tribe emphasized Catawba ancestry by "blood" – highlighting the ongoing importance of both kinship and race—and South Carolina residency as key markers of belonging. They also codified the 1943 roll as the basis for membership in

¹⁶⁰ Cynthia Ann Walsh to Thomas J. Blumer, April 15, 1995, File: Catawba Indians, Genealogy, Marsh/Mush, Patterson, White, Garcia (Western Band), Thomas J. Blumer Collection.

¹⁶¹ United States Department of the Interior, Office of Indian Affairs, *Constitution and By-Laws of the Catawba Indian Tribe of South Carolina, Approved June 30, 1944* (Washington, D.C.: United States Government Printing Office, 1946), File: Catawba Indians, Administrative, Catawba Indians, Constitutions (1944), Thomas J. Blumer Collection.

the tribe. On May 20, 1944, the Catawbas held an election to ratify this constitution. Only thirty percent of the tribe voted, but all the votes favored the proposed constitution.¹⁶²

Voting members of the tribe approved the new constitution's exclusion of western Catawbas, but in the years after they finalized the new roll, problems arose. Just as the state appropriations lists had once excluded Catawba children attending out-of-state boarding schools, the new roll failed to include South Carolina Catawbas serving in the armed forces and stationed elsewhere at the time of its completion. This was a blow to the tribe because "just about every man of the tribe of fighting age" had enlisted to serve in the Second World War.¹⁶³ Away in Europe or on training bases scattered across the United States, the appropriations lists excluded these Catawba men during their absence from South Carolina. This exclusion carried over into the 1943 roll. At first tribal members did not notice the mistake. Only when the threat of the government's termination policy promised to divide the tribe's federal land and resources did veterans realize their omission.

Beginning in the 1950s, the United States promoted a new policy in its dealings with Indian tribes. Known as "termination" this policy sought to end the federal relationship with tribal nations and reduce Indian people to ordinary American citizens. Similar to the nineteenth-century allotment policy, termination called for the detribalization of reservation land and the division of tribal assets among members. Ultimately the government hoped to end all treaty obligations including services to tribes. This policy intended to modernize

¹⁶² Oscar L. Chapman, Assistant Secretary, Department of the Interior, to Superintendent C.B. Blair, June 30, 1944, quoted in Minutes of Meeting of the Catawba Indian Council, Rock Hill, South Carolina, July 1, 1944, File: Catawba Indians, Administrative, Catawba Indians, Tribal Council Minutes, 1 July, 1944, Thomas J. Blumer Collection.

¹⁶³ "Catawba Indian Tribe Declares War on Axis," *The Baltimore Sun* (Feb. 17, 1942): 13. Accessed through ProQuest Historical Newspapers.

American Indians and bring them into mainstream American life. The Catawbas looked like perfect candidates for termination. In 1959, the Committee on Interior and Insular Affairs in the House of Representatives recommended the ratification of a bill—H.R. 6128—that provided for “the division of the tribal assets of the Catawba Indian Tribe of South Carolina.”¹⁶⁴

Some Catawbas supported the idea of termination. The memorandum of understanding had promised much, but had failed to deliver. In 1956, Sam Blue complained that “we Catawba Indians are dissatisfied with the way we are treated by the Government Agent and his employees when the State of S.C. turned us over to the Federal Government.” Although the agreement had called for an economic rehabilitation program for the Indians, Catawbas insisted that “nothing has been done about it so far to help the Catawbas.”¹⁶⁵ Impoverished despite the promises of the memorandum, many Catawbas believed they would be better off with fee simple title to their lands. The termination act promised approximately \$1,500 to each Catawba family out of the tribes’ assets, which consisted primarily of land valued at approximately \$254,000.¹⁶⁶

Federal officials and South Carolina congressmen encouraged those Catawbas in favor of termination. Congressman Robert Hemphill visited the tribe and persuaded many

¹⁶⁴ James Andrew Haley, *Providing for the Division of the Tribal Assets of the Catawba Indian Tribe of South Carolina among the Members of the Tribe*, Committee on Interior and Insular Affairs, House, H.rp.910, Congress 86-1 (August 17, 1959), Bill No. 86, H.R. 6128, Public Law No. 86, PL 322, Statutes at Large 73 Stat. 592. Accessed through LexisNexis Congressional.

¹⁶⁵ Sam T. Blue, “Letter to the Editor,” *Rock Hill Evening Herald* (May 9, 1956), File: Catawba Indians, Administrative, Catawba Indians, Tribal Council Minutes, 1 July, 1944, Thomas J. Blumer Collection.

¹⁶⁶ James Andrew Haley, *Providing for the Division of the Tribal Assets of the Catawba Indian Tribe of South Carolina among the Members of the Tribe*, Committee on Interior and Insular Affairs, House, H.rp.910, Congress 86-1 (August 17, 1959), Bill No. 86, H.R. 6128, Public Law No. 86, PL 322, Statutes at Large 73 Stat. 592. Accessed through LexisNexis Congressional.

that “the memorandum of understanding has been of no advantage to the Tribe.” When tribal members worried about how tribal assets would be divided under the provisions of the act, Hemphill read them the membership clause of the 1944 constitution and promised that the tribe could also vote to include servicemen outside of South Carolina.¹⁶⁷ Taking his advice, on May 21, 1960, the tribal council passed a resolution to amend the membership provision of the tribal constitution and by-laws of the Catawba Tribe of South Carolina. Directing their comments to the secretary of the Interior, they declared that recognized tribal members desired that the roll include veterans and their children born outside of South Carolina.¹⁶⁸ With this resolution, the Catawbas asserted their sovereign right to define tribal membership. They did not pass a similar resolution to include western Catawbas. South Carolina Catawbas believed that members of their core community deserved rights—whether home or away—but they did not extend the same privileges to Catawbas who had left the reservation permanently years before.

Satisfied that the core community would receive shares of tribal land and resources under the termination act, the tribal finally agreed to accept H.R. 6128. As part of the termination act, the federal government required a new roll for the Catawbas to record each Indian born on or before July 2, 1960.¹⁶⁹ Each member whose name appeared on this final roll would be “entitled to receive an approximately equal share of the Tribe’s assets that are

¹⁶⁷ Minutes of Special Meeting of the Catawba Council Held at the Catawba Indian School on Saturday, March 28, 1959, Rock Hill, S.C., File: Catawba Indians, Administrative, Catawba Indians, Tribal Council Minutes, 1 July, 1944, Thomas J. Blumer Collection.

¹⁶⁸ Catawba Tribal Resolution, May 21, 1960, File: Catawba Indians, Administrative, Catawba Indians, Tribal Council Minutes, 1 July, 1944, Thomas J. Blumer Collection.

¹⁶⁹ Office of the Secretary, Catawba Indian Tribe of South Carolina, Notice of Final Membership Roll, February 7, 1961, File: Catawba Indians, Administrative, Catawba Indians, Tribal Rolls, 1960, Thomas J. Blumer Collection.

held in trust by the United States.”¹⁷⁰ Government officials compiled the new roll based on the 1943 roll and on the tribe’s insistence on the inclusion of veterans. Finalized in early 1961, the new roll named 631 individuals as tribal members.¹⁷¹ Most of these Catawbas resided in South Carolina, but a few lived in other states such as Missouri, North Carolina, New Mexico, Colorado, Utah, New York, Virginia, California, Ohio, Illinois, and Florida.¹⁷² These individuals had moved away from the reservation sometime during the two decades that followed the memorandum of understanding. Although they lived out of state, they belonged to the tribe because their names appeared on the 1943 roll.

The Catawba termination act undid the memorandum of understanding and ended the tribe’s federal relationship, but it did not affect their status in South Carolina as state Indians. The tribe retained its state reservation, but officials divided or sold all of the federal lands. This action reduced land held in common by the Catawbas from 4,018 to 630 acres.¹⁷³ Gradually, even the land held onto by Catawba families was alienated. Chief Gilbert Blue recalled that many Catawbas ended up losing their land “for the sake of money in the hand.”¹⁷⁴ Although a temporary solution for immediate poverty, once this money was gone,

¹⁷⁰ A Bill (HR 6128), 1959, File: Catawba Reservation—Withdrawal, 130, 1944-1959, Cherokee Indian Agency, General Records, Correspondence, Indian Field Service Filing System, 1926-1952, Box 44, RG 75, NARA Atlanta.

¹⁷¹ Office of the Secretary, Catawba Indian Tribe of South Carolina, Notice of Final Membership Roll, February 7, 1961, File: Catawba Indians, Administrative, Catawba Indians, Tribal Rolls, 1960, Thomas J. Blumer Collection.

¹⁷² Catawba Indian Nation, 1961 Tribal Rolls, File: Catawba Indians, Administrative, Catawba Indians, Tribal Rolls, 1961, Thomas J. Blumer Collection.

¹⁷³ “Indian Tribe Gradually Fading: Catawbas Drop Old Customs for New,” *Chicago Daily Tribune* (August 19, 1962): 38. Accessed through ProQuest Historical Newspapers.

¹⁷⁴ Moore, “An Interview with the Chief of the Catawba Indians: Billy Gilbert Blue,” 24, Thomas J. Blumer Collection.

the Indians were left with nothing but the 630 acre state reservation. South Carolina's timely legalization of marriages between whites and Catawbas gave intermarried whites legal rights to the Catawbas' now detribalized federal lands and accelerated the process of dispossession.

Termination left the Catawbas "a loose knit people" without a federal relationship or an official tribal government. The Indians, however, did not abandon their tribal identity or the value they placed on their state reservation as a marker of that identity. With most of their federal lands gone, Catawbas rallied around the state reservation, and when local whites began moving "dangerously close to the reservation line" and illegally cutting Catawba timber, tribal members began to reorganize politically.¹⁷⁵ In 1973, the tribe reestablished tribal and executive councils.¹⁷⁶ Two years later, the tribe incorporated under the laws of South Carolina as a non-profit. This move—similar to a strategy employed by the Eastern Band of Cherokee Indians nearly a century before—gave the Catawbas a legal existence despite their lack of federal recognition. It also allowed the Catawbas to take advantage of some federal assistance programs designed for Indian tribes.¹⁷⁷ Although terminated, the tribe was not finished.

As part of the Catawbas' efforts to reorganize themselves in the years after termination, tribal members drew up a new constitution. The 1975 constitution built upon the

¹⁷⁵ Ibid.

¹⁷⁶ Catawba Regional Planning Council, "Catawba Nation: Overall Economic Development Program," (Rock Hill, S.C.: 1977), 6, South Caroliniana Library.

¹⁷⁷ Prepared Testimony of Gilbert Blue, Chief, Catawba Tribe of Indians of South Carolina, on H.R. 3274, Before the Committee on Interior and Insular Affairs, United States House of Representatives, June 12, 1979, File: Catawba Indians, Richard W. Riley Administration, Catawba Indian Claim, 1977-1983, Series S554019, RG 554000, Box 7, SCDAAH Columbia.

1944 constitution, but made a few changes in the wording of its membership clause.¹⁷⁸ It required that members appear on the 1943 and 1961 rolls and be of Indian blood, but, unlike the 1944 constitution, it made no mention of the provision that future enrollees be born in South Carolina. By this time, a number of enrolled members had moved away from the state to earn livings elsewhere. With the 1943 and 1961 rolls as a wall separating these people from descendants of the western Catawbas who left the state in the nineteenth century, geographical boundaries to membership no longer seemed essential. Enrolled members were now free to move out of state and still retain their political rights in the tribe.¹⁷⁹

The new tribal constitution also aimed to protect Catawbas from opportunistic whites. Now that marriage between whites and Indians was legal, white spouses could potentially claim rights to tribal assets through their Catawba husbands and wives. To ensure that this did not happen, the tribal council resolved that “non-Indian spouses of deceased or divorced Catawbas who do not have children may not reside on the reservation longer than six months.”¹⁸⁰ This resolution recognized the reality of increasing intermarriage, but protected the remaining tribal lands from alienation. The Catawba Nation continues to operate under the 1975 constitution today.¹⁸¹

¹⁷⁸ Constitution and By-Laws of the Catawba Nation of South Carolina, 1975, File: Catawba Indians, Administrative, Catawba Indians, Constitutions (1975), Thomas J. Blumer Collection.

¹⁷⁹ Tribal member Fred Sanders has commented on one enrolled Catawba named Scott Canty who currently works as chief legal counsel for the Hopi Indian Reservation. Both he and his children are enrolled tribal members, but they have lived away from South Carolina for over thirty years. Personal communication with Fred Sanders, Catawba Indian Nation, S.C., May 4, 2011.

¹⁸⁰ Constitution and By-Laws of the Catawba Nation of South Carolina, 1975, File: Catawba Indians, Administrative, Catawba Indians, Constitutions (1975), Thomas J. Blumer Collection.

¹⁸¹ Personal Communication with Fred Sanders, Catawba Indian Nation, S.C., 4 May, 2011.

With a new constitution in hand, tribal leaders turned their attention to the Catawbas' long-standing land claims. Despite the 1943 agreement, the Catawbas believed that both the state and federal government had yet to make amends for the Treaty of Nations Ford. The Catawba claim rested on two central issues. First, tribal members insisted that the state had failed to carry out the terms of the Treaty of Nations Ford.¹⁸² The second point made by the tribe was that the treaty itself was illegal. According to the Trade and Intercourse Act of 1790, all treaties with Indian nations had to be conducted under Congressional authorization and ratified by the Senate. South Carolina made the 1840 treaty without congressional approval or federal oversight. According to federal law, the Indians insisted, the Treaty of Nations Ford was null and void.¹⁸³ The Native American Rights Fund helped the Catawbas bring their case before state and federal officials, and after nearly two decades of legal wrangling, the parties finally reached an agreement.¹⁸⁴ In October 1993, President Bill Clinton signed the Catawba Indian Tribe of South Carolina Land Claims Settlement Act into law.¹⁸⁵

The Settlement Act promised the Catawbas \$50 million over five years from federal, state, and local governments, and from title insurance companies. The tribe placed these

¹⁸² Prepared Testimony of Gilbert Blue, Chief, Catawba Tribe of Indians of South Carolina, on H.R. 3274, Before the Committee on Interior and Insular Affairs, United States House of Representatives, June 12, 1979, File: Catawba Indians, Richard W. Riley Administration, Catawba Indian Claim, 1977-1983, Series S554019, RG 554000, Box 7, SCDAH Columbia.

¹⁸³ William M. Goins, editor, *South Carolina Indians Today: An Educational Resource Guide* (Columbia, S.C.: Phoenix, 1998), 19, South Caroliniana Library.

¹⁸⁴ Prepared Testimony of Gilbert Blue, Chief, Catawba Tribe of Indians of South Carolina, on H.R. 3274, Before the Committee on Interior and Insular Affairs, United States House of Representatives, June 12, 1979, File: Catawba Indians, Richard W. Riley Administration, Catawba Indian Claim, 1977-1983, Series S554019, RG 554000, Box 7, SCDAH Columbia.

¹⁸⁵ Pettus, *Leasing Away a Nation*, 62. For more on the history behind the 1993 settlement, see Lynn Loftis, "The Catawbas' Final Battle: A Bittersweet Victory," *American Indian Law Review* 19 (1994): 183-215.

payments in five trust funds for the purpose of land acquisition, economic development, education, elderly assistance, and per capita payments to tribal members. The act also authorized the tribe to buy 3,000 acres of tax-exempt land to expand its reservation. The act restored tribal powers of self government as well as the tribe's relationship with the federal government. Once again, the Catawbas were a federally-recognized tribe. In terms of the per capita payments, the act stipulated that 15 percent of the settlement funds be divided among enrolled tribal members.¹⁸⁶ This stipulation once again opened the question of who was entitled to a share of Catawba resources.

As legislators drew up the Settlement Act of 1993, several South Carolina officials suggested that a blood quantum requirement be included in the tribe's membership criteria.¹⁸⁷ Daniel R. McLeod, the attorney general of South Carolina, demanded this restriction because "of the minute portion of Catawba blood which will undoubtedly be possessed by future generations." As tribal members intermarried and Catawba blood diluted, this provision "would place the Catawbas eventually in precisely the same circumstances as any other American citizens," and the state would no longer be responsible for the Catawbas because they would no longer qualify as Indians.¹⁸⁸ In 1993, state legislators proposed a one-eighth

¹⁸⁶ The federal government contributed \$32 million, the state \$12.5 million, and York and Lancaster Counties nearly \$2.6 million. Local insurance companies and other private donors made up the difference. See Pettus, *Leasing Away a Nation*, 63.

¹⁸⁷ Statement of Daniel R. McLeod, Attorney General of South Carolina, before the Committee on Interior and Insular Affairs (Morris K. Udall, Chairman, U.S. House of Representatives, June 12, 1979, File: Catawba Indians, Richard W. Riley Administration, Catawba Indians Claim, 1977-1983, Series S554019, RG 554000, Box 7, SCDAAH Columbia.

¹⁸⁸ Daniel R. McLeod, Attorney General, to Members of the Catawba Study Commission, August 8, 1980, "Hearings Before the South Carolina Legislative Commission to Study Claims of the Catawba Indian Tribe to Certain Lands in South Carolina," Rock Hill, South Carolina, August 13, 1980, South Caroliniana Library.

blood quantum requirement for state services.¹⁸⁹ Tribal members, however, decided that blood quantum would be difficult if not impossible to determine with any accuracy, and they used their sovereign authority to reject any such membership requirement. Instead, the tribe settled on lineal descent from the rolls of 1943 and 1961 as the primary criterion for tribal inclusion. Although the state did not get its way about blood quantum, it did manage to include a caveat in the settlement that revoked all state services to the tribe after ninety-nine years from the date of the act. This rule does not affect the Catawba Nation's federal status or federal services, but many tribal members feel frustrated by South Carolina's persistent efforts to renege on its responsibilities for the tribe.¹⁹⁰ In effect, the outcome may be the same as the proposed blood quantum requirement, and may eventually end state services and tax exemptions for Catawba Indians.¹⁹¹

The Settlement Act of 1993 called for the creation of a new tribal roll in order to determine which Indians were entitled to benefit from the Act's provisions, including per capita payments. The act promised enrolled members equal shares of \$7.5 million.¹⁹² To ensure that no one was left off the new roll, the government mandated that the Catawba Nation publish the roll several times in local newspapers and allow for appeals.¹⁹³ The Catawbans complied with this ruling and the government also published the roll in the federal

¹⁸⁹ Notice of General Council Meeting, Rock Hill, February 20, 1993, File: Catawba Indians, Administrative, Catawba Indians, Tribal Council Minutes, 1 July, 1944, Thomas J. Blumer Collection.

¹⁹⁰ Personal Communication with Fred Sanders, Catawba Indian Nation, South Carolina, 4 May, 2011.

¹⁹¹ Ibid.

¹⁹² "Money Matters: Answers to Your Questions about the Settlement," *News of the Nation: The Official Newsletter of the Catawba Indian Nation*, Vol. 1, issue 2 (February 10, 1994), File: Catawba Indians, Publications, "News of the Nation," Thomas J. Blumer Collection.

¹⁹³ Catawba Indians, Administrative, Catawba Indians, Tribal Rolls, 22 November, 1994, Thomas J. Blumer Collection.

register in November 1994. After three years of appeals, the federal government added 113 additional names to the roll. Most of these belonged to infants born to enrolled tribal members; none belonged to western Catawbas.¹⁹⁴

Western Catawbas continued to appeal their exclusion from the tribal rolls into the 1990s. For these individuals, tribal membership was not just about the money they might receive, but about recognition of their Catawba heritage and family histories. One western Catawba even offered “to sign away all claims to a share of \$50 million in settlement money if the tribe in South Carolina will add his and his family’s name to its membership roll.” In a statement to the *Rock Hill Herald*, Wayne Head insisted that he was not interested in money. His family “just want[s] the right to be on the roll and reestablish our ties with our heritage.”¹⁹⁵

South Carolina Catawbas had mixed feelings about granting membership to western Catawbas. Some, like Chief Gilbert Blue, suggested that the western Catawbas wait until after the 1993 settlement’s cash payments were distributed to renew their appeal. At this point, Blue suggested, there would be no objection to the western Catawba’s inclusion, as long as they could prove their claims.¹⁹⁶ Tribal elder Fred Sanders recently called their exclusion “an injustice.” He has maintained that although they are not enrolled, these individuals are still Catawbas.¹⁹⁷ Other tribal members, however, were less certain about the

¹⁹⁴ Fred Sanders to Roderick Beck, Chair Person of the Committee for the petitioners of the Catawba General Council, April 3, 1997, File: Catawba Indians, Administrative, Catawba Indians, Constitutions (1975), Thomas J. Blumer Collection.

¹⁹⁵ Cal Harrison, “Catawba Wants Name on Tribal List,” *Rock Hill Herald*, February 14, 1994, File: Catawba Indians, Western Band, Clippings, Thomas J. Blumer Collection.

¹⁹⁶ Ibid.

¹⁹⁷ Personal Communication with Fred Sanders, Catawba Indian Nation, S.C., 4 May, 2011.

rights of western Catawbas. As an article in the Catawba Nation's official newspaper pointed out, "while the effect of Catawba culture may be boundless, there are limits to the legal recognition of membership in the Catawba tribe."¹⁹⁸ By 2000, even Chief Gilbert Blue had changed his position on the western Catawbas. Stating that recognition as a member of the tribe came from both heritage and social connection with the tribe, he insisted that "even though someone might be of Catawba blood, if they weren't on an earlier roll, they can't be included."¹⁹⁹ The western Catawbas made another appeal for inclusion to the Bureau of Indian Affairs in 2000, but the government denied their request because they could not prove direct lineal descent to people on the 1943 and 1961 rolls.²⁰⁰

The new roll was finally published in 2000 and served as a basis for the per capita distributions made to tribal members. Each Catawba born before the date of the Settlement Act—October 27, 1993—was entitled to a share of the payment. Today the tribe relies on the 1943, 1961, and 2000 membership rolls to define belonging, but the Catawba tribal council also holds a working roll for members which includes South Carolina Catawbas mistakenly left off the 2000 per capita roll. The roll provides a basis for determining which Catawbas are entitled to tribal services and federal benefits.²⁰¹ Membership is based on lineal descent from individuals on earlier tribal rolls. To resolve the problem of illegitimacy, the tribe currently requires DNA testing for the children of Catawba men and non-Indian women if the couple is

¹⁹⁸ "Roll Call: The Settlement Means Asking Once Again 'Who is a Catawba?'" *News of the Nation: The Official Newsletter of the Catawba Indian Nation*, Vol. 1, issue 1 (September 24, 1993), File: Catawba Indians, Publications, "News of the Nation," Thomas J. Blumer Collection.

¹⁹⁹ Stabley, "Lawyer Wants Inclusion on Tribe's Roll," in Martin, *My Father's People: A Complete Genealogy of the Catawba Nation*, South Caroliniana Library.

²⁰⁰ Personal communication with Donna Curtis, Catawba Indian Nation, S.C., 4 May, 2011.

²⁰¹ Personal Communication with Fred Sanders, Catawba Indian Nation, S.C., 4 May, 2011.

unmarried.²⁰² The children of married couples are assumed to be legitimate without such testing. Today there are about 2,600 enrolled tribal members. A little over half of these live away from the reservation in South Carolina.²⁰³

Tribal membership in the Catawba Nation of South Carolina has a complicated history based on the tribe's complex relationships with both state and federal officials. Appropriations lists that followed the 1840 Treaty of Nations Ford forced state agents and tribal members to develop criteria for tribal belonging. These early lists evolved based on the changing needs of the tribe. As the Catawbas interacted with outsiders in South Carolina and converted to Mormonism, their society underwent several transformations that affected the ways the Indians thought about membership. The racial climate of South Carolina and the views of Mormon missionaries encouraged the Catawbas to distance themselves from African Americans, and this created an unofficial racial barrier to inclusion. When some Catawbas moved west, the tribe decided to withhold state payments from these individuals. Finally, as tribal members increasingly married whites, the Indians at first excluded the children of intermarried white women but not those of white men, but then decided to accept all mixed-ancestry children. State officials weighed in on these decisions and occasionally developed rules that the tribe fervently opposed, such as the decision to deny appropriations to Catawba children away at boarding school. Overall, however, the creation of the appropriations lists was a negotiated process that reflected Catawba ideas about belonging rather than simply the imposition of membership criteria by outsiders.

²⁰² Personal Communication with Chief Donald Rodgers, Catawba Indian Nation, 4 May, 2011.

²⁰³ Personal Communication with Fred Sanders, Catawba Indian Nation, S.C., 4 May, 2011.

The involvement of federal officials in Catawba affairs in the 1940s changed the meaning of Catawba tribal membership. Instead of allowing for a fluid list that the Indians could alter from year to year, federal officials demanded an official and permanent tribal roll. The appropriations lists served as a basis for the roll of 1943 and in this way reflected the tribe's vision at that particular historical moment. The roll also created a new legal and political status for tribal members. Officially, the Catawbas still had the power to make changes to the roll as an inherent right of tribal sovereignty. Yet, both officials and enrolled tribal members came to see the 1943 roll as the standard for belonging to the Catawba Nation. Indeed, the roll served as a legal tool that the tribe could use to refuse membership to those it deemed illegitimate. The Catawbas of South Carolina had long denied rights to western Catawbas who departed the reservation in the late nineteenth century; the 1943 roll gave this denial an official legal basis.

Formalizing the Catawba tribal roll came with costs and benefits. The roll put an end to the organic nature of earlier Catawba membership. No longer a negotiated process, membership became fixed. This shift hurt those who continue to feel a strong attachment to Catawba cultural and ethnic identity but whose names do not appear on the official membership roll. The membership roll, however, also provided the tribe with a means of protecting itself. Distinctions between citizens and non-citizens are a necessary defense for any sovereign entity, particularly one with limited land and resources. By setting strict legal boundaries to citizenship in the tribe, the roll protects the Catawba Nation from the claims of individuals who no longer retain close connections with the core Catawba community. The Eastern Band of Cherokee Indians in North Carolina—the subject of the next chapter—saw

just how important such protections could be when it compiled its own early twentieth century tribal rolls.

Chapter 3

Contests of Sovereignty:

Tribal Membership and the Eastern Band of Cherokee Indians

On June 4, 1924, Congress passed an act calling for the final disposition of the land, money, and property of the Eastern Band of Cherokee Indians. The climax of years of legal battles and controversies concerning the distribution of tribal resources, this act promised to settle once and for all the question of Eastern Band membership and lay to rest the turmoil over who was entitled to a share of Cherokee assets. Following the instructions of the Interior Department, federal agent Fred A. Baker set out to western North Carolina to compile an official list of tribal members. What he found was a tribal council he described as “reasonable and honorable” but nonetheless determined “to limit the membership in the Band to as low a number as possible.” As Baker explained in his report to the Department, the desire of council was “natural under the circumstances, as it is clear that the greater the number enrolled the less value the share of each member will be.”¹

Over the course of the late nineteenth and twentieth centuries, membership in the Eastern Band of Cherokees evolved from clan-based kin to a political identity that provided tangible economic and legal rights. Three interrelated factors—the acquisition of tribal land, the movement of “white Indians” on to Cherokee territory, and the increase in federal

¹ The 1928 Baker Roll and Records of the Eastern Cherokee Enrolling Commission, 1924-1929, M-2104, roll 2, Record Group 75 (hereafter RG 75), National Archives and Records Administration, Washington, D.C. (hereafter NARA Washington).

oversight of Eastern Band affairs—prompted the tribal council to consider belonging in new ways. Tribal resources and tribal membership became inextricably intertwined as the Cherokees rebuilt a homeland and decided who had the right to share in their common property. When the tribal council began making per capita distributions of tribal funds generated through timber and land sales to tribal members, “white Indians” with spurious claims to Cherokee ancestry asserted that they too belonged to the tribe, a notion that the core Cherokee community rejected. Federal officials weighed in on these debates and required the tribal council to develop legal definitions of tribal membership that could withstand the scrutiny of lawyers and bureaucrats. The federal government refused to trust the council’s subjective, though informed, assessments of belonging; the Cherokees had to justify each decision about who belonged. In an effort to protect their economic resources and political rights, the core Cherokee community developed criteria that they expected government officials to uphold. When they did not, the Cherokees fought back. The Eastern Band Cherokee roll, created in the 1920s, was the product of decades of struggle.

The Cherokees, like other southeastern tribes, faced tremendous challenges in the century after removal to survive in a world that denied the continued existence of southern Indians. Unlike the Pamunkeys and Catawbases, whose tribes had remained more or less intact, the Eastern Cherokees were a remnant population that broke away from the larger political body of the Cherokee Nation. The forced expulsion of the Cherokee Nation in the late 1830s displaced over thirteen thousand people.² Not all Cherokees, however, left their southeastern homelands. In Georgia, twenty-two elite, plantation- and slave-owning Cherokee families won the right to remain when the state legislature passed the Cherokee Indian Citizenship

² Theda Perdue and Michael D. Green, *The Cherokee Nation and the Trail of Tears* (New York: The Penguin Group, 2007), 134.

Act in 1838. These families repurchased their confiscated property from the state and pledged to live as Georgia citizens.³ In Tennessee, a less prosperous and more culturally conservative contingent of Cherokees also escaped removal. Fleeing to the Ducktown Basin, located in the southeastern corner of Polk County, they survived by farming and trading in the mountains. Eventually racial tensions with their non-Indian neighbors forced these Indians to find homes elsewhere, either in the removed Cherokee Nation or among other Cherokee people who stayed in North Carolina.⁴ People of Cherokee descent also continued to live elsewhere in Georgia, Tennessee, and Alabama.⁵

By far the largest and most clearly defined group of Cherokees that remained in the southeast lived in North Carolina. Unlike the Georgia and Tennessee Cherokees who largely assimilated or moved, North Carolina Cherokees took advantage of their numerically significant population and their legal relationship with the state to rebuild a tribal identity. They based their rights on treaties made in 1817 and 1819. A clause in the 1819 treaty permitted each Cherokee head of family to remain in western North Carolina, apply for a 640-acre reservation within ceded territory, and become an American citizen. Although North Carolina erroneously deprived the reservees of their federal land by offering it for sale to white settlers, the state compensated them for this loss by paying for the land and

³ Sharon Flanagan, "The Georgia Cherokees Who Remained: Race, Status, and Property in the Chattahoochee Community," *Georgia Historical Quarterly*, 73 (Fall, 1989): 586, 605-606.

⁴ Betty J. Duggan, "Voices from the Periphery: Reconstructing and Interpreting Post Removal Histories of the Duck Town Cherokees," in *Southern Indians and Anthropologists: Culture, Politics, and Identity*, edited by Lisa J. Lefler and Frederic Wright Gleach (Athens: University of Georgia Press, 2002), 45, 55.

⁵ Report of Commissioner John D. Lang, Dec. 6, 1871, Annual Report of the Commissioner of Indian Affairs, House doc. 1/ 11, 42nd Cong. 2nd sess., 580-81; John R. Finger, *The Eastern Band of Cherokees, 1819-1900* (Knoxville: The University of Tennessee Press, 1984), 114-117.

permitting the Cherokees to settle elsewhere in the region.⁶ Gradually, Cherokees in North Carolina purchased a new tribal land base. With a homeland to defend, as well as an ongoing sense of political and cultural distinctiveness as Cherokee, they consolidated and emerged as an independent political entity, though one no other government recognized: the Eastern Band of Cherokee Indians.

In the years that followed removal, the Cherokees turned to a local white businessman and political ally, William Holland Thomas, to help them rebuild a tribal land base. Familiar with the tribe since childhood, by 1831 Thomas became the Band's legal counsel and confidant. He served as their representative in Washington, D.C. during the removal crisis, and in the subsequent years, Thomas helped those Indians remaining in North Carolina consolidate their lands and rebuild their lives. Through the 1840s and 1850s, Thomas acquired new lands for the Band to reestablish a Cherokee tribal territory in the South.⁷ These lands became the social center and economic base that the Cherokees fought to defend by limiting tribal membership.

Thomas's aid served the Cherokees well in the years before the Civil War, but after the war their ally's health failed, leaving his financial relationship with the Cherokees in a muddle. Although the tribe's political status seemed more assured during these years—in 1868 the federal government recognized the Eastern Cherokees as a separate tribe—their economic situation grew precarious. Thomas had purchased Cherokee land under his own name using Cherokee funds; when his creditors came knocking, they collected title to lands

⁶ Finger, *The Eastern Band of Cherokees*, 10, 11.

⁷ Ibid, 13-17. For more information on William Holland Thomas, see Mattie U. Russell and E. Stanley Godbold Jr., *Confederate Colonel and Cherokee Chief: The Life of William Holland Thomas* (Knoxville: University of Tennessee Press, 1990).

for which the Cherokees had partially paid. In 1874 the Cherokees took their case to court. After a thorough investigation, the U.S. Circuit Court for the western District of North Carolina ruled in their favor. The Cherokees paid Thomas' creditors \$7,000, which they still owed for the land, and received legal title to the tract, which they called the Qualla Boundary. The 1874 court decision placed a new geographical restriction on tribal membership: ownership of the common territory was limited to "the Eastern Band of Cherokee Indians living in the State of North Carolina, as a tribe or community, and whether living at this time at Qualla or elsewhere in the State."⁸ In the following decades, the Eastern Band used the language of the 1874 court decision to deny tribal membership to individuals of Cherokee ancestry who lived outside of North Carolina.

Despite gaining clear title to their landholdings, the Cherokees faced ongoing threats to their resources. A consistent problem was trespassing. Even after the 1874 court decision, non-Indian trespassers continually made inroads on the Qualla Boundary and on other Cherokee lands, pushing Indians out. Whites intimidated Cherokees and drove them from their homes, their agent asserted, "by threats and violence." Regarding "the Indian as his lawful prey," white North Carolinians "forcibly [took] personal property" and "rented land and refused to pay the rent."⁹ The fact that the Cherokees held their land in common, but lacked any corporate legal standing in state and federal courts, further complicated the issue:

⁸ DeWitt Harris to Commissioner of Indian Affairs, June 24, 1907, Letters of DeWitt Harris, 1-2-07 to 4-13-08, Cherokee Indian Agency, Series 1, General Record Correspondence, Superintendents Letterbooks, Box 5, RG 75, National Archives and Records Administration, Atlanta, Georgia (Hereafter NARA Atlanta); Finger, *The Eastern Band of Cherokees*, 120.

⁹ W.C. McCarthy to Commissioner of Indian Affairs, February 12, 1876, Letters Received by the Office of Indian Affairs, 1824-81, Cherokee Agency, 1836-1880, 1876-1877, M-234, Roll 110, RG 75, NARA Washington.

“Trespassers thus enter their lands and unceremoniously squat upon them, and when the Indian goes into court, it is assumed that being an Indian he has no right to be heard there.”¹⁰

Control over tribal land and the creation of legal political boundaries was especially important to late nineteenth-century Cherokees as outsiders began clamoring for tribal rights.¹¹ Government policies such as the General Allotment Act of 1887, which promised to break up tribal land bases and distribute tracts to individual members, encouraged intruders who hoped to gain access to Cherokee lands by squatting on them and asserting Cherokee ancestry. Core community members dubbed these intruders “white Indians” and complained that they only wanted tribal membership in order to secure economic benefits.

A census compiled by Joseph G. Hester in 1884 reflected growing concerns over the influence of “white Indians.” A pending suit by the Band against the Cherokee Nation for a proportionate share of the proceeds from past land sales and claims prompted this enumeration, and Hester, a government official unaffiliated with either tribe, encouraged the Eastern Cherokees to inflate the roll: “The more Indians you have East of the Mississippi River, the more money you will get for your part, your share will be larger of these funds you are to secure.” The tribal council was not convinced and during a “pretty stormy session,” they objected to the inclusion of “white Indian” families.¹² Hester ignored their protests. His roll included 2,956 names, more than a 50 percent increase in Band membership over what

¹⁰ B. C. H., “Carolina East Cherokees,” *Friends’ Review: A Religious, Literary, and Miscellaneous Journal*, 36 (Sep. 2, 1882): 51. Accessed through American Periodicals Series Online.

¹¹ Neely, *Snowbird Cherokees: People of Persistence* (Athens & London: The University of Georgia Press, 1991), 26.

¹² Testimony of James Blythe, 1913, File Part 20, Exhibit 29, Records of the Bureau of Indian Affairs, Land Division. Correspondence, Reports, and Related Records Concerning Eastern Cherokee Enrollments, 1907-16, Box 5, RG 75, NARA Washington.

officials had reported on the federal census of 1880.¹³ Members of the core Cherokee community desperately searched for ways to reverse this trend toward inflating their numbers.

By 1889, the Cherokees had had enough. Eager to defend Cherokee territory against intruders and control access to tribal resources, the tribal council headed by Nimrod J. Smith found an innovative solution: incorporation under the state laws of North Carolina. Incorporation helped protect the Band against trespassers by validating the Eastern Cherokees' tribal organization and communal ownership of tribal lands. Indeed, the sixth section of the Band's articles of incorporation specified that "it shall be unlawful for any person or persons to cut, fell, or destroy any timber trees or wood or to range any stock horses or cattle or make any entries or surveys or in any manner to trespass on any of the land held in common by the said Indians in any of the said counties and all such persons so offending shall be guilty of a misdemeanor and punishable by fine or imprisonment at the discretion of the Court."¹⁴ As a state corporation, the tribe gained standing in court to pursue violations. Incorporation also gave the tribe greater power to sell timber and land without federal interference. It provided the Cherokees with a concrete political identity that served as a means to distinguish tribal membership claims based on Cherokee heritage from actual political affiliation with the Band.

Acting as a corporate board, the tribal council codified its position against "white Indian" intruders by revising the Band's corporate charter in 1895 to provide that "no person

¹³ Finger, *The Eastern Band of Cherokees*, 143.

¹⁴ Robert L. Leatherwood, U.S. Indian Agent, to Commissioner of Indian Affairs, February 6, 1889, File 34157-08-053, Records of the Bureau of Indian Affairs, Land Division, Correspondence, Reports, and Related Records Concerning Eastern Cherokee Enrollments, 1907-16, Box 1, RG 75, NARA Washington.

shall be entitled to the enjoyment of any lands belonging to the Eastern Band of Cherokee Indians as a corporation or as a tribe, or any profits accruing therefrom, or any monies which may belong to said Band as a corporation or as a tribe, unless such person be of at least one-sixteenth (1/16) of Eastern Cherokee blood.”¹⁵ Ratified by the state of North Carolina on March 8, 1897, this act enabled the Band to limit its membership to those it deemed real Cherokees. The tribal councilmen hoped that by taking this legal step, they could enforce membership standards that the state and federal governments would recognize and uphold.

The Band’s need to codify membership criteria for the benefit of white officials reflected a growing federal presence on the Qualla Boundary. When the federal government recognized the Eastern Band of Cherokee Indians as a distinct tribe in 1868, it promised to provide the Eastern Cherokees with the same services as other tribes. Federal recognition proved both a blessing and a curse. The Cherokees felt relatively secure in their position as “Indians” compared to other southeastern Natives: their identity had an official basis in United States law. Recognition granted the Interior Department supervision over Cherokee affairs, however, which meant that the tribe had to seek federal approval for many of its decisions.¹⁶

A significant manifestation of the federal government’s presence on the Qualla Boundary was the reservation school system. In 1875, the Indian Office appointed Baptist minister William C. McCarthy as special agent to the Cherokees, and he began establishing schools among the Indians. This early effort had ended in failure by 1879, the victim of tribal

¹⁵ Laurence Armand French, *The Qualla Cherokee: Surviving in Two Worlds* (Lewiston, NY: The Edwin Mellen Press, 1998), 86.

¹⁶ Finger, *The Eastern Band of Cherokees*, 105.

factionalism and bureaucratic mismanagement.¹⁷ Despite this setback, government interest in “educating” the Eastern Cherokees continued. In May 1881, the Quakers contracted with the United States to provide schools, which included four day schools for children in out-lying districts and a boarding school at Cherokee for “the large boys and girls” as well as those who lived more than a mile and a half from the other schools.¹⁸ In 1892, the federal government took over the Quaker schools after an Indian Appropriations Act authorized the Eastern Cherokee School superintendent in North Carolina to act as agent for the Band.¹⁹ In the view of the Office, the primary responsibility of government officials on reservations was educational.

Although the Indian Office claimed to serve its tribal clients through education, non-Indian outsiders managed and controlled the schools it created, leaving the Cherokees with very little say over who could or could not attend. School officials frequently accepted the children of non-Band members, as long as they physically appeared to have some Indian ancestry. As one superintendent explained, Cherokee schools were “under the direction of the Government, wholly” and “membership in the Band [was] not considered” when admitting children to these institutions. School officials used only one criterion to permit children to attend—“whether they have Indian blood.” Although officials insisted that “their admission [was] solely for educational purposes and not to determine their property rights” in the Band,

¹⁷ Ibid, 125-126, 135.

¹⁸ Superintendent to Office of Indian Affairs, September 5, 1944, File 497.3 G41, John Douglas Gillespie, Miscellaneous papers: Cherokee, North Carolina, American Philosophical Society, Philadelphia, Pennsylvania (hereafter APS Philadelphia).

¹⁹ Paul Stuart, *The Indian Office: Growth and Development of an American Institution, 1865-1900* (Ann Arbor, Michigan: University Microfilms International, 1978), 40. This act marked the beginning of a process by which the Indian Office abolished the positions of all Indian agents, devolving their duties to reservation school superintendents.

by admitting non-members to programs designed for Eastern Band citizens, the government opened a door for outsiders to lay claim to other Cherokee resources as well.²⁰ These schools, along with the influx of near-white settlers who hoped to claim a share of allotted Cherokee land, served as a double threat to Cherokee culture, social life, economic resources, and tribal sovereignty.²¹

Fears of white Indian infiltration and federal interference pushed Cherokees to develop new membership criteria in the late nineteenth and early twentieth centuries. Ongoing concerns over tribal resources served as the final catalyst for these efforts. Incorporation provided the Band with freedom to use their lands as they saw fit, and soon the tribal council made deals with lumber companies to turn their forested territory, which was largely uninhabited, into tangible profits. They sold timber rights on the Cathcart Tract for \$15,000 in the 1890s, which provided employment for Cherokees in logging and milling operations as well as funds to pay back taxes.²² The council distributed funds from other timber sales to tribal members as per capita payments. In 1900, for example, each tribal

²⁰ Testimony of James E. Henderson, 1913, File Part 20, Exhibit 29, Records of the Bureau of Indian Affairs, Land Division, Correspondence, Reports, and Related Records Concerning Eastern Cherokee Enrollments, 1907-16, Box 5, RG 75, NARA Washington.

²¹ Neely, *Snowbird Cherokees*, 29.

²² Finger, *The Eastern Band of Cherokees*, 169-170.

member received \$4.00 from the “Timber Fund.”²³ The 1906 sale of the Love Tract for \$245,000 promised tribal members large payouts over several years.²⁴

Despite the per capita payments, not all tribal members agreed with the timber and land contracts signed by the tribal council. Dissension stemmed from concerns over the way the tribe managed the sales and awareness of the federal policy of allotment. Dissatisfaction with the per capita payments as well as pro-allotment rhetoric led some Indians to think that they would make more profit if they managed their lands individually through allotment.²⁵ All Cherokees, however, worried about who was entitled to a share of Band property and funds. Who was entitled to money from land sales and timber contracts? If federal officials allotted the Qualla Boundary, who would get a share? The Eastern Band needed an official roll.

The first effort to make an official list of tribal members came shortly after the finalization of the Love Tract sale. The tribal council, well aware that most of its constituency wished “to get as much of this money as they can get as soon as possible,” set about compiling a new Eastern Band roll in 1907 that they could use to distribute funds from the Love Tract sale.²⁶ This “Council Roll,” as it came to be known, was a preemptive

²³ Henry Spray, Superintendent, Cherokee Agency, N.C., to W.R. Maney, Democrat, N.C., February 25, 1901, Letters of Supt. Henry Spray, 7-17-99 to 3-5-01, Bureau of Indian Affairs, Cherokee Indian Agency, General Record Correspondence, Superintendents Letterbooks, 1892-1914, Box 3, RG 75, NARA Atlanta.

²⁴ Acting Commissioner to J. L. McLeymore, Murphy, N.C., December 20, 1906, File 251, 1906-1941, Bureau of Indian Affairs, Cherokee Indian Agency, Series 6, General Records Correspondence, Indian Field Service Filing System, 1926-1952, Box 64, RG 75, NARA Atlanta.

²⁵ Thomas W. Potter, Superintendent, Cherokee Agency, N.C., to the Commissioner of Indian Affairs, June 5, 1895, Letters of Supt. Potter, 10-29-94 to 6-8-95, Bureau of Indian Affairs, Cherokee Indian Agency, Series 1, General Record Correspondence, Superintendents Letterbooks, 1892-1914, Box 2, RG 75, NARA Atlanta.

²⁶ Superintendent Frank Kyselka, Cherokee Agency, N.C., to Commissioner of Indian Affairs, October 25, 1909, Letters of Supt. Frank Kyselka, 7-13-09 to 2-18-10, Bureau of Indian Affairs, Cherokee Indian Agency,

measure on the part of the council since they knew the government intended to draw up its own list of eligible members. Cherokees hoped that by presenting government agents with a tribal roll as a fait accompli, they could avoid any enrollment controversies by clearly delineating whom they considered Band members.

Basing their list on the 1884 Hester census, which the government had commissioned to distribute claim payments, as well as on the Eastern Band corporation's 1/16 blood quantum requirement, the council compiled a roll of 1,528 names.²⁷ The roll included substantial documentation, including the Hester Roll number, Indian name, English name, degree of Indian blood, the roll numbers of parents for those born after 1884, and the residence of enrollees. The council noted whether members had married outside the tribe and the racial identity of their spouses. They approved individuals of 1/16 or more blood quantum, but rejected their children, if less than 1/16 Cherokee blood. The tribal council recognized other individuals as being of Cherokee blood, but nonetheless denied them rights in the Band. Mark Wolfe and Mary Emmerline, for example, had both married Crow Indian spouses and subsequently moved to the Crow Agency in Montana. According to the tribal council, these siblings were "not eligible here."²⁸ The Council Roll revealed that the tribal

Series 1, General Record Correspondence, Superintendents Letterbooks, 1892-1914, Box 6, RG 75, NARA Atlanta.

²⁷ John Finger lists the number as 1,479 in *Cherokee Americans: The Eastern Band of Cherokees in the Twentieth Century* (Lincoln: University of Nebraska Press, 1991), 22. However, the introduction of the Council Roll housed at the National Archives and Records Administration, Washington, D.C. gives the number as "fifteen hundred twenty eight (1528) inclusive, except No. 1305 on page 38, Samuel Smith, and Mark Wolfe and Mary Emeline entered on page 43 following No. 1465 but not numbered, about which these names this Council is not entirely satisfied that they are proper names from enrollment as members of this Band of Indians." See Census Roll, 1907, Harris, Blythe, & French, Council Roll of Eastern Band of Cherokee Indians, RG 75, NARA Washington.

²⁸ Census Roll, 1907, Harris, Blythe, & French, Council Roll of Eastern Band of Cherokee Indians, RG 75, NARA Washington.

council considered blood quantum and residency as two of the most important criteria of belonging. Both of these criteria harkened back to the legally-defined political identity of Band members that had begun with the 1874 land case and the 1889 incorporation of the tribe. Approved by thirteen council members and ratified on November 30, 1907, the Council Roll reflected the tribal council's intent to define the Band's citizenry narrowly.

The year after the tribe compiled the Council Roll, the federal government sent its own official, Frank C. Churchill, to make a list of Eastern Band members. This effort came at the request of the federal agent stationed at Qualla who believed the tribe had unfairly excluded many individuals deserving of membership rights.²⁹ Over a period of more than six months, Churchill visited the counties of Swain, Jackson, Graham, and Cherokee, and took testimony from numerous applicants to determine their eligibility for enrollment. Upon completing his task, he addressed the tribal council and asked that they assemble the people in order to hear the roll called. At the subsequent meeting, Churchill listed 2,277 tribal members.³⁰

The tribal council, although respectful of Churchill's work, was dissatisfied with the final product. Council members particularly objected to the inspector's inclusion of individuals with less than 1/16 Cherokee ancestry, because the tribe's amended charter excluded them. In addition, the council argued that families who were legal residents of Georgia when the court awarded them the lands now held by their corporation were not

²⁹ DeWitt Harris, Superintendent, Cherokee Agency, N.C., to Commissioner of Indian Affairs, September 27, 1907, Letters of DeWitt Harris, 1-2-07 to 4-13-08, Bureau of Indian Affairs, Cherokee Indian Agency, Series 1, General Record Correspondence, Superintendent Letterbooks, 1892-1914, Box 5, RG 75, NARA Atlanta. Churchill began his work on October 24, 1907 at Cherokee, N.C., and continued until May 6, 1908.

³⁰ Frank C. Churchill, Report of Census, 1908, Census Roll of Eastern Band of Cherokee Indians, RG 75, NARA Washington.

eligible for membership or funds because they were not residents of North Carolina in 1874, as stipulated in the decision. Using these ancestral and residential criteria to protest the enrollment of individuals they saw as outsiders, the council insisted that fewer than 1910 of the names on Churchill's list were legitimate.³¹ For years, the tribe and federal officials hotly contested membership criteria. Two separate commissions headed by Special Agents Charles L. Davis and O.M. McPherson traveled to North Carolina to investigate membership claims. Applicants, lawyers, bureaucrats, and Band members fought over the tribe's requirements for inclusion.

During the enrollment controversies of the 1910s, the Eastern Band did its best to solidify its membership criteria and defend them against outsiders. The Cherokees needed clear ways to distinguish between genuine members and individuals only interested in Cherokee identity for economic reasons. They also needed criteria that they could explain and defend to federal officials. The enrollment decisions the tribal council made reflected its efforts to incorporate "traditional" ideas of belonging with new legalistic membership criteria. Emerging racial ideas about "blood" shaped traditional Cherokee ways of defining community members through kin ties. New residency requirements incorporated older ideas of cultural affiliation as a marker of Cherokee identity. By using language that white officials understood, the Cherokees hoped to uphold their own roll. In some cases the new criteria appeared to contradict the old and exclude individuals whom the tribe earlier might have included. Ultimately, however, the council made the decisions it deemed best for the long-term survival of the tribe and the preservation of its political rights and economic resources.

³¹ Ibid.

In the eighteenth and early nineteenth centuries, Cherokees had defined their communities by kinship.³² As a matrilineal society, the Cherokees had long traced tribal belonging through female kin. According to this system, anyone born of a Cherokee mother was automatically a full member of the community, no matter the father's racial identity. Over the years, however, kinship patterns changed as the Cherokees interacted with non-Indians and became acquainted with patriarchal customs. Even before the removal of the 1830s, Cherokee men had secured the rights of citizenship in the Cherokee Nation for their children born of non-Cherokee mothers. Cherokees who remained in the east following removal continued to intermarry with non-Indians, and many of them considered their children to be Cherokee, regardless of the sex of their Cherokee parent. This expanded definition of what it meant to be "Cherokee" ultimately undermined the desire of the Eastern Band to limit tribal membership in order to protect resources for core community members. Traditional matrilineal practices, new assertions of paternal rights, and developing ideas of racial "otherness" interacted to produce new ideas about who belonged.

Overrun by the claims of white Indians and fearful that intermarriage would weaken the tribe by diluting shares of tribal resources, the tribal council made efforts to police the sexual relationships of tribal members. In 1886, the tribal council passed a resolution requiring all tribal members "to be subject to the laws of the State in which they reside concerning marriage, that no man and woman shall live or cohabit together except they be married according to the laws of the State in which they reside."³³ Since state laws prohibited

³² Theda Perdue, *"Mixed Blood" Indians: Racial Construction in the Early South* (Athens: The University of Georgia Press, 2003).

³³ Cherokee Council Grounds, October 9, 1886, Microfilm Z.1.3N: Eastern Band of Cherokees, Council Records, 1902-1907, 1905-1909, 1886-1897, 1899, 1899-1902, North Carolina State Archives, Raleigh, North Carolina (hereafter M-Z.1.3N).

marriage between whites and Indians, this resolution presumably restricted marriages solely to the tribal community. In addition to limiting white intermarriage, the council proposed a resolution in 1909 that barred from membership “the children of any member of the Eastern Band of Cherokee Indians who marries an outside negro or person of negro blood.”³⁴ Despite these efforts, libido trumped law. The proportion of western North Carolinians claiming Cherokee blood increased during these years, through legal marriages, common-law relationships, and temporary trysts.

Traditionally, “illegitimacy” had been meaningless in Cherokee society. Children belonged to their mother’s clan, and their parents’ marital status had no bearing on their identity. As intermarriages and cross-racial sexual encounters grew increasingly common in the late nineteenth and early twentieth centuries, however, these ideas changed. Doubts about the paternity of children born out of wedlock led the council to acknowledge the children of non-Cherokee mothers only if the Cherokee father claimed the child as his own. Ute Crowe, for example, denied that he had fathered Mandy Crowe, the daughter of a white woman. The tribal council honored his declaration and contested Mandy’s enrollment in the Band. As council members later testified, “we believed him on the ground we stood on behalf of the tribe, and we took it for granted that what he said was the truth, so we filed the contest.”³⁵ By insisting that only the acknowledged children of Cherokee fathers could claim Band membership, the tribal council tried to make certain that children with recognized kin ties to

³⁴ Superintendent Frank Kyselka, Cherokee Agency, N.C., to Commissioner of Indian Affairs, July 9th, 1909, Letters of Supt. Frank Kyselka, 6-3-09 to 10-13-09, Bureau of Indian Affairs, Cherokee Indian Agency, Series 1, General Record Correspondence, Superintendents Letterbooks, 1892-1914, Box 6, RG 75, NARA Atlanta.

³⁵ Testimony of Joseph Saunooke, August 28, 1928, Miscellaneous Testimony in Enrollment Cases, Volume 5, The 1928 Baker Roll and Records of the Eastern Cherokee Enrolling Commission, 1924-1929, M-2104, Roll 6, RG 75, NARA Washington.

the tribe—not merely alleged blood relationships—received the benefits of membership. Fortunately for them, some American ideas of inheritance overlapped with their traditional notions about matrilineal descent. As one of the Band’s lawyers argued in 1910, “under the laws of the State of North Carolina, in the descent of real property, the rule is, that an illegitimate child can inherit only from its mother.”³⁶

By denying citizenship rights to unacknowledged children, the tribal council sought to protect the Band from dubious claims filed by non-Cherokee women and their alleged mixed-blood offspring. In 1915, the tribal council ruled that no illegitimate child could be enrolled “before the mother of said child shall have first appeared before [the Cherokee Indian School] Superintendent and under oath declared the name of the father of the child.”³⁷ Even after women made these assertions, neither the tribe nor the superintendent necessarily believed them. With so much money at stake in the tribal bank account, the council wanted to avoid doubtful claims that jeopardized the shares of recognized members. When Rebecca Davis filed for membership, claiming she was the illegitimate child of tribal member Charley Hornbuckle, for example, council member James Blythe protested that “she was a woman about thirty years old when she first began to claim she was of Indian blood.” In his view, “she had no further use for the Tribe” than the payments she hoped to receive.³⁸ From the perspective of the tribal council, these individuals were not legitimate Cherokees. Even if

³⁶ Joseph W. Howell, 1910, File Part 14, Exhibit 23, Records of the Bureau of Indian Affairs, Land Division, Correspondence, Reports and Related Records Concerning Eastern Cherokee Enrollments, 1907-16, Box 4, RG 75, NARA Washington.

³⁷ Cherokee Council Grounds, November 9, 1915, Microfilm Z.1.4: Miscellaneous Records, Eastern Band of Cherokees, 1908-1931, North Carolina State Archives, Raleigh, North Carolina (hereafter M-Z.1.4).

³⁸ Testimony of James Blythe, 1913, File Part 18, Exhibit 27, Records of the Bureau of Indian Affairs, Land Division, Correspondence, Reports, and Related Records Concerning Eastern Cherokee Enrollments, 1907-16, Box 5, RG 75, NARA Washington.

their mothers had engaged in brief relationships with Cherokee men, a presumption of blood alone was not enough to make someone a Band member.

Ideas about “race,” which grew ever-more prevalent in the context of the Jim Crow South, complicated the tribal council’s efforts to limit Band membership. In a region that divided people into categories of “colored” and “white,” Cherokees were not always free to define their membership in ways that adhered to their traditional concepts of kinship or their emerging ideas of political belonging. From the perspective of white agents and government officials, children who showed phenotypically Indian characteristics had to be Cherokee, because they certainly were not white. Racially-defined, such individuals belonged on tribal rolls, they thought, because they did not fit into Jim Crow’s racial binary: they were not white but neither were they black. On the other hand, officials tended to lump children of mixed black and Cherokee ancestry into the category of “colored,” for they did have African ancestry. Government agents more readily accepted the judgments of the tribal council on the status of individuals of African and Cherokee descent because their exclusion from the Eastern Band of Cherokee Indians did not threaten to disrupt the white South’s racial categories in the way that people who had only Indian and white ancestors did. Beyond the boundaries of the reservation, children of Cherokees and African Americans simply became “colored,” while children of Indians and whites challenged the color line.

As the enrollment process got underway, government officials encouraged Cherokees to think about applicants racially. When applicants came before the enrolling committees of the 1910s, agents, lawyers, and tribal members scrutinized their racial identities to determine their Cherokee blood. Often they depended on phenotype to decide questions of eligibility. In the case of Harriet A. Mashburn, Joseph W. Howell, a white lawyer appointed by the Interior

Department to serve as advisory counsel during enrollment, asked committee members to “look at this lady, as we will make a statement about her appearance.” Howell described Mashburn as “of a very dark brunette complexion,” and used this to prove her assertion of Indian identity. The Cherokee committee members questioned Mashburn’s background and noted that her father was no more than “three eighths” Cherokee blood by “the general reputation.” When Howell pressed them, they conceded that “she is darker, and her hair is black, she would be taken for a half breed anywhere.” Giving in to the lawyer’s argument that the woman’s physical appearance demanded her enrollment, the committee decided that she was “a little more than one quarter.”³⁹

Over time, racial ideologies modified traditional understanding of kinship and led to prejudice against a number of claimants on account of their race. Tribal members’ “feeling...toward the colored race” proved particularly detrimental to black-Cherokee applicants.⁴⁰ Although kinship ties could overcome racial prejudice in some cases—for example, in the 1890s Superintendent Thomas W. Potter reported that Cherokees took in and raised the orphaned son of a Cherokee man and his black-Cherokee wife—in other instances, racial feeling was too strong to surmount.⁴¹ In 1909 the tribal council objected to the enrollment of the family of Acey James on the grounds that they were “said to be part negro,

³⁹ Mashburn-Timpson Testimony, 1913, File Part 17, Exhibit 26, Records of the Bureau of Indian Affairs, Land Division, Correspondence, Reports, and Related Records Concerning Eastern Cherokee Enrollments, 1907-16, Box 5, RG 75, NARA Washington.

⁴⁰ Superintendent, Cherokee Agency, N.C., to Commissioner of Indian Affairs, March 24, 1931, File 004 (1), Bureau of Indian Affairs, Cherokee Indian Agency, Series 6, General Records Correspondence, Indian Field Service Filing System, 1926-1952, Box 8, RG 75, NARA Atlanta.

⁴¹ Thomas W. Potter, Superintendent, Cherokee Agency, N.C., to H.B. Frissel, Hampton, VA, February 5, 1895, Letters of Supt. Potter, 10-29-94 to 6-8-95, Bureau of Indian Affairs, Cherokee Indian Agency, Series 1, General Record Correspondence, Superintendents Letterbooks, 1892-1914, Box 2, RG 75, NARA Atlanta.

and claim to be of Portuguese descent.”⁴² Cherokees did not always use race so overtly to limit an individual’s rights to membership; instead, prejudice against blacks more subtly barred applicants from the tribal rolls.

A useful case study in the story of Cherokee attitudes towards and relationships with racial others is the Driver family. Russell B. Driver and James Goliath Driver, two full-blood Cherokee brothers, left Qualla to attend the Carlisle Institute in Pennsylvania sometime in the last few years of the nineteenth century. While they were away from North Carolina, both brothers met and married non-Cherokee women. James Goliath married a white woman, fathered a child, and moved his small family to Indiana where he worked as a baker. Russell, on the other hand, married a “Negro woman,” stayed in Pennsylvania, and had several children. By the time the McPherson Committee reviewed enrollment cases in the mid-1910s, neither brother had brought his family back to North Carolina, though both returned for visits without their wives or children. In the Commission’s view, both full-blooded brothers were eligible for inclusion on the roll, but their children were not due to non-residence and non-affiliation with the tribe.⁴³

⁴² Superintendent Frank Kyselka, Cherokee Agency, N.C., to Guion Miller, Special Commissioner of the Court of Claims, October 6, 1909, Letters of Supt. Frank Kyselka, 7-13-09 to 2-18-10, Bureau of Indian Affairs, Cherokee Indian Agency, Series 1, General Record Correspondence, Superintendents Letterbooks, 1892-1914, Box 6, RG 75, NARA Atlanta.

⁴³ File Part 18, Exhibit 27, 1913, Records of the Bureau of Indian Affairs, Land Division, Correspondence, Reports, and Related Records Concerning Eastern Cherokee Enrollments, 1907-16, Box 5, RG 75, NARA Washington; Commissioner of Indian Affairs to Secretary of the Interior, 1914, File 034 10F2, Records of the Bureau of Indian Affairs, Land Division, Correspondence, Reports, and Related Records Concerning Eastern Cherokee Enrollments, 1907-16, Box 1, RG 75, NARA Washington.

On the surface, the cases of the Driver brothers appear “almost identical,” but a closer look at their circumstances reveals profound differences.⁴⁴ Tribal member James Blythe asked Russell, on one of his visits back to Qualla, “if he would not bring his family here.” Laughing, Russell replied that “he guessed he would not as she was a little too dark to bring here.”⁴⁵ Although later testimony revealed that his wife, Sophia Price, was of mixed African and Mohawk ancestry, Russell evidently believed her black heritage would prevent her acceptance by the Cherokees.⁴⁶ Although Russell applied for funds for his children through Cherokee claim payments, he chose to live out his life away from his kinsmen in order to protect Sophia and their growing family from racial prejudice.

In contrast to his brother, James Goliath Driver ended up returning to Qualla in later years, working for a time at the Cherokee Boarding School and then in Bryson City as a baker.⁴⁷ Although his white wife was not well-liked by the Cherokee community (one letter described her as “a menace to the peace and good feeling wherever she goes”⁴⁸), James did not share his brother’s qualms about bringing his family back to North Carolina, perhaps because their racial identity was more acceptable to the Cherokees. His half-white daughter,

⁴⁴ Commissioner of Indian Affairs to Secretary of the Interior, 1914, File 034 10F2, Records of the Bureau of Indian Affairs, Land Division, Correspondence, Reports, and Related Records Concerning Eastern Cherokee Enrollments, 1907-16, Box 1, RG 75, NARA Washington.

⁴⁵ File Part 18, Exhibit 27, 1913, Records of the Bureau of Indian Affairs, Land Division, Correspondence, Reports, and Related Records Concerning Eastern Cherokee Enrollments, 1907-16, Box 5, RG 75, NARA Washington.

⁴⁶ Decisions in Enrollment Cases, Volume II, The 1928 Baker Roll and Records of the Eastern Cherokee Enrolling Commission, 1924-1929, M-2104, Roll 67, RG 75, NARA Washington.

⁴⁷ Testimony of James Goliath Driver on behalf of his daughter, Helen Esther Driver, February 23, 1928, Miscellaneous Testimony in Enrollment Cases, Volume IV, The 1928 Baker Roll and Records of the Eastern Cherokee Enrolling Commission, 1924-1929, M-2104, Roll 66, RG 75, NARA Washington.

⁴⁸ Superintendent, Cherokee Agency, N.C., to Commissioner of Indian Affairs, November 9, 1929, File 004, Bureau of Indian Affairs, Cherokee Indian Agency, Series 6, General Records Correspondence, Indian Field Service Filing System, 1926-1952, Box 7, RG 75, NARA Atlanta.

Helen, graduated from the Cherokee Boarding School on the Boundary and later enrolled in the Haskell Institute as a Cherokee Indian.⁴⁹ When questions of tribal enrollment resurfaced in the 1920s, officials used the fact that Helen “did return and affiliate and associate with her tribe” to recommend her for enrollment.⁵⁰ Although Helen ended up marrying a white man and moving to Pennsylvania to work in a silk mill, the time she spent on the Qualla Boundary assured her of Cherokee tribal enrollment. Helen’s white-Cherokee racial identity afforded her opportunities denied to her African-Mohawk-Cherokee cousins. Although officials applied the same tests—residency and affiliation—to both cases, attitudes towards race shaped the outcomes for these two blood-connected but racially-divided families.

The story of the Coleman family reveals other ways that race influenced enrollment decisions, highlighting the complicated intersections of illegitimacy, slavery, and “blood.” Harrison Coleman, born around 1853 or 1854 near the Qualla Boundary in Swain County, was the son of Rebecca Coleman, described as “a negro slave, who belonged to a white man by the name of Mark Coleman.”⁵¹ Coleman claimed that his father was Kah-soo-yo-keh Littlejohn, a full-blood Cherokee, but his parents never legally married and Kah-soo-yo-keh was in fact married to a Cherokee woman at the time of Coleman’s conception.⁵² The Eastern Cherokees did not know quite what to make of Coleman, partly due to his early servile status

⁴⁹ Testimony of James Goliath Driver on behalf of his daughter, Helen Esther Driver, February 23, 1928, Miscellaneous Testimony in Enrollment Cases, Volume IV, The 1928 Baker Roll and Records of the Eastern Cherokee Enrolling Commission, 1924-1929, M-2104, Roll 66, RG 75, NARA Washington.

⁵⁰ Decisions in Enrollment Cases, Volume II, The 1928 Baker Roll and Records of the Eastern Cherokee Enrolling Commission, 1924-1929, M-2104, Roll 67, RG 75, NARA Washington.

⁵¹ Ibid.

⁵² Henry Spray, Superintendent, Cherokee Agency, N.C., to Commissioner of Indian Affairs, April 3, 1901, Letters of Supt. H.W. Spray, 2-6-01 to 9-17-02, Bureau of Indian Affairs, Cherokee Indian Agency, Series 1, General Record Correspondence, Superintendents Letterbooks, 1892-1914, Box 4, RG 75, NARA Atlanta.

(he, like his mother, was the slave of Mark Coleman until emancipation), and partly due to his alleged father's refusal either to confirm or to deny his parentage. Hester included Coleman on his 1884 roll, as did Churchill in 1908, but a number of Cherokees consistently challenged his rights to membership.⁵³ Until tribal membership debates erupted following the sale of the Love Tract, Harrison Coleman had an ambiguous status, sometimes included, sometimes rejected. He received a tract of land on the Qualla Boundary from the tribal council, which he farmed with the help of his mixed-ancestry wife, Mourning Coleman. (Mourning later claimed that she was of "white, Portuguese, African, and Indian" descent, though she never applied for enrollment in her own right.) The couple's children attended the Cherokee school at Birdtown until the tribal council contested their admission in the wake of the Churchill Roll.⁵⁴

For those Cherokees who denied Harrison Coleman's Indian ancestry, family issues were certainly at play: recognizing Coleman as kin meant acknowledging Kah-soo-yo-keh's failings as a husband and father. Coleman's alleged half-brother, Saunooke Littlejohn, for example, insisted that "when we are talking together we do not call each other brother... I do not regard him as my brother."⁵⁵ Yet, even more insidious was the issue of race. Although Coleman, according to one government official, showed "some characteristics of all three races, white, colored, and Indian" and even showed "Indian the most," his African ancestry

⁵³ Decisions in Enrollment Cases, Volume 1, The 1928 Baker Roll and Records of the Eastern Cherokee Enrolling Commission, 1924-1929, M-2104, Roll 67, RG 75, NARA Washington.

⁵⁴ Testimony of Mourning Coleman, September 20, 1927, Miscellaneous Testimony in Enrollment Cases, Volume III, The 1928 Baker Roll and Records of the Eastern Cherokee Enrolling Commission, 1924-1929, M-2104, Roll 66, RG 75, NARA Washington.

⁵⁵ Sworn Statement of Saunooke Littlejohn, December 26, 1910, File Part 5, Exhibit L, Records of the Bureau of Indian Affairs, Land Division, Correspondence, Reports, and Related Records Concerning Eastern Cherokee Enrollments, 1907-16, Box 2, RG 75, NARA Washington.

along with his illegitimacy made him a pariah in the Cherokee community.⁵⁶ As one Cherokee noted, “the young people of the Indian community would have little to do with the Coleman young people, and by reason of such the Coleman young people have affiliated with the colored young people.”⁵⁷ Excluded from full community participation due to their black ancestry, the Colemans were forced to socialize elsewhere. Ultimately they associated with and married into the surrounding black community, which further distanced them from the Cherokees.⁵⁸

Despite years of rejection, Harrison Coleman and his family clung firmly to their Indian identity. Coleman maintained that he was the descendant of Kah-soo-yo-keh by blood, his children attended the Cherokee day school at Birdtown, and the family claimed to “visit some with the Indians, eat with them and go to their churches.”⁵⁹ Government officials who reviewed the Colemans’ case in the 1910s were hard-pressed to find a legitimate reason to deny the family’s membership rights. Seeing that the Colemans “undoubtedly have Indian blood,” and recognizing that “there was a strong prejudice against them” among the Cherokees “because of their negro blood,” Superintendent Kyselka and Special Agent Davis challenged the tribal authorities to “support their charges by formal evidence.” They warned

⁵⁶ Statement of Special Agent, Chas. L. Davis, December 27, 1910, File Part 5, Exhibit L, Records of the Bureau of Indian Affairs, Land Division, Correspondence, Reports, and Related Records Concerning Eastern Cherokee Enrollments, 1907-16, Box 2, RG 75, NARA Washington.

⁵⁷ Sworn Statement of Ropetwister Littlejohn, December 26, 1910, File Part 5, Exhibit L, Records of the Bureau of Indian Affairs, Land Division, Correspondence, Reports, and Related Records Concerning Eastern Cherokee Enrollments, 1907-16, Box 2, RG 75, NARA Washington.

⁵⁸ Sworn Statement of Joe Stone George, December 26, 1910, File Part 5, Exhibit L, Records of the Bureau of Indian Affairs, Land Division, Correspondence, Reports, and Related Records Concerning Eastern Cherokee Enrollments, 1907-16, Box 2, RG 75, NARA Washington.

⁵⁹ Sworn Statement of Harrison E. Coleman, December 22, 1910, File Part 5, Exhibit L, Records of the Bureau of Indian Affairs, Land Division, Correspondence, Reports, and Related Records Concerning Eastern Cherokee Enrollments, 1907-16, Box 2, RG 75, NARA Washington.

them that “the burden of proof rests with the tribe and not on the contestees.” When the tribal council did not respond, Kyselka assumed their silence was a “tact withdrawal of the protest against enrollment” and thus included the Colemans on the Love tract payroll of April, 1910.⁶⁰ For a time, at least, it seemed the Colemans would be enrolled.

The tribal council, however, was not easily dissuaded from their effort to protect Cherokee membership rights for only undisputedly “legitimate” Cherokees. Over the next few years they searched for legal tools that would play upon white society’s own prejudices in order to exclude contested black-Indian families like the Colemans. What they found was an argument that resonated with the Jim Crow South: Harrison Coleman, born the illegitimate son of a slave woman, “could have no other status than that of a slave, and by no possible construction could it have an inheritable interest in the lands and property of the Eastern Band of Cherokee Indians.” Arguing that the “illegitimate child of a bond woman” necessarily followed the status of his mother—which also corresponded to Cherokee ideas of matrilineal descent—tribal members denied Coleman’s right to enrollment, even if his father was Cherokee.⁶¹ In 1913 tribal member James Blythe made this argument before the McPherson Committee, insisting that former slaves were “one class of claimants [the tribe] would never recognize.”⁶²

⁶⁰ Frank Kyselka, Superintendent, Cherokee Agency, N.C., to Commissioner of Indian Affairs, January 19, 1911, Letters of Supt. Frank Kyselka, 2-23-10 to 2-20-11, Bureau of Indian Affairs, Cherokee Indian Agency, Series 1, General Record Correspondence, Superintendents Letterbooks, 1892-1914, Box 7, RG 75, NARA Atlanta.

⁶¹ Commissioner of Indian Affairs to Secretary of the Interior, 1914, File 034 10F2, Records of the Bureau of Indian Affairs, Land Division, Correspondence, Reports, and Related Records Concerning Eastern Cherokee Enrollments, 1907-16, Box 1, RG 75, NARA Washington.

⁶² Testimony of James Blythe, 1913, File Part 20, Exhibit 29, Records of the Bureau of Indian Affairs, Land Division, Correspondence, Reports, and Related Records Concerning Eastern Cherokee Enrollments, 1907-16, Box 5, RG 75, NARA Washington.

Although this position challenged the spirit of the United States Constitution's Fifteenth Amendment that United States citizenship rights could not be denied based on one's "race, color, or previous condition of servitude," the Interior Department was happy to agree that "the immemorial custom of the Cherokee people [was] to include only free persons in the [tribal] citizenship."⁶³ Willing to accept the Cherokees' own requirements when they excluded people that white America also found undesirable, the Interior Department revealed its fickle tendency to defer to tribal authority over citizenship matters only when convenient. Indeed, the Cherokees' rejection of former slaves by claiming the sovereign right to define tribal citizenship outside of the bounds of United States citizenship criteria may have gratified white Americans who at the time were also searching for loopholes to get around the dictates of the Fifteenth Amendment.

Although the racial prejudices of Eastern Cherokees pushed them to use whatever tools possible to deny membership to individuals of black ancestry, they were equally invested in protecting membership rights from claimants who had white "blood." Cherokees borrowed ideas about "blood" from United States policymakers and reformers who used the term to measure the competency of Indian people during the allotment era. In the view of white officials, the more "white blood" an Indian had, the more capable he or she presumably would be in managing affairs in the civilized world. Cherokees rejected this notion, but manipulated ideas of blood to serve their own purposes. "Blood," for the Cherokees, carried cultural as well as racial connotations. They applied the term "full blood" to someone who adhered to traditional Cherokee practices and behaved in culturally-appropriate ways whether

⁶³ C.F. Hauke, Acting Assistant Commissioner, to the Secretary of the Interior, May 16, 1916, File 034, Records of the Bureau of Indian Affairs, Land Division, Correspondence, Reports, and Related Records Concerning Eastern Cherokee Enrollments, 1907-16, Box 1, RG 75, NARA Washington.

or not that person actually had only Cherokee ancestors. “Mixed bloods,” on the other hand, acted “white.”⁶⁴ Although blood quantum did not necessarily correspond to behavior, it served as a limiting tool that the tribal council used to defend the Band against the claims of so-called white Indians.

White Indian families based their claims on previous rolls that often had included white families—either because individuals had married into the tribe, or because they managed to get their names listed fraudulently. Charles L. Davis complained to the Indian Office in 1911: “All the old rolls carry many whites—the Hester rolls hundreds of them. Out of all this it is not to be wondered there are hundreds of people in this region who believe they have Indian blood. Are not the names of their ancestors on the old rolls? And have not their parents told them they have Indian blood? Then of course they do not hesitate to take solemn oath to such things.” Some may have had legitimate Cherokee ancestry, but they were several generations removed from their Cherokee ancestors, had intermarried exclusively with whites for years, and had few close connections to the core Cherokee community. Despite this, they sought to gain a share of tribal lands and funds. “They are perfectly astonished,” Davis wrote, “that any other test than blood should be applied...to them a drop of Indian blood gives full right.”⁶⁵

⁶⁴ For a larger discussion of some of the social, cultural, and racial meanings western Cherokees have assigned to “blood” see Circe Sturm, *Blood Politics: Race, Culture, and Identity in the Cherokee Nation of Oklahoma* (Berkeley: University of California Press, 2002).

⁶⁵ Charles L. Davis, Report on Eastern Cherokee Enrollments and Contests for the Commissioner of Indian Affairs, February 21, 1911, Copybook of Special Agent Charles L. Davis, 1910-1911, Records of the Bureau of Indian Affairs, Enrollment Records Relating to Enrollment of Eastern Cherokees, Box 1, RG 75, NARA Washington.

Frustrated by the claims of these individuals, tribal members from the core Cherokee community rejected the rights of white Indians to Cherokee resources. Indeed, by the 1910s, many tribal members referred to these “off-shooting families” as “the ‘suckers’ to maimed or unhealthy plant life.” They believed that “unless the suckers are pruned they will soon so sap the tribal wealth as to leave nothing to sustain the main plant.” Cherokees felt particularly frustrated because many of these so-called Indians seemed to value Cherokee identity only for the money they hoped to receive. Charles Davis reported that “except for the little patrimony coming, large numbers would scorn to be known as Indians or of Indian extraction.”⁶⁶

In order to curtail the rights of white Indians, Cherokees turned to the blood quantum limitations they had inserted into their amended corporate charter in 1895. They argued that this resolution restricted “tribal rights and membership to persons of not less than one-sixteenth degree Indian blood.”⁶⁷ Because this resolution was approved by the state of North Carolina and not by the federal government, however, it was unclear whether government agents making the Cherokee rolls would enforce it. The Indian Office instructed Churchill to ignore the resolution and enroll “Indians otherwise qualified...even though they were of one-thirty-second Indian blood or less.”⁶⁸ The Cherokees protested against this instruction, and in 1910 they issued a new resolution reaffirming that “no person having less than one-sixteenth

⁶⁶ Ibid.

⁶⁷ Charles L. Davis to Commissioner of Indian Affairs, November 12, 1910, Copybook of Special Agent Charles L. Davis, 1910-1911, Records of the Bureau of Indian Affairs, Enrollment Records Relating to Enrollment of Eastern Cherokees, Box 1, RG 75, NARA Washington.

⁶⁸ Frank Kyselka, Superintendent, Cherokee Agency, N.C., to Commissioner of Indian Affairs, June 3, 1910, Letters of Supt. Frank Kyselka, 2-23-10 to 2-20-11, Bureau of Indian Affairs, Cherokee Indian Agency, Series 1, General Record Correspondence, Superintendents Letterbooks, 1892-1914, Box 7, RG 75, NARA Atlanta.

degree of Indian blood shall be entitled to enrollment as a member to the Band or to participate in any share of any tribal property thereof, except through inheritance of segregated and individual shares.”⁶⁹ Davis and McPherson appeared to take the limitations set by the tribal council seriously as they investigated enrollment claims. Superintendent Frank Kyselka even proposed an innovative compromise, suggesting that tribal funds be distributed proportional to the blood quantum of claimants: “Instead of \$40 or \$45 per head, I would recommend a payment of \$60 to full bloods; \$30 to half blood; \$15 to quarter bloods, etc.”⁷⁰ The Indian Office declined to consider his request, and the disputes continued.

Many white Indian applicants hoped that if they pushed their cases hard enough, eventually government agents would include their names on the rolls and they would receive an equal share of Cherokee resources. The case of one such family, the Raper-Lamberts, illustrates the complexity of the competing claims of government officials, applicants, and the tribal council. Members of the Raper-Lambert family traced their Cherokee ancestry through the nineteenth-century marriages of three white men (Jesse, Thomas, and James Raper) with the daughters of Alexander McDaniel, a man of reputed Cherokee ancestry. According to the family, each of these daughters had at least 1/4 Cherokee ancestry, though the youngest, Susan, may have had more because she had a different mother than her sisters and “was of darker appearance.”⁷¹ In contrast, the tribal council contended that the girls were

⁶⁹ Cherokee Indian Council, October 7, 1910, M-Z.1.4.

⁷⁰ Superintendent Frank Kyselka, Cherokee Agency, N.C., to Commissioner of Indian Affairs, March 1, 1910, Letters of Supt. Frank Kyselka, 1-23-10 to 2-20-11, Bureau of Indian Affairs, Cherokee Indian Agency, Series 1, General Record Correspondence, Superintendents Letterbooks, 1892-1914, Box 7, RG 75, NARA Atlanta.

⁷¹ E.B. Merritt to Secretary of the Interior, April 8, 1916, File 034, Records of the Bureau of Indian Affairs, Land Division, Correspondence, Reports, and Related Records Concerning Eastern Cherokee Enrollments, 1907-16, Box 1, RG 75, NARA Washington.

white: they claimed that Mary (Polly), Catherine (Katy), and Susan all descended from Alexander McDaniel's white wife and her first husband, a white man. The Lambert branch of the family descended from Nancy Lambert, the daughter of Thomas and Catherine Raper, who married a white man named Hugh Lambert. In the late nineteenth century, Hugh Lambert moved his family near to the Qualla Boundary and gained control of some Cherokee land. His children by Nancy almost all married whites and resided both off and on the reservation.⁷²

By the early twentieth century, members of the Raper-Lambert families, although they occupied tribal lands, had little association with their supposed Cherokee relatives. All married outside whites, except for two of the great-grandsons of Catherine Raper. According to the McPherson Committee, Jesse B. Lambert married his second cousin, Minnie Stiles, while Hugh N. Lambert married the sister of recognized tribal member Sibbald Smith. Other than these two exceptions, the committee reported, there had been "no infusion of Cherokee blood, and no claim of infusion of Cherokee blood, in the Lambert Families since the marriage of Thomas Raper with Katy McDaniel (if in fact Katy McDaniel possessed any Cherokee blood, which is not admitted)." In addition, the committee asserted that although the Lambert families lived "on and near the Qualla Boundary," their mere presence in the vicinity of the Cherokee community did not constitute "a proper degree of Cherokee association and affiliation."⁷³ Due to their limited affiliation with the Cherokee community as well as their low Indian blood quantum, the tribal council and the McPherson Committee

⁷² File Part 19, Exhibit 28, 1913, Records of the Bureau of Indian Affairs, Land Division, Correspondence, Reports, and Related Records Concerning Eastern Cherokee Enrollments, 1907-16, Box 5, RG 75, NARA Washington.

⁷³ Ibid.

recommended “that the names of all the contested persons be dropped from the rolls of the Eastern Band of Cherokees of North Carolina.” They sent their resolution to the Indian Office for approval.⁷⁴

As they reviewed the case, Indian Office and Interior Department officials paid close attention to the blood claims of the Raper-Lamberts. Even though the Cherokee census of 1835 was “blank as to the members of the Raper family,” the assistant commissioner of Indian Affairs eventually concluded that Mary, Catherine, and Susan Raper must have been between one-quarter and one-half Indian blood. This decision was made “in the absence of all documentary evidence,” illustrating the arbitrary nature of blood quantum designations. According to this ruling, some members of the Raper-Lambert families had more than one-sixteenth Cherokee blood; others did not. If the Indian Office applied the Band’s blood rule, many individuals would be excluded from the rolls. Ultimately, however, the assistant commissioner of Indian Affairs declined to do so. He urged the secretary of the Interior to instruct the superintendent of the Cherokee Agency to recognize the Raper-Lambert families, and “to accord them all the rights and privileges incident to such enrollment,” including “all payments.”⁷⁵ Much to the chagrin of the Cherokee tribal council, it seemed this white Indian family would gain tribal rights.

Similar to the Raper-Lambert families was the case of the Taylor-Hardin families. Like the Raper-Lamberts, the Taylor-Hardins’ claim to Indian identity rested on family tradition. According to their arguments, in the early nineteenth century, an Indian woman

⁷⁴ E.B. Merritt to Secretary of the Interior, April 8, 1916, File 034, Records of the Bureau of Indian Affairs, Land Division, Correspondence, Reports, and Related Records Concerning Eastern Cherokee Enrollments, 1907-16, Box 1, RG 75, NARA Washington.

⁷⁵ Ibid.

married a white man by the name of Bigby. Of their children, one daughter, Polly Bigby, married a white man named Taylor. All the descendents of Taylor and his supposedly mixed-blood wife married whites, yet, McPherson wrote, “this family, of course, think they have Indian blood, for they have been taught it for years, and will swear to such claim to the end of their days.”⁷⁶ Later, Polly Bigby’s son, James Taylor, fathered an illegitimate daughter named Elizabeth Hardin by a white woman. She and approximately thirty-five of her descendants also claimed rights in the Band as descendants of Polly Bigby.⁷⁷ The Taylor-Hardin families based their claims to tribal enrollment on their presumed ties to this distant Cherokee ancestor.

The tribal council contested their claims. According to a “well-established rumor and belief all through Cherokee country...Polly Bigby was a white girl, raised by the Bigby family, the Bigby mother being part Indian.” In earlier times, the adoption of a white child by an Indian mother entitled the child to tribal membership, but by the twentieth century, blood superseded adoptive kin bonds in the eyes of the tribal council.⁷⁸ Moreover, for generations the family had had no affiliation with the tribe other than through James Taylor, son of Polly Bigby, who became enmeshed in tribal politics after the Civil War. Although presumably recognized as Indian by the tribe in the late nineteenth century, Taylor had a bad reputation among tribal members due to his divisive politics, his removal schemes, his appropriation of

⁷⁶ O.M. McPherson, Special Indian Agent, to Guion Miller, September 30, 1913, Letters of Spec. Agents Wadsworth & McPherson, 6-24-13 to 5-1-14, Bureau of Indian Affairs, Cherokee Indian Agency, General Records Correspondence, Special Agents Letterbooks, 1910-1914, Box 1, RG 75, NARA Atlanta.

⁷⁷ Special Indian Agent to Commissioner of Indian Affairs, July 30, 1910, Letters of Supt. Frank Kyselka, 2-23-10 to 2-20-11, Bureau of Indian Affairs, Cherokee Indian Agency, Series 1, General Record Correspondence, Superintendents Letterbooks, 1892-1914, Box 7, RG 75, NARA Atlanta.

⁷⁸ Charles L. Davis, December 17, 1910, Copybook of Special Agent Charles L. Davis, 1910-1911, Records of the Bureau of Indian Affairs, Enrollment Records Relating to Enrollment of Eastern Cherokees, Box 1, RG 75, NARA Washington.

over \$10,000 of tribal funds for services he supposedly rendered the Band, and his eventual removal west. Few were willing to grant that his brand of affiliation with the tribe entitled any of his descendants to membership.

When the enrollment case came before federal agents in the 1910s, both sides vehemently defended their positions. Members of the Taylor-Hardin families swore that they had Indian ancestry and pointed out the names of their ancestors on earlier tribal rolls. Those who occupied tribal land refused to leave and, according to McPherson, would “doubtless have to be litigated off.”⁷⁹ The tribal council, on the other hand, insisted that they were whites who had fraudulently obtained rights in the Band. In later years, when the issue of enrolling the Taylor-Hardins reemerged, one witness described Polly Bigby as “fair skinned and freckle-faced... [She] looked like a big Irish woman.” According to the Cherokees, Polly Bigby, although “reared by Indians” was racially white and her descendants “were recognized as white people and enjoyed all the privileges of white people.”⁸⁰

The agents who reviewed the case had to agree that racially not much suggested Indian ancestry among the descendants of Polly Bigby. “One and all are blondes,” exclaimed Charles L. Davis, “and many with florid complexions and red hair.”⁸¹ In addition, the Committee noted that “none of the applicants...live in an Indian community; that they do not

⁷⁹ O.M. McPherson, Special Indian Agent, to Guion Miller, September 30, 1913, Letters of Spec. Agents Wadsworth & McPherson, 6-24-13 to 5-1-14, Bureau of Indian Affairs, Cherokee Indian Agency, General Records Correspondence, Special Agents Letterbooks, 1910-1914, Box 1, RG 75, NARA Atlanta.

⁸⁰ Testimony of Harvey A. Cooper, August 28, 1928, Miscellaneous Testimony in Enrollment Cases, Volume 5, The 1928 Baker Roll and Records of the Eastern Cherokee Enrolling Commission, 1924-1929, M-2104, Roll 66, RG 75, NARA Washington.

⁸¹ Charles L. Davis, December 17, 1910, Copybook of Special Agent Charles L. Davis, 1910-1911, Records of the Bureau of Indian Affairs, Enrollment Records Relating to Enrollment of Eastern Cherokees, Box 1, RG 75, NARA Washington.

speak or understand the Cherokee language; that they do not attend the tribal councils or meetings; that they have never patronized the Indian schools; that there is not now nor never has been a marriage of any individual of the Taylor family with any recognized member of this band; and that the very large majority of the applicants are wholly unknown and strangers to the present recognized membership.”⁸² The McPherson Committee recommended the expulsion of the Taylor-Hardin families from the Cherokee rolls. However, as with the case of the Raper-Lambert families, the Indian Office and the Interior Department had to review the decision. Once again, the issue of the Band’s right to set blood quantum requirements framed the discussion. If the Taylor-Hardins had even a drop of Indian blood, would this not make them Indian and entitled to benefits as Cherokees? In the end, the decision was put aside for future enrollment debates since disagreement among government officials made disposition of the case impossible at the time.⁸³ By tabling the issue, the Indian Office revealed its reluctance to accept the judgments of the tribal council and even the government-appointed enrolling committee when it came to issues of white individuals who claimed Indian ancestry.

Ancestry was important, but blood alone did not make someone a tribal member. The tribal council also restricted membership to those Cherokees who had participated in rebuilding the Band’s land base in North Carolina. Unlike most reservations, tribal members had purchased the Qualla Boundary from non-Indians and won fee simple title to the land in 1874. The tribal council argued that only those Cherokees with “pecuniary interest” in the

⁸² Report of the Committee, 1914, File Part 5, Exhibit G, Records of the Bureau of Indian Affairs, Land Division, Correspondence, Reports, and Related Records Concerning Eastern Cherokee Enrollments, 1907-16, Box 2, RG 75, NARA Washington.

⁸³ Decisions in Enrollment Cases, Volume 1, The 1928 Baker Roll and Records of the Eastern Cherokee Enrolling Commission, 1924-1929, M-2104, Roll 67, RG 75, NARA Washington.

land should have rights as tribal members. To claim membership, council members insisted, an applicant “must be a resident, actually or constructively, of the Indian community, reestablished and rehabilitated mainly through the efforts of Colonel Wm. H. Thomas, occupying the Southwestern part of the State of North Carolina.”⁸⁴ Only in this way could applicants prove that they were communal owners of the tribal land base. In particular, they or their ancestors had to have been present on the land at the time of the 1874 court decision. This stipulation lent legal weight to the Band’s residency criterion through the language of the court decision that limited ownership of the Qualla Boundary to Cherokees in North Carolina. The decision to include “pecuniary interest” through residency as one of the criteria for inclusion illustrated that the Eastern Band conceived of itself as more than an ethnic group or racial minority in the South. It was a political organization with economic interests. It was not enough to claim racial heritage as Cherokee; members also had to prove their political citizenship in and economic ties to the Band.

Residency requirements added another legal twist to belonging; however, they also contained a more traditional cultural element. On the Qualla Boundary and in the Snowbird community, Band members gathered for celebrations, festivals, and games. They spoke the Cherokee language and they taught their children Cherokee stories. In the presence of other Cherokees, children culturally became members of the community. If individuals lived away from the Qualla Boundary and the surrounding Cherokee communities in western North Carolina, they failed to learn the behavior patterns and life ways that defined Cherokee identity. Such people might have been racially “Indian” in the eyes of white America, but in

⁸⁴ Proposition in Eastern Cherokee Case, 1915, File No. 034, Records of the Bureau of Indian Affairs, Land Division, Correspondence, Reports, and Related Records Concerning Eastern Cherokee Enrollments, 1907-16, Box 1, RG 75, NARA Washington.

the eyes of other Cherokees, they became “white Indians” who no longer thought and acted like community members. Residency requirements ensured that only individuals with a cultural connection to the Band were eligible for Band membership. The tribal council hoped that this stipulation, like the blood quantum requirement, would help preserve the Band’s resources for those Cherokees who were socially and culturally connected to the Band community.

Mid-twentieth-century anthropologists identified the “Harmony Ethic” as characteristic of the Eastern Band. According to researchers, this ethic “provided the regulatory norms for the early Cherokee but certain aspects have survived to the present as part of the traditional socialization process.”⁸⁵ This worldview, or ethos, passed through the generations, emphasized avoidance of confrontations and conflicts. Cherokees socialized through the Harmony Ethic avoided social or economic competition and practiced generosity.⁸⁶ “Traditional” Cherokees saw avoidance of conflict as key to maintaining a cohesive society. However, because white America’s emphasis on individualism and competition so directly contradicted the tenets of the Harmony Ethic, it was nearly impossible for individuals born away from the core community to internalize these Cherokee ideals.

⁸⁵ Robert K. Thomas, an anthropologist of Cherokee descent first described the value of “harmony” in Eastern Cherokee culture in his unpublished manuscript, “Cherokee Values and World View” (1958, typescript, North Carolina Collection, Wilson Library, University of North Carolina, Chapel Hill). Drawing on this idea, anthropologist John Gulick coined the term “Harmony Ethic” in *Cherokees at the Crossroads* (Chapel Hill: Institute for Research in Social Science, University of North Carolina, 1960). He argued that “overt and direct expressions of hostility and aggression are definitely minimized” among the Cherokees and contended that the Harmony Ethic was at the core of the “Conservative” Cherokee values system. See Gulick, *Cherokees at the Crossroads*, 134-138. For quoted material, see French, *The Qualla Cherokee*, 35.

⁸⁶ Neely, *Snowbird Cherokees*, 36.

Residency on or near the Qualla Boundary also promoted the acquisition of Cherokee cultural knowledge. Stories, told by parents, grandparents, and community elders to Cherokee children, encouraged a distinct Cherokee worldview that was not always available to people living away from the core community. In the late nineteenth century, ethnographer James Mooney recorded a number of these stories. As Mooney noted in his 1900 publication, *Myths of the Cherokees*, Cherokee stories included sacred myths, animal stories, local legends, and historical traditions.⁸⁷ These tales taught Cherokee children how to live and connected their identity to the landscape of western North Carolina. Through stories, Cherokees learned the history of their people and their distinctive place as citizens of the Eastern Band.

Cherokee stories embodied particular worldviews and highlighted appropriate forms of behavior. An account of the first man and woman, Kana'ti (the Lucky Hunter) and Selu (Corn), for example, provided the Cherokees with a framework for understanding appropriate roles for men and women.⁸⁸ Although by the late nineteenth century traditional Cherokee gender roles had shifted as missionaries and reformers encouraged men to farm and women to confine themselves to domestic roles, the story of Kana'ti and Selu and their gendered tasks of hunting and farming persisted as a model for Cherokee male and female responsibilities and behavior. In 1882, a news article reported that Cherokee men “work in their fields and do farm work generally,” but that they did so “in company with the

⁸⁷ James Mooney, “Myths of the Cherokee,” *Nineteenth Annual Report of the Bureau of American Ethnology* (Washington, D.C., 1900): 229.

⁸⁸ Theda Perdue, *Cherokee Women: Gender and Culture Change, 1700-1835* (Lincoln: University of Nebraska Press, 1998), 17-18.

women.”⁸⁹ Community members turned to stories to affirm their sense of gender and place in Qualla society.

In addition to teaching children appropriate behavior, many Cherokee stories directly connected the Indians to their landscape.⁹⁰ As Mooney explained, “almost every prominent rock and mountain, every deep bend in the river, in the old Cherokee country has its accompanying legend.” History was written into the landscape. A bend in the Tuckasegee River in Swain County, for example, was known as “Gakati’yi,” or “Place of setting free.” This location recalled the release of captives the Cherokees had taken in war, an act of generosity well worth commemorating. “Dunidu’lalunyi,” “Where they made arrows,” on Straight creek, a headstream of the Oconaluftee River, was the place where enemy Shawnee Indians stopped to prepare arrows to use against the Cherokees. It reminded Cherokees to beware of enemies in their midst. Another place on Soco creek, “Skwan’digu’gun’yi,” “Where the Spaniard is in the water,” evoked an attack made by the Cherokees on a party of Spaniards invading their territory, probably in the sixteenth century. According to tradition, the Cherokees threw one of the Spaniards into the stream.⁹¹ By walking the trails of their ancestors and listening to the stories of their elders, Cherokee children learned the history of their people and their place in the cycle of life and time. Such knowledge could not be

⁸⁹ B. C. H., “Carolina East Cherokees,” 51.

⁹⁰ For a deeper discussion of the significance land held for Native people, see Nancy Shoemaker, *A Strange Likeness: Becoming Red and White in Eighteenth-Century North America* (Oxford: Oxford University Press, 2004). Shoemaker argues that Indians “wrote their presence on the landscape in ways that established and nurtured national identities.” Eighteenth-century Indian peoples in the Eastern Woodlands marked their landscape in particular ways, sometimes using natural features, other times artificial signs to establish their claims to a territory and write their history on the land (14). Late nineteenth and early twentieth-century Cherokees engaged in similar behaviors.

⁹¹ Mooney, “Myths of the Cherokee,” 231, 232, 406, 408.

learned from a distance: it was immediate and powerful and intimately tied to their particular surroundings in western North Carolina.

In addition to stories, nineteenth and twentieth-century ethnographers and anthropologists recorded a number of uniquely Cherokee folkways, such as interpreting ant hills to predict rain, noting that death followed a large catch of fish, and recognizing that a red northern sky warned of danger.⁹² Traditional healing knowledge, such as using spider web to stop a cut from bleeding or rubbing hot coals on the skin to relieve soreness also came from a deep reservoir of shared Cherokee cultural beliefs, as did collecting, preparing, and applying medicinal plants such as liverwort, ginseng, hoarhound, and nightshade.⁹³ Technical knowledge came from members of the Cherokee community, but so did faith in the efficacy of traditional medicine. Adhering to traditional ideas about illness that included supernatural elements, Cherokees believed that sickness could not be treated with herbs alone, but also had to be healed by magical means. Mooney thought that through ceremonies and prayers, medicine men comforted the ailing and “the effect thus produced upon the mind of the sick man undoubtedly reacts favorably upon his physical organization.”⁹⁴ Cherokees believed that the spiritual power of the medicine healed them, an idea the community reinforced even while outsiders cast aspersions on it.

⁹² John Douglas Gillespie, Notes from Qualla, May 10, 1952, Item #10 FLB., File 497.3 G41, No. 3, Miscellaneous Papers: Field Notes of the N.C. Cherokee, APS Philadelphia.

⁹³ John Douglas Gillespie, June 22, 1952, Item #10 FLB., File 497.3 G41, No. 3, Miscellaneous Papers: Field Notes of the N.C. Cherokee, APS Philadelphia; B. C. H., “Carolina East Cherokees,” 51.

⁹⁴ James Mooney, “Sacred Formulas of the Cherokee,” *Seventh Annual Report of the Bureau of American Ethnology* (Washington, D.C., 1891): 323.

In many ways the material culture and foodways of Cherokees resembled those of their non-Indian neighbors. They all lived in log or clapboard houses, wore calico dresses or overalls, and ate hominy and pork. But Cherokees also retained lifeways that predated European contact. Most mountain women, for example, made baskets for storage, gathering foodstuffs, or shopping. According to historian Sarah H. Hill, Cherokee basketmakers adopted styles and even materials from their white neighbors for their own use and for the market, but one kind of basket remained uniquely Cherokee—those made of rivercane, especially the double-weave ones.⁹⁵ Cutting and stripping the cane, dying the strips, and weaving the double-walled baskets expressed a Cherokee identity even as the market for baskets shifted to oak for utilitarian containers and honeysuckle, which could be woven in decorative patterns that tourists preferred.⁹⁶ Similarly, Cherokees ate many of the same foods as non-Indian mountain people. Indeed, foodways represented a cultural blending with Indians contributing corn (including grits and hominy), beans, and wild game and Europeans wheat and livestock. But some foods were exclusively Cherokee. Sochan, for example, was a green that formed part of a complex of wild foods that Cherokees gathered seasonally.⁹⁷ Children who did not grow up in a Cherokee community would not understand how apparently mundane things such as cane baskets and wild greens set Cherokees apart from non-Cherokees and reinforced their identity.

⁹⁵ Sarah H. Hill, *Weaving New Worlds: Southeastern Cherokee Women and Their Basketry* (Chapel Hill: The University of North Carolina Press, 1997), xvii-xviii.

⁹⁶ Harold W. Foght, Superintendent, to Mrs. S.A. Carnes, Biloxi, Mississippi, May 9, 1936, File, 960-961, Bureau of Indian Affairs, Cherokee Indian Agency, Series 6, General Records, Correspondence, Indian Field Service Filing System, 1926-1952, Box 88, RG 75, NARA Atlanta.

⁹⁷ John Ellison, "Wild Mountain Greens Are Still Plentiful," *Smoky Mountain News*, March 28, 2001, http://www.smokymountainnews.com/issues/3_01/3_28_01/back_then.shtml accessed May 1, 2011.

Participation in community festivals and celebrations was a more obvious marker of community identity. The Cherokees held the Green Corn Dance, for example, every fall to celebrate the harvest.⁹⁸ Anthropologist Frank Speck explained that the sponsor was an individual Cherokee who wished to make “a ceremonial donation from which he gains prestige and spiritual benefit, as do the participants.” The dance itself lasted a day and a night, and Cherokee men and women performed gender specific tasks. Men danced to the rhythm of a gourd rattle and carried guns which they discharged at specific intervals. Women performed the “Meal Dance” in which they sang and “shuffle[d] with short steps.” Men and women danced concurrently and sang stanzas in response to one another, reflecting the Cherokees’ cosmology of a gender-balanced world. After performing, everyone feasted together on a meal prepared by the women of the dance’s home settlement. The next morning, the Cherokees performed the “corn rite,” which they hoped would ensure a fruitful harvest in the coming year.⁹⁹ People gathered from miles around during these festivities to meet old friends and neighbors, share food and gossip, and reaffirm their sense of community belonging.

During Booger Dances, Cherokees went even further to assert their separate identity as a people: young men dressed up in masks representing outsiders, including whites, blacks, and Indians from other tribes. With eyes and moustaches drawn in heavy black paint, woodchuck fur glued to the forehead and chin for hair, exaggerated carved mouths, and red

⁹⁸ John D. Gillespie, Sayings of Carl Standingdeer, October 7, 1948, Item #10 FI. B., File 497.3 G41, No. 3, Miscellaneous papers: Field Notes of the N.C. Cherokee, APS Philadelphia.

⁹⁹ Frank G. Speck, Leonard Broom, and Long Will West, *Cherokee Dance and Drama* (Norman: University of Oklahoma Press, 1951), 45-47, 49, 53.

painted cheeks, these masks highlighted the otherness of non-Cherokees.¹⁰⁰ Cherokees believed that the dance was bestowed upon them in ancient times by a monster named Stone Coat, who foretold the coming of whites, blacks, and foreign tribes to Cherokee lands. Stone Coat gave the Cherokees the Booger Dance as a means of counteracting the “social and physical contamination” which the arrival of outsiders brought upon the Indians.¹⁰¹ During the dance, the masked figures made obscene gestures towards Cherokee women and girls, sometimes chasing them with mock phalluses made of gourds or wrapped fabric. They portrayed these others as “awkward, ridiculous, horrid, erotic, lewd and menacing.”¹⁰² By ridiculing the vulgar behavior of non-Cherokees, the Booger Dance highlighted the separate identity of Cherokee people. Through performing this cathartic dance that both remembered earlier invasions of Cherokee lands and mocked the invaders, the Cherokees evoked a shared history that united Eastern Band members. The dance also emphasized that despite external threats, the Cherokees had survived.

Ball games served as an additional point of community gathering and an acceptable outlet for competitive impulses. These games, a long-standing tradition in Cherokee social life, involved as many as sixty players and occurred several times a year.¹⁰³ Two teams vied to score goals by using rackets to toss a ball through opposing goals erected on a cleared field. The team that first succeeded in throwing the ball through the opponent’s goal twelve

¹⁰⁰ Frank G Speck , Cherokee Music, Dances, and Recordings, 1935-1938, File IV (17D3), Ms. Coll. 126, Frank G. Speck Papers, Sub-Collection 1, Box 11, APS Philadelphia.

¹⁰¹ Speck, Broom, and West, *Cherokee Dance and Drama*, 38.

¹⁰² Frank G Speck , Cherokee Music, Dances, and Recordings, 1935-1938, File IV (17D3), Ms. Coll. 126, Frank G. Speck Papers, Sub-Collection 1, Box 11, APS Philadelphia.

¹⁰³ For the most recent discussion of Cherokee ball games, see Michael J. Zogry, *Anetso, the Cherokee Ball Game: At the Center of Ceremony and Identity* (Chapel Hill: The University of North Carolina Press, 2010).

times won.¹⁰⁴ Resembling lacrosse, the games were rough, but they provided young men an opportunity to show off their physical prowess. Ball games included their own rituals, with players holding all night ceremonial dances just before their games to insure success on the playing field.¹⁰⁵ These games served to unite community members of all backgrounds. As the agency superintendent reported to the Indian Office in 1909, “both full blood and mixed blood, educated and uneducated attend the ball games, as well as the dances.”¹⁰⁶ By participating in the games, understanding the rituals that preceded them, and meeting up with fellow spectators or players, Cherokees confirmed their sense of belonging to the Eastern Band community.

Recognizing the importance of a shared culture, the tribal council denied membership to the children of tribal members who had moved away from North Carolina and married non-Indians. In 1910, they formalized this decision in a resolution. Although the parents retained their birthrights as Cherokees, the tribal council viewed their children as outsiders, particularly if one of their parents was non-Cherokee. The council argued that “the children born of such marriages are reared in ignorance of the tribe and its language, customs, and traditions, and where such families adopt and accept the customs of the people among whom

¹⁰⁴ Charles Lanman, “Adventures in the Wilds of the United States and British Provinces,” Philadelphia, 1856, Ms. 4146, National Anthropological Archives, Smithsonian Institution, Washington, D.C. (hereafter NAA Washington).

¹⁰⁵ Frank Kyselka, Annual Report of Cherokee Agency, December 6, 1910, Letters of Supt. Frank Kyselka, 2-23-10 to 2-20-11, Bureau of Indian Affairs, Cherokee Indian Agency, Series 1, General Record Correspondence, Superintendents Letterbooks, 1892-1914, Box 7, RG 75, NARA Atlanta.

¹⁰⁶ Superintendent Frank Kyselka, Cherokee Agency, N.C., to Commissioner of Indian Affairs, October 14, 1909, Letters of Supt. Frank Kyselka, 7-13-09 to 2-18-10, Bureau of Indian Affairs, Cherokee Indian Agency, Series 1, General Record Correspondence, Superintendents Letterbooks, 1892-1914, Box 6, RG 75, NARA Atlanta.

they live, and take advantage of the nearby schools, churches, and other public institutions that such children are not members of the tribe in fact and are not entitled to enrollment.”¹⁰⁷

The tribal council decided that the child of enrolled tribal member Henrietta Crow Batson fit this description. Batson had attended the Carlisle Institute and married a white man in Pennsylvania. There she gave birth to a son, Alfred G. Batson. Although her son had 1/8 “Cherokee blood,” he was born away from the tribal community and had no “association or affiliation with any member of the Eastern Band of Cherokee Indians, except with his mother, and with his grandmother, Laura J. Smith, on the occasion of a brief visit to the Qualla Boundary when he was about two years old.” Living away from the core Cherokee community and raised by “a White man and citizen of the United States,” Alfred Batson “acquired the political status of his father.” The tribal council asked to strike his name from the tribal rolls.¹⁰⁸

The rejection of children with one non-Indian parent born away from the tribe extended equally to the offspring of Cherokee women and Cherokee men. The tribal council barred Henrietta Batson’s son, but it also challenged the four children of Noah Ed Smith. Like Batson, Smith was “a regularly enrolled and recognized member of the Eastern Band of Cherokee Indians.” Pursuing an education away from North Carolina, he attended the Hampton Institute in Virginia. He married a white woman and “never returned since to establish a residence in the State of North Carolina.” Because his children “were born in a distant state and have never resided at any time with the Eastern Band of Cherokee Indians or

¹⁰⁷ Rule for Enrolling Committee, November 1910, M-Z.1.4.

¹⁰⁸ File Part 19, Exhibit 28, 1913, Records of the Bureau of Indian Affairs, Land Division, Correspondence, Reports, and Related Records Concerning Eastern Cherokee Enrollments, 1907-16, Box 5, RG 75, NARA Washington.

affiliated with them in any way,” the tribal council denied them rights in the Band.¹⁰⁹ In the view of the tribal council, the “blood ties” of these children did not matter as much as their social and cultural affiliation with the core Cherokee community.

Although residency on or near the Qualla Boundary suggested participation in the core Cherokee community, geographical proximity did not guarantee inclusion in the Eastern Band. In addition to residency requirements, the tribal council insisted that applicants prove their “association and affiliation” with the Band. Unlike residency, affiliation was difficult to prove, but the tribal council identified certain markers as good indicators of association. Special Agent Charles L. Davis noted in 1911 that “one of the principal tests of affiliation we regarded [was] that of marriage.” If a family had not married individuals from the core Cherokee community for seventy-five or a hundred years, no affiliation existed.¹¹⁰ For the Cherokees, marriage established kinship ties. Without these familial bonds with other members of the core Cherokee community, individuals lost their Cherokee identity.

Another test was language. Although knowledge of English increased as Cherokee children received Euro-American educations and attended boarding schools, most core Cherokee families used the Cherokee language in their homes.¹¹¹ In addition to preserving their spoken language, Cherokees retained their unique written language that used a syllabary, invented by Sequoyah in 1821. Medicine men recorded their sacred knowledge in

¹⁰⁹ Decisions in Enrollment Cases, Volume VI, The 1928 Baker Roll and Records of the Eastern Cherokee Enrolling Commission, 1924-1929, M-2104, Roll 68, RG 75, NARA Washington.

¹¹⁰ Charles L. Davis, Report of Eastern Cherokee Enrollments and Contests for the Commissioner of Indian Affairs, February 21, 1911, Copybook of Special Agent Charles L. Davis, 1910-11, Records of the Bureau of Indian Affairs, Enrollment Records Relating to Enrollment of Eastern Cherokees, Box 1, RG 75, NARA Washington.

¹¹¹ Ibid.

formulas written in the Sequoyah syllabary, and at the Baptist and Methodist churches that dotted the reservation, members read Cherokee Bibles and sang from Cherokee hymnals while ministers preached in the Cherokee language.¹¹² In the late nineteenth century, James Mooney observed that the syllabary was “in daily use among the common people.”¹¹³ This knowledge continued into the twentieth century. As one government agent wrote in May, 1920, “the younger members of the tribe, are, as a rule, able to speak and write the English language.” Nevertheless, “the Cherokee tongue is commonly used by them and practically all of them are able to write the Cherokee language, using the Sequoyah alphabet.”¹¹⁴ If an applicant spoke, read, and wrote Cherokee, it suggested that he or she enjoyed a close association with the core community.

“The question of home surroundings” served as a third indicator of affiliation. The enrolling agents and tribal council members asked if families applying for membership lived “in an Indian community, [sent] their children to Indian schools, attend[ed] the Indian councils and tribal meetings, [made] frequent trips to the agency” and participated in the political life of the Eastern Band by holding “tribal offices, etc.”¹¹⁵ As Chief John A.

¹¹² James Mooney, “Sacred Formulas of the Cherokee,” 308; Thomas W. Potter, Report on Eastern Cherokee Agency and Training School, June 30, 1895, Letters of Supt. Potter & J. Haddon, 6-15-95 to 1-27-96, Bureau of Indian Affairs, Cherokee Indian Agency, Series 1, General Record Correspondence, Superintendents Letterbooks, 1892-1914, Box 2, RG 75, NARA Atlanta.

¹¹³ Mooney, “Sacred Formulas of the Cherokee,” 309.

¹¹⁴ John Barton Payne, Secretary, to Homer P. Snyder, Chairman, Committee on Indian Affairs, House of Representatives, May 25, 1920, File No. 034 10F2, Records of the Bureau of Indian Affairs, Land Division, Correspondence, Reports, and Related Records Concerning Eastern Cherokee Enrollments, 1907-16, Box 1, RG 75, NARA Washington. For more details on the Cherokee syllabary, see Margaret Bender, *Signs of Cherokee Culture: Sequoyah's Syllabary in Eastern Cherokee Life* (Chapel Hill: The University of North Carolina Press, 2002).

¹¹⁵ Charles L. Davis, Report of Eastern Cherokee Enrollments and Contests for the Commissioner of Indian Affairs, February 21, 1911, Copybook of Special Agent Charles L. Davis, 1910-11, Records of the Bureau of Indian Affairs, Enrollment Records Relating to Enrollment of Eastern Cherokees, Box 1, RG 75, NARA Washington.

Tahquette later explained, “the officers of the Band considers the Eastern Band the people who live here together, associate together, elect their officers and take an interest in the affairs of the Eastern Band.” The tribal council wanted to grant membership rights only to individuals who actively participated in the Band’s social and political life. They insisted that members should have a stake in the survival of the Eastern Band of Cherokees as a sovereign nation and they objected to individuals who took, in Tahquette’s words, “no interest whatever in Band affairs unless you call Band affairs the time when we go to make a roll.”¹¹⁶ This stance was not only about protecting Cherokee resources for core members of the Cherokee community, it also was about protecting Cherokee political rights for individuals who cared about the Band’s future. Without its economic base, the Band’s political independence would be meaningless. If individuals with no interest in Band affairs claimed a significant portion of tribal resources, the Band’s political structure would collapse.

Despite the tribal council’s efforts to limit Band membership to core members of the Eastern Cherokee community, numerous individuals from across the South insisted that they too had rights as Eastern Band citizens. A census of Eastern Cherokees completed in 1909 by Guion Miller, a federally-appointed lawyer, encouraged many of these applicants. This roll stemmed from a 1905 Court of Claims decision that granted the “Eastern Cherokees” a sum of over \$4,000,000. Arising from an 1893 agreement made by the federal government with the Cherokee Nation in exchange for a land cession in the West, this fund promised to reimburse the Cherokees for everything due to them from treaties dating back to 1817 but

¹¹⁶ Statement by Chief Tahquette, August 30, 1928, Miscellaneous Testimony in Enrollment Cases, Volume 5, The 1928 Baker Roll and Records of the Eastern Cherokee Enrolling Commission, 1924-1929, M-2104, Roll 66, RG 75, NARA Washington.

wrongly withheld.¹¹⁷ According to the court, Cherokees east and west of the Mississippi were entitled to per capita payments arising from this fund. On May 28, 1906 the Court of Claims directed the secretary of the Interior to determine eligible recipients by developing rolls of all Cherokees by blood.¹¹⁸ Unlike Band membership that the Council Roll and Churchill Roll had tried to establish, this roll did not consider Indians as political citizens of a tribe, but rather grounded their identity in their biological descent from Cherokees who had been subject to the removal treaty of 1835. Even if an individual had little or no contact with the twentieth-century Cherokee nations in Indian Territory and North Carolina, they had a right to a share in the funds based on trace amounts of Cherokee “blood.”

In theory, Guion Miller’s roll of Eastern Cherokees had no legal bearing on the membership of the Eastern Band. In the midst of drawing up their Council Roll and protesting extraneous names included on the Churchill Roll, however, the Eastern Band found itself overwhelmed by a surge of new applicants who tried to claim Band membership “by blood” in the same way that they had on the Miller Roll. When the tribal council denied their rights, applicants hired attorneys. Miller challenged the right of the tribal council to set membership criteria, but his true interest lay in the profits he reaped by representing “Cherokees” and helping them win a share of the tribe’s assets. Charging his clients for processing their applications, he actively encouraged as many people to apply for Band

¹¹⁷ H.R. Ex. Doc. 182, *Moneys Due the Cherokee Nation* (the Slade-Bender Report), 53rd Cong., 3d Sess., Serial 3323. For a discussion of the case and its effects, see Jill Norgren, *Belva Lockwood: The Woman Who Would Be President* (New York: New York University Press, 2007), 207.

¹¹⁸ “The Cherokee Nation v. The United States, The Eastern Cherokees v. the Same, The Eastern and Emigrant Cherokees v. the Same,” in *Cases Decided in the Court of Claims of the United States, at the Term of 1904-5*, Vol. XL (Washington: Government Printing Office, 1905), 331-332.

membership as possible. In later years, some Eastern Band members scorned such individuals as “five-dollar Indians.”¹¹⁹

Lawyers representing applicants unabashedly attacked Eastern Band sovereignty by insisting that the tribal council had no authority to determine membership criteria, especially when it came to blood quantum requirements. Miller argued that “membership in a tribe is a fundamental right, just as citizenship in a state is” and that only the Constitution of the United States could fix this right of citizenship.¹²⁰ Representing six or seven hundred purported members of the Eastern Band, Miller and his colleagues first appealed to Special Agent McPherson’s enrollment committee and demanded new hearings for their clients. When the committee recommended that most of these individuals be stricken from the tribal rolls, the lawyers protested that they had “upon one flimsy pretext or another struck from the rolls the names of almost a third of the members of the Band.” Unwilling to accept the decisions of the committee or the tribal council, Miller and his associates turned to the commissioner of Indian Affairs and succeeded in getting over two hundred of their clients re-enrolled. Still not satisfied, the lawyers appealed to the Department of the Interior, and traveled to Washington where they made their case before the first assistant secretary of the Interior. After examining McPherson’s report, the first assistant secretary declared it was

¹¹⁹ Finger, *Cherokee Americans*, 48.

¹²⁰ Memorandum by Miller and Tylor, Attorneys for Lambert and Raper, Murray, and Other Families, July 19, 1916, File 034 20F2, Records of the Bureau of Indian Affairs. Land Division, Correspondence, Reports, and Related Records Concerning Eastern Cherokee Enrollments, 1907-16, Box 1, RG 75, NARA Washington.

“too partisan to be used even as a brief in the cases.”¹²¹ The Interior Department rendered no decision and enrollment was left at a standstill.

As enrollment debates dragged on into the late 1910s, Cherokee claimants grew frustrated with the inaction of the federal government, particularly with regard to their postponed per capita timber payments. Eager to gain permanent control over Cherokee resources, some Cherokees, including members of the tribal council, pushed the United States Congress to consider an allotment bill for the Indians. On November 6, 1919, the tribal council passed a resolution providing for the final disposition of the Eastern Band’s affairs. Councilmen agreed to put corporately-owned tribal lands in trust with the federal government in preparation for allotment. According to the council, “the time has been reached...when the identity of the membership of the Eastern Band of Cherokees will be lost and destroyed unless final and decisive action is taken to determine the rights of all persons claiming such membership.”¹²² By finally establishing who belonged to the tribe and clarifying the rights of members to tribal lands and resources, the council hoped to protect Eastern Band identity and the individual rights of members while essentially dissolving the tribe. Any delay would mean an inflated tribal roll corresponding to a reduced share of resources for each individual tribal member.

In response to their request, Congress passed an act in 1924 that promised to bring resolution to the Eastern Band’s enrollment debates by sending a new government official, Fred A. Baker, to western North Carolina to compile a final roll of Cherokees. Baker began

¹²¹ Ralph M. Moody to Hubert Work, Secretary of the Interior, September 24, 1925, File 311 Part 1 20F2, Records of the Bureau of Indian Affairs, Central Classified Files, 1907-39, Box 61, RG 75, NARA Washington.

¹²² A Resolution Providing for the Final Disposition of the Affairs of the Eastern Band of Cherokee Indians of North Carolina, November 6, 1919, M-Z.1.4.

his task in November 1926, but it took two years for him to wade through applications, listen to witness testimony, and render decisions on enrollment cases. He began by recording the names of recognized tribal members. Upon completing this task, he started processing the claims of unrecognized applicants. This effort put him at odds with the tribal council. The promise of a new roll and the allotment of Eastern Band land had spurred thousands of individuals to apply for tribal membership. Claimants filed 3,833 separate applications, involving 11,979 individuals.¹²³ The tribal council sent a committee to enrollment hearings to represent the tribe and render opinions on the claims of applicants. Although it approved Baker's findings on 1,924 cases, this committee protested the enrollment of over 1,222 applicants who represented roughly twenty family groups.¹²⁴ In the eyes of the tribal council, these applicants were not legitimate Eastern Band tribal members and they protested their enrollment using the same kinship and cultural criteria—bolstered by legal arguments of “blood” and “residency”—that they had employed during the earlier enrollment controversies.

Despite the tribe's protests, Baker and his agents were not inclined to accommodate Cherokee requirements for belonging. As Baker noted in his final report, “the right to membership in a tribe of Indians, particularly where there is property involved, is a substantial right. It has a money value to the individuals concerned.”¹²⁵ Concerned with the rights of individual claimants rather than with the rights of the tribe as a political body about

¹²³ The 1928 Baker Roll and Records of the Eastern Cherokee Enrolling Commission, 1924-1929, M-2104, Roll 1, RG 75, NARA Washington.

¹²⁴ The 1928 Baker Roll and Records of the Eastern Cherokee Enrolling Commission, 1924-1929, M-2104, Roll 2, RG 75, NARA Washington.

¹²⁵ Ibid.

to be dissolved by allotment, Baker insisted that the right to define tribal membership ultimately lay with the federal government.

Of particular consternation to the Eastern Band tribal council, the federal government ruled against limiting membership to those with 1/16 degree or more Indian ancestry. Although officials recognized that applicants had to have some Cherokee ancestry to be eligible for membership, Congress denied the right of the Band to set blood quantum limits approved by the state of North Carolina rather than by the Interior Department. The Act of June 4, 1924, specifically barred the state law that ratified the tribe's criteria from consideration during enrollment, and Baker included numerous individuals of 1/32 degree Indian blood or less. From the Cherokee perspective, however, neither North Carolina nor the United States had the right to establish their blood quantum criteria. They asserted that only the tribal council had the sovereign authority to set qualifications for membership in the Eastern Band.¹²⁶ In spite of this, Baker continued to list individuals of questionable ancestry on his roll.

When it came to what Baker referred to as “the vexatious question of association and affiliation and recognition,” the Interior Department also overruled the tribal council. The problem, Baker pointed out, was that no one had ever defined the precise amount of association and affiliation necessary to entitle an applicant to enrollment.¹²⁷ Trying to make legal sense of the issue, Baker turned to late nineteenth-century congressional acts and court

¹²⁶ Joseph W. Howell, Brief on Behalf of the Eastern Band of Cherokees of North Carolina, December 18, 1929, File 93679-1924, Records of the Bureau of Indian Affairs, Central Classified Files, 1907-39, Box 64, RG 75, NARA Washington.

¹²⁷ The 1928 Baker Roll and Records of the Eastern Cherokee Enrolling Commission, 1924-1929, M-2104, roll 2, RG 75, NARA Washington.

cases—mostly from western tribes—that dealt with the issue of individual Indians’ separation from their tribal communities. These statutes, made during the height of the Allotment era, encouraged Indians to break their tribal relations by guaranteeing them tribal property rights even if they left their reservations and adopted non-Indian lifestyles.¹²⁸ Baker’s liberal understanding of affiliation, association, and recognition undermined the tribal council’s ability to restrict political and economic rights to individuals associated with the core Cherokee community.

Although federal officials claimed that their objectivity gave them the right to interfere in tribal membership debates, they were not unbiased mediators. Indeed, some of the decisions rendered by the Interior Department appeared highly skewed, especially when it came to questions of race. For individuals of mixed Indian-white ancestry, the department concluded that “appearances are deceptive and inconclusive.” They asserted that it was “common knowledge” that some members of an Indian family resembled their white ancestors, while others inherited the physical characteristics of their Indian forbearers.¹²⁹ Even if these individuals looked white and lived in white communities, evidence of or claims to Indian ancestry precluded them from a pure white racial identity. Therefore, the government was more willing to grant them membership in the Eastern Band where they could escape the legal strictures imposed by the South’s largely biracial system of segregation.

¹²⁸ See Act of March 3, 1875 (18 Stat. 402), Section 6 of Act of February 8, 1887, Act of August 9, 1888, and Act of June 7, 1897, cited in *Decisions in Enrollment Cases, Under the Act of June 4, 1924, Volume I, The 1928 Baker Roll and Records of the Eastern Cherokee Enrolling Commission, 1924-1929*, M-2104, roll 67, RG 75, NARA Washington.

¹²⁹ *Ibid.*

Individuals of black-Indian ancestry, on the other hand, fell more neatly into the era's black-white binary and government officials comfortably ignored their Indian ancestry in favor of a black racial identity. In his decision on the family of Harrison Coleman, Baker wrote, "it is evident from the appearance of the members of this family that they are largely of negro blood. They have intermarried exclusively among the members of the negro race, and while some them show faint traces of Indian blood by their physical appearance, they are predominantly of negro ancestry."¹³⁰ Baker could have made the same statement for a number of enrolled families—exchanging the word "negro" for "white"—yet he accepted white Indians on the roll while rejecting black Indians.

Baker also more readily enrolled the illegitimate mixed-blood Cherokee children of white mothers than the children of black mothers. Baker proclaimed the relationship of Rebecca Coleman and Kah-soo-yo-keh as "merely intermittent and casual." Therefore, Harrison Coleman, an illegitimate child, followed the status of his mother. In contrast, Baker deemed the relationship between James Taylor and Besty Parker that produced Elizabeth Hardin "tantamount to a legal marriage."¹³¹ Baker's decision to validate Elizabeth Hardin's patrilineal "Cherokee" ancestry strengthened her claims to membership, despite her technical illegitimacy. He rejected Harrison Coleman, who probably had ½ Cherokee blood quantum, while accepting Elizabeth Hardin, who may have had no Cherokee ancestry at all. These contradictions highlighted the overarching fallacy of the Interior Department's assumption that government officials would make more objective enrollment decisions than interested

¹³⁰ Ibid.

¹³¹ Decisions in Enrollment Cases, Volume I, The 1928 Baker Roll and Records of the Eastern Cherokee Enrolling Commission, 1924-1929, M-2104, Roll 67, RG 75, NARA Washington.

tribal members. Although they did not have a stake in tribal assets as did the Cherokees, these officials did have a stake in racial politics—with lasting effects for the tribe.

As members of the tribal council agonized about their inability to defend their membership criteria against the Interior Department's claims to authority, they searched for other ways to protect Cherokee property. They had agreed to the allotment of their lands in 1919, but after seeing the results of the roll the council appealed to Washington against proceeding further.¹³² The council believed that if allotment went ahead as planned, the land would be so divided as to become practically useless. Councilmen begged the secretary of the Interior to suspend final action on the disputed Baker Roll, which, they complained, “appears to permit almost anybody of Cherokee blood, no matter how small the degree, to become enrolled.” To prevent these individuals from gaining access to tribal resources, they boldly asserted that they did “not want to be so allotted.”¹³³

In response to their letter, the commissioner of Indian Affairs wrote the Band and requested “more definite information relative to the prevalent attitudes of the Eastern Band of Cherokee Indians regarding the congressional enrollment and allotment act of June 4, 1924.” The tribal council replied by issuing a decree in which it entreated the federal government to continue to hold their lands in trust. They also insisted that the Baker roll be completed as approved by the tribal council with just 1924 tribal members. Appealing once more for justice, the Cherokees maintained that it had been the consistent policy of the tribal council to

¹³² Flora Warren Seymour, Eastern Cherokee Allotments, North Carolina, June 11, 1930, File 93679-1924, Records of the Bureau of Indian Affairs, Central Classified Files, 1907-39, Box 64, RG 75, NARA Washington.

¹³³ Officers of the Cherokee Council to Ray Lyman Wilber, February 15, 1930, File 93679-1924, Records of the Bureau of Indian Affairs, Central Classified Files, 1907-39, Box 64, RG 75, NARA Washington.

deny membership to any individual with less than 1/16 degree of Eastern Cherokee blood. They protested that they would never have agreed to placing their corporately-held lands in trust in 1919 had it not been for the blood quantum requirement. They blamed the omission of this provision from the 1924 act on the attorneys for the applicants.¹³⁴ The Cherokees demanded just resolution of the issue and insisted that “the objection of the Council should have been sufficient to cause the rejection of a claimant.”¹³⁵

Although the Interior Department was unwilling to reverse its decision on enrollments, officials did make some concessions to the Band. By this time, Indian policy was changing in Washington. The 1928 publication of the Meriam Report revealed the disastrous effects of allotment on western tribes. In addition, a new generation of reformers, led by soon-to-be appointed Commissioner of Indian Affairs John Collier, argued for a full-scale congressional investigation of Indian policy and suggested that tribes should have more control over their affairs.¹³⁶ In a nod to these shifts in federal Indian policy, in 1931 the Interior Department agreed to amend the Act of 1924. They suspended allotment of the Qualla Boundary and provided that, from then on, they would enroll no person with less than 1/16 Eastern Cherokee blood in the Band.¹³⁷ This compromise validated federal authority over the Band in the government’s previous decisions, but recognized the right of the tribal council to have a voice in membership debates. Although the individuals listed on the Baker Roll remained, regardless of their blood quantum, in the future the government observed the

¹³⁴ Cherokee Council Grounds, March 19, 1930, M-Z.1.4.

¹³⁵ Flora Warren Seymour, Eastern Cherokee Allotments, June 11, 1930, File 93679-1924, Records of the Bureau of Indian Affairs, Central Classified Files, 1907-39, Box 64, RG 75, NARA Washington.

¹³⁶ Francis Paul Prucha, *The Great Father: The United States Government and the American Indians* (Lincoln: University of Nebraska Press, 1984), 279.

¹³⁷ Memorandum, April 29, 1930, File 93679-1924, Records of the Bureau of Indian Affairs, Central Classified Files, 1907-39, Box 64, RG 75, NARA Washington.

tribe's own requirements. Moreover, Eastern Band lands remained intact for the tribe. The Cherokeees may not have won the battle, but ultimately they won the war by preserving their land and their sovereignty.

By protesting against fraudulent claims, contesting enrollments, hiring lawyers, and writing fervent appeals to the Interior Department, the Eastern Band of Cherokee Indians was able to forestall allotment and wait out the era's assimilationist agenda until Indian policy shifted in its favor. The federal government's 1931 revision of the 1924 act recognized the Band's right to set its own membership criteria. Later in the twentieth century, the Eastern Band took advantage of this sovereign power. In the mid-1950s, a group of culturally-conservative Cherokeees known as the "Qualla Association" sent representatives to Washington and called for a purging of the tribal roll of members with less than 1/16 Cherokee ancestry. In response, Congress authorized a revision of the Baker Roll in 1957. The new roll, begun in 1959, specified a minimum of 1/32 degree Cherokee blood. After some fractious internal debates, however, the tribal council returned the minimum to 1/16 degree in 1963.¹³⁸ From that moment on, individuals had to prove sufficient blood quantum in order to qualify for Eastern Band citizenship.

Today the Eastern Band of Cherokee Indians sets two major criteria for citizenship: the ability to trace a direct lineal ancestor to the Baker Roll of 1924 and proof of at least 1/16 degree Cherokee blood for individuals born after 1963.¹³⁹ Blood quantum is calculated on the

¹³⁸ Finger, *Cherokee Americans*, 145-146.

¹³⁹ Section 49-2, Qualifications for Enrollment, The Cherokee Code of the Eastern Band of the Cherokee Nation, Codified through Ordinance No. 322, Enacted June 8, 2010 (Supp. No. 13), http://library1.municode.com/default-now/home.htm?infobase=13359&doc_action=whatsnew (accessed January 18, 2011).

basis of the degree of Cherokee Indian blood recorded by the Baker enrolling committee, not on modern DNA or blood tests, which cannot provide such information. DNA testing is used, however, to confirm descent from enrolled parents, which eliminates problems presented by illegitimacy. Members may adopt children from outside the tribe, but these children are not considered Band members unless they biologically descend from enrolled tribal members. Although a tribal resolution in 1977 extended membership to individuals adopted from other federally recognized tribes, in 1996 the Band rescinded this exception.¹⁴⁰ Only proven descent from members listed on the Baker Roll along with a sufficient Eastern Cherokee blood quantum permits tribal enrollment. Currently, there are over 13,500 enrolled tribal members of whom approximately 8,000 reside on the Qualla Boundary.

The struggle of the Eastern Band of Cherokee Indians to define membership in the late nineteenth and early twentieth centuries reflected its unique economic situation and political position as a state-chartered corporation and a federally-recognized tribe. The sale of tribal timber and the threat of allotment put an economic value on membership, leading outsiders to demand rights as tribal members based on alleged claims to Cherokee ancestry. Faced with a flood of applicants and determined to protect their economic interests and political independence from people they defined as non-Cherokees, the Eastern Band tribal council developed membership criteria that limited tribal citizenship to the core Cherokee community. Modifying traditional concepts of kinship and cultural affiliation, the Cherokees developed blood quantum and residency requirements for those they considered true Cherokees. An ongoing federal presence, however, made this task more difficult: not only

¹⁴⁰ Section 49-5, Applications for Enrollment, The Cherokee Code of the Eastern Band of the Cherokee Nation, Codified through Ordinance No. 322, Enacted June 8, 2010 (Supp. No. 13), http://library1.municode.com/default-now/home.htm?infobase=13359&doc_action=whatsnew (accessed January 18, 2011).

did the Cherokees have to decide who deserved membership, but they also had to justify those decisions to outsiders.

The membership decisions the Cherokees made in the 1910s and the federal rulings they protested in the 1920s factored into the development of the Band's modern membership criteria. Tribal membership debates were central to Eastern Band efforts to protect Cherokee land, resources, and political identity in North Carolina. By developing legalistic membership criteria, defending its decisions, and protesting the interference of federal officials, the Eastern Band of Cherokee Indians was able to survive in the South. The Eastern Band experience reveals that despite the power of the federal government over federally-recognized tribes, Indians have not submitted passively. Instead of allowing outsiders to control its tribal rolls, the Eastern Band of Cherokee Indians demanded the right to determine its citizenry, defended its tribal sovereignty, and ultimately won. Further to the South, the Florida Seminoles—the subject of the next chapter—also rejected federal control of their membership, demanding the right to decide their political identity as well as their rolls.

Chapter 4

Nation Building and Self-Determination: Tribal Membership and the Florida Seminoles

On July 16, 1953, W. O. Roberts, the area director of the Muskogee Office of the Bureau of Indian Affairs, wrote to Kenneth A. Marmon, the superintendent of the Seminole Agency in Florida, to discuss plans for the termination of federal responsibilities to the Seminole Indians. He needed to know if the tribe had an official political structure in order to implement termination, but he ran into a problem. “With your Indians living on three reservations, two of which support the cattle program and with some Indians living along the Trail,” Roberts explained to Marmon, “the composition of the Tribe is rather complex, thus raising a question of the relative rights of the members in the overall tribal interests.”¹ Indeed, the Florida Seminoles had an intricate society complicated by linguistic differences, internal political divisions, and divergent responses to relations with the federal government. Although kin ties and clan identities instilled a sense of community belonging in tribal members, the Florida Seminoles disagreed about the political future of their tribe. Their challenge was not only to define *who* belonged to the tribe, but also to determine to *what* tribe they belonged.

¹ W.O. Roberts, Area Director, to Kenneth A. Marmon, Superintendent, Seminole Agency, Florida, July 16, 1953, File: 064 Councils, Acts of Tribal Constitution, etc., Seminole Agency, Miscellaneous Records, Box 015977, Record Group 75 (Hereafter RG 75), National Archives and Records Administration, Atlanta, Georgia (Hereafter NARA Atlanta).

A remnant population, the Florida Seminoles had isolated themselves in the Everglades after the Second and Third Seminole Wars, and in the years that followed, the Indians devised strategies to deal with the threats posed by outsiders. They lived in scattered households that formed loosely linked bands, and they limited contact with whites and blacks, in part by developing a unique racial philosophy. Changes in Florida over the course of the late nineteenth and early twentieth centuries, however, gradually brought the Seminoles into increased contact with white America. Greater exposure to outsiders forced the Seminoles to re-conceptualize notions of belonging. By the 1950s, they had acquired state and federal reservation lands, as well as a superintendent from the Bureau of Indian Affairs. U.S. officials encouraged the Seminoles to think about the formal political organization of their community. Some Indians believed an official tribal government and federal recognition would protect their interests in Florida, while others preferred to keep their loosely-organized structure of bands led by medicine men. The political decisions Seminoles made in the mid-twentieth century reflected their history in Florida and the diverse nature of their society. Ultimately, divergent political visions led to a split in the tribe in the late 1950s, with the Seminole Tribe of Florida and the Miccosukee Tribe of Indians emerging as separate political entities, while other Seminoles refused to join either tribe. Each recognized tribe established its own membership criteria and tribal rolls that reflected the beliefs and goals of its members. Although they shared a distant past, recent history shaped decisions about who belonged to which tribe.

Unlike the Pamunkeys, Catawbas, and Eastern Band of Cherokees, the Florida Seminoles did not have a deeply-rooted sense of tribal identity in the nineteenth century. The descendants of Creek Indian entrepreneurs and political dissenters who migrated south from

Georgia and Alabama for a variety of reasons, the Seminoles underwent a process of ethnogenesis in Florida that was incomplete by the removal era. Creeks began entering Florida in 1717 following the end of the Yamassee War. Attracted by cattle herds and farm lands abandoned by enslaved Apalachee Indians, these Creeks built new towns and established their own internal organizations modeled on Creek organizational principles.² Between 1740 and 1812, they founded at least six villages in northern Florida, while smaller parties traveled further south in search of game and made contact with Cuban fishermen.³ Later, Red Stick refugees from the Creek War of 1813-14 joined these migrants, increasing the Florida Indian population from 4,000 to about 6,000 individuals. The settlers shared similar cultural backgrounds, but they had little interest in forging a common political identity. Indeed, many moved to Florida to escape the political centralization of the Creek Nation. In an effort to collectivize these disparate groups, outsiders called them “Seminoles,” which derived from a Creek word used to describe wild varieties of plants and animals. The Seminoles did not use this term themselves.⁴

The migrating bands that entered Florida brought with them different languages. Although Muskogee (Creek) was the dominant language used by the Creeks, many lower Creek towns internally spoke Hitchiti, a related but mutually-unintelligible tongue. Hitchiti-speakers named one of their earliest towns in Florida Mikasuki. Over the years, the language

² William C. Sturtevant and Jessica R. Cattellino, “Florida Seminole and Miccosukee,” in *Handbook of North American Indians*, Vol. 14: Southeast, volume edited by Raymond D. Fogelson, general editor William C. Sturtevant (Washington, D.C.: Smithsonian Institution, 2004), 431.

³ James W. Covington, *The Seminoles of Florida* (Gainesville: University Press of Florida, 1993), 5.

⁴ Sturtevant and Cattellino, “Florida Seminole and Miccosukee,” 432, 448.

these Seminoles spoke became known by the name of the town.⁵ By the time of the Second Seminole War, the Seminoles spoke two distinct languages: Muskogee and Mikasuki.⁶ They used Muskogee as a trade language among themselves and with whites, and many Seminoles were bilingual.⁷ Typically Mikasukis learned to speak Muskogee rather than the other way around, but limited intermarriage encouraged bilingualism in both groups.⁸ Each linguistic community contributed to the survival of the Seminoles in Florida. According to oral tradition, “the Muskogees gave us the songs, and the Miccosukees gave us the leaders.”⁹

Although Creeks migrated to Florida in part to escape problems posed by Euro-American expansion in the southeast, trouble followed them to their new homes. In addition to Indians, escaped African slaves had poured into Florida since the early eighteenth century where Spanish officials welcomed them as a buffer against English and later American hostilities. These “Maroons,” as they came to be known, forged friendly relationships with the Indians who entered the region, often serving as interpreters and as intermediaries for their Seminole allies. White Americans, however, found this situation intolerable. Pressured by plantation owners who wanted to reclaim their “property,” and afraid that anti-American

⁵ Harry A. Kersey, Jr., “Private Societies and the Maintenance of Seminole Tribal Integrity, 1899-1957,” *The Florida Historical Quarterly*, 56 (Jan., 1978): 298.

⁶ Although there are a number of ways to spell “Muskogee” and “Mikasuki,” I have used these particular spellings to refer to the linguistic groups. I use the term “Miccosukee” to refer to the political members of the Miccosukee Tribe of Indians of Florida, which was recognized by the federal government in 1962. Although Miccosukee tribal members were Mikasuki-speakers, not all Mikasuki-speakers were Miccosukee tribal members.

⁷ Covington, *The Seminoles of Florida*, 12.

⁸ Interview with David West, by John Mahon, September 28, 1971, Samuel Proctor Oral History Program, Oral History Collections, George A. Smathers Libraries, University of Florida Digital Collections, Gainesville, Florida (Hereafter Samuel Proctor Oral History Program).

⁹ Jane Wood Reno asserted that she was told this by a Seminole man, either named “Homer” or “Howard.” See Interview with Jane Wood Reno, by Marcia Kanner, October 21, 1971, Samuel Proctor Oral History Program.

Red Stick Creeks and free blacks would make alliances with the British, United States troops invaded northern Florida in 1814 and again in 1816, instigating what became known as the First Seminole War. Both blacks and Indians suffered heavy casualties in this conflict. Survivors fled further south and joined existing Seminole communities, or founded new towns. Following the end of the war in 1819, the already weak affiliation of Seminole settlements with the Creek Confederacy ended.¹⁰ Seminoles and their black allies forged new identities.

The realities of eighteenth- and nineteenth-century slaveholding complicated the relationship between Africans and Seminoles. Like many southern Indians, some Seminoles owned black slaves. This practice began in the eighteenth century as Seminoles noted the value that Europeans attached to owning slaves. During Britain's rule of Florida from 1763 to 1783, Seminoles purchased their first Africans from European settlers. Unlike the Cherokees or even their Creek forbearers, however, the Seminoles had no intention of devoting their time to managing slaves.¹¹ Instead, the Seminoles' black slaves lived under a form of vassalage, paying annual tributes of corn to their Seminole masters but often living in separate communities. Like the Maroons, Seminole slaves adopted many of the Indians' customs and habits. They lived in palmetto cabins and dressed like their masters, but these Africans were never full members of Seminole society. Only a few, through adoption or intermarriage, received Seminole clan membership or lived in Seminole towns.¹² Due to

¹⁰ Sturtevant and Cattellino, "Florida Seminole and Miccosukee," 432.

¹¹ Kenneth W. Porter, *The Black Seminoles: History of a Freedom-Seeking People* (Gainesville: University Press of Florida, 1996), 4-5. See also Kevin Mulroy, *The Seminole Freedmen: A History* (Norman: University of Oklahoma Press, 2007).

¹² Kevin Mulroy, *Freedom on the Border: The Seminole Maroons in Florida, the Indian Territory, Coahuila, and Texas* (Lubbock, TX: Texas Tech University Press, 1993), 19-21.

matrilineal rules of descent, the Indians considered children born to Seminole women and African men as Seminoles. Conversely, those children born to African mothers, no matter their paternity, were always outsiders despite their close ties to the Indians.¹³

Interactions with whites and blacks encouraged Florida Indians to think about race. To make sense of racial others, the Seminoles turned to stories. In 1825, Neamathla, a Seminole leader of Creek descent, gave one of the earliest recorded versions of the Seminole race creation story. Neamathla spoke of the “Great Spirit’s” creation of men from dust. His first attempt was a failure: a white man appeared who looked “pale and weak.” His second attempt ended in another disappointment: the man was “black and ugly.” Finally, in his third attempt, the Great Spirit got it right—a “red man!”¹⁴ The Seminoles repeated this story well into the twentieth century, although the details varied. In some versions, the Great Spirit (often called Breathmaker) told the men to select from three boxes: the white man chose a box filled with “pens, and ink, and paper, and compasses,” the red man chose a box of “tomahawks, knives, war-clubs, traps, and such things as are useful in war and hunting,” and the black man was left with a box of “axes and hoes, with buckets to carry water in, and long whips for driving oxen.”¹⁵ In another version recalled by a Seminole elder in the 1970s, Breathmaker also gave the Seminoles “medicinal herbs.”¹⁶ These choices reflected the Seminoles’ understanding of the proper roles of different races. The story of Breathmaker

¹³ Susan A. Miller, *Coacoochee’s Bones: A Seminole Saga* (Lawrence: The University Press of Kansas, 2003), 59.

¹⁴ Thomas L. McKenney and James Hall, *The Indian Tribes of North America, With Biographical Sketches and Anecdotes of the Principal Chiefs: Volume II* (Edinburgh: John Grant, 1934), 267. See also William G. McLoughlin, “Red Indians, Black Slavery, and White Racism: America’s Slaveholding Indians,” *American Quarterly*, 26 (Oct., 1974): 384.

¹⁵ McKenney and Hall, *The Indian Tribes of North America*, 268.

¹⁶ Interview with F.S., by Jean Chaudhuri, 1970s, Samuel Proctor Oral History Program.

reassured Seminoles of the validity of their customs and provided them with a framework for understanding their relationships with outsiders, one that they turned to again in the years following the Second and Third Seminole Wars.¹⁷

Like the Cherokees, the Seminoles faced expulsion from their southeastern homelands following the 1830 Indian Removal Act. In contrast to the Cherokees' legal battles to remain in the East, however, the Seminoles took a military approach. No strangers to warfare against the United States, the Seminoles engaged federal authorities in an expensive and brutal seven-year war to resist removal policy. On May 9, 1832, fifteen Seminole leaders signed a removal agreement at Payne's Landing on the Ocklawaha River. The Indians believed the treaty binding only if the tribe as a whole approved the Seminoles' new lands in Indian Territory following a visit west by an appointed delegation of chiefs. In contrast, whites declared the agreement final as soon as the western delegation signaled their approval.¹⁸ Tribal members ridiculed the treaty-signers and refused to abide by the terms.¹⁹ When the United States army stepped in, warfare broke out. By the end of the Second Seminole War in 1842, the United States had spent between \$30 and \$40 million and lost the lives of over 1,600 troops and civilians. The Seminoles also experienced heavy losses, including the forced westward removal of nearly four thousand Indians and their black allies.²⁰ Only four or five hundred Seminoles remained in Florida.

¹⁷ Interview with Mary Frances Johns, by Tom King, May 1, 1973, Samuel Proctor Oral History Program.

¹⁸ John K. Mahon, *History of the Second Seminole War, 1835-1842* (Gainesville: University of Florida Press, 1985), 75-79.

¹⁹ Covington, *The Seminoles of Florida*, 73.

²⁰ Mahon, *History of the Second Seminole War*, 321.

The Seminoles left in Florida insisted on their right to stay in their homeland. A portion of their argument rested on an agreement signed by sixty-six Seminoles and Major General Alexander Macomb in 1839. At this point in the war, United States troops had captured nearly 2,000 Seminoles and killed another 400. Congress authorized Macomb to persuade the remaining Indians to move to a temporary reservation in southwestern Florida until they agreed to remove. Only one of the four Seminole bands left in southern Florida signed the agreement to suspend hostilities, and warfare continued until the United States realized the impossibility of total Seminole removal. Gradually Congress withdrew troops from Florida and fighting ceased. The federal government authorized Colonel William Worth to negotiate a new treaty, but because officials still hoped to persuade the Seminoles to migrate west, they did not outline firm boundaries for the proposed reservation. In 1842, Worth signed an agreement—not a treaty—with the remaining Indians that allowed them to occupy the lands stipulated in the Macomb Treaty, which included over 5,000,000 acres in southern Florida.²¹ In the view of the Seminoles, this agreement combined with the fraudulent nature of earlier treaties gave them rights to practically the entire state.²²

The Florida Seminoles had little contact with the federal government after the war. As whites moved near their reserved lands, officials tried to restrict the Indians' movement and to secure their removal to Indian Territory as soon as possible.²³ The Seminoles, however,

²¹ Covington, *The Seminoles of Florida*, 96-97, 106-108, 235.

²² In the late 1940s, the Florida Seminoles began a \$50 million claim case against the United States government to be tried before the Indian Claims Commission. They argued that they were owed land and money as a result of the Camp Moultrie Treaty, obtained by fraud and later breached, the Payne's Landing Treaty, made ineffective by dilatory tactics of the United States, the Macomb Treaty lands, for which they were never justly compensated, and the fact that the Secretary of the Interior requested the State of Florida to take land without the consent of the Indians. In total, they claimed the United States owed them 39,132,140 acres, valued at \$49,782,995. See Covington, *The Seminoles of Florida*, 234-235.

²³ Covington, *The Seminoles of Florida*, 111.

refused to negotiate with whites. They distrusted American officials and resented white intruders. Skirmishes between white settlers and the Indians broke out occasionally. The largest of these conflicts resulted in the Third Seminole War from 1855 to 1858. At its conclusion, the United States sent another 200 Seminoles west.²⁴ The remaining Seminoles retreated to the Everglades and the Big Cypress Swamp, where they began to regard themselves as distinct from those Seminoles whom the United States had forced west.²⁵ Layers of identity—linguistic, band, busk group, and clan—helped these Indians to understand who belonged to their communities and shaped their views of outsiders.

Although the Seminoles joined together to fight the United States, in the years that followed the Third Seminole War, they returned to their dispersed settlement patterns and decentralized political system. Muskogee-speakers, who represented about 35 percent of the tribe, settled north of Lake Okeechobee, while Mikasuki-speakers retreated to the swamps and the Everglades.²⁶ Members of the two linguistic groups interacted with each other and welcomed each other as visitors to their separate Green Corn ceremonies, but they maintained distinct political and socioeconomic arrangements.²⁷ Linguistic differences, according to Buffalo Tiger, were “the kind of situation that keeps us separate.” Muskogees were proud to speak Muskogee, and Mikasukis considered their group superior. In the Mikasuki language, Muskogees were known as the “weak people” because supposedly they

²⁴ Mahon, *History of the Second Seminole War*, 321. See also Dorothy Downs, *Art of the Florida Seminole and Miccosukee Indians* (Gainesville: University Press of Florida, 1995), 63.

²⁵ Minnie Moore-Willson, *The Seminoles of Florida* (New York: Moffat, Yard and Company, 1914), 54.

²⁶ Clay MacCauley, *The Seminole Indians of Florida* (Gainesville: University Press of Florida, 2000), 478. Originally published in U.S. Bureau of American Ethnology, Fifth Annual Report, 1883-1884.

²⁷ Kersey, “Private Societies and the Maintenance of Seminole Tribal Integrity, 1899-1957,” 298.

were more susceptible to white influence.²⁸ White artist James Hutchinson described the mild rivalry between the Muskogees and Mikasukis as a “Southern-Yankee type thing.”²⁹

Within their linguistic regions, the Seminoles divided into separate bands. When Richard Henry Pratt visited the tribe in 1879, he observed four groups. Chipco, an old Seminole chief, governed a band of Muskogee-speakers near Fort Clinch. Tuscanugga, also Muskogee-speaking, had a village on the western border of Lake Okeechobee. Chief Tiger Tail led a community of Mikasuki-speakers on the margins of the Big Cypress Swamp. His son, Young Tiger Tail, oversaw a fourth band on the Atlantic coast, near Miami.³⁰ A few years later, ethnographer Clay MacCauley sequentially named these communities the Cat Fish Lake settlement, the Fish Eating Creek settlement, the Big Cypress Swamp settlement, and the Miami River settlement. MacCauley also identified a fifth band: a small Muskogee settlement he called Cow Creek. Each group lived from forty to seventy miles apart in an otherwise uninhabited region.³¹

Band members belonged to busk groups under the political and religious leadership of medicine men. By 1900, there were usually five busks, one for the Muskogee-speakers north of Lake Okeechobee, and the others for Mikasuki-speakers further south.³² Trained for seven years, medicine men acted as priests and doctors as well as political leaders, and Seminoles

²⁸ Interview with Buffalo Tiger, by Tom King, June 1973, Samuel Proctor Oral History Program.

²⁹ Interview with James Hutchinson, by John Mahon and Tom King, August, 1973, Samuel Proctor Oral History Program.

³⁰ Richard Henry Pratt to E.A. Hayt, Commissioner of Indian Affairs, August 20, 1879, reprinted in “R.H. Pratt’s Report on the Seminole in 1879,” presented and annotated by William C. Sturtevant, *The Florida Anthropologist*, 9 (March, 1956): 5.

³¹ MacCauley, *The Seminole Indians of Florida*, 478.

³² Sturtevant and Cattellino, “Florida Seminole and Miccosukee,” 441.

respected them for their spiritual knowledge and temporal governance.³³ One of their most important responsibilities was to care for the tribe's medicine bundles, which were collections of sacred objects with curative properties. According to anthropologist Louis Capron, the Seminoles believed that these bundles held great power that directly contributed to the survival of the tribe. Without proper care, the medicine bundles could lose their power or become harmful instead of helpful.³⁴ Medicine men also had a political function as tribal leaders, a role that grew more important in the late nineteenth century as the authority of war chiefs faded. They passed judgments on crimes, prescribed spiritual remedies to restore balance, and became spokesmen for their groups when dealing with outsiders. Each Seminole fell under the jurisdiction of one of these busk groups and owed allegiance to a particular medicine man.³⁵ Busk group membership was central to Seminole conceptions of their identity.

Medicine men performed their most important function during the tribe's annual Green Corn Ceremony, which was also known as the busk. Held each year during the week of the full moon in June when the corn was ready to roast, the Green Corn Ceremony provided Seminoles with an opportunity to restore friendships and renew community bonds.³⁶ As one Seminole explained in the 1970s, "the responsibilities we had to one

³³ Interview with Louis Capron, by Samuel Proctor, August 31, 1971, Samuel Proctor Oral History Program; File: Taylor, Lyda Averill, III Comparative S.E. Ethnography (incomplete MS and trait lists), 1936-1940, Manuscript 4658, Box 2, Smithsonian Institution, National Anthropological Archives, Washington, D.C. (Hereafter NAA Washington).

³⁴ Louis Capron, "The Medicine Bundles of the Florida Seminole and the Green Corn Dance," *Anthropological Papers, No. 35*, Smithsonian Institution, Bureau of American Ethnology, Bulletin 151 (Washington, D.C.: Government Printing Office, 1953), 160, 163.

³⁵ Kersey, "Private Societies and the Maintenance of Seminole Tribal Integrity, 1899-1957," 299.

³⁶ "The Green Corn Dance," *The Atlanta Constitution*, Jun. 29, 1896, 3. Accessed through ProQuest Historical Newspapers; Downs, *Art of the Florida Seminole and Miccosukee Indians*, 72.

another, we had to renew during the annual Green Corn Dance.”³⁷ Medicine men from the disparate bands selected locations for the ceremony and sent runners to announce the time to scattered family camps.³⁸ To coordinate the arrival of the groups, each village hung up a number of small sticks, removing one each day until the time of the festival, at which point they traveled to the chosen spot.³⁹ Although each busk group held their own Green Corn Ceremony, they welcomed members of other busk groups as visitors. At the ceremonies, medicine men held council and ruled on criminal cases in the tribe. Seminoles forgave old animosities after lawbreakers purified themselves in sweat lodges and by taking a medicine known as the black drink.⁴⁰ Older men initiated young boys into the mysteries of Seminole manhood.⁴¹ Through ball playing, dancing, fasting, feasting, purifying rituals, and tests of endurance, the Seminoles ritually reaffirmed their relationship with each other and the spiritual world.⁴² Participation in the busk clearly identified individuals as members of the community.

Although loosely organized into bands and busk groups, Seminole families lived in separate camps, generally a half mile to two or more miles apart.⁴³ These camps consisted of

³⁷ Interview with Unnamed Seminoles by Jean Chaudhuri, 1970s, Samuel Proctor Oral History Program.

³⁸ Moore-Willson, *The Seminoles of Florida*, 98.

³⁹ Florida Museum of Natural History, *Handbook* (Palm Beach, Fla.: --, 189-), 11, The Newberry Library, Chicago, Illinois (Hereafter the Newberry Library).

⁴⁰ Moore-Willson, *The Seminoles of Florida*, 98.

⁴¹ U.S. Department of the Interior. Office of Indian Affairs. *Letter of the Acting Commissioner of Indian Affairs to Senator Duncan U. Fletcher transmitting a copy of a partial report by Lucien A. Spencer, Special Commissioner to the Florida Seminoles, on conditions existing among the Seminole Indians in Florida* (63rd Cong., 1st Sess., 1913. S. Doc. 42), 5.

⁴² Charles H. Coe, *Red Patriots: The Story of the Seminoles* (Gainesville: University Presses of Florida, 1974), 247. First published in Cincinnati: Editor Pub. Co., 1898.

⁴³ MacCauley, *The Seminole Indians of Florida*, 478.

matrilocal and matrilineal households: one or two wives (often sisters), their husband, their daughters and sons-in-law, and their unmarried sons.⁴⁴ Married sons moved to the camps of their wives. This arrangement reflected another element central to Seminole understandings of belonging: clan identity. The Seminoles organized their society around a matrilineal clan system similar to those of other southeastern Indian tribes. According to MacCauley, by the 1880s there remained at least nine clans among the Florida Seminoles: the Wind, Tiger, Otter, Bird, Deer, Snake, Bear, Wolf, and Alligator Clans.⁴⁵ Certain clans had special status and responsibilities within the tribe. The Bird Clan, for example, served in a judicial capacity, in consultation with the Tiger Clan, while the Wind Clan enforced these decisions.⁴⁶ Within the clan system, the Seminoles recognized descent through the female line. Children belonged to their mother's clan and had special obligations towards their maternal relatives.⁴⁷ The Seminoles prohibited and strictly punished incest within clans, although their marriages appeared close according to Euro-American standards.⁴⁸ Cousins

⁴⁴ Polygamy was not unusual in the late nineteenth century. MacCauley reported that nearly all of the 56 women over the age of fifteen he recorded were married to 38 Seminole men. The custom faded, however, by the early twentieth century. See MacCauley, *The Seminole Indians of Florida*, 479.

⁴⁵ Two other clans, the Buffalo and the Horned Owl, no longer existed in the peninsula because the United States had deported most of their members to Indian Territory. See MacCauley, *The Seminole Indians of Florida*, 507-508.

⁴⁶ Interview with Billy Osceola, by Jean Chaudhuri, March 1, 1972, Samuel Proctor Oral History Program; Interview with Albert DeVane and Jessie Bell DeVane, by Foster L. Barnes and Thelma Boltin, 1960, Samuel Proctor Oral History Program.

⁴⁷ MacCauley, *The Seminole Indians of Florida*, 507-508.

⁴⁸ File: Ethel Cutler Freeman, Seminole Indians, Vol. 1, 1940s, Misc. Notes, Florida Seminole, 1942-43, Ethel Cutler Freeman Papers, Box 35, NAA Washington; According to one Seminole woman, incestuous couples "had to be punished in front of everybody during [the] Green Corn Dance." The tribe punished incestuous women by scratching their arms and legs, or occasionally by cutting off their ears. Incestuous men faced more drastic measures: they might be castrated or even killed. Prohibitions against in-clan incest persisted well into the twentieth century, even after other marriage rules relaxed. In the early 1970s, one observer reported that "a young Seminole girl is far more apt to have sexual relations with a Mexican than with a member of her clan." See interview with Seminole Housewife (E.F.), Bird Clan, interview with David West, by John Mahon,

married as long as they belonged to different clans.⁴⁹ Clan membership gave Seminoles a defined place within the community and helped establish roles and responsibilities for tribal members.

Clan membership established kinship. Even if a Seminole had never before met someone belonging to his or her clan, they were automatically considered relatives and had to treat each other as such.⁵⁰ In particular, maternal uncles played an important role in the upbringing of Seminole children by teaching them how to behave to their relatives.⁵¹ In each camp, the oldest man usually had the greatest authority, and strict social rules governed individual behavior.⁵² Personal surveillance helped enforce appropriate conduct, and although punishments were rare, clan members knew they faced censure if they stepped out of line.⁵³ According to a 1913 government report, the Seminoles' home life was "always happy and no friction [was] ever seen among the different members of the family; each

September 28, 1971, and interview with John Belmont, by Tom King, April, 1973, Samuel Proctor Oral History Program.

⁴⁹ In the nineteenth century, the Seminoles also divided clans into two moieties, one consisting of clans with four-legged totems, and the other with totems of two or no legs. These moieties were also exogamous, but this custom had mostly faded by the twentieth century. See Sturtevant and Cattelino, "Florida Seminole and Miccosukee," 442-443.

⁵⁰ Buffalo Tiger and Harry A. Kersey, Jr, *Buffalo Tiger: A Life in the Everglades* (Lincoln: University of Nebraska Press, 2002), 25.

⁵¹ As children aged, they continued to turn to their maternal uncles for advice about their major life decisions: "in anything like marriages, divorces, crime breaking, anything related to this, the young person involved would immediately seek out his uncle." See interview with Unnamed Seminoles by Jean Chaudhuri, 1970s, Samuel Proctor Oral History Program.

⁵² Alanson Skinner, "Notes on the Florida Seminole," *American Anthropologist*, 15, (Jan.-Mar., 1913): 77.

⁵³ Ethel Cutler Freeman, "Two Types of Cultural Response to External Pressures among the Florida Seminoles," *Anthropological Quarterly*, 38, (Apr., 1965): 56; Economic, geographical, etc., etc. Survey of the Seminole Indians Today, by W. Stanley Hanson, 1940s, File: Ethel Cutler Freeman, Seminole Indians, Survey of the Seminoles Today by Stanley Hanson, Ethel Cutler Freeman Papers, Box 33, NAA Washington; Interview with Billy Cypress, by Tom King, October 1, 1972, Samuel Proctor Oral History Program.

member, even the small children, having clearly defined duties, which they never shirk.”⁵⁴

Clan members also protected one another by vowing to avenge harm done to fellow clan members. If they could not find the individual who committed the crime, they punished another member of that person’s clan.⁵⁵ By teaching appropriate behavior and exacting vengeance from the clan of a wrong-doer, clan members pressured Seminoles both within and outside their clan to keep the peace. Clan belonging provided Seminoles with a strong sense of identity that also helped distinguish them from surrounding populations.

Linguistic affiliation, band, busk group, and clan membership defined Seminole identity in the late nineteenth century. Although these sociopolitical structures linked them, Seminoles did not necessarily see themselves as belonging to a unified tribe. Nevertheless, the Seminoles developed certain cultural practices in the late-nineteenth century that separated them—as Indians—from other people in Florida. As historian Harry A. Kersey, Jr. has explained, in the years after the Third Seminole War, the Seminoles completed the last stage of their “ethnoecologic adaptation” to the environment of southern Florida.⁵⁶ They learned to live in the swamps and grasslands of the region by building homes, planting gardens, sewing garments, and constructing canoes that were suited to the terrain—and unique to them. They used these cultural practices as ethnic markers that helped identify them as indigenous to Florida. Although their ancestors had been migrants, the Seminoles

⁵⁴ U.S. Department of the Interior. Office of Indian Affairs. *Letter of the Acting Commissioner of Indian Affairs to Senator Duncan U. Fletcher transmitting a copy of a partial report by Lucien A. Spencer, Special Commissioner to the Florida Seminoles, on conditions existing among the Seminole Indians in Florida* (63rd Cong., 1st Sess., 1913. S. Doc. 42), 4.

⁵⁵ Interview with Seminole Housewife (E.F.), Bird Clan, Samuel Proctor Oral History Program.

⁵⁶ Kersey, “Private Societies and the Maintenance of Seminole Tribal Integrity, 1899-1957,” 297.

now considered themselves the rightful owners of the land, and they consciously presented themselves as radically different from whites and blacks who later made homes there.

Seminoles may not have shared a common tribal identity, but they knew who they were not. Like their own identities, Seminole ideas about outsiders developed from specific historical experiences. Decades of warfare between the Seminoles and Americans heavily influenced the attitudes of Florida Indians towards whites. Elderly Seminoles passed down stories of the wars across the generations, so that they were “as fresh with many today as they were when they happened.”⁵⁷ In the 1970s, for example, Billy Osceola insisted that during the Second Seminole War, “the white men would lie and trick the Indians.”⁵⁸ Other Seminoles remembered that when “the Indians were rounded up” for shipment to Indian Territory, “if an old man or child was too old to walk anymore, or to go any further, they say that the soldiers took their bayonets and killed them right on the spot.”⁵⁹ The Seminoles held particularly bitter memories about President Andrew Jackson. In the 1970s, a Seminole woman of the Bird Clan recalled that Jackson “sent off his soldiers down here in Florida and told them to kill the Indians like dogs—kill every one of them, even children and women, even old men and all of them.” In her estimation, Jackson “was no better than Hitler.”⁶⁰ The anger and fear provoked by these wartime stories contributed to an ongoing dread of removal that lasted well into the twentieth century.

⁵⁷ U.S. House of Representatives. Committee on Investigation of the Indian Service. *Condition of the Florida Seminoles*. Report by Charles D. Carter. (65th Cong., 1st Sess., 1917), 57-58.

⁵⁸ Interview with Billy Osceola, by Jean Chaudhuri, March 1, 1972, Samuel Proctor Oral History Program.

⁵⁹ Interview with Unnamed Seminoles by Jean Chaudhuri, 1970s, Samuel Proctor Oral History Program.

⁶⁰ Interview with Seminole Housewife (E.F.) Bird Clan, Samuel Proctor Oral History Program.

Determined to stay in their homeland in the years that followed removal, the Seminoles developed a foreign policy of conflict-avoidance.⁶¹ Small in numbers, the Seminoles recognized the futility of further military action. According to W. Stanley Hanson, who worked extensively with the Seminoles in the early twentieth century, “the desire uppermost in the teachings of the medicine men has been to avoid friction with the whites.”⁶² This attitude carried on into the twentieth century. By choosing to retreat rather than fight, the Seminoles created a powerful strategy designed to keep them in Florida. By following this foreign policy and developing a common political habit of mind, Seminoles from disparate settlements created an informal tribal identity expressed by their ongoing opposition to whites.⁶³

Seminole leaders actively discouraged younger kinsmen from interacting with whites or adopting their habits. Doing so called into question the tribal belonging of such individuals. Billy Osceola remembered that his father urged him to avoid white people.⁶⁴ A reporter observed that the “old chiefs...are immovable in their determination not to have the

⁶¹ Minnie Moore-Willson, a white woman interested in Seminole affairs, explained that “they are certainly not foot-sore for the warpath and are fearful of doing anything to arouse the whites.” See Moore-Willson, *The Seminoles of Florida*, 75; Anthropologist Ethel Cutler Freeman corroborated this idea in 1939: “The Seminoles of the Big Cypress group give the impression of having a definite cultural goal. Their ideology centers around the concept of avoidance of conflict where consistent with individual integrity and personal dignity.” See File: Ethel Cutler Freeman, Seminole Indians, Notes Florida Seminoles, 1939, Volume 1, Ethel Cutler Freeman Papers, Box 35, NAA Washington.

⁶² Economic, geographical, etc., etc. Survey of the Seminole Indians Today, by W. Stanley Hanson, 1940s, File: Ethel Cutler Freeman, Seminole Indians, Survey of the Seminoles Today by Stanley Hanson, Ethel Cutler Freeman Papers, Box 33, NAA Washington.

⁶³ See Steven C. Hahn’s discussion of the creation of Creek national identity through their foreign policy of neutrality in dealing with Europeans in *The Invention of the Creek Nation, 1670-1763* (Lincoln: University of Nebraska Press, 2004), 276.

⁶⁴ Interview with Billy Osceola, by Jean Chaudhuri, March 1, 1972, Samuel Proctor Oral History Program.

tribes contaminated by adopting the customs of the white men.”⁶⁵ Seminoles who chose to live with whites met with disapproval from their relatives. In the late nineteenth century a young man named Ko-nip-hat-cho traveled to Fort Myers to receive a Euro-American education. Upon hearing of his departure, his kinsmen fell into an uproar.⁶⁶ Regarding him as a traitor, some Seminoles demanded his execution, and, according to Billy Cypress, only the pleadings of his father saved him.⁶⁷ Although Ko-nip-hat-cho returned to his people unharmed, other Seminoles were not as fortunate. According to a 1913 government report, the Seminoles punished tribal members who learned to read and write English by cropping their ears.⁶⁸ Part of the Seminoles’ negative reaction to Euro-American education may have stemmed from historic events when tribal members had signed treaties that did not represent the goals of the group at large.⁶⁹ Fearful that whites would use literacy against them, the Seminoles rejected it altogether.

The Seminoles also expressed their separation from white Americans by choosing to live in ways that clearly marked their difference. They resided in open-sided houses with palmetto-thatched roofs known as chickees. Easily built and easily torn down, chickees allowed the Seminoles visibility of their surroundings, while vegetation obscured them from

⁶⁵ “Florida Happenings,” *The Atlanta Constitution*, Jul. 26, 1891, 7. Accessed through ProQuest Historical Newspapers.

⁶⁶ Moore-Willson, *The Seminoles of Florida*, 169.

⁶⁷ Interview with Billy Cypress, by Tom King, October 1, 1972, Samuel Proctor Oral History Program.

⁶⁸ U.S. Department of the Interior. Office of Indian Affairs. *Letter of the Acting Commissioner of Indian Affairs to Senator Duncan U. Fletcher transmitting a copy of a partial report by Lucien A. Spencer, Special Commissioner to the Florida Seminoles, on conditions existing among the Seminole Indians in Florida* (63rd Cong., 1st Sess., 1913. S. Doc. 42), 6. This particular punishment may have served to remind the Seminoles of their duty to listen to the commands of Breathmaker. Whites had chosen the box of paper and ink, the Seminoles had not.

⁶⁹ Moore-Willson, *The Seminoles of Florida*, 71.

outsiders.⁷⁰ Even when government agents built board houses for the Seminoles, the Indians overwhelmingly preferred to remain in their traditional abodes. The nineteenth-century design persists into the twenty-first century with one exception—the introduction of nails in the late nineteenth century—and even the most modern homes usually have a chickee or two adjacent to them.⁷¹ Chickees have become so closely identified with Seminoles that many white Floridians assume only Seminoles can legally build them, legislation most Seminoles would support.⁷²

Seminole subsistence patterns and gender roles also helped distinguish them from outsiders. Seminole men hunted deer and turkeys and interacted with outside traders, while women managed the camps, which including preparing food, raising domestic animals, and caring for children.⁷³ The Seminoles placed a greater emphasis on hunting than other southeastern tribes, perhaps because agricultural production had proved impractical during times of conflict with the United States.⁷⁴ Although women tended small gardens, the Seminoles usually did not clear or plant large fields in the late nineteenth and early twentieth centuries. Instead, women gathered wild foods like coontie roots and swamp cabbage.

⁷⁰ U.S. Congress. Senate. *A Survey of the Seminole Indians of Florida*. Report by Roy Nash. (71st Cong., 3rd Sess., 1931. Doc. 314), 5; MacCauley, *The Seminole Indians of Florida*, 499; Interview with Reverend Alexander Linn, by Tom King, March 23, 1974, Samuel Proctor Oral History Program.

⁷¹ U.S. Congress. Senate. *A Survey of the Seminole Indians of Florida*. Report by Roy Nash. (71st Cong., 3rd Sess., 1931. Doc. 314), 35, 5.

⁷² I. M. Stackel, “Tradition, Not Laws, Regulate the Business of Chickee Construction,” *News from Indian Country* (2002). Accessed through <http://indiancountrynews.info/fullstory.cfm-ID=148.htm>.

⁷³ According to Clay MacCauley, women also fished to feed their families. See MacCauley, *The Seminole Indians of Florida*, 503.

⁷⁴ Indeed, according to some reports, during the Second Seminole War, “the American troops amused themselves by firing at the stems [of Seminole pumpkins] and bringing the pumpkins to the ground.” See William A. Read, *Florida Place-Names of Indian Origin and Seminole Personal Names* (Baton Rouge: Louisiana State University Press, 1934), 4.

Seminoles also depended on the trade goods they purchased by selling deer, alligator, and otter skins, as well as plumes from Florida's exotic birds.⁷⁵ The Seminoles celebrated hunting every four years with a hunting dance, which included feasting and ball games. As part of the ceremony, "each morning of the festival, every member of the camp, down to the wee child, must hunt...the men hunt large game; the boys go for rabbits, birds and squirrels; while women hunt the hogs and dig potatoes, and the very small children 'hunt' water, and bring in sticks of wood."⁷⁶ Hunting meant different things for men and women, but members of both genders derived a sense of personal identity from economic contributions that distinguished them from non-Seminoles.

Seminoles also expressed their separation from outsiders with clothing. The Seminoles' unique style helped mark individuals' status within the group as well as express their clan identity. According to one report, "Seminole clans adhere strictly to the clan colors in their dress, so one familiar with clan history knows at sight to which clan an Indian belongs."⁷⁷ Seminole men wore deerskin leggings and moccasins, embroidered shirts, and

⁷⁵ Harriet Randolph Parkhill, *The Mission to the Seminoles in the Everglades of Florida* (Orlando: Sentinel Print., 1909), 6.

⁷⁶ Moore-Willson, *The Seminoles of Florida*, 105.

⁷⁷ Mary F. Dickinson, *Seminole of South Florida* (Federal Writers' Project of the Work Projects Administration for the State of Florida, 1930), 4; Another observer corroborated this report: "A canoe is decorated with the 'family colors' which are used also on dresses and on the yokes of men's blouses." See File 4690, Densmore, Frances, Seminole Music, Manuscript 4690, Densmore, Frances, Seminole, Box 2, NAA Washington. The Seminoles perhaps also used clothing to punish transgressing tribal members. According to Lawrence E. Will, an amateur historian familiar with the Seminoles, "there were some cases which I'd heard of where an Indian was sentenced to wear a white shirt...The Indian, if he'd murdered somebody or anything as bad as that, was not allowed to wear that colored uniform" that Seminoles usually sported. Although Will claimed to have seen "one or two other white shirts," including one worn by a Seminole outcast known as Crop Eared Charlie, these cases were "very, very rare." If they occurred, it suggests that the Indians used clothing to exclude as well as include tribal members. White shirts may have served to shame Seminoles into appropriate forms of behavior. See interview with Lawrence E. Will, by Tom King, November 29, 1972, Samuel Proctor Oral History Program.

brightly colored turbans.⁷⁸ These turbans served as status markers: “the more important the occasion, the more enormous the turban.”⁷⁹ In the late nineteenth century, women acquired sewing machines, which they used to construct colorful patchwork garments that men as well as women wore.⁸⁰ Women also adorned themselves with hundreds of strings of beads. These necklaces, which sometimes weighed as much as thirty pounds, were “her chief glory and...worn constantly.”⁸¹ By dressing in their unique styles, the Indians laid claim to their identity as Seminoles. Their clothing helped separate them from outsiders, especially at a time when “colored” people suffered under Florida’s strict Jim Crow laws.⁸² By physically marking their Indian identity through clothing, the Seminoles created a powerful symbol that defined them as a separate people who refused to blend in and prevented them from being mistaken as African-American.

Seminole attitudes towards whites in the late nineteenth and early twentieth centuries found their most virulent expression in Seminole reactions to sexual relations with whites. White men who eyed Seminole women met hostility and “it would be well for that man never

⁷⁸ Florida Museum of Natural History, *Handbook*, 6, The Newberry Library.

⁷⁹ Moore-Willson, *The Seminoles of Florida*, 88-89.

⁸⁰ Florida Museum of Natural History, *Handbook*, 9-10, The Newberry Library.

⁸¹ Moore-Willson, *The Seminoles of Florida*, 90; Villiers Stuart, *Adventures Amidst the Equatorial Forests and Rivers of South America; Also in the West Indies and the Wilds of Florida, To Which is Added “Jamaica Revisited”* (London: John Murray, Albemarle Street, 1891), 111.

⁸² As one white reporter noted, the Seminoles made their distinctive clothing “so that they would not be Jim Crowed.” Interview with Jane Wood Reno, by Marcia Kanner, October 21, 1971, Samuel Proctor Oral History Program. This strategy apparently worked. According to Roy Nash, who conducted a survey of the Seminoles in 1930, Florida law treated Seminoles as “whites.” Nash remarked that “the Seminole...can travel on the railroad in coaches reserved for whites. He enters hotels and eats at the same table with whites. He is admitted to white wards in local hospitals.” Seminole children rarely attended Euro-American schools before the mid-twentieth century, but a few were admitted to white schools in Fort Lauderdale and Indian Town. See U.S. Congress. Senate. *A Survey of the Seminole Indians of Florida*. Report by Roy Nash. (71st Cong., 3rd Sess., 1931. Doc. 314.), 46.

to appear in the presence of the tribe again.”⁸³ According to an Oklahoma Creek-Seminole woman who lived at the Brighton Reservation in the 1950s, if the Florida Seminoles caught a white man who raped a Seminole woman, they killed him.⁸⁴ The Seminoles also repelled the advances of friendly whites. When a white trader named Joe Bowers fell in love with a Seminole girl in the early twentieth century, for example, the tribal council refused his request to marry the young woman.⁸⁵ Although discouraged, Bowers vowed to prove his worth by living among the Seminoles and showing them that he could be “just as good an Indian.” He built a chickee and adopted a Seminole lifestyle for six months, but nobody paid any attention to him. Unimpressed by Bowers’ attempts to become culturally Seminole, the Indians insisted that his racial identity barred him from marriage rights in the tribe. Eventually Bowers gave up.⁸⁶ The response of the Seminole tribal council to Joe Bowers illustrated that they saw race as an insurmountable barrier to tribal inclusion, at least when it came to whites.

Seminoles did not tolerate sexual relationships with whites because they threatened to bring repellent outsiders into the community. Although the Seminoles strictly punished both men and women for sexual infidelity, women who willingly associated with white men faced

⁸³ Moore-Willson, *The Seminoles of Florida*, 114.

⁸⁴ Interview with Ms. Rich Sands, by Jean Chaudhuri, 1970s, Samuel Proctor Oral History Program. If they failed to punish a rapist themselves, they pursued legal action against him. In the early twentieth century, Seminoles reportedly took a white man to court for the rape of a Seminole woman. To the frustration of the Indians, a white jury acquitted him. See interview with Ernest Lyons, by R.T. King, August 3, 1973, Samuel Proctor Oral History Program.

⁸⁵ Interview with Bessie DuBois, by Tom King, December 14, 1973, Samuel Proctor Oral History Program; Interview with John DuBois, by Tom King, December 14, 1973, Samuel Proctor Oral History Program.

⁸⁶ The experience apparently scarred Bowers: he remained single until he was sixty years old, at which point he married a much younger white woman. Sadly for Bowers, this marriage failed shortly afterwards. See interview with Bessie DuBois, by Tom King, December 14, 1973, Samuel Proctor Oral History Program.

the worst censure.⁸⁷ As members of a matrilineal and matrilocal society, Seminole women could bring outsiders into Seminole communities in a way that Seminole men could not. If a Seminole man became involved with a white woman, neither she nor her children could become part of the tribe. However, if a Seminole woman joined with a white man, a man that the Seminoles perceived as morally weak and treacherous, their children would be full tribal members with the right to live in Seminole communities and participate in tribal affairs. Determined to protect their resources and independence from whites, the Seminoles did their utmost to prevent such unions.

According to a government agent who surveyed the tribe in the 1880s, Seminole women who had children by white fathers faced execution.⁸⁸ The women's female relatives reportedly enforced this sentence. Executing transgressors deterred those who might also indulge in relations with whites. If such punishments were indeed carried out, they were rare. In the late nineteenth century, observers reported that tribal members had accused only two Seminole women of sexual relations with whites. One woman died at the hands of "the women of her tribe, who hung her," while the other's high status as the wife of a chief saved

⁸⁷ Andrew P. Canova, *Life and Adventures in South Florida* (Palatka, Fla.: The Southern Sun Publishing House, 1885), 93, The Newberry Library. According to Canova, a Seminole man named Billy Bowlegs "was condemned to wander apart from his tribe, for a long time, as punishment" for adultery. Such strict rules about "social virtue" may have arisen from the small numbers of Seminoles remaining in Florida. With few marriage partners to choose from, the Seminoles may have thought it important to enforce marital fidelity in order to promote social harmony and ensure the tribe's survival. If this were the case, it was a historically specific circumstance, as among southeastern groups there was traditionally room for more fluidity in choice of sexual and marital partners.

⁸⁸ MacCauley, *The Seminole Indians of Florida*, 479. Other white observers corroborated this report. Minnie Moore-Willson insisted that "the Seminole girl who would unwisely bestow her affections would be killed outright by the squaws." See Moore-Willson, *The Seminoles of Florida*, 114. As Robert D. Mitchell, a longtime friend of the Seminoles put it, "if an Indian girl became pregnant...why that was the end of it...That'd settle that monkey business." See Interview with Bob Mitchell, by Harry Kersey, July 15, 1971, Samuel Proctor Oral History Program.

her from a similar fate.⁸⁹ In the twentieth century, there was one other report of this nature. According to a white nurse, the tribal council ordered the poisoning of Thelma Jim, who lived in the camp of the medicine man Josie Billie, because she had two half-white children.⁹⁰

Babies born to Seminole women and white men also faced death at the hands of their female relatives.⁹¹ According to Betty Mae Tiger Jumper, “the Seminoles believed that half-breeds were evil ‘Ho-la wa-gus!’ (bad spirits) who could endanger the tribe and bring on bad spells.”⁹² Tribal member James Billie, who was born in the 1940s, asserted that previous generations of Seminoles “didn’t want no mixed-bloods with them” because “the ill-feeling toward the white was still stronger.”⁹³ According to matrilineal rules of descent these children belonged to the tribe as full members, but the Seminoles also recognized that white men customarily exercised control over their children. Efforts of white fathers to do so

⁸⁹ I M’Queen, “The Seminole Indians,” *The Atlanta Constitution*, Feb. 27, 1885, 5. Accessed through ProQuest Historical Newspapers. See also Moore-Willson, *The Seminoles of Florida*, 114.

⁹⁰ Death Decrees, Informant—Miss Conrad, Ind. Off, Nurse, March 1940, File: Ethel Cutler Freeman, Seminole Indians, Seminole Killing, Ethel Cutler Freeman Papers, Box 31, NAA Washington.

⁹¹ The Seminoles traditionally did not consider infanticide murder. Indeed, the Seminoles’ forbearers, the Creeks, put newborn infants to death if they were deformed or if the family could not care for the child. However, only the mothers had this prerogative. Fathers, as members of a different clan than their children according to matrilineal rules of descent, could not take their child’s life without incurring punishment under clan laws of retaliation. The Seminoles, like the Creeks, resorted to infanticide for medical reasons and in times of desperation. During the Second Seminole War, mothers occasionally killed their infants rather than risk the baby crying and giving away the family’s location to the United States Army. See Charles Hudson, *The Southeastern Indians* (Knoxville: The University of Tennessee Press, 1976), 231, 467. According to tribal member Joe Dan Osceola, the Indians knew that white soldiers would kill and mutilate any Indian they found, regardless of age or gender, and that their survival depended on avoiding discovery. Under dire circumstances, the “Indian philosophy was this: It’s best to go ahead and kill that child, whereas if they didn’t, then the whole tribe would have got killed.” See Interview with Joe Dan Osceola, by Mark Bass, 1977, Samuel Proctor Oral History Program.

⁹² Betty Mae Jumper and Patsy West, *A Seminole Legend: The Life of Betty Mae Tiger Jumper* (Gainesville: University Press of Florida, 2001), 39.

⁹³ Interview with James Billie, by Tom King, February 1972, Samuel Proctor Oral History Program.

threatened the tribe's independence. Older female relatives took responsibility for dealing with this potentially dangerous situation and drowned the children of white men. Infanticide continued into the early years of the twentieth century. Jumper reported that her baby cousin met this fate in Fort Lauderdale in 1920.⁹⁴

As with whites, the Seminoles' historical experiences with African Americans shaped their attitudes towards black people and to their interactions with these racial others. Following the Third Seminole War, Seminoles remained aloof from outside blacks, just as they avoided sustained contact with whites. Oral tradition suggests that Seminole men may have occasionally had sexual encounters with outside black women, but these children were kept by their black mothers and the Seminoles did not consider them tribal members.⁹⁵ Black women who had remained with the Seminoles as slaves following the wars, however, were another story. The Seminoles had acquired these African-American women as girls and by the 1880s they were middle-aged with children of their own.⁹⁶ Molly Pitcher, a former black slave, and her half-Seminole son, Charlie Dixie, for example, lived among the Mikasuki-speakers in the south.⁹⁷ Pitcher may also have had a black-Seminole daughter, Tonagi, although few records of this girl survive.⁹⁸ More black Seminoles lived with the Muskogee-

⁹⁴ Jumper and West, *A Seminole Legend*, 39. According to another Seminole woman, the Seminoles "used to bury them alive, if it was half-white." See interview with Seminole Housewife (E.F.), Bird Clan, 1970s, Samuel Proctor Oral History Program.

⁹⁵ Interview with John Belmont, by Tom King, April 1973, Samuel Proctor Oral History Program.

⁹⁶ Jumper and West, *A Seminole Legend*, 12.

⁹⁷ Reconstructed Florida Seminole Census of 1914, Records of the Statistics Division, Census Rolls and Supplements, 1885-1940, Box 846, PI-163, Entry 964, RG 75, National Archives and Records Administration, Washington, D.C. (Hereafter NARA Washington).

⁹⁸ Seminole Clan and Kinship Data, 1942, File: Ethel Cutler Freeman, Seminole Indians, Notes: Florida Seminoles, 1942, Volume II, Kinship, Ethel Cutler Freeman Papers, Box 38, NAA Washington.

speakers north of Lake Okeechobee. These included Poq-ti, also known as Nagey Nancy, her two black-Seminole children, and another black woman named Si-Si, along with her children, Han-ne and Me-le.⁹⁹ Census takers reported that another half-black woman, Fikee Jumper, born in 1879, also lived among the Muskogee-speakers.¹⁰⁰ She may have been related to Funke, a black woman who lived with the family of Frank Willie.¹⁰¹ The Seminoles adopted various and sometimes conflicting strategies to incorporate these anomalous women and their children into the community.

The black women who lived among the Seminoles held an ambiguous position in the tribe. Southern whites spread rumors that the Indians continued to hold blacks in slavery even after the Civil War.¹⁰² Other observers, however, claimed that these women lived as tribal members. Clay MacCauley noted in the 1880s that the “negresses in the tribe live apparently on terms of perfect equality with the other women.”¹⁰³ A white journalist asserted

⁹⁹ MacCauley, *The Seminole Indians of Florida*, xlvii-xlviii.

¹⁰⁰ Reconstructed Florida Seminole Census of 1914, Records of the Statistics Division, Census Rolls and Supplements, 1885-1940, Box 846, PI-163, Entry 964, RG 75, NARA Washington.

¹⁰¹ Census of Seminoles, Indians of Miami Agency, Florida, taken by Lucien A. Spencer, Special Commissioner, July, 1915, National Archives Microfilm Publications, Microcopy No. 595, Indian Census Rolls, 1885-1940, Roll 486, Seminole (Florida), 1913-29, NARA Washington.

¹⁰² An 1889 article, for example, reported that two white men had “the pleasure of meeting the only genuine slaveholder in the land of the free, namely the Hon. Cypress Tiger, of the Everglade Seminoles.” See “A Holdover Slaveholder,” *Atlanta Constitution* (27 June, 1889): 4. ProQuest Historical Newspapers; According to another article, Florida cowboys recommended that visitors to the Seminoles bring an African American with them because one could “sell the negro to the Indians for enough to pay all of [one’s] expenses.” See “The Florida Everglades,” *New York Times* (10 March 1889): 10. ProQuest Historical Newspapers; Whites familiar with the Indians also remarked on the servile status of the blacks they saw with the Indians. Minnie Moore-Willson, for example, asserted that Si-Si and Han-ne, who lived with a man named Tallahassee, performed all “the drudgery for the family” after Tallahassee’s wife died. See Moore-Willson, *The Seminoles of Florida*, 107; Oral tradition supports the idea that the Seminoles viewed blacks among them as less than equals, although not necessarily as slaves. In the 1970s, Mikasuki-speaker Mary Frances Johns recalled that in her grandmother’s day, blacks who lived with the Indians “weren’t even allowed to sit at the same table and eat with ‘em.” See interview with Mary Frances Johns, by Tom King, January 5, 1973, Samuel Proctor Oral History Program.

¹⁰³ MacCauley, *The Seminole Indians of Florida*, 526.

that “their thriftless owners treat them more as companions than slaves, and about the severest work the men are required to perform is hunting, which is a pleasant pastime rather than a labor, while the slight agricultural pursuits are shared about equally between the Indian and the negro women.”¹⁰⁴

Despite the uncertain status of blacks who remained with the tribe, Seminoles married and had children with them. These children had Seminole fathers, but without matrilineal clan ties they were not fully Seminole. The Seminoles resolved the problem of clanless community members by adopting the remaining black women living among them.¹⁰⁵ In this way, the women received clan membership, usually that of their “mistresses,” which they in turn passed on to their offspring.¹⁰⁶ Si-si and Han-ne, who lived with a Seminole man named Tallahassee, probably became members of his wife’s clan, the Deer Clan. Si-si’s son Me-le also received this clan membership. Early twentieth-century censuses listed Molly Pitcher’s half-black son, Charlie Dixie, as a member of the Bird Clan. Billy Bowlegs III and his half-siblings, Lewis Tucker and Lucy Pearce, the grandchildren of Nagey Nancy, belonged to the Snake Clan.¹⁰⁷ Seminole understandings of race, however, complicated the clan identities of black-Seminole children. According to Betty Mae Tiger Jumper, tribal members understood the children and grandchildren of Nagey Nancy as belonging not to the Snake Clan proper, but to “Little Black Snake Clan.”¹⁰⁸ Modification of the Snake Clan name revealed that these

¹⁰⁴ M’Queen, “The Seminole Indians,” 5.

¹⁰⁵ MacCauley, *The Seminole Indians of Florida*, 479, xlvii, li.

¹⁰⁶ Jumper and West, *A Seminole Legend*, 13.

¹⁰⁷ Reconstructed Florida Seminole Census of 1914, Records of the Statistics Division, Census Rolls and Supplements, 1885-1940, Box 846, PI-163, Entry 964, RG 75, NARA Washington.

¹⁰⁸ Jumper and West, *A Seminole Legend*, 13.

black-Seminole children did not belong to Seminole clans in the same way as did racially-Indian Seminoles.¹⁰⁹

Although the Seminoles tolerated relationships between Seminole men and adopted black women, they were less accepting of unions between Seminole women and men with African ancestry. For the Seminoles, such marriages represented unacceptable racial mixing because they threatened to bring black-Seminole children fully into the tribe's matrilineal clan system. Efforts to block the marriage prospects of black-Seminole men came with consequences. On February 15, 1889, Nagey Nancy's son, Jim Jumper, sought revenge after a Seminole named Big Tommie rejected him as a suitor for his daughter. Jumper took a shotgun to the camp of the Snake Clan and murdered at least five Seminoles, including his black-Seminole sister, Old Nancy, who tried to stop him.¹¹⁰ The massacre came to an end when Jim Jumper was fatally shot by another Seminole man.¹¹¹ In the months following the

¹⁰⁹ In a 1973 oral interview, John Belmont asserted that "the clans can be broken down in sort of sub-clans where the relationship between the people is considered to be of a different order." The Little Black Snake Clan may have been one of these sub-clans. See interview with John Belmont, by Tom King, April 1973, Samuel Proctor Oral History Program.

¹¹⁰ Jumper and West, *A Seminole Legend*, 13-15. It is unclear from the available documents whether Big Tommie was a member of the Snake Clan, or if he was married to a Snake Clan woman. If his wife was from the Snake Clan, then his children would also have been Snake Clan members, according to matrilineal rules of descent. If this were the case, then the opposition to Jim Jumper's marriage proposal could have stemmed as much from rules against incest as from ideas about race. As a member of the "Little Black Snake" Clan, which seems to have been a subdivision of the Snake Clan for black-Seminole individuals, Jim Jumper would not have been permitted to marry a woman from the Snake Clan, regardless of race. If the object of his affection was from another clan, however, then the objection to the union may well have been racially-motivated. See also Interview with Lawrence E. Will, by Tom King, November 29, 1972, Samuel Proctor Oral History Program.

¹¹¹ "Victims of an Insane Indian," *New York Times*, Mar. 3, 1889, 5. Accessed through ProQuest Historical Newspapers.

tragedy, the Seminole tribal council tried to resolve any additional problems from interracial marriages by officially prohibiting black-Seminole men from taking Seminole wives.¹¹²

The effects of the massacre reverberated across the tribe. The camp affected by the killings included both Muskogee and Mikasuki-speaking Seminoles, and Mikasuki-speakers further south took the tragedy to heart. Compared to the Muskogee-speaking Seminoles, very few people of African descent lived with the Mikasuki-speakers.¹¹³ Molly Pitcher, who was captured by the Seminoles as a child, was the only black individual among them who had no Seminole ancestry. Initially kept as a slave by John Osceola, she later married a Seminole man named Miami Billie.¹¹⁴ The relationship did not last, but it produced Charlie Dixie, who was born in 1870.¹¹⁵ According to oral tradition, when Seminoles in the Big Cypress Swamp learned of Jim Jumper's actions, "they held court...to see about killing this 'un [Charlie Dixie] on this side." Fiercely protective of her teenage son, Molly Pitcher vowed to kill anyone who touched him. As a compromise, John Osceola took Dixie into his camp and had the young man wait on him. This arrangement apparently continued until Osceola married, and he then let Dixie go free.¹¹⁶

Although the Mikasuki-speakers had agreed to spare his life, they forbade Charlie Dixie from taking a Seminole wife. Circumstances conspired, however, to overturn this

¹¹² U.S. Congress. Senate. *A Survey of the Seminole Indians of Florida*. Report by Roy Nash. (71st Cong., 3rd Sess., 1931. Doc. 314.), 26.

¹¹³ Interview with Milton D. Thompson, by John Mahon, June 25, 1975, Samuel Proctor Oral History Program.

¹¹⁴ Feb. 24, 1942, File: Ethel Cutler Freeman, Seminole Indians, Notes Florida Seminoles, 1939, Volume 2, Ethel Cutler Freeman Papers, Box 35, NAA Washington.

¹¹⁵ Reconstructed Florida Seminole Census of 1914, Records of the Statistics Division, Census Rolls and Supplements, 1885-1940, Box 846, PI-163, Entry 964, RG 75, NARA Washington.

¹¹⁶ Interview with Rose Kennon, by Harry Kersey, September 24, 1971, Samuel Proctor Oral History Program.

ruling. According to oral tradition, Dixie's father, Miami Billie, had left his mother years before and married a Seminole woman named Aklohpi. The couple had at least two children, Dixie's half-siblings. According to Seminole ideas of kinship, however, these children—a son named Charlie Billie and a daughter named Jim Sling—belonged to their mother's Panther Clan, and were thus not related to Dixie, who belonged to the Bird Clan. When they grew up, tribal members uncovered a shocking secret: Charlie Billie had impregnated Jim Sling. While Dixie may not have counted as kin, the Seminoles clearly considered the behavior of Charlie Billie and Jim Sling incestuous since it occurred between full siblings of the same clan. Strictly taboo among the Seminoles, incest was a severe crime, punishable by death.¹¹⁷

To undo the deleterious effects of the incestuous union, tribal members knew what they must do. First, Jim Sling's mother disposed of the infant.¹¹⁸ The product of incest, it was unacceptable to the Seminoles. Next, the tribe had to deal with the couple. After deliberations at the annual Green Corn Ceremony in 1893, tribal council members decided to spare Jim Sling, but to execute Charlie Billie.¹¹⁹ The councilmen appointed Charlie Dixie to carry out

¹¹⁷ Interview with Bob Mitchell, by Harry Kersey, July 15, 1971, Samuel Proctor Oral History Program.

¹¹⁸ Supposedly Aklohpi strangled the baby. See Feb. 24, 1942, File: Ethel Cutler Freeman, Seminole Indians, Notes Florida Seminoles, 1939, Volume 2, Ethel Cutler Freeman Papers, Box 35, NAA Washington; According to another version of the story, Charlie Dixie's mother, Molly Pitcher, executed the child by leaving it exposed near an alligator hole. See interview with Rose Kennon, by Harry Kersey, September 24, 1971, Samuel Proctor Oral History Program.

¹¹⁹ Deaconess Bedell, 1939, File: Ethel Cutler Freeman, Seminole Indians, Negro Relations with Seminoles, Ethel Cutler Freeman Papers, Box 32, NAA Washington; According to information collected by Ethel Cutler Freeman in the 1940s, there may have been a scarcity of Indian women of marriageable age in the tribe at the time, which helps explain the incestuous relationship and also why the council spared Jim Sling. See File: Ethel Cutler Freeman, Seminole Indians, Negro Relations with Seminoles, Ethel Cutler Freeman Papers, Box 32, NAA Washington; According to Will Curry, a city gardener in Fort Myers who knew Charlie Billie, medicine man John Osceola issued the execution decree. See "Death Decrees, Informant—Miss Conrad, Ind. Off. Nurse, March 1940," File: Ethel Cutler Freeman, Seminole Indians, Seminole Killing, Ethel Cutler Freeman Papers, Box 31, NAA Washington.

the killing, enticing him with a reward: if he executed Charlie Billie, he could marry Jim Sling.¹²⁰ Dixie reluctantly performed the task—according to one report the brothers cried together before Dixie shot Billie through the chest and throat—and, soon after, he and Jim Sling married.¹²¹ Although half-black, Charlie Dixie had a wife.¹²²

Although “he lived as an Indian; he lived with the Indians, and his wife was a pure blood Indian,” tribal members only gradually came to regard Charlie Dixie as one of them.¹²³ Memories of Jim Sling’s checkered past combined with Dixie’s racial background made the couple a pariah among Mikasuki-speakers for many years. Ethel Cutler Freeman, who visited the tribe in the 1940s, reported that the Seminoles barred Dixie and his family from participating in tribal festivities and social games.¹²⁴ According to W. Stanley Hanson, Jr., whose father worked with the Indians, other Seminoles never seemed to interact much with

¹²⁰ “Death Decrees, Informant—Miss Conrad, Ind. Off, Nurse, March 1940,” File: Ethel Cutler Freeman, Seminole Indians, Seminole Killing, Ethel Cutler Freeman Papers, Box 31, NAA Washington; E.C. Freeman, 1940, File: Ethel Cutler Freeman, Seminole Indians, Vol. 1, 1940s, Misc. Notes, Florida Seminole (1942-43), Ethel Cutler Freeman Papers, Box 35, NAA Washington. According to another white observer, “to the half-breed the maid represented a reward for a bitter task because the full blooded Seminoles had previously denied him a wife.” See Hanson “R” Liddle, August 8, 1936, File: Ethel Cutler Freeman, Seminole Indians, Notes Florida Seminoles, 1940, Volume 1, Ethel Cutler Freeman Papers, Box 36, NAA Washington.

¹²¹ “Death Decrees, Informant—Miss Conrad, Ind. Off, Nurse, March 1940,” File: Ethel Cutler Freeman, Seminole Indians, Seminole Killing, Ethel Cutler Freeman Papers, Box 31, NAA Washington; Interview with Bob Mitchell, by Harry Kersey, July 15, 1971, Samuel Proctor Oral History Program.

¹²² According to another version of the tale, Jim Sling was the unfaithful wife of a Seminole man. Her husband punished her for her infidelity by cropping her nose and her ears, but she continued the extramarital relationship. The Seminole man finally decided that she was no longer worth anything to him, so he made a bargain with Charlie Dixie, who, according to the story, was held as a slave by the tribe. He promised Dixie he could take Jim Sling as his wife if Dixie killed her lover. Dixie performed the execution, married Jim Sling, and thereafter became a member of the tribe. This version of the story was supposedly recounted by tribal member Howard Osceola to white journalist Jane Wood Reno in 1955 or 1960. See Interview with Jane Wood Reno, by Marcia Kanner, October 21, 1971, Samuel Proctor Oral History Program.

¹²³ Interview with Kirby Storter, by Don Pullease, September 18, 1971, Samuel Proctor Oral History Program.

¹²⁴ E.C. Freeman, 1940, File: Ethel Cutler Freeman, Seminole Indians, Vol. 1, 1940s, Misc. Notes, Florida Seminole (1942-43), Ethel Cutler Freeman Papers, Box 35, NAA Washington.

the Dixie family.¹²⁵ Over time, these attitudes slowly softened as Charlie Dixie's and Jim Sling's children grew up and interacted with other tribal members. In later years, "things gradually changed and he was treated more kindly."¹²⁶

The experiences of Billy Bowlegs III, another black Seminole, both contrasted with and reflected those of Charlie Dixie. Unlike Dixie, Bowlegs spoke Muskogee. Muskogee-speakers north of Lake Okeechobee tended to accept racial outsiders more readily than did the Mikasuki-speakers in the Everglades. Billy Bowlegs was also more phenotypically Indian than Charlie Dixie. One commentator exclaimed in a 1975 oral interview that Bowlegs "doesn't look any more Negro than I do."¹²⁷ Indeed, in 1929 Lucien A. Spencer listed both Bowlegs and his half-sister as "full blood" on an agency census.¹²⁸ By contrast, whites remarked that Dixie was "absolutely coal black."¹²⁹ Bowleg's circumstances and appearance meant that the Seminoles treated him with a greater degree of equality than they did Charlie Dixie. Like Dixie, however, Bowlegs continually had to prove his worth as a Seminole and the tribe denied him some of the privileges of tribal membership on account of his ancestry.

¹²⁵ Interview with W. Stanley Hanson, Jr., by John Mahon, June 25, 1975, Samuel Proctor Oral History Program.

¹²⁶ Interview with Bob Mitchell, by Harry Kersey, July 15, 1971, Samuel Proctor Oral History Program.

¹²⁷ Interview with Robert D. Mitchell, by John K. Mahon, March 26, 1975, Samuel Proctor Oral History Program.

¹²⁸ Census of the Seminole Indians of Florida Agency, taken by Lucien A. Spencer, Special Commissioner, on June 30th, 1929, National Archives Microfilm Publications, Microcopy No. 595, Indian Census Rolls, 1885-1940, Roll 486, Seminole (Florida), 1913-29, NARA Washington.

¹²⁹ Interview with Jane Wood Reno, by Marcia Kanner, October 21, 1971, Samuel Proctor Oral History Program.

Billy Bowlegs III was born in 1864, the son of Old Nancy, the black-Seminole daughter of Osän/Ocän-a-ha-tco, a Seminole man of the Otter Clan, and Nagey Nancy.¹³⁰ Old Nancy died in the 1889 massacre; Bowlegs was away from home that day.¹³¹ Billy Bowlegs's father, Billie Fewell (also known as Key West Billy) was a Mikasuki-speaking Seminole trader and traveler familiar with whites.¹³² Unlike most Seminoles of his generation, Bowlegs learned to read and write.¹³³ Other Indians faced punishment if they adopted white ways, but the tribe did not censure Bowlegs for these skills, perhaps on account of his black ancestry. Indeed, Seminoles appreciated his knowledge: "he took the Sears, Roebuck and Montgomery Ward catalog and placed orders" for illiterate tribal members. A white couple familiar with the Seminoles described him as "the ambassador to the Indians."¹³⁴ His black ancestry made Bowlegs an anomaly in the tribe, and he took advantage of this position to carve out a space for himself in the tribal community.

Billy Bowlegs married a Seminole woman, Pillhooll of the Deer Clan, sometime before the massacre of 1889 and the tribal ban on intermarriage. That year the couple had a son named Eli Morgan. No evidence suggests that the marriage of Bowlegs and Pillhooll was unusual. She was eighteen years his senior, but it was common for Seminole men to marry

¹³⁰ MacCauley, *The Seminole Indians of Florida*, xlvii-xlviii.

¹³¹ Jumper and West, *A Seminole Legend*, 14-15.

¹³² Reconstructed Florida Seminole Census of 1914, Records of the Statistics Division, Census Rolls and Supplements, 1885-1940, Box 846, PI-163, Entry 964, RG 75, NARA Washington.

¹³³ Billy Bowlegs may have learned this skill from his paternal uncle, Ko-nip-hat-cho, who had received a Euro-American education at Fort Myers. See Moore-Willson, *The Seminoles of Florida*, 169.

¹³⁴ Interview with Albert DeVane and Jessie Bell DeVane, by Foster L. Barnes and Thelma Boltin, 1960, Samuel Proctor Oral History Program.

older women due to a lack of suitable spouses in the small community.¹³⁵ Bowlegs and Pillhool lived together as husband and wife until her death in 1928. His half-sister, Lucy, also married a Seminole named John Pearce, and the couple had at least four children.¹³⁶ These children developed a close relationship with their uncle, and after the death of his wife, they lived together in the same camp. His niece, Ada Pearce, took care of Bowlegs in his old age.¹³⁷

People who knew Billy Bowlegs asserted that he was universally liked.¹³⁸ Seminoles respected him as an ambassador and as a hunter, and whites visited him when they had questions for the tribe.¹³⁹ Despite the valuable skills he offered the Seminoles, however, Bowlegs, like Charlie Dixie, faced discrimination on account of his ancestry.¹⁴⁰ One observer described him as “a loner.”¹⁴¹ When asked by a white visitor why he lacked a leadership role in the tribe despite all his talents, Bowlegs replied, “Billy Bowlegs [is an]

¹³⁵ There is also no indication why the tribe tolerated this marriage, but objected to the proposed marriage of Bowleg’s maternal uncle, Jim Jumper. Perhaps tribal members saw Bowlegs as more “Seminole” than Jumper due to his appearance and due to his status as a third-generation community member.

¹³⁶ Reconstructed Florida Seminole Census of 1914, Records of the Statistics Division, Census Rolls and Supplements, 1885-1940, Box 846, PI-163, Entry 964, RG 75, NARA Washington.

¹³⁷ Interview with Albert DeVane and Jessie Bell DeVane, by Foster L. Barnes and Thelma Boltin, 1960, Samuel Proctor Oral History Program.

¹³⁸ A white painter who visited the tribe in the 1950s said Bowlegs “was just a grand old man...stunning man, just a marvelous man in every way.” See interview with James Hutchinson, by John Mahon and Tom King, August 1973, Samuel Proctor Oral History Program.

¹³⁹ During one such visit, a white man asked Bowlegs how the weather was going to be that day, expecting a sage response. Bowlegs jokingly replied that he couldn’t tell him because “the picture tube had blown out on his TV.” Evidently, he enjoyed playing with white assumptions of what it meant to be “Indian.” See Interview with Bessie DuBois, by Tom King, December 14, 1973, Samuel Proctor Oral History Program.

¹⁴⁰ Interview with James Hutchinson, by John Mahon and Tom King, August 1973, Samuel Proctor Oral History Program.

¹⁴¹ Interview with Sister St. Anthony, by R. T. King, August 28, 1976, Samuel Proctor Oral History Program.

African waterboy.”¹⁴² Although Bowlegs made a successful life for himself among the Seminoles, he could not escape his ancestry or the racial climate of the Jim Crow South. Like Charlie Dixie, he made the best of his situation, but remained one step removed from full tribal acceptance.

Although Charlie Dixie and Billy Bowlegs struggled for full tribal inclusion, their children had better luck. Tribal members occasionally denigrated them on account of their black ancestry, but they belonged to the clans of their Seminole mothers, which gave them a more secure place in the tribe. Charlie Dixie’s and Jim Sling’s two surviving children, Susie Dixie and Walter Huff Dixie, grew up to marry Seminole spouses and have children of their own.¹⁴³ Eli Morgan, the son of Billy Bowlegs and Pillhooll, also married a Seminole woman.¹⁴⁴ As generations passed and Seminoles with black ancestry married full-blooded Indians, the stigma surrounding their African ancestry slowly faded. In the 1970s, a Seminole man explained that “today, you will find some Seminoles with Negro blood...those who would really know have all died by now.”¹⁴⁵

Changing attitudes towards tribal members with black ancestry mirrored other social shifts, which ultimately raised new questions about belonging and about what kind of tribe, if any, the Seminoles wanted. Over the years, the Seminoles had used their foreign policy of conflict-avoidance to maintain political and cultural autonomy from white America. Yet,

¹⁴² Interview with John Durham, by John K. Mahon, November 3, 1975, Samuel Proctor Oral History Program.

¹⁴³ Reconstructed Florida Seminole Census of 1914, Records of the Statistics Division, Census Rolls and Supplements, 1885-1940, Box 846, PI-163, Entry 964, RG 75, NARA Washington.

¹⁴⁴ Seminoles in Florida Census, taken by F. J. Scott, January 1, 1937, National Archives Microfilm Publications, Microcopy No. 595, Indian Census Rolls, 1885-1940, Roll 487, Seminole (Florida), 1930-40, NARA Washington.

¹⁴⁵ Interview with Mr. Osceola, by Jean Chaudhuri, 1970s, Samuel Proctor Oral History Program.

despite their general antagonism towards outsiders, the Seminoles had forged reciprocal economic and social ties with white traders in Florida. Selling pelts, plumes, and hides, the Seminoles raised money to purchase firearms, sewing machines, and foods like flour, sugar, and coffee.¹⁴⁶ They also formed tenuous friendships with white trader families. As more white settlers moved to Florida and Everglade drainage projects commenced in the early twentieth century, the trade economy of the region began to collapse. White traders did not forget their Seminole friends, however, and a number of traders, as well as anthropologists and other concerned Floridians, searched for ways to help the Indians adapt to the new economic conditions.

Beginning in the 1890s, white Floridians interested in helping the Seminoles started to pressure both the state and federal governments to set aside reservation lands for the Indians. In particular, charitable organizations run by white women, such as the Federation of Women's Clubs, made aiding Florida Indians a priority.¹⁴⁷ The federal government responded to the activism of such groups by passing several acts between 1894 and 1910 that enabled the Indian Service to purchase over 23,000 acres of land south of Lake Okeechobee for the use of the Seminoles. In 1911, President William H. Taft signed an executive order that set aside another 3,600 acres of public domain land for the Seminoles in Martin, Broward, and Collier counties. The state of Florida got on board with the plan to create

¹⁴⁶ For more information about trade between Seminoles and whites in the late nineteenth and early twentieth centuries, see Harry A. Kersey, Jr., *Pelts, Plumes, and Hides: White Traders among the Seminole Indians, 1870-1930* (Gainesville: The University Presses of Florida, 1975).

¹⁴⁷ Interview with Ivy Julia Cromartie Stranahan, by Samuel Proctor, October 25, 1970, Samuel Proctor Oral History Collection. In 1891, for example, the Women's National Indian Association established a mission station for the Seminoles. This project was later taken over by the Missionary Board of the Protestant Episcopal Church of South Florida. See H.G. Cutler, *History of Florida, Past and Present, Vol. 1* (Chicago: The Lewis Publishing Company, 1923), 52-53, The Newberry Library.

reservations for the Indians in 1917 by reserving another 100,000 acres in Monroe County. By 1930, federal and state officials had set aside approximately 123,380 acres for the Seminoles, an acreage later reduced when the federal government incorporated some of the land in the Everglades National Park.¹⁴⁸

Initially, the Seminoles were ambivalent about the reservations. They had practical concerns about the quality of the land. W. S. Coleman, an inspector for the Indian Service, reported in 1917 that “95 percent of every foot of land bought by the Federal Government for these Seminoles is covered with water nine months out of twelve.”¹⁴⁹ The Seminoles also resented white efforts to confine them to small tracts when they insisted that the entire state was rightfully theirs.¹⁵⁰ As Joe Dan Osceola explained in the 1970s, “the whole State of Florida was ours, but yet wasn’t ours.”¹⁵¹ Whites who supported the reservation plans warned the Seminoles that with hundreds of Americans moving into the region, land soon would become scarce.¹⁵² Indeed, drainage projects in the Everglades during these years opened up

¹⁴⁸ Report on the Seminole Indians of Florida, by Clement S. Ucker, May 26, 1929, File: 4525, Hugh L. Scott, Seminole, Hugh Lenox Scott Papers, Box 6, Manuscript 4525, NAA Washington; Economic, Geographical, etc., etc. Survey of the Seminole Indians Today, by W. Stanley Hanson, File: Ethel Cutler Freeman, Seminole Indians, Survey of the Seminoles Today by Stanley Hanson, Ethel Cutler Freeman Papers, Box 33, NAA Washington.

¹⁴⁹ Statement of W.S. Coleman, Inspector, Indian Service, *Hearings before the Committee on Investigation of the Indian Service, House of Representatives: Condition of the Florida Seminoles, Vol. 1* (Washington: Government Printing Office, 1917), 10, The Newberry Library.

¹⁵⁰ The Claim, 1950: Meeting in Relation to the Seminole Indians of Florida’s Claim against the U.S. Government for Broken Treaties and Land Taken from Them without Sufficient Compensation, File: Ethel Cutler Freeman, Seminole Indians, Seminole “Claim” Against U.S. Gov., ECF Own Information and Corr., Ethel Cutler Freeman Papers, Box 33, NAA Washington.

¹⁵¹ Interview with Joe Dan Osceola, by Tom King, August 31, 1972, Samuel Proctor Oral History Program.

¹⁵² Interview with Josie Billie and Abraham Lincoln Clay, by Billy Cyress, December 24, 1970, Samuel Proctor Oral History Program.

new swaths of territory to white settlement and development projects. The Seminoles were at a crossroads.

Slowly, some Indians began moving to the reservations. Dania, later renamed the Hollywood Reservation, which consisted of 480 acres in Broward County, was the first to attract Seminole inhabitants. The superintendent of the Seminole Agency, Lucien Spencer, persuaded a few families to settle there and provided them with homes and farming equipment.¹⁵³ Later, some Seminoles also moved to the Brighton Reservation, north of Lake Okeechobee, which included 36,000 acres of rural land, and to the Big Cypress Reservation, which consisted of 32,000 acres of swampland.¹⁵⁴ For the most part, Muskogee-speakers inhabited the Brighton Reservation, while Mikasuki-speakers moved to Big Cypress. Residents of Dania came from both linguistic groups. A large number of Mikasukis, however, resisted moving to any reservation. The reservations set up new divisions within the tribe between reservation and non-reservation Indians that only widened as missionaries, white friends, and government agents established churches, schools, and economic programs for the reservation Seminoles. Questions of legitimate belonging began to swirl around issues other than ancestry and clan membership. At what point did cultural change compromise Seminole identity? Was there room in one tribe for everyone?

Historically, the Florida Seminoles resisted conversion to Christianity. Episcopal missionaries made a few attempts to woo the Indians in the late nineteenth and early

¹⁵³ Interview with Ivy Julia Cromartie Stranahan, by Samuel Proctor, October 25, 1970, Samuel Proctor Oral History Program.

¹⁵⁴ Interview with Robert C. Davis, by Harry Kersey, August 5, 1970, Samuel Proctor Oral History Program.

twentieth centuries, but the Seminoles were not interested.¹⁵⁵ Baptists adopted a different strategy and sent Creek and Seminole missionaries from Oklahoma to preach to the Florida Seminoles beginning in 1907 with the arrival of the Reverend Andrew J. Brown, the brother of the principal chief of the Oklahoma Seminoles.¹⁵⁶ Indian missionaries spoke Muskogee and this gave them an entry into Seminole society that white missionaries lacked. They also shared clan ties with the Seminoles in Florida.¹⁵⁷ Despite linguistic and kin connections, however, early Creek and Seminole missionaries ran into difficulties. Willie King, who arrived in Florida in 1923, reported that “on a number of occasions the Indians would run away when they’d see them coming.” Tribal members harassed the missionaries at night by throwing rocks at their camp. The Seminoles also employed their passive-aggressive strategy of avoidance and retreated to the Everglades where the missionaries could not find them.¹⁵⁸ It took years of effort before the Oklahoma Creek and Seminole Baptists won any converts.

Gradually, the persistent efforts of missionaries began to pay off. By 1936, seven tribal members had converted, including Jimmie Gopher, Mishi [Missy] Tiger, Mary Tiger, and her daughter Ada.¹⁵⁹ Soon after, missionaries established the First Seminole Church on the Dania Reservation.¹⁶⁰ The real coup for the Christians, however, came in 1945 after an

¹⁵⁵ James W. Covington, “Florida Seminoles: 1900-1920,” *The Florida Historical Quarterly*, 53 (Oct., 1974): 184-191.

¹⁵⁶ Covington, “Florida Seminoles: 1900-1920,” 191.

¹⁵⁷ Jumper and West, *A Seminole Legend*, 27.

¹⁵⁸ Interview with Genus Crenshaw, Baptist Missionary appointed by Home Mission Board of the Southern Baptist Convention, by Tom King, August 3, 1973, Samuel Proctor Oral History Program.

¹⁵⁹ Jumper and West, *A Seminole Legend*, 38.

¹⁶⁰ Interview with Genus Crenshaw, Baptist Missionary appointed by Home Mission Board of the Southern Baptist Convention, by Tom King, August 3, 1973, Samuel Proctor Oral History Program.

internal religious schism divided Mikasuki-speakers. Josie Billie, a prominent Mikasuki medicine man, lost favor with tribal members after supposedly committing crimes and practicing “black magic.” The tribe stripped him of his medicine bundle and bestowed it on his brother instead, although not all Seminoles agreed with this decision. Not long after, Josie Billie “suddenly asked to be baptized” at a Baptist meeting. More than one hundred of his Mikasuki supporters followed his example, converted, and moved to reservation land.¹⁶¹ According to Baptist missionary Genus Crenshaw, “some had wanted to before...but they did not know what his response might be.” After his conversion, “they felt free to come.” Josie Billie told the Mikasukis that he could still give them medicine for their bodies, but he was no longer able to help their souls. Over the next decade, missionary work grew and prospered.¹⁶²

Religious issues divided the Seminoles. Many continued to hold the church in contempt and decried the conversion of their relatives. This resentment was especially true of non-reservation Mikasukis who adhered to traditional belief systems. Robert D. Mitchell, a longtime friend of the Seminoles, explained that when some of the Indians on the reservations “accepted this religion, the people south of there were so angry” that converts were afraid to visit their unconverted kinsmen out of fear of retribution.¹⁶³ There was also

¹⁶¹ Freeman, “Two Types of Cultural Response to External Pressures among the Florida Seminoles,” 59.

¹⁶² Interview with Genus Crenshaw, Baptist Missionary appointed by Home Mission Board of the Southern Baptist Convention, by Tom King, August 3, 1973, Samuel Proctor Oral History Program. Muskogee-speakers on the Brighton Reservation resisted conversion longer due to their loyalty to their own medicine man, Frank Shore. After the Southern Baptists and the Independent Baptists erected churches on the reservation in 1951, however, conversions swiftly followed. Converts included members of the medicine man’s family. See Harry A. Kersey, Jr. *An Assumption of Sovereignty: Social and Political Transformation among the Florida Seminoles, 1953-1979* (Lincoln & London: University of Nebraska Press, 1996), 212.

¹⁶³ Interview with Robert D. Mitchell, by John K. Mahon, March 26, 1975, Samuel Proctor Oral History Program.

disagreement among Christian Indians. A popular Creek missionary named Stanley Smith stirred up much controversy. Smith worked on the Big Cypress Reservation, and, according to oral tradition, his interests leaned more towards the profane than the sacred. Mitchell claimed that Smith forced Seminole men to find work away from the reservation, telling them it was the will of God. While they were gone, Smith “proceeded to get their wives pregnant.”¹⁶⁴ Outraged with his actions, which disrupted Seminole families and threatened the cohesion of the community, conservative Mikasuki leader Ingraham Billie and other Mikasuki men vowed to run Smith out of Florida.¹⁶⁵ The breaking point, however, came in 1949, after Smith physically disciplined some Seminole youths. Neither the children’s parents nor the Southern Baptist Board approved of his methods, and “there was a big to-do about it.”¹⁶⁶ In the wake of the incident, the Southern Baptist Board ousted Smith from his position; he went on to establish his own church nearby, but eventually returned to Oklahoma. These events seemed to confirm the corrupting influence of Christianity on Seminole society for many Indians.

Seminole converts, on the other hand, found new prestige through holding church offices, and social satisfaction through church barbecues and ceremonies.¹⁶⁷ Anthropologist Ethel Cutler Freeman suggested that some of these converts belonged to clans that could not

¹⁶⁴ Interview with Bob Mitchell, by Harry Kersey, July 15, 1971, Samuel Proctor Oral History Program.

¹⁶⁵ Interview with Robert D. Mitchell, by John K. Mahon, March 26, 1975, Samuel Proctor Oral History Program.

¹⁶⁶ Interview with David West, by John Mahon, September 28, 1971, Samuel Proctor Oral History Program.

¹⁶⁷ Freeman, “Two Types of Cultural Response to External Pressures among the Florida Seminoles,” 59.

inherit official positions or status within the tribe; Christianity gave them power.¹⁶⁸ By the 1950s, Baptists established new missions on the Big Cypress and Brighton reservations, and won a steady stream of converts both among Mikasukis and Muskogees. According to Genus Crenshaw, there were approximately 600 professing Christians among the Seminoles by 1973.¹⁶⁹ Conversion to Christianity promoted cultural change among the Seminoles and influenced some Florida Indians to become more tolerant of contact with outsiders.

Self-avowed white “friends” of the Indians also promoted social changes among the Seminoles. Beginning in 1899, these whites founded private societies to promote the legal rights of the Seminoles, secure permanent reservation lands, and sponsor Euro-American educational programs among the Indians.¹⁷⁰ In particular, they wanted to send Seminole children to school. One of the first Seminole youths to follow their guidance was Tony Tommie. Persuaded by Frank and Ivy Stranahan, a white trader and school teacher who worked with the Indians, Tony Tommie started school in Fort Lauderdale in 1915. After he made quick progress, his teachers sent him to the Carlisle Indian School in Pennsylvania.¹⁷¹ The strange environment of Carlisle and cold climate of Pennsylvania disagreed with Tony

¹⁶⁸ Ethel Cutler Freeman, “Cultural Stability and Change among the Seminoles of Florida,” in *Men and Cultures: Selected Papers*, edited by Anthony F.C. Wallace (Philadelphia: University Press, 1960), 251.

¹⁶⁹ Interview with Genus Crenshaw, Baptist Missionary appointed by Home Mission Board of the Southern Baptist Convention, by Tom King, August 3, 1973, Samuel Proctor Oral History Program.

¹⁷⁰ According to Harry A. Kersey, Jr., three major associations formed to aid the Seminoles. In 1899, Bishop William Cane Gray, F.A. Hendry, P.A. Vans Agnew, Indian Agent Jacob E. Brecht, Senator C.A. Carson, and George W. Wilson founded the “Friends of the Florida Seminoles.” Among the organization’s most prominent members was Minnie Moore-Willson, author of *The Seminoles of Florida*. Ivy Cromartie Stranahan and other Christian women in south Florida established a similar association, called the “Friends of the Seminoles” in 1934. In 1913, a lesser-known organization, the “Seminole Indian Association,” was chartered at Fort Myers by Francis A. Hendry, C.W. Carlton, W. Stanley Hanson, and R.A. Henderson. Although this organization faded not long after its founding, it reorganized in 1933. See Kersey, “Private Societies and the Maintenance of Seminole Tribal Integrity, 1899-1957,” 297-316.

¹⁷¹ Interview with Sara Crim, by Don Pullease, May 1, 1969, Samuel Proctor Oral History Program.

Tommie. Like many Indian youths who attended boarding school, he contracted tuberculosis. According to Lawrence E. Will, a white man who knew him, Tony Tommie wrote his family and told them, “Everybody is seven times sick here. Think so come home before me sick too.” He also wrote to Frank Stranahan and discouraged him from sending any more Seminole children to Carlisle.¹⁷² Tony Tommie finally returned to his family in Florida, but died shortly afterwards.¹⁷³

Tony Tommie’s death was a setback to Seminole attitudes towards Euro-American education. When whites suggested that other youths move to Fort Lauderdale to attend school, some tribal members protested: “They said it was alright for Tony Tommie to go to a white school and learn the white people’s ways and language, but it wasn’t the way for all the Indians and they made the children quit.”¹⁷⁴ Older Indians “were satisfied with their life as they lived it” and did not believe a western education was necessary.¹⁷⁵ White efforts to educate Seminole children, however, continued. In the 1920s, Special Commissioner Lucien A. Spencer established a new school for Seminole children on the Dania Reservation. The small, one-room reservation school was poorly attended at first, but Spencer persisted in his efforts to encourage school attendance. When the Reverend James L. Glenn became the special commissioner to the Seminoles in 1931, he made the education of Seminole children a priority.¹⁷⁶ Although the Dania Reservation School closed in 1937 due to Depression-era

¹⁷² Interview with Lawrence E. Will, by Tom King, November 29, 1972, Samuel Proctor Oral History Program.

¹⁷³ Interview with Sara Crim, by Don Pullease, May 1, 1969, Samuel Proctor Oral History Program.

¹⁷⁴ Interview with Lawrence E. Will, by Tom King, November 29, 1972, Samuel Proctor Oral History Program.

¹⁷⁵ Interview with Louis Capron, by Samuel Proctor, August 31, 1971, Samuel Proctor Oral History Program.

¹⁷⁶ Jumper and West, *A Seminole Legend*, 64, 66.

federal cutbacks, by the early 1950s, one-hundred and twenty-nine of the one-hundred and ninety-eight Seminole children between the ages of six and eighteen were enrolled in other schools. Fifty attended public schools, fifty-four went to day schools, and twenty-five lived at government boarding schools.¹⁷⁷ Like Christian conversion, Euro-American education promoted a gradual shift in Seminole attitudes towards outsiders.

Miscegenation with whites remained rare among the Seminoles into the 1920s. Those who engaged in such relationships faced social marginalization.¹⁷⁸ As religion and education divided the tribe and the power of traditional leaders over Christian converts weakened, however, more Seminoles married and had sexual relationships with outsiders. In the early 1920s, for example, a few young Seminole women who had converted to Christianity had children with white men. Betty Mae Tiger Jumper, who later became the Chair of the Seminole Tribe of Florida, was born of one of these unions in 1923. Her mother, Ada Tiger, had a brief relationship with a French trapper and sugarcane cutter named Barton. The relationship ended, but Ada received support from her mother and uncle, who had also converted to Christianity. As Betty Mae Tiger Jumper noted, “Before me, all half-breeds were killed as soon as they were born. None were as lucky as I, being born into a family that had received Christ.” To avoid punishment by other Seminoles, the family moved to the Dania Reservation in 1928.¹⁷⁹ In the 1930s, a few Seminole men also entered into relationships with whites. Tribal member Willie Willie, for example, married a white woman

¹⁷⁷ Memorandum to Band Chiefs, Muskogee Area Office, February 18, 1952, File: 072, Feasts, Fiestas, Festivals, Celebrations, etc., 1937-1949, Seminole Indian Agency, General Records, Correspondence, 1936-1952, Box 1, RG 75, NARA Atlanta.

¹⁷⁸ Interview with John Belmont, by Tom King, April 1973, Samuel Proctor Oral History Program.

¹⁷⁹ Jumper and West, *A Seminole Legend*, 39, 43.

after spending several years in Miami.¹⁸⁰ The union did not last, but his white wife was included on several tribal censuses.¹⁸¹ In 1943, another Seminole man, Larry M. Osceola, married a white woman named Lucille A. Neal.¹⁸² Around the same time, a Seminole woman named Elizabeth Buster lived and had a child with a black man in the Ochoppe Lumber camp.¹⁸³

Although Seminoles who had relationships with outsiders no longer faced physical punishment, these unions still carried a social stigma. Willie Willie's acceptance of white culture and his marriage to a white bride incurred the wrath of his family members. His nephew, Buffalo Tiger, recalled that "when he got sick and die[d], my aunts and my mom didn't go see him...They just hate so much they couldn't forget what he was saying."¹⁸⁴ Ethel Cutler Freeman reported that in the early 1940s the Seminoles shunned a woman named Hot Potato because she had a child by a white man.¹⁸⁵ Although Hot Potato later rejoined the tribe and married Henry Cypress in 1948, the Seminoles' initial reaction to her mixed-ancestry child showed that old attitudes took a while to disappear, especially among culturally-conservative Mikasuki-speakers.¹⁸⁶ Lottie Johns Baxley, whose father was white,

¹⁸⁰ File: Ethel Cutler Freeman, Seminole Indians, Notes Florida Seminoles, 1939, Volume 2, Ethel Cutler Freeman Papers, Box 35, NAA Washington.

¹⁸¹ Census of the Seminole Indians of Florida Agency, taken by Lucien A. Spencer, Special Commissioner, on June 30th, 1926, 1927, 1928, 1929, National Archives Microfilm Publications, Microcopy No. 595, Indian Census Rolls, 1885-1940, Roll 486, Seminole (Florida), 1913-29, NARA Washington.

¹⁸² Miami Herald, November 16, 1943, File: Ethel Cutler Freeman, Seminole Indians, Negro Relations with Seminoles, Ethel Cutler Freeman Papers, Box 32, NAA Washington.

¹⁸³ May, 1946, File: Ethel Cutler Freeman, Seminole Indians, Negro Relations with Seminoles, Ethel Cutler Freeman Papers, Box 32, NAA Washington.

¹⁸⁴ Interview with Buffalo Tiger by Harry Kersey, July 2, 1998, Samuel Proctor Oral History Program.

¹⁸⁵ File: Ethel Cutler Freeman, Seminole Indians, Sex, Ethel Cutler Freeman Papers, Box 32, NAA Washington.

¹⁸⁶ Interview with John Belmont, by Tom King, April 1973, Samuel Proctor Oral History Program.

remembered that other tribal members called her “a white lady or a white woman or white girl,” which they meant as an insult.¹⁸⁷ Freeman speculated that another Seminole woman she saw working with African Americans in a tomato field in 1946 was Elizabeth Buster. She imagined that the Seminoles had punished Buster for her union with a black man by making her “stay with negroes.”¹⁸⁸

By the late 1950s, older Seminoles continued to disapprove of intermarriages, but others took them in stride.¹⁸⁹ Some, according to Ross Allen, inflicted “a quiet type of punishment” on Indians who married outsiders through gossip and other forms of social regulation.¹⁹⁰ In certain cases, however, Seminoles looked for ways to incorporate outside spouses into the community. Mikasuki-speaker Buffalo Tiger, for example, married a white woman named Ann. At first his relatives were suspicious, but after visiting the couple’s home a number of times, “they finally got to like the woman [he] married” and “invited her out to their camp in the Everglades.” Ann did her best to make herself agreeable. She taught her husband’s family how to cut sterile bandages to treat wounds and she helped deliver babies and change diapers. According to Buffalo Tiger, “those are the kind of things people liked and they kind of accepted her pretty well.” Eventually, some of the Mikasuki medicine men told Ann that if she proved herself over the next few years, they could “make [her] brown.” Buffalo Tiger explained that “they did not mean skin change to brown, the spirit is

¹⁸⁷ Interview with Lottie Johns Baxley, by Tom King, September 27, 1972, Samuel Proctor Oral History Program.

¹⁸⁸ May, 1946, File: Ethel Cutler Freeman, Seminole Indians, Negro Relations with Seminoles, Ethel Cutler Freeman Papers, Box 32, NAA Washington.

¹⁸⁹ Interview with Ms. Rich Sands, by Jean Chaudhuri, 1970s, Samuel Proctor Oral History Program.

¹⁹⁰ Interview with Ross Allen, by John Mahon, November 11, 1970, Samuel Proctor Oral History Program.

brown”: Ann would become one of them. Before this transformation occurred, however, Buffalo Tiger and Ann divorced. Later, he married another white woman named Phoebe.¹⁹¹ Failed marriages brought the common rebuke: “Well, you shouldn’t have married outside of your people, because this is added problems.”¹⁹²

Despite lingering disapproval of intermarriages, there was always a place for a child in Seminole camps.¹⁹³ Seminoles no longer killed or shunned mixed-ancestry children by the mid-twentieth century; instead, they raised them as full members of the community. Even Indians who once had scorned children with white fathers adjusted their views once their own family members bore mixed-ancestry children. Lottie Johns Baxley, for example, triumphantly noted that Seminoles who had made fun of her white ancestry “are eating their words today, because of their daughters who ran around and got pregnant...most of them [their children] are part white and most of them are part Mexican.”¹⁹⁴ Seminoles came to accept these children regardless of paternity. Traditional matrilineal kinship practices ensured that even those children abandoned by their non-Indian fathers found family support in the tribe. Judie Kannon, a teacher at the Big Cypress Reservation school, for example, remembered the family of one Seminole woman who had children by Indian, Latino, and

¹⁹¹ Interview with Buffalo Tiger, by Harry Kersey, November 19, 1998, Samuel Proctor Oral History Program.

¹⁹² Interview with Ms. Rich Sands, by Jean Chaudhuri, 1970s, Samuel Proctor Oral History Program.

¹⁹³ Interview with Lester Blain and Laura Blain, by Dr. John Mahon, December 13, 1975, Samuel Proctor Oral History Program.

¹⁹⁴ Interview with Lottie Johns Baxley, by Tom King, September 27, 1972, Samuel Proctor Oral History Program.

white fathers. After the men left her, the woman raised the children with the help of her brother.¹⁹⁵

Although Seminoles gradually accepted mixed-ancestry children born to Indian mothers, the children of Seminole fathers were a different story. A few Seminole men married non-Indian women, but most children born of unions between Seminoles and outsiders were illegitimate. The tribe accepted the illegitimate children of Seminole mothers, but notions of matrilineal descent ensured that children who resulted from brief affairs between Seminole men and outside women received little consideration by tribal authorities. Raised by their non-Indian mothers away from the tribal community, in the view of the tribe, these children did not deserve rights as Seminoles. White officials also denied them membership rights if they lacked proof of paternity, although census-takers presumably would have included the recognized children of Seminole men who had non-Indian wives.

An example of an individual who claimed Seminole paternity but who was denied tribal rights was Charles Giddean Stanaland. Stanaland applied for tribal membership in 1945, saying he was the son of a full-blooded Seminole named Dr. Middleton. Supposedly, Dr. Middleton was an Indian herb doctor who practiced medicine across Florida between 1895 and 1896, and whites who knew Stanaland attested to his Indian identity.¹⁹⁶ Stanaland apparently sought enrollment as a Seminole so that his eight-year-old daughter could attend

¹⁹⁵ Interview with Judie Kannon, by Dr. John Mahon, February 15, 1975, Samuel Proctor Oral History Program.

¹⁹⁶ Kenneth A. Marmon, Superintendent, to Commissioner of Indian Affairs, November 1, 1945, File: 063, Tribal Relations—Enrollment, Citizenship, Degree of Indian Blood, 1945-1952, Seminole Indian Agency, General Records, Correspondence, 1936-1952, Box 1, RG 75, NARA Atlanta; Sworn Statement by White Citizens on Behalf of Charles Giddean Stanaland, November 5, 1945, File: 063, Tribal Relations—Enrollment, Citizenship, Degree of Indian Blood, 1945-1952, Seminole Indian Agency, General Records, Correspondence, 1936-1952, Box 1, RG 75, NARA Atlanta.

white public schools that had denied her admittance on account of her skin color. Despite his efforts, the Seminoles rejected him: Stanaland was the son of a white woman. The superintendant of the tribe and the commissioner of Indian Affairs agreed.¹⁹⁷ The commissioner asserted that “in the absence of any official records substantiating the contention that Mr. Stanaland is of Indian ancestry,” Stanaland was “in the same classification as countless other persons in the United States who possess Indian blood but who cannot be officially recognized as Indians because of lack of proof in the official records.”¹⁹⁸ Euro-American concepts of illegitimacy worked in tandem with Seminole ideas of matrilineal kinship to deny Stanaland a place on the tribal censuses.

Questions of tribal belonging grew more important as the Seminoles considered politically organizing their tribe in the mid-twentieth century. Soon after the United States Congress passed the Indian Reorganization Act in 1934, federal officials, including Commissioner of Indian Affairs John Collier, visited Florida in the hopes that the Seminoles would take advantage of the act to write a tribal constitution and establish a formal government. Seminoles, however, were suspicious of this overture and very few Indians voted on reorganization. According to historian Harry Kersey, only twenty-one Indians out of five or six hundred voted, which was far less than the thirty percent of the voting population required for the act to take effect. Despite the Seminoles’ lack of enthusiasm, Interior Department officials decided that since all those who voted agreed to accept the act, the

¹⁹⁷ Kenneth A. Marmon, Superintendent, to Commissioner of Indian Affairs, November 1, 1945, File: 063, Tribal Relations—Enrollment, Citizenship, Degree of Indian Blood, 1945-1952, Seminole Indian Agency, General Records, Correspondence, 1936-1952, Box 1, RG 75, NARA Atlanta.

¹⁹⁸ Commissioner of Indian Affairs to Kenneth A. Marmon, Superintendent of Seminole Agency, November 21, 1945, File: 063, Tribal Relations—Enrollment, Citizenship, Degree of Indian Blood, 1945-1952, Seminole Indian Agency, General Records, Correspondence, 1936-1952, Box 1, RG 75, NARA Atlanta.

Seminoles could organize under its terms. Without broader support from tribal members, officials declined to pursue reorganization activities at that time, but they left the door open for future organization efforts.¹⁹⁹

In 1945, officials in Florida renewed efforts to interest the Seminoles in political organization. They discussed plans with the Seminoles that would set up four political districts: the Dania Reservation, the Brighton Reservation, the Big Cypress Reservation, and the area along the Tamiami Trail. Government agents suggested that each of these districts elect two or three representatives to serve on a constitutional committee. Seminoles living on the reservations took some notice of the plans. Mikasuki-speakers along the Tamiami Trail, however, were not interested. According to Seminole Agency Superintendant Kenneth A. Marmon, “after some effort it was thought best not to continue the idea of setting up a constitution and bylaws for the tribe until a later date.”²⁰⁰

Although not ready to organize a tribal government, the Seminoles participated in new economic development plans during these years that included a political component. In 1936, the Seminole Agency acquired a foundation cattle herd from a drought-stricken area in the southwestern United States. Although the cattle were in such poor condition that many of them died en route, five hundred survived the journey and arrived at the Brighton and Dania reservations.²⁰¹ The following year, the agency fenced off more of the trust land in the

¹⁹⁹ Interview with Paul G. Rogers, by Harry Kersey, March 23, 1988, Samuel Proctor Oral History Program. For more information on the Seminoles during the New Deal era, see Harry A. Kersey, Jr., *The Florida Seminoles and the New Deal, 1933-1942* (Boca Raton: Florida Atlantic University Press, 1989).

²⁰⁰ Kenneth A. Marmon, Superintendent, to Commissioner of Indian Affairs, March 22, 1951, File: 064 Tribal Council Matters, 1940-1952, Seminole Indian Agency, General Records, Correspondence, 1936-1952, Box 1, RG 75, NARA Atlanta.

²⁰¹ Interview with Fred Monsteoca, by Tom King, December 4, 1972, Samuel Proctor Oral History Program.

Brighton area and moved all the cattle to that reservation.²⁰² Under the terms of the cattle project, the Seminoles elected three men to represent the tribe and to carry on the business of the tribe in connection with the cattle program. In 1945, the number of elected trustees expanded after the tribe and federal officials split the program into the Brighton Agricultural and Livestock Enterprise and the Big Cypress Agricultural and Livestock Enterprise. Both Seminole men and women voted to elect the trustees.²⁰³ Eventually the cattle committee grew into a three-reservation, twelve-trustee committee, which gave the Seminoles a new political structure that rivaled that of the medicine men. In 1939, members of the committee met with Jacksonville lawyers to examine tribal claims against the federal government for early land losses. Not all Seminoles agreed with this action: off-reservation Mikasukis objected that money could not replace stolen land.²⁰⁴ These divisions reflected divergent attitudes among the Seminoles over the best course of action to pursue in response to new pressures. They foreshadowed later political debates in the tribe.

Land claim issues reemerged in 1950. Seminoles argued that the United States had violated nineteenth century treaties and agreements and overtaken more land than stipulated in these documents. In particular, the Indians cited the Macomb Treaty of 1839. According to Billy Bowlegs, “the Seminoles understood that the treaty would state that the boundaries of their reservation lands would be along the lines that they (the Seminoles) marked out.”

²⁰² Memorandum to Band Chiefs, Muskogee Area Office, February 18, 1952, File: 072, Feasts, Fiestas, Festivals, Celebrations, etc., 1937-1949, Seminole Indian Agency, General Records, Correspondence, 1936-1952, Box 1, RG 75, NARA Atlanta.

²⁰³ Kenneth A. Marmon, Superintendent, to Commissioner of Indian Affairs, March 22, 1951, File: 064, Tribal Council Matters, 1940-1952, Seminole Indian Agency, General Records, Correspondence, 1936-1952, Box 1, RG 75, NARA Atlanta. See also Interview with Fred Monsteoca, by Tom King, December 4, 1972, Samuel Proctor Oral History Program.

²⁰⁴ Freeman, “Two Types of Cultural Response to External Pressures among the Florida Seminoles,” 57.

Instead, “when the white men had the treaty made up, the map called for a smaller area that did not go so far north.” Incensed that the United States had defrauded them, but hopeful that shifts in federal Indian Policy like the establishment of the Indian Claims Commission would give them an opportunity for redress, reservation Indians met and discussed their options.²⁰⁵ These efforts opened tribal divisions. Non-reservation Mikasuki-speakers objected to taking the matter to court because they feared a settlement would bind them and strip them of the opportunity to get land.²⁰⁶ Reservation Indians, on the other hand, saw the actions as necessary for the Seminoles to receive compensation of any kind. The work of reservation Seminoles to organize the claim against the United States also encouraged them to consider the political future of the tribe.

In the early 1950s, Superintendent Kenneth A. Marmon renewed efforts to organize the Seminole tribe formally. He wrote to tribal members involved in the administration of the cattle program and proposed that they make plans to organize the tribe under a constitution and bylaws.²⁰⁷ Marmon, a Pueblo Indian himself, wanted to create a ten-year development program for the Seminoles and realized that the tribe could more easily accomplish this task with a formal government in place.²⁰⁸ W. O. Roberts, the Bureau of Indian Affairs Area Director in Oklahoma, sent Marmon a draft copy of a proposed constitution and by-laws for

²⁰⁵ The Claim, 1950: Meeting in Relation to the Seminole Indians of Florida’s Claim against the U.S. Government for Broken Treaties and Land Taken from Them Without Sufficient Compensation, File: Ethel Cutler Freeman, Seminole Indians, Seminole “Claim” Against U.S. Gov, ECF Own Information and corr, Ethel Cutler Freeman Papers, Box 33, NAA Washington.

²⁰⁶ Interview with Roy Struble, by Tom King, August 18, 1972, Samuel Proctor Oral History Program.

²⁰⁷ Memorandum to Trustees and Business Committee of Brighton Indian Reservation, by Kenneth A. Marmon, Superintendent, September 15, 1950, File: 060 Tribal Relations—Business Transactions, 1939-1951, Seminole Indian Agency, General Records, Correspondence, 1936-1952, Box 1, RG 75, NARA Atlanta.

²⁰⁸ Jumper and West, *A Seminole Legend*, 137.

the Seminoles, which, on January 20, 1953, Marmon presented to a committee of tribal members that represented Seminoles from across Florida.²⁰⁹ According to Marmon, the committee had “a very good meeting” and reviewed over half of the proposed constitution.²¹⁰ When the committee met again in late February, 1953, however, they proposed a few changes to the document. In particular, committee members asked that the name of the official governing body of the Seminoles listed in the constitution as “Seminole Business Council” be changed to “Seminole Board of Managers.” They reasoned that the word “council” in the constitution might threaten the position of medicine men who governed at Brighton and along the Tamiami Trail, and they did not want the new government to supersede more traditional forms of authority.²¹¹ This revision highlighted ongoing tribal divisions between Seminoles who adhered to more traditional life ways and those who desired political change. The constitutional committee tried to accommodate both perspectives.

The document also delineated membership requirements in the proposed “Seminole Nation of Florida.” According to the third article of the constitution, “the membership of the Seminole Nation of Florida shall consist of the Tribes of Indians heretofore known as both Miccosuki and Cow Creek Indians” whose names appeared “on the official census roll of the

²⁰⁹ The committee included Mike Larry Osceola, Buffalo Tiger, and Henry Cypress from the Tamiami Trail and Miami, Josie Jumper from Dania, Frank Shore, John Josh, and Will Henry Jones from Brighton and Fort Pierce, and Jimmy Osceola and Little Tigertail from Big Cypress. See K.A. Marmon, Superintendent, Seminole Agency, to W. O. Roberts, Area Director, Muskogee, Oklahoma, January 23, 1953, File: 064 Councils, Acts of Tribal Constitution, etc., Seminole Agency, Miscellaneous Records, Box 015977, RG 75, NARA Atlanta.

²¹⁰ K.A. Marmon, Superintendent, Seminole Agency, to W. O. Roberts, Area Director, Muskogee, Oklahoma, January 23, 1953, File: 064 Councils, Acts of Tribal Constitution, etc., Seminole Agency, Miscellaneous Records, Box 015977, RG 75, NARA Atlanta.

²¹¹ K. A. Marmon, Superintendent, Seminole Agency, to W. O. Roberts, Area Director, Muskogee, Oklahoma, February 26, 1953, File: 064 Councils, Acts of Tribal Constitution, etc., Seminole Agency, Miscellaneous Records, Box 015977, RG 75, NARA Atlanta.

Florida Seminole Agency as of January 1, 1953,” and “all children of at least one-half degree of Indian blood born to any member of the Miccosuki and Cow Creek Tribes.”²¹² The high blood quantum restriction reflected Seminole attitudes towards interracial relationships. A fairly recent phenomenon for the Florida Seminoles—at least when it came to white-Indian unions—interracial relationships remained a sensitive issue for many Indians. Although tribal members decided to include children born to enrolled Seminole parents of either gender, they hoped to discourage unions with outsiders by insisting that additions to the tribal roll had close kin ties to recognized, “full-blood” tribal members.

Despite the compromises made by members of the constitutional committee, internal tribal divisions stalled the ratification of the proposed constitution. In the meantime, external political forces created new pressures on the Seminoles. In 1953, Marmon received word that the government wanted to terminate the Seminoles as a tribal group, a move that would put their land as well as government services in jeopardy. This news created fresh tensions between Seminoles who wanted to organize and those who preferred traditional political and social systems. In particular, non-reservation Mikasuki-speakers questioned the advisability of an organized political structure that might compete with older forms of authority. They distrusted whites and white forms of governance. Many Seminoles, however, saw political organization as a way to combat termination legislation. Tribal members like Betty Mae Tiger Jumper and her husband, Moses Jumper, insisted that political organization was their best chance of survival. At the very least, the Seminoles needed time to work through their political divisions. After C. O. Talley, the assistant director of the Muskogee office, visited

²¹² “Proposed Constitution and By-Laws for the Seminole Nation of Florida,” March, 1953, File: 064 Councils, Acts of Tribal Constitution, etc., Seminole Agency, Miscellaneous Records, Box 015977, RG 75, NARA Atlanta.

the tribe and explained the government's termination proceedings, Seminoles met and requested that the government take no action on the termination plans for twenty-five years.²¹³ With the help of white allies like the Friends of the Seminoles, tribal members traveled to Washington and presented their case before the Bureau of Indian Affairs.²¹⁴ After hearing numerous appeals from the tribe, in 1954 the United States Congress agreed to suspend Seminole termination.²¹⁵

Although they stalled termination without adopting a tribal constitution and by-laws, many Seminoles continued to press for formal political organization and federal recognition for the tribe. These Indians, led by "progressive" thinkers like Frank Billie of Big Cypress, believed that a tribal constitution would help them preserve their political autonomy and retain and expand federal services.²¹⁶ They reasoned that their old form of tribal government was not as effective as it had been in the past, and they expected a formal tribal government to represent their interests to local, state, and federal officials.²¹⁷ According to anthropologist Merwyn S. Garbarino, political organization also enabled the tribe to make expenditures and improvements on the reservations and to have a voice in the direction of the cattle industry.²¹⁸ In 1957, after months of negotiations, the Seminole Tribe of Florida achieved

²¹³ Jumper and West, *A Seminole Legend*, 138-140.

²¹⁴ Interview with Ivy Julia Cromartie Stranahan, by Samuel Proctor, October 25, 1970, Samuel Proctor Oral History Program.

²¹⁵ Jumper and West, *A Seminole Legend*, 141.

²¹⁶ *Ibid.*, 142.

²¹⁷ K. A. Marmon, Superintendent, Seminole Agency, to R.A. Gray, Secretary of State, June 23, 1954, File: 064 Councils, Acts of Tribal Constitution, etc., Seminole Agency, Miscellaneous Records, Box 015977, RG 75, NARA Atlanta.

²¹⁸ Merwyn S. Garbarino, *Big Cypress: A Changing Seminole Community* (New York: Holt, Rinehart and Winston, Inc., 1972), 4.

federal recognition. Under its new constitution and by-laws, the tribe set up two governing bodies: the tribal council, led by a chairman, which dealt with the social and general welfare matters of the tribe, and the board of directors, led by a president, that managed the tribe's business affairs.²¹⁹

When it came to tribal membership, the constitution of the Seminole Tribe of Florida stipulated that “any person of Seminole Indian blood whose name appears on the census roll of the Seminole Agency of January 1, 1957, shall be eligible for enrollment, regardless of blood quality or place of residence, upon written application to the tribal council.” Kersey has argued that the nonrestrictive stance of this membership article may have reflected the uncertainty of the constitutional committee over how many “full-blooded” Seminoles would vote on the constitution. Hoping to build a consensus by encouraging the broadest participation possible and assuming that “mixed-bloods” would approve the document, the committee extended political rights to Seminoles of all backgrounds. By omitting a residency requirement for membership, the constitutional committee also hoped to attract non-reservation Mikasukis to the tribe.²²⁰ This decision may have reflected the ambivalent feelings some Seminoles continued to hold towards their reservation lands. In Seminole eyes, kinship mattered more than geography. Very few Seminoles had permanently moved away from Florida in the twentieth century. Most Seminole children who attended boarding schools in other states, for example, returned home after receiving their education.²²¹ Unlike

²¹⁹ Jumper and West, *A Seminole Legend*, 156.

²²⁰ Kersey, *An Assumption of Sovereignty*, 65.

²²¹ One of the few exceptions was a Seminole woman named Agnes Parker. After attending boarding school in Cherokee, North Carolina, Parker married a Ute Indian and moved west. Despite the distance, she maintained her kin ties to her relatives in Florida and was “still an enrolled member of the Seminole Tribe” in the 1970s,

the Eastern Cherokees and the Catawbias, the Seminoles saw no reason to exclude tribal members from tribal benefits based on their residency, perhaps in part because such a ruling would have affected so few people.

The 1957 census roll of the Seminole agency served as the base citizenship roll for the new Seminole Tribe of Florida. Since the end of the Third Seminole War, white Floridians had periodically attempted to enumerate the Indians remaining in the state. This was no simple task given the scattered and remote settlement patterns of the Seminoles.²²² Whites complained that “no accurate figures can be obtained, owing to their shyness and dread of anything pertaining to ‘red tape.’” According to one story, Jacob Summerlin, a Florida cattleman, tried to take a census of the Indians by inviting them to a festival. The Seminoles refused to fall for this trick, however, “and no amount of argument or explanation could convince them that the invitation did not arise for sinister motives.”²²³ Federal census takers also failed to enumerate the Seminoles. Prior to 1880, census-takers ignored them almost entirely, reporting just one Indian in Florida in 1860, and two in 1870.²²⁴ Richard Henry Pratt and Clay MacCauley had better luck in the late 1870s and early 1880s, recording respectively 292 and 208 Seminoles in their surveys of the tribe.²²⁵ It was not until the early

and got “her dividends, her benefits.” Interview with William D. Boehmer, by John Mahon, February 23, 1971, Samuel Proctor Oral History Program.

²²² Florida Museum of Natural History, *Handbook*, 6, The Newberry Library.

²²³ Canova, *Life and Adventures in South Florida*, 89-90, The Newberry Library.

²²⁴ Harry A. Kersey, J., “Florida Seminoles and the Census of 1900,” *The Florida Historical Quarterly*, 60 (Oct. 1981): 146.

²²⁵ Richard Henry Pratt to E.A. Hayt, Commissioner of Indian Affairs, August 20, 1879, 13; MacCauley, *The Seminole Indians of Florida*, 478.

twentieth century, however, that officials began to document Seminole tribal members with any accuracy.

The federal census of 1900 was the first in which the United States appointed a special agent specifically to enumerate the Florida Seminoles. Brevard County surveyor J. Otto Fries traveled across Florida with local guide Archibald A. Hendry and recorded 339 Seminoles in a census that Kersey has characterized as “the first accurate one in the modern era of the tribe.”²²⁶ Despite this effort, early twentieth-century government censuses contained significant errors due to the way they were compiled and to ongoing Seminole suspicions of those making the lists. In particular, Fries characterized Mikasuki-speakers in the Everglades as “not so easy to get information from, but very suspicious about [his] doings.”²²⁷ In a 1913 report, anthropologist Alanson Skinner explained that Seminoles preserved a “taboo against telling their names to strangers.”²²⁸ Lucien A. Spencer, who took several early twentieth-century censuses of the Seminoles for the Indian Agency in Florida, similarly noted that many of the individuals he enumerated “refused to give name” or “refused to answer.”²²⁹ Seminole women were particularly reluctant to talk to census-takers. Officials recorded very few female names on these early lists: most women merely appeared as “squaws,” listed beneath their husbands, or as “unnamed widows” at the end of the

²²⁶ Kersey, “Florida Seminoles and the Census of 1900,” 151, 158.

²²⁷ J.O. Fries to Hon. J.M. Cheney, Supervisor of Census 2nd District, August 20, 1900, reproduced in Kersey, “Florida Seminoles and the Census of 1900,” 157.

²²⁸ Skinner also asserted that the Indians “strongly objected to the taking of written notes” by white visitors to their camps, which made the task of census-takers more difficult. See Skinner, “Notes on the Florida Seminole,” 64, 77.

²²⁹ Census of the Seminole Indians of Florida Agency, taken by Lucien A. Spencer, Special Commissioner, June 30, 1920, National Archives Microfilm Publications, Microcopy No. 595, Indian Census Rolls, 1885-1940, Roll 486, Seminole (Florida), 1913-29, NARA Washington.

documents.²³⁰ The federal government lauded as reliable the 1914 Florida Agency census of the Seminoles, yet even this list was imperfect.²³¹ On a 1916 census, Spencer reported that he had to strike several duplicate names from the previous year's census because he discovered that the Indians used different names in different localities.²³²

Despite the confusion of earlier censuses, determining who belonged to the Seminole Tribe of Florida in 1957 was relatively straightforward. The strict social codes against interracial relationships enforced by the Seminoles in the late nineteenth and early twentieth centuries meant that by the 1950s most Indians either were "full bloods" or could easily trace their ancestry back to a full-blooded member of the tribe. A federal memorandum noted in 1952 that, out of a population of approximately eight-hundred and twenty-three, seven hundred and twenty-eight were "full-bloods."²³³ Little controversy surrounded the development of the official tribal roll of the Seminole Tribe of Florida because there was little question of who legitimately belonged to the community. The main problem was determining to what sort of political entity Florida Seminoles belonged.

Despite the efforts of the Seminole Tribe of Florida to include non-reservation Mikasukis, many Indians remained opposed to any formal organization. When federal

²³⁰ Census of the Florida Seminoles, Indians of Florida Agency, taken by Lucien A. Spencer, Special Commissioner, July 1913, National Archives Microfilm Publications, Microcopy No. 595, Indian Census Rolls, 1885-1940, Roll 486, Seminole (Florida), 1913-29, NARA Washington.

²³¹ Kersey, *An Assumption of Sovereignty*, 144.

²³² Census of Florida Seminoles, Indians of Miami Agency, Florida, taken by Lucien A. Spencer, Special Commissioner, June 30, 1916, National Archives Microfilm Publications, Microcopy No. 595, Indian Census Rolls, 1885-1940, Roll 486, Seminole (Florida), 1913-29, NARA Washington.

²³³ Memorandum to Band Chiefs, Muskogee Area Office, February 18, 1952, File: 072, Feasts, Fiestas, Festivals, Celebrations, etc., 1937-1949, Seminole Indian Agency, General Records, Correspondence, 1936-1952, Box 1, RG 75, NARA Atlanta.

officials inquired if Mikasukis along the Tamiami Trail wanted to enroll in the tribe, Indians led by Ingraham Billie told them they wanted nothing to do with the Bureau of Indian Affairs or the reservation Seminoles.²³⁴ Non-reservation Mikasukis considered the new tribal government illegitimate. Buffalo Tiger explained in an oral interview in the 1970s that his people believed that those who signed the constitution “were not really leaders in the first place, and they were not speaking for all the Indians in the first place.” In his view, the council of medicine men maintained by non-reservation Mikasukis was the real governing body of the tribe.²³⁵ Unable to convince them otherwise, U.S. officials abandoned their efforts to include non-reservation Mikasukis in the Seminole Tribe of Florida.

Despite the opposition of some Mikasuki-speakers, especially those living off-reservation along the Tamiami Trail, others chose to join the Seminole Tribe of Florida. Religious conversion helps explain why many Mikasuki-speakers united with Muskogeas as citizens of the Seminole Tribe of Florida. Those Mikasukis who had become Christians worshiped with Muskogee-speakers on the reservations. Indeed, Robert D. Mitchell reported that the reason that the Big Cypress Reservation eventually became a Seminole reservation instead of a Miccosukee reservation was that “the Miccosukees who believed the old way pulled out of there, and they went back down the Trail, and they didn’t have anything to do

²³⁴ Interview with Reginald W. Quinn, by R.T. King, September 27, 1978, Samuel Proctor Oral History Program.

²³⁵ Interview with Buffalo Tiger, by Tom King, June 1973, Samuel Proctor Oral History Program.

with those Indians that were Christians.”²³⁶ Christian Indians developed a common identity that superseded linguistic differences between Muskogees and Mikasukis.²³⁷

Economic incentives also encouraged Mikasukis to join the Seminole Tribe of Florida. Upon the adoption of a tribal constitution by the Seminoles, about \$200,000, which had accrued in the tribal funds from the sale of cattle, land, and oil leases, became available for tribal projects. The Bureau of Indians Affairs also offered the tribe a loan from its revolving fund of \$300,000 to \$600,000.²³⁸ Seeing the financial benefits of membership, some anti-organization Mikasuki-speakers rethought their position. According to Buffalo Tiger, “everytime our Miccosukees got hungry—because money was hard to get and a lot of people were going hungry a long time—well, they went to Hollywood and they got twenty-five dollars... They make the trip, and they got to sign up as a Seminole member so whole family can be member of the Tribe, and they got their money.” These Mikasuki-speakers did not necessarily relish the prospect of becoming official tribal members, but economic conditions made signing up attractive, especially for those who had children to feed. According to Buffalo Tiger, “that’s how we have lost many Miccosukees from here.”²³⁹

Even Mikasuki-speakers who refused to join the Seminole Tribe of Florida began seeing advantages to political organization. Medicine men traditionally led the group, but non-reservation Mikasukis also appointed several other tribesmen to work with county and

²³⁶ Interview with Robert D. Mitchell, by John K. Mahon, March 26, 1975, Samuel Proctor Oral History Program.

²³⁷ Interview with Bob Mitchell, by Harry Kersey, July 15, 1971, Samuel Proctor Oral History Program.

²³⁸ Freeman, “Two Types of Cultural Response to External Pressures among the Florida Seminoles,” 58.

²³⁹ Interview with Buffalo Tiger, by Tom King, June 1973, Samuel Proctor Oral History Program.

state authorities for the benefit of the community. Without a formal organization, however, the Mikasukis found this work challenging.²⁴⁰ Hoping for official validation from white officials, Mikasukis led by Buffalo Tiger developed a new constitution separate from that of the Seminole Tribe of Florida. Of the 355 non-reservation Mikasukis, 201 signed the constitution and declared themselves members of the Miccosukee Tribe of Indians. The state of Florida recognized their independent political status in 1957; later that year Miccosukee tribal members applied for control of a tract of land in a conservation area, as well as state land along U.S. Highway 27. In 1958, the tribal council sent delegates to Washington to appeal for federal recognition.²⁴¹

Although the federal government accepted the organization of the Miccosukee tribe, officials were unwilling to grant the tribe full federal recognition because, unlike the Seminole Tribe of Florida, the Miccosukee tribe did not have assets under the trusteeship of the federal government. They had refused to live on reservations or join the Seminole Tribe, so, officials reasoned, they had lost rights to land the state and federal governments had purchased for Seminole use in the early twentieth century. Miccosukees did not give up their bid for federal acknowledgement or reservation lands easily. They threatened to take their case to the World Court at The Hague, and sent several letters to Washington pleading their case to President Dwight D. Eisenhower.²⁴² To bring publicity to their struggle, Morton Silver, a lawyer for the Miccosukees, helped arrange a trip to Cuba for tribal leaders in

²⁴⁰ Interview with Buffalo Tiger, by Tom King, June 1973, Samuel Proctor Oral History Program.

²⁴¹ Kersey, *An Assumption of Sovereignty*, 177-178.

²⁴² Ibid, 178-179.

1959.²⁴³ Fidel Castro lavished the Indians with fancy cars, first-rate hotels, and fine wines and granted them recognition from the Cuban government. Newspapers eagerly followed the story and soon after the Miccosukee leaders returned to Florida, the state governor agreed to provide them with their own reservation land. Following more fractious political debates and lobbying efforts, the federal government finally recognized the Miccosukee Tribe of Indians of Florida as a separate tribe in 1962.²⁴⁴

To join the new tribe, Miccosukees signed their names to a tribal roll. The Miccosukee constitution permitted only those adults and children of one-half degree or more Miccosukee blood to enroll automatically; the Miccosukee general council had to approve those with lesser blood degrees.²⁴⁵ More restrictive than those for the Seminole Tribe of Florida, these criteria reflected the culturally conservative perspective of Miccosukee tribal members. Some non-reservation Indians, however, considered the new tribe not conservative enough. These Mikasuki-speakers remained suspicious of any tribal government and, in particular, of the relationship federal recognition established between the Miccosukee Tribe and the United States. As Robert D. Mitchell explained, “they didn’t trust the government...they’re still Miccosukees, but they don’t belong to the organized tribe.” Refusing to join either the Seminole Tribe or the Miccosukee Tribe, they chose instead to live like their ancestors had done for generations.²⁴⁶ This task grew more difficult as white

²⁴³ Interview with Paul G. Rogers, by Harry Kersey, March 23, 1988, Samuel Proctor Oral History Program. See also Harry A. Kersey, Jr., “The Havana Connection: Buffalo Tiger, Fidel Castro, and the Origin of Miccosukee Tribal Sovereignty, 1959-1962,” *American Indian Quarterly*, 25 (Autumn, 2001): 491-507.

²⁴⁴ Interview with Buffalo Tiger, by Tom King, June 1973, Samuel Proctor Oral History Program.

²⁴⁵ Kersey, *An Assumption of Sovereignty*, 187.

²⁴⁶ Interview with Robert D. Mitchell, by John K. Mahon, March 26, 1975, Samuel Proctor Oral History Program.

settlement expanded across Florida, yet these Mikasuki-speakers preferred to remain independent and unenrolled.

As the Miccosukees created their tribal rolls, members of the Seminole Tribe of Florida modified their own membership requirements. In 1959, after reviewing the strengths and weaknesses of their governing document, 135 Seminoles signed a petition asking for a revision of the tribe's constitution. Consequently, the Seminole Tribe adopted a constitutional amendment in 1962 that modified its previous criteria. The new article provided that "any person of one-fourth or more degree of Seminole Indian blood born after the adoption of this amendment both of whose parents are members of the tribe shall be enrolled as a tribal member." It also required applicants for membership to appear on the census roll at the Seminole agency as of January 1, 1957, and to have their bid for membership approved by the tribal council. By adding blood quantum as a criterion for membership and by requiring applicants to meet the approval of the Seminole tribal council, the tribe hoped to prevent individuals of limited Seminole ancestry from applying for membership.²⁴⁷ Interestingly, while the Seminoles added a blood quantum restriction to tribal membership, the Miccosukees eventually dropped their blood quantum requirement in favor of returning to a system of belonging based on matrilineal inheritance.²⁴⁸

Although the new Seminole constitution did not include a residency requirement for tribal membership, it granted those Seminoles who lived on the reservation certain political rights denied those who lived elsewhere. Like the Pamunkeys, the Seminoles now used residency as a way to distinguish between tribal "members" and tribal "citizens." The

²⁴⁷ Kersey, *An Assumption of Sovereignty*, 88-89.

²⁴⁸ Sturtevant and Cattelino, "Florida Seminole and Miccosukee," 444.

original constitution adopted by the tribe in 1957 had provided for at-large seats in the tribal council in recognition of Seminoles who did not live on the three federal reservations; the new constitution limited the right to elect tribal officials to reservation residents.²⁴⁹

According to Joe Dan Osceola, who served as the president of the Seminole Tribe, Inc. in 1967, “you have to live on the reservation something like four years before you can vote.” He described the ruling as “pretty stiff” because “if you live just [a] block, even half a block from the reservation, due to the housing shortage and they don’t take that into consideration at all.” The Seminoles made exceptions, however, for citizens who were away at college or who joined the armed forces.²⁵⁰ Like the Pamunkeys, the Seminoles ensured that only those Seminoles invested in reservation issues had the power to participate in the politics of the community. This shift perhaps also reflected the presence of the new Miccosukee tribe. Non-reservation Seminoles could choose to join the Miccosukees and achieve political representation there. Residency on the Seminole reservations helped distinguish between the two tribes.

Also like the Pamunkeys, the Seminoles tried to use their new constitution to restrict the access of white men to their land. Although the Seminoles had accepted intermarriage and mixed-ancestry children, tribal leaders worried about the effects of outside spouses on the community. In particular, the Florida Indians’ long history of conflict-avoidance made them wary of admitting white men into their political and public life. Unable to prevent unions between non-Indians and Seminole women, the tribe did its best to control the consequences of these relationships by prohibiting Seminole women and their non-citizen

²⁴⁹ Kersey, *An Assumption of Sovereignty*, 213.

²⁵⁰ Interview with Joe Dan Osceola, by Tom King, August 31, 1972, Samuel Proctor Oral History Program.

husbands from living on tribal reservation land.²⁵¹ Tribal member Lottie Johns Baxley, for example, had to move off the reservation and live with her white husband in Okeechobee. The tribe similarly forced two of her cousins who married Mexicans to move away.²⁵² This residency rule did not extend equally to non-Indian wives: when a Seminole man married an outside woman, she could stay in his parents' camp on the reservation.²⁵³ This practice inverted traditional Seminole residence patterns that called for husbands to join the camps of their wives. The Seminoles perhaps viewed non-Indian women as less politically threatening than outside men.

The Seminoles hoped that by limiting the access of non-citizen men to tribal land, they could reduce the consequences of intermarriage on the political life of the tribe. Unlike the Pamunkeys, however, Seminole tribal leaders had difficulty enforcing the rule. Compared to the Pamunkeys, the Seminoles held a vast territory difficult to police. Moreover, unlike the Pamunkey tribal council, Seminole leaders did not have a system in place for divvying up land to tribal members. Seminole women soon began ignoring the residency restrictions. Baxley pointed out in 1972 that “nowadays, an Indian girl marries a white man, or an Indian girl marries a Mexican and things like that, they all live out here on the Reservation.” The rules had not changed, “it’s just the people won’t accept the laws of the Tribal Council, that’s

²⁵¹ As a white couple familiar with the Seminoles explained, “they still distrust the white people...when a girl marries a white man she had to leave the reservation.” See Interview with Jack and Charlotte Baxter, by Tom King, January 4, 1973, Samuel Proctor Oral History Program.

²⁵² Interview with Lottie Johns Baxley, by Tom King, September 27, 1972, Samuel Proctor Oral History Program.

²⁵³ Interview with Jack and Charlotte Baxter, by Tom King, January 4, 1973, Samuel Proctor Oral History Program.

what it is.”²⁵⁴ By rejecting the rules, these women promoted and reinforced traditional Seminole matrilineal practices. They lived in the camps of their mothers rather than moving to the cities or towns of their non-Indian husbands.

By the mid-1960s, the Seminoles had divided into three groups: The Seminole Tribe of Florida, the Miccosukee Tribe of Indians of Florida, and the unorganized Mikasuki-speakers. In an oral interview, Mary Frances Johns summarized the three political positions of Florida Indians. The Seminole tribe, she contended, “thought that we should progress...live like the white people.” This did not mean giving up some traditional customs or language, but “they thought that we should have walled houses and be educated and be able to work with the white man in what he does.” In contrast, the Miccosukee tribe “wanted to have some of these modern conveniences...but they wanted to stay where they were.” Unwilling to compromise their independence to get federal services, “they figured [if] they needed education, they would educate their children and so forth.” Finally, the unorganized Mikasuki-speakers “just decided that they would stay the way they had been for hundreds of years, and so they still do.” Rejecting acculturation, “the only thing they depend on are jobs from the outside.” These political divisions cut across linguistic boundaries and kin ties. Mikasuki-speakers did not uniformly join the Miccosukee Tribe. Indeed, two-thirds of the members of the Seminole Tribe spoke Mikasuki.²⁵⁵ Occasionally members of the same family joined different tribes. Frank Billie, who became the first president of the Seminoles, was the son of the leader of the anti-reservation, traditional Mikasuki movement, Ingraham

²⁵⁴ Interview with Lottie Johns Baxley, by Tom King, September 27, 1972, Samuel Proctor Oral History Program.

²⁵⁵ Interview with Mary Frances Johns, by Tom King, August 16, 1972, Samuel Proctor Oral History Program.

Billie.²⁵⁶ Florida Indians simply chose the group that most accurately reflected their political orientation and cultural preferences.

Membership between the Seminole and Miccosukee tribes remained fluid into the 1970s. According to Virgil Harrington, who served as the superintendent of the Seminole Indian Agency from 1958 to 1963, those who did not belong to the Seminole tribe or the Miccosukee tribe could join either tribe, or tribal members could petition the councils to be dropped from one tribe to join the other.²⁵⁷ Although the federal government did not permit Florida Indians to hold dual citizenship in the Seminole and Miccosukee tribes, the ongoing flexibility of the membership rolls allowed Mikasuki-speakers in particular to make decisions about which political body most accurately reflected their values. Kersey has argued that these early membership shifts helped prevent overt conflict within both tribes between culturally-conservative and more highly acculturated tribal members.²⁵⁸ If an individual was dissatisfied with the tribal government of one polity, he or she could become a member of the other.

The Seminole Tribe of Florida experienced a surge in membership applications in the 1970s after the Indian Claims Commission finally settled their case against the federal government. The court awarded the Seminole Indians in Florida and Oklahoma \$16 million in recompense for thirty-two million acres of land due to them by treaty rights from the nineteenth century. A researcher who visited the tribe explained the situation: “since word

²⁵⁶ Jumper and West, *A Seminole Legend*, 142.

²⁵⁷ Interview with Virgil Harrington, by William Boehmer, October 12, 1971, Samuel Proctor Oral History Program.

²⁵⁸ Kersey, *An Assumption of Sovereignty*, 218.

got out that there was some money to be apportioned among the various tribal members in one fashion or another, a number of people who in the past had not seen the need to become formal members of the Seminole Tribe of Florida have now decided that it might be to their advantage to do so.”²⁵⁹ Some people who applied for membership at this time were recognizable as Seminoles, but they simply had chosen not to enroll in previous years. Now enrollment gave them a political identity in the tribe and guaranteed their right to a share of tribal resources. Other independent Mikasuki-speakers refused to enroll, but in 1990, the United States Congress agreed that they too could participate in the award as long as they were listed on or were lineal descendants of persons included in the 1957 annotated Seminole Agency census. Enrollment was no longer necessary to participate in the settlement.²⁶⁰ Legal battles between Seminoles in Florida and Oklahoma delayed the distribution of the awarded funds for several decades. Nevertheless, the promise of financial benefits to tribal members alerted people to the economic value of tribal membership.

More significant than the Indian Claims Commission settlement to the economic benefits of tribal membership has been the Seminole Tribe of Florida’s successful foray into the world of high stakes gaming. In 1976, the Seminoles opened tribally-regulated tobacco sales operations, known as smoke shops. Three years later, they opened Hollywood Seminole Bingo, the first tribally-operated high stakes bingo hall in the United States.²⁶¹ Although Florida legislators objected to these new businesses, the Fifth District Court of Appeals recognized the legal right of the Seminoles to operate their gaming enterprise free of state

²⁵⁹ Monologue by Robert Thomas King, field notes, March 26, 1976, Samuel Proctor Oral History Program.

²⁶⁰ Kersey, *An Assumption of Sovereignty*, 151.

²⁶¹ Jessica R. Cattelino, *High Stakes: Florida Seminole Gaming and Sovereignty* (Durham and London: Duke University Press, 2008), 54. See also Sturtevant and Cattelino, “Florida Seminole and Miccosukee,” 446.

regulation. The *Seminole Tribe of Florida v. Butterworth* (1981) case paved the way for tribal gaming across the United States.²⁶² In the early 1990s, the tribe installed electronic games, and by 2006, they had built new Hard Rock casino-resorts in Florida. Tribal net income from gaming that year surpassed \$600 million.²⁶³ As the Seminole Tribe of Florida became rich, tribal membership took on a new economic value.

Casino profits have encouraged many Americans to seek membership in the Seminole Tribe of Florida. In the early 2000s, the tribal enrollment officer, LaVonne Kippenberger, received thirty to forty weekly phone calls and emails inquiring about how individuals could join the tribe. According to anthropologist Jessica R. Cattelino, “some people claim to physically resemble the warrior Osceola, others say they always knew they were Indian, and still others simply ask about the money.” None of these assertions, Kippenberger has maintained, are valid. The tribe also has faced claims by non-Indian women who avow that their children have Seminole fathers. Some Seminoles believe that such women purposely get pregnant by Seminole men in order to profit from their children’s casino dividends. Tribal members call these children “dividend babies.” In response to this threat, the Seminole Tribe of Florida increasingly demands paternity tests before granting children membership rights.²⁶⁴ Casino profits have benefited the tribe economically, but they have also opened new citizenship controversies.

²⁶² Julian M. Pleasants and Harry A. Kersey, Jr., *Seminole Voices: Reflections on Their Changing Society, 1970-2000* (Lincoln & London: University of Nebraska Press, 2010), 2.

²⁶³ Cattelino, *High Stakes*, 8-9.

²⁶⁴ *Ibid.*, 91-93.

Today the Seminole Tribe of Florida and the Miccosukee Tribe of Indians of Florida each maintain their own membership criteria. Members of the Seminole Tribe of Florida must meet three requirements. First, they must be able to trace a direct ancestor to the 1957 tribal roll, which the tribe considers its base roll. Second, they must have a minimum of one-quarter Seminole blood. Finally, their membership petition must be sponsored by a recognized tribal member. The Seminoles insist on high blood quantum for members because they consider this an indication of close association with the tribe. As explained on the Seminole tribal website, one-quarter degree Seminole blood indicates that an applicant for membership is “no more than a single generation removed from the cultural heritage.”²⁶⁵ Not all tribal members agree with this stipulation. Cattelino reported that in recent years a minority movement in the tribe has advocated for a constitutional reform to replace one-fourth blood quantum with clan membership as a necessary qualification for tribal membership.²⁶⁶ The children of Seminole fathers and non-Indian mothers carry no clan, however, and this ruling would disinherit them. Thus far, the tribe has made no serious initiative to change the blood quantum requirement. Sponsorship by a recognized tribal member furthers the tribe’s goal of maintaining close association between members by ensuring that the community approves of and the group recognizes an applicant as a Seminole. It also discourages “dividend babies” from making their way on to the tribal roll.

In contrast to the Seminoles, modern Miccosukees, who also have gaming enterprises, incorporate traditional matrilineal definitions of kinship and identity, which reflect their

²⁶⁵ Seminole Tribe of Florida, <http://www.semtribe.com/FAQ/>, accessed November 3, 2011.

²⁶⁶ Cattelino, *High Stakes*, 93.

history of resistance to acculturation.²⁶⁷ Although the tribe once required members to have one-half Miccosukee ancestry, today, according to their website, “membership in the Miccosukee Tribe of Indians of Florida is open to Indians who have Miccosukee mothers and are not enrolled in any other Tribe.”²⁶⁸ The Miccosukees rely on matrilineal kin ties to ensure that tribal members have close relationships with the core Miccosukee communities along the Tamiami Trail, Alligator Alley, and Krome Avenue. This change represents a return to more traditional notions of belonging. As for the unorganized Mikasuki-speakers, without an officially-recognized political status, they do not have official membership criteria. Like the state-recognized Pamunkeys, they are free to determine their membership as they see fit.

Today, the population of the Seminole Tribe of Florida is about 3,100. Miccosukees number approximately 550 enrolled tribal members. Around 100 individuals known as “Independents” or “Traditionals” continue to reject membership in either tribe.²⁶⁹ Although these groups share a complex history, cultural practices, and kin ties, they are politically distinct. The membership criteria developed by the Seminole and Miccosukee tribes reflect the divergent political goals of their members and empower them to decide who belongs and what membership means. Membership criteria have served the Florida Seminoles as a way to create separate political identities for people who share similar ethnic and cultural backgrounds but divergent ideas about the future. The story of the Seminole Tribe of Florida,

²⁶⁷ The Miccosukee Tribe does not make public gaming revenues. Recently they have been involved in a controversy with the U.S. Internal Revenue Service over nonpayment of federal income tax. See Jay Weaver, “Federal Judge: Miccosukees Must Turn Over Financial Records to IRS,” *Miami Herald*, Aug. 2, 2011, <http://www.miamiherald.com/2011/08/02/2342387/federal-judge-miccosukees-must.html#storylink=misearch>, accessed, Jan. 21, 2012.

²⁶⁸ Miccosukee Tribe of Indians of Florida, <http://www.miccosukeeresort.com/tribe.htm>, accessed November 3, 2011.

²⁶⁹ Seminole Tribe of Florida, <http://www.semtribe.com/FAQ/>, accessed November 3, 2011.

the Miccosukee Tribe of Indians of Florida, and the unorganized Mikasukis illustrates that tribes do not embody strictly racialized notions of what it means to be “Indian.” Instead, tribal membership establishes a legal identity for Indian people—an identity rooted in history but mindful of the present and future political goals of tribal nations and their citizens.

Conclusion

In the nearly two centuries since removal left thousands of Indians in the South, many people have shared Sharon Flora's dismay at not gaining acceptance by an Indian tribe. For a host of reasons ranging from romantic notions about Indians to crass opportunism, they have sought tribal membership and failed. Knowledge of or belief in Native ancestry makes this failure a particularly bitter pill. Exclusion often strikes them as petty, selfish, and mean. Modern tribes, however, base their decisions about whom to admit to tribal membership on historically-developed criteria. This dissertation has dealt with the process by which four of them—the Pamunkeys, the Catawbas, the Eastern Band of Cherokees, and the Florida Seminoles—have decided who belonged.

Southeastern Indians struggled for decades after removal to retain their lands and other resources. The Pamunkeys and the Catawbas held state reservations; the Cherokees held land in common as a tribe, corporation, and federal ward; and the Seminoles claimed vast acreage in south Florida on which they lived and ultimately received, in part, as several smaller reservations. Furthermore, some tribes had income: Catawbas drew an annual state appropriation and Cherokees had proceeds from federal claims and timber sales. These resources, meager though they were, tempted people with few or no ties to the tribes to assert the rights of membership, which included access to tribal assets. The fear of losing what little they had left provided tribes with a strong incentive to police the boundaries of their membership.

In addition to fearing the loss of tribal resources, Indians worried about losing their racial and ethnic identity in the Jim Crow South. Racial segregation created a black-and-white world that left little room for Indians, who did not fit neatly into either racial category. On the basis of their skin color, whites often denied them equal rights, and Indians rejected the label of “colored,” insisting that their historical relationships with state and federal governments warranted them a status separate from African Americans. Indians expected their political status as tribal members to protect them from absorption into a “colored” underclass in the South, but they recognized that their legal rights depended largely on how outsiders perceived them. State-recognized tribes like the Pamunkeys and Catawbias were particularly vulnerable to categorization as “colored.” Without formal ties to the federal government, these tribes risked losing their reservations and resources if state officials did not uphold their tribal rights. At the same time, Seminoles were more concerned about whites gaining a foothold within their tribe because they viewed them with such suspicion. All four southeastern tribes established membership criteria in this racially charged environment, which their criteria reflected, but they reached different solutions to the problem of race.

As tribes confronted threats to their resources and identities, they searched for new ways to delineate tribal membership. Historically, tribes had relied on general markers of belonging such as cultural affinity and ancestry. If someone spoke the tribal language, joined in ceremonies and celebrations, cooked and ate particular foods, perpetuated ancient skills, adhered to certain beliefs and worldviews, and maintained kin ties with other people in the community, Indians recognized that person as a tribal member. These factors continued to influence membership decisions in the late nineteenth and early twentieth centuries, but social changes required Indians to reformulate notions of belonging. Older markers grew

difficult to maintain as people left reservation lands to live elsewhere, Indian children went to boarding schools, interactions with non-Indians increased, and tribal members began marrying outsiders. In response to these shifts, tribes developed new membership rules.

The migration of community members away from tribal lands for school or work raised questions about the relative rights of those who left, and those who stayed. Indians worried that if community members moved away, the migrants, and especially their descendants born away from the homeland, would eventually lose their cultural identification with the tribal community and their investment in its future. This fear was particularly salient for those Indians who depended on reservation lands and tribal assets for their livelihoods: they needed to know personally the people who had access to and a voice in allocating these resources. To deal with the threat of distant people claiming tribal rights, southeastern tribes adopted different strategies. Some, like the Cherokees, denied membership to the children of tribal members who moved away and married outsiders, although the migrants themselves retained their rights. Others, like the Catawbias, insisted that only those who returned to the main tribal body deserved a share of tribal resources. The Pamunkeys established a particularly interesting way to deal with the problem of migration. Those who left still belonged to the tribe as members, but they could not exercise the rights of tribal citizens unless they returned to the reservation. The Seminoles similarly restricted voting rights in tribal elections to those who lived on tribal land. Each strategy helped protect the political cohesion and economic base of the tribes even as circumstances drew some Indians away from home.

Another problem faced by southeastern Indians was that of intermarriage and sexual relationships with outsiders. Tribes in the region had suffered substantial population loss due

to years of hardship, disease, and removal. By the late nineteenth century, marriage with outsiders seemed, for some, the only viable way to find non-related partners and keep up tribal numbers. Yet, these unions challenged tribes to redefine their terms of inclusion, especially in the racial context of the Jim Crow South. Historically, most southeastern tribes traced kinship matrilineally, making the children of Indian women tribal members no matter the identity of the father, but not necessarily the children of Indian men and non-Indian women. Tribes had to decide whether to keep this gendered system, especially as male tribal members began demanding rights for their children. Ultimately nearly all southeastern tribes shifted to bilateral inheritance, although culturally-conservative Seminoles who joined the Miccosukee Tribe of Indians later returned to a matrilineal system. Tribes also looked for ways to limit the influence of non-Indian spouses in reservation communities by passing rules that restricted the access of these outsiders to tribal resources.

Racial segregation in the South encouraged tribes to develop different attitudes towards intermarriage with blacks and whites, which further complicated the question of who belonged. Intermarriage with African Americans appeared particularly threatening to southeastern Indians who felt that Jim Crow South threatened their separate identity. Indians worried that if tribal members formed unions with blacks, outsiders would cease to recognize their legal status or their racial identity as Indian. State-recognized tribes found this situation especially dangerous due to their already precarious status in the South. To prevent amalgamation with blacks and extinction in the eyes of whites, they established strict prohibitions against relationships between blacks and tribal members. The Pamunkeys formalized this position in their late nineteenth-century reservation laws, and the Catawbas used social pressure to ensure that tribal members did not associate with African Americans.

Federally-recognized tribes like the Cherokees were less concerned about losing their legal status, but they nonetheless internalized the racial prejudice of the surrounding white population and considered intermarriage with blacks undesirable. The Florida Seminoles proved the one exception to the general trend of southeastern tribes to avoid interactions with blacks. Their historical experiences with escaped African slaves and the ongoing presence of a few black women who remained with the tribe following removal created a unique situation in which the Seminoles tolerated certain relationships with blacks. Even the Seminoles, however, viewed the children of these unions as less-than-equal tribal members.

Although generally preferred over intermarriage with blacks, relationships with whites posed their own challenges to southeastern tribes. Indians did not worry about losing their identity through white intermarriage because white Americans considered the children of these unions Indian, not white. As Indians married whites and brought white spouses to live on tribal lands, however, tribal members worried about the influence of outsiders on tribal affairs. Tribes developed particular rules to deal with this potential threat. Some, like the Pamunkeys, restricted the access of white men to tribal resources by requiring Indian women who married outsiders to leave the reservation. Others, like the Catawbias, initially insisted that traditional rules of matrilineal inheritance dictate the inclusion of the children of tribal members who married whites, thereby providing a sense of stability to a potentially volatile situation. Only one tribe, the Seminoles, rejected intermarriage with whites altogether until well into the twentieth century. This decision, like that they made about relationships with blacks, reflected their particular historical experiences in Florida.

In addition to their concerns about white intermarriage, Indians worried about whites who claimed distant Indian ancestry and demanded a share of tribal assets. Remnant tribes

like the Eastern Band of Cherokees were especially vulnerable to the claims of such individuals because the removal of the Cherokee Nation west had left people with Indian ancestry scattered across the South. Although most of these individuals did not have a political identity as tribal members, many hoped to claim a share of tribal resources by virtue of their presumed heritage. Tribes dealt with these claimants as best they could. The Eastern Band of Cherokees adopted “blood quantum” restrictions to membership in the nineteenth century as a strategy to ensure that only closely-related individuals shared in tribal lands and money. Seminoles followed suit when they organized as tribes in the mid-twentieth century. Small tribes like the Pamunkeys and Catawbases, however, rejected blood as a criterion because they recognized that intermarriage with whites was unavoidable for their closely-related populations. If these tribes were to survive, they had to include the children of Indians and whites no matter what their blood degree, or risk disappearing in a few generations.

Notions of “blood quantum” had entered Indian discourses on tribal membership by way of the federal government. When federal agents compiled tribal censuses in the nineteenth century, they often recorded the degree of “Indian blood” possessed by tribal members. Many Indians had internalized notions of “blood” by the late nineteenth century, but they used these ideas for their own purposes. Indians tied “blood” to “culture”: blood became an index for how connected an individual was to the tribal community. Indians also used blood as a stand-in for ancestry. Rather than record the general “Indian blood” of tribal members, they required tribally-specific designations of “Cherokee blood” or “Seminole blood.” In this way, tribes used blood to assess the kin ties of membership applicants to the tribal community.

The adoption of the language of “blood” by Indian tribes reflected the growing presence of federal and state officials in tribal affairs in the late nineteenth and twentieth centuries. These officials pressed southeastern tribes who received services or benefits from state or federal governments to delineate clearly who belonged to the tribe and who was entitled to a share of its resources. Tribes responded to these pressures by turning to legalistic and seemingly objective criteria—like “blood”—to make their membership rules. They hoped that if they spelled out their requirements in language white Americans understood, officials would be more likely to accept tribal decisions on membership. Such was not always the case. Under pressure from lawyers for membership claimants, for example, federal officials ignored the one-sixteenth blood quantum requirement set by the Eastern Band of Cherokees.

The transformation of several southeastern peoples to federally-recognized tribes during this period shifted legal definitions of belonging. The federal government not only required clear criteria for membership, but also official tribal rolls, which facilitated the distribution of federal benefits and services. Compiled under the supervision of white officials, usually in consultation with the tribes, these rolls captured a mere snapshot of the complex and evolving process of distinguishing tribal members, yet they fixed membership in place. For tribes that adopted formal rolls, membership thereafter relied to a large degree on tracing one’s ancestry to an individual listed on the original, or base, roll. The creation of formal tribal rolls effectively negated some of the other criteria developed by tribes to determine belonging, such as reservation residency. Once listed on the roll, individuals migrated away without the fear of losing their political status. Rolls freed individual tribal members, but they limited the ability of tribes to police their membership or reserve tribal

resources for those who lived in the community and depended on them for their livelihood. State-recognized tribes like the Pamunkeys have exerted more direct control over their membership than the three tribes that have fallen under federal supervision because they can include and exclude people as they see fit, rather than relying on a base roll to determine belonging. Now that they have sought federal recognition, Pamunkeys are under pressure to conform and adopt a base roll.

Although tribal rolls formalized belonging in federally-recognized tribes, Indians did not passively accept the membership rulings of federal officials. When Indians and agents disagreed, tribal members asserted their sovereign right to make their own membership decisions. In the case of the Cherokees, this resistance included formal protests and appeals to the Interior Department, which eventually led officials to abandon their plan to allot Cherokee lands. Ultimately the Cherokees reinstated their blood quantum requirement for membership, which they viewed as a necessary protection against the claims of “white Indians.” The Catawbas also used their sovereign powers to change membership requirements listed in their original tribal constitution, and to add out-of-state veterans to their official tribal roll. They chose not to include western Catawbas because they no longer considered these individuals political members of the tribe. The Seminoles took the most drastic measures to protect their political identity from federal interference. By refusing to join the Seminole Tribe of Florida, certain Mikasuki-speaking Seminoles asserted their right to determine a different political future. Some became members of the Miccosukee Tribe of Indians and added their names to a separate tribal roll. Others refused enrollment altogether, thereby denying the federal government any authority over them. The actions of members of federally-recognized tribes reveal that Indians were active agents in their membership

decisions even after they fell under federal supervision, and their disparate criteria precluded any common federal standard.

The varying experiences of southeastern tribes belie the notion of an essential “Indian,” or of Indians belonging to a homogenous race. The Pamunkeys, the Catawbas, the Eastern Band of Cherokees, and the Florida Seminoles developed ideas of belonging in particular historical contexts and made decisions on membership for tribally-specific reasons. Their experiences reveal that Indians do not live apart from history or construct universal definitions of belonging. Pamunkeys began to police their membership carefully only when Jim Crow threatened to classify them as “colored.” Catawbas altered criteria when some Mormon members migrated west, when Catawba fathers of children with white mothers demanded their inclusion, when the federal government required a roll for recognition, and when service men were inadvertently left off. Eastern Band Cherokees conceded to expansive rolls when the federal government was paying out claims, but moved to restrict the base roll developed originally for the allotment of their reservation. Seminoles ended up with two tribes and two tribal rolls as well as people who enrolled in neither because of divergent values and goals. Southeastern tribes made different choices about tribal membership because each confronted different circumstances.

By making distinctive requirements for tribal membership, tribes exerted their sovereign powers as independent nations and showed that they were not merely part of a racial or ethnic group. The decisions they made had lasting consequences for tribal belonging, but they were not arbitrary or malice-driven. Although not always understood by outsiders, tribal choices on membership made sense to each tribe given its historical experiences. A fundamental component of tribal sovereignty, tribal membership remains a

contested issue today. As the stories of the Pamunkeys, the Catawbas, the Eastern Band of
Cherokees, and the Florida Seminoles reveal, the only way to understand tribal membership
decisions is to examine tribes on an individual basis, taking into account their distinctive
trajectories and unique goals.

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