PROGRESSIVE WARRIORS:
THE EVOLUTION OF CHEROKEE PROGRESSIVISM, 1794-1939

Benjamin Aaron Fussell

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Approved by
Advisory Committee

___________________________  _______________________
Candice Bredbenner        Michael Seidman

___________________________
David La Vere
Chair

Accepted by
Dean, Graduate School
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ABSTRACT

The Cherokee Indians are well represented in the historiography of the American Indian. Themes of cultural persistence in the face of the United States civilization policy prevails among these works. What has risen from this scholarship is a tendency to place Traditionalist Indians against Progressive, acculturated ones. This thesis seeks to problematize this approach by demonstrating that the important historical changes in Cherokee society were actually decided by Progressives fighting with Progressives over the future of their communities.

This thesis examines the evolution of Cherokee Progressivism through the lens of several leaders—John Ross, John Ridge, William Holland Thomas, George Bushyhead, Nimrod Smith, Fred Bauer, and Jarrett Blythe—in both the Cherokee Nation and the Eastern Band of Cherokee Indians. Although these Cherokees had adopted man elements of the dominant American culture, they went to extreme lengths to govern their people independent of the control of the Bureau of Indian Affairs. These opposing Progressive factions often used the federal government against one another. At other times, they united against government officials when their people were threatened. Regardless, these men were Cherokees and sought to maintain their people’s sovereignty.
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DEDICATION

I would like to dedicate this to my loving wife, Laura Fussell. Without her, none of the following would have been possible.
INTRODUCTION

Factionalism is among the most examined features topics of American Indian history. The subject appears in almost every index of books published on Indian people. Indian factionalism usually takes the form of Progressive Indians against Traditionalists within the same Indian Nation, e.g. Cherokee Progressives versus Cherokee Traditionalists. In the case of the Cherokees, these intra-national conflicts caused damage to the group’s cohesion, damage that had dire consequences for those involved.

The Cherokee Nation and the Eastern Band of Cherokee Indians are among some the most studied Indian peoples in the eastern United States because of their history of Indian removal. These Indian groups were wracked by Progressive/Traditional factionalism beginning in the early 1700s. Looking at the evolution of Progressivism, and how it shifted with the issues each generation faced, allows us to see how Progressives shaped the history of these Indian people.

Cherokee Progressives, though adopting the trappings of American culture, for the most part rejected working with the United States government’s Indian policy and instead tried to maintain a unique Cherokee identity and autonomy. The rejection of United States Indian policy can be seen in the events surrounding the lives of John Ross, the Ridge Family, and Elias Boudinot during the time of Cherokee nationalism; by William Holland Thomas, George Bushyhead, and
Nimrod Smith, during the Trail of Tears and post-Civil War era; and by Fred Bauer and Jarrett Blythe during the Indian New Deal of the 1930s.

The growth of Cherokee Progressivism and its relation to the efforts of civilizers manifested in the controversies within the two Cherokee societies in the American Revolution and the Early Republic eras. This growth in assimilation fed an extended debate about the future of the Cherokee people. Whereas scholarship on the Cherokee during these years has primarily focused on the relationship and tensions between Traditionalists and Progressives, these debates were also argued between differing Progressive factions within the Cherokee communities.

The initial emergence of this struggle was in the 1830s between Principal Chief John Ross and John Ridge, two acculturated, Progressives but highly nationalistic Cherokees. The Cherokees were ultimately removed after the Treaty Party, headed by Ridge, signed an illegal treaty in 1835 with the United States. Even though his actions led to the Trail of Tears in 1838, this did not mean that he was not a Cherokee nationalist. Ridge believed that the best way for the Cherokee people to survive as a distinct and independent people was to move west. John Ross, on the other hand, thought the best future for his people was to remain in the east and fight for their ancestral land. They both advocated very different political paths to preserve the future of their people.
The Eastern Band of Cherokees, because of their isolation in the middle towns in western North Carolina and their separation from the main Cherokee Nation, were among the most traditionalist of the Nation. This meant they rejected the idea of further assimilation into American culture. However, after narrowly escaping removal, they would come to trust a Progressive white man, William Holland Thomas, to be their chief. They then allowed a small Progressive faction, headed by George Bushyhead and James Taylor, to take over after the Civil War, when Thomas became ill and no longer held the same prestige. In addition, Chief Nimrod Jarrett Smith’s Progressivism in the Eastern Band of Cherokee was slightly different than the Cherokee Nation’s. They were nonetheless Progressives who held fast to their Cherokee ancestry, identity, and autonomy.

In the next century, the Indian New Deal, and the Eastern Cherokees’ reaction to it, sparked a heated political battle between Progressives on the Qualla Boundary, the Eastern Band of Cherokees’ (EBC) reservation. In 1934, during the early days of President Franklin D. Roosevelt’s first administration, Indian policy in the United States took a dramatic shift. Before, the federal government’s Indian policy was to “civilize” Indians so they could eventually be assimilated into American society as citizens. This meant breaking down tribalism, communal lands, Indian religion, and most aspects of Indian culture and replacing it with Christianity, American names, small independently owned farms, and what might
be considered an American way of life. But John Collier, Roosevelt’s Commissioner of Indian Affairs, changed that policy. Collier, an avid Indian rights activist in the 1920s, respected Indian people and saw value in their traditional culture. He pressed for legislation that would ultimately become the Wheeler-Howard Act, also known as the Indian Reorganization Act of 1934 (IRA), which stopped the break-up of reservations, tried to restore Indian tribal governments, sought to reverse policies of forced assimilation, and encouraged Indian people to practice traditional cultures and arts.

However, not all Indian people were happy with Collier’s new policy. Fred Bauer fought his cousin, Jarrett Blyth, over Indian New Deal policies, specifically the IRA. Factionalism between the two Progressives reached its climax over the building of the Blue Ridge Parkway on EBC land and the use of public funds for private ventures, such as tourist shops.

There is one name among the many works of scholarship on American Indian policy that stands out, Francis Paul Prucha. He has written extensively on the topic in his two volume set, The Great Father: The United States Government and the American Indians (1984). This work moves chronologically through the evolution of government policy towards Indians. He examines these changes both politically and ideologically. In addition, he has written works on the relationship between Christianization and federal policy in his work, American Indian Policy in
Crisis: Christian Reformers and the Indian, 1865-1900 (1976). In this work, Prucha discusses what late nineteenth-century Protestants thought “civilization” meant and how they affected Indian policy. As editor in Americanizing the American Indians (1973), Prucha gathered key writings by the most prominent American “civilizers” and “friends of the Indians” and compiled them into one work that is invaluable to the histories of American Indian policy.¹

The historiography of the Cherokees is extensive. Therefore, only the most relevant works, those pertaining to assimilation and Progressivism, will be mentioned here. One of the most important scholars on the topic is William G. McLoughlin. He has written several important works including After the Trail of Tears: The Cherokees' Struggle for Sovereignty, 1839-1880 (1993), which looks at the Cherokees in Indian Territory, shedding light on the fact that moving west did not solve their problems with the United States government. He is also the author of Cherokee Renascence in the New Republic (1986). In this work, McLoughlin discusses the rise of Cherokee nationalism and how during this time, the Cherokees assimilated rapidly. In addition to these, he has written several books on Christianity and the Cherokees, including Cherokees and Missionaries, 1789-1839 (1984); The Cherokees and Christianity, 1794-1870: Essays on Acculturation and

Cultural Persistence (1994); and Champions of the Cherokees: Evan and John B. Jones (1990). These works look at how missionaries were responsible for the civilization efforts of the Cherokees in the early years of the United States.  

Another very important scholar on the subject of the Cherokees is Theda Perdue. She has written a long list of works on a broad range of topics. Her work, Slavery and the Evolution of Cherokee Society, 1540-1866 (1979), examines the changing nature of slavery in Cherokee society. Similarly, her book Cherokee Women: Gender and Culture Change, 1700-1835, (1998) examines the changing gender roles, primarily that of women, in Cherokee society. She is also the editor of several works including the Cherokee Editor: The Writings of Elias Boudinot (1996).  

The history of the EBC has received a moderate amount of attention in scholarly discourse. However, very few historians have taken on the story of the

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EBC, relegating much of the work to anthropologists. John Finger is the preeminent scholar and historian on the EBC and has written several works on the EBC. In the course of two books, *The Eastern Band of Cherokees, 1819-1900* (1984) and *Cherokee Americans: The Eastern Band of Cherokees in the Twentieth century* (1993), Finger covers nearly all aspects of the Band’s history. Ultimately, he concludes that their history is distinguished by one of persistence. Most works on the Band focus on the twentieth century and this theme of cultural persistence, focusing on how the EBC has maintained its culture despite the hardships and obstacles it faced. These books include Christina Taylor Beard-Moose’s *Public Indians, Private Cherokees: Tourism and Tradition on Tribal Ground* (2009), which looks at the development of tourism and how it created separate spheres of identity; Sharlotte Neely’s *Snowbird Cherokees: People of Persistence* (1991), which examines the 1970s and how traditionalism was still very much part of the EBC; and Sarah H. Hill’s *Weaving New Worlds: Southeastern Cherokee Women and Their Basketry* (1997), which examines how women adapted basket weaving techniques based on the materials available.4

Finally, there are a few important works concerning the New Deal era and John Collier, Commissioner of Indian Affairs in the 1930s. Lawrence C. Kelly’s work, *The Assault on Assimilation: John Collier and the Origins of Indian Reform*, (1983), looks at Collier and his efforts during the early years of the Indian reform movement of the 1920s. Expanding on this, Kenneth R Philp’s work, *John Collier's Crusade for Indian Reform, 1920-1954* (1977), covers John Collier’s beginnings in Indian reform and discusses the implementation of these ideas when he became Indian commissioner in 1933. He is also the author of *John Collier and the American Indian, 1920-1945* (1968). Finally, Graham D. Taylor’s book, *The New Deal and American Indian Tribalism: The Administration of the Indian Reorganization Act, 1934-45* (1980), takes the opposite view of most scholarship on the subject of the Indian Reorganization Act. He argues that the IRA had negative consequences for many Indian groups. These works along with others form a picture of an assimilating nation of Indians that maintained their cultural identity. This thesis seeks to expand on these ideas and move away from the traditional method of pitting Traditional Indians versus Progressive Indians to one

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that demonstrates that Progressives were often waging political battles against one another, while at the same time maintaining their cultural identity.
CHAPTER I: INDIAN POLICY, ASSIMILATION, AND FACTIONALISM

The Cherokees, or the Ani-Yun-Wiya (“the real people” or “the principal people”), are an Iroquoian speaking people who once dominated the culture and landscape in the mountains of Virginia, Georgia, Tennessee, South Carolina, and North Carolina. For centuries, they occupied the Appalachian Mountains and controlled thousands of miles of land, had extensive trade networks with Indian Nations on the eastern seaboard, and had a sophisticated society rooted in deep religious convictions and customs.  

The Cherokees were predominantly an agrarian society, supplemented by the hunting of game for sustenance. On their vast amounts of fertile land, they planted corn, beans, and squash—or the “three-sisters.” In addition to these staple crops, they grew melons, pumpkins, peas, and other wild vegetables indigenous to the mountain region. 

When Europeans first made contact in the sixteenth century, the Cherokees were part of the Mississippian culture (1000-1450 AD). The Cherokee had lived in

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7 Carl Waldman, Atlas of the North American Indian, (New York: Facts on File, 2009), 38-39. Agriculture began in South America and Meso-America before moving northward into North America. Maize (corn) and squash moved much faster than beans arriving into the Americas by 1300. However, these three can be dated back to 10,000 (squash), 6,500 (corn), and 2,500 (beans) years ago.
8 Perdue, Cherokee Women, 18.
the mountains for centuries and were well established with a structured society and religious faith, which were closely linked. The Spanish first arrived in the spring of 1540. Hernando De Soto and his 600 men were on a quest for God, gold, and glory, and they sought to conquer Indian lands and force tribute from them. Neither De Soto nor the Spanish ever completely conquered the Cherokee, but they nevertheless left a wake of epidemic destruction in their path. Much like the native populations of Central America and the Caribbean, the Indians of North America had no immunities to European diseases such as smallpox, and whole communities were wiped out by disease when the Spanish first arrived. This devastated the populations of these small towns, forcing many to relocate to other villages deeper in the mountains.⁹

In the earliest days of colonial and European interaction with Indians of the South, Spanish, English, Scottish, and Irish traders began to become regular residents in Indian villages, and soon there was a thriving trade between the Cherokee and Europeans. From this close interaction, traders conformed to Indian customs to gain access to land and goods. In many societies, they engaged in some sort of ceremony that bestowed the honor of kinship upon the trader so that they

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could conduct business with that group.\textsuperscript{10} To facilitate this process, and gain further access to trade opportunities, European men often married Indian women.\textsuperscript{11}

Many of these intercultural marriages, or arrangements, produced children, which under the matrilineal tradition of Southeastern Indians meant the child was Cherokee and a member of the mother’s clan, not a European. This created conflict between husband and wife because Cherokee women, and her family, had control over the child, not the European father. This was a hard thing for many European fathers to reconcile. Nevertheless, one battle the fathers often won was to have their children educated in European fashion. The result was a literate, formally educated Cherokee with a European father. These children straddled two worlds, the European/colonial of their father and the Cherokee of their mother. These bi-cultural Cherokees would later become important participants in the politics of the late eighteenth and nineteenth centuries and shaped Cherokee relations with white Americans.\textsuperscript{12}

Europeans called these bi-cultural Cherokees “mixbloods.” This became an inaccurate term for their level of assimilation. “Mixblood” came to mean acculturated, and at times, accommodating to government policy. They became the hope of “civilizers” everywhere. These “mixbloods” were seen by Euro-

\textsuperscript{11} Perdue, "Mixed Blood” Indians, 17-30.
\textsuperscript{12} Perdue, "Mixed Blood” Indians, 25, 30-41; Malone, Cherokee of the Old South, 53.
Americans as intellectually superior to their native mother, but inferior to their Euro-American father. These marriages were encouraged by colonial agents, as well as American “civilizers,” as it was the fastest way to reduce Indian tribalism and encourage them to adopt a “civilized” lifestyle.\(^\text{13}\)

As the Cherokees came into contact with more Euro-Americans, they slowly began to adopt European clothing, agriculture, and lifestyle. They dressed in a more European style than their ancestors. Men began to use the plow to till the land and use guns to hunt. Women started to use iron needles and thread to sew and cook potatoes in iron pots. They began to adopt the “civilized” lifestyle of their European neighbors. They soon became dependent on manufactured European goods and stopped making pottery and weaving baskets. These changes made life easier for the Cherokee. But, they were transforming and abandoning centuries of tradition in the process. By the end of the 1700s, some Indian agents and traders believed the Cherokees were “civilized” enough to join white society.\(^\text{14}\)

“Civilization” held a specific meaning to the Indian agents who pushed it upon Indian people. Historian Francis Paul Prucha best described the Euro-American assumptions about “civilization” when he wrote,

To civilize meant to bring to a state of civility out of a state of rudeness and barbarism, to enlighten and refine. It meant as a minimum to lead persons who lived a natural life in the wilderness, relying upon hunting and

\(^{13}\) Perdue, "Mixed Blood" Indians, 52.
\(^{14}\) McLoughlin, Cherokee Renascence, 3; Malone, Cherokees of the Old South, 56.
gathering, to a state of society dependent upon agriculture and domestic arts (spinning and weaving); to this was added instruction in reading, writing, arithmetic, and the truths of the Christian Religion.  

Once a group of people, such as the Cherokees, exhibited these “refinements,” they would be considered “civilized” in the eyes of white society.

In 1700, the Cherokees occupied a vast area of land along the Appalachian Mountain range. The Cherokee Nation was located about 340 miles north-west of Charleston, South Carolina. They controlled around 70,000 square miles from northern Georgia to the southwest region of Virginia, and from eastern Tennessee to western North Carolina. They also shared hunting grounds in Kentucky with several other Indian nations, such as the Iroquois, Chickasaw, Creeks, and Shawnee. Within these borders, the Cherokees’ settlements occupied about 15,000 square miles. It is this vast amount of land that attracted most of the Euro-American “civilizers.”

In the late 1700s, botanist William Bartram visited the southeastern part of the United States. In the written account of his travels, Bartram described the Cherokee Nation’s landscape. “The road this day had led me over an uneven country, its surface undulated by ridges or chains of hills, sometimes rough with rocks and stones, yet generally productive of forests, with a variety of vegetables.

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15 Prucha, Great Father, 1:136.
17 Davis, Where There Are Mountains, 59; McLoughlin, Cherokee Renascence, 7.
of inferior growth.” He went on to mention the reddish, brown clay and brown marl, which makes up much of the soil and is very productive in the areas that are not too rocky for crops. James Adair, a trader that lived among the Cherokee for several months, commented that “There is not a more healthful region under the sun, than this country.” Euro-American men became obsessed with this Cherokee land and sought to control it through civilization efforts. The land’s beauty and productivity was certainly attractive to these men, as would it be to settlers vying for control over it for the next century and more. These men, as well as settlers in the surrounding areas, saw great potential in the cultivation of the Cherokees’ lands, and they sought to take it from them.

This began a long history of land grabbing on the part of the colonists and the Americans. In a series of land cessions to the colonists throughout the eighteenth century, the Cherokee lost much of their territory. The first cessions took place in 1721. That year, the colonial governor of South Carolina, Francis Nicholson, met with several Cherokee chiefs to discuss the cession of a small tract of land between three rivers — the Santee, Saluda, and Edisto — that bordered South Carolina. Although small in comparison to later land cessions, this initial

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18 William Bartram, *Travels Through North and South Carolina, Georgia, East and West Florida, the Cherokee Country, the Extensive Territories of the Muscogulges or Creek Confederacy, and the Country of the Chactaws: Containing an Account of the Soil and Natural Productions of Those Regions: Together with Observations on the Manners of the Indians: Embellished with Copper-Plates*, (Philadelphia: James and Johnson, 1791), 325.
treaty set a precedent for the next one hundred years. In another series of land cessions in 1768, 1770, and 1773, the Cherokees lost thousands of miles of land to encroaching white settlers, something Euro-American “civilizers” saw as a testament to their continued efforts towards “civilization” because of the Cherokees’ willingness to part with “unused” land.21

As more Cherokees began to adopt “civilized” farming practices, the more acculturated Indians, those considered elite and industrious by “civilizers,” began to need additional labor on their land. They turned to slavery as the answer, furthering their acceptance and dependence on the ways of white society. Traditionally, Cherokee slaves had been captives of war, but as the Nation assimilated, they began to differentiate themselves from African slaves and saw them in the same light as white America. In concurrence with this shift, the matrilineal decent structure of Cherokee culture was changed in 1808 when the Cherokee Council decided to allow paternal inheritance of property, something completely new and “civilized” for the Cherokees.22

Whereas traditional Cherokee slavery was seen as a domestic issue, after the introduction of the African slave trade by Europeans, the Cherokees began to change their views on slavery to something as commercial and profitable. Slaves

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22 Perdue, Slavery, 49, 50, 51, 60.
were now seen as property to be bought and sold, not as war trophies won by individuals. Early on, the Cherokees made raids into neighboring states and kidnapped slaves. In addition, they often lured slaves into their territory with the promise of freedom, only to sell them back into slavery. Very quickly, Cherokees learned how profitable slavery was. By the Revolutionary War period, many Cherokees were involved in the slave trade and dealing exclusively in the business, becoming very wealthy in the process. This is partially because the slaves were not always purchased.  

By the 1830s, slaveholders were predominantly Progressive Indians. For example, John Ross and John Ridge and David Vann, all prominent Progressive Cherokees, owned slaves, but they only owned fifty-three combined. Even the most affluent Cherokee slave holder, Joseph Vann, owned 110 slaves. Even the most Progressive minded Cherokees were only able to gain a small amount of wealth, especially compared to their white neighbors, from slavery and farming. Even though they were Progressives, they stood nowhere near the elite white slave-owning class of the South.  

Between the years of 1794 and 1830, the Cherokees experienced an accelerated rate of acculturation and adoption of “civilization.” During this time, all aspects of civilization policy became more entrenched in their society. They

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23 Perdue, Slavery, 38, 46.
began to spread out across the land, away from the villages where the stockades no longer protected them. One of the first steps President George Washington took to “civilize” the Indian was to encourage them to move out of their towns and farm their land. The Cherokees held all land communally and so small farms began to dot the landscape in Cherokee territory. While this was partially due to the encouragement of the federal government, it had a lot to do with the decimation of the towns during the recent Revolutionary War. These towns no longer provided the safety they once did, and the Cherokees left them for the countryside.25

Civilization policy affected the daily lives of the Cherokee and they quickly began to emulate white society. As families moved away from the towns to take up farming, the close knit community life that the Cherokees had experienced dwindled. Men had less time for council affairs and politics and women saw their relatives less often. The once extended network of families in Cherokee society transformed and became nuclear households. As more Cherokees began to farm, the demand for blacksmith shops and gristmills increased. Some of these mills and shops were constructed by the government, while others were built by Cherokee entrepreneurs. This swiftly became a common sight. As Cherokees produced more

corn and cotton, the need for gristmills and cotton gins grew. The Cherokees were beginning to involve themselves in the market economy, a clear sign of their assimilationist status.\textsuperscript{26}

Being a Progressive Indian meant several things, but above all, it was the acceptance of “civilization” as it was described by Anglo-Americans that defined the term. Although he was discussing the Sioux Indians of the Midwest, Herbert Welsh’s account of the Progressive Indian can be applied to most Indian groups, including the Cherokees. He wrote, “A new, progressive, and what may properly be termed Christian party, whose life was begotten, nourished, and trained by missionary enterprise and devotion” has developed. He continued on to say,

In these Christian Indians is to be found abundant food for a study of . . . first awakenings of civilized life rich in variety and suggestion . . . Here is the man from whose face the paint has just been washed, whose clothing is a struggle between civilization and barbarism, Whose hair is still plaited, and into whose darkened mind have fallen the first faint gleams of desire for the ‘new way;’ here is a native teacher, perhaps fairly taught in a reservation boarding school, but only able to speak English imperfectly, struggling single-handed in a heathen camp to win converts to Christian morality and civilized life.\textsuperscript{27}

These words help to explain how white Anglo-Americans interpreted the transformation of Indian people from “savage” to “civilized.” Also gained from his writing is an understanding of how the Indian was to become “civilized.”

\textsuperscript{26} McLoughlin, Cherokee Renascence, 67, 96, 105, 114.
Christianity and education were crucial factors in the process. This was fundamental to colonial and American methods to “civilize” the Indian, and many Cherokees would fall into the trappings of this lifestyle.

The ultimate goal that many Euro-American “civilizers” sought was that one day the Indian would integrate into mainstream American society. This was standard rhetoric when talking about the future of Indian people. Welch exemplified this when he wrote, “The ripest fruit of Indian civilization, is the native minister, or physician, the graduate of an Eastern college, whose wife perhaps is a white woman, whose habits of thought and whose manners are those of a gentleman, and who stands on equal terms with the rest of the world.”

Interracial marriage again was viewed as one of the fastest ways to bring an Indian into a “civilized” lifestyle. This was where the inaccurate term “mixblood” came to mean assimilated.

From the earliest days of the American republic, Americans held the idea that Indians should become “civilized.” Much of what they implemented was directly taken from the colonial policy, with one notable exception. The process by which Americans had sought to “civilize” the Indian previously was through education and Christianization. While these methods remained vital tools in the acculturation process, they nevertheless took a back seat to instilling a sense of

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private property, or land ownership, among the Indian nations of America. The American government began to focus more directly on land. Henry Knox, Secretary of War under President Washington, presented his strategy for “civilizing” Indians to the President. “Were it possible to introduce among the Indian tribes a love for exclusive property it would be a happy commencement of the business.”

This was exemplified by the first act Congress passed concerning the relationship between Indian nations and the United States government. The 1790 Trade and Intercourse Act stated, “That no purchase of lands, or of any title or claim thereto, from any Indians of nation or tribe of Indians … shall be of any validity in law or equity, unless the same be made by a treaty or convention.” This Act placed all purchases of Indian land in the hands of the U.S. government, thereby allowing for a more “legal” process for obtaining land. This also prevented unscrupulous white settlers from deceiving Indians and taking land. In order to “promote civilization,” the Act stated that the President could, “cause them to be furnished with useful domestic animals, and implements of husbandry . . . as he

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shall think proper.” This new policy would be adhered to for decades to come by many Presidents and their Administrations, starting with America’s first President, George Washington.

In a letter written to the Cherokee Indian Nation in 1796, Washington expressed his desire for the Cherokees to continue to accept civilization. “Some among you already experience the advantage of keeping cattle and hogs; let all keep them and increase their numbers, and you will ever have a plenty of meat . . . Your lands are good and of great extent. By proper management you can raise live stock . . . By using the plow you can vastly increase your crops of corn.” Indian agents, such as Benjamin Hawkins, would encourage and facilitate this process. These agents would bring in new technology and teach men to farm and women to sew. This was one of the first efforts by the United States government to “civilize” and control the Indians’ land.

Thomas Jefferson also believed in civilizing the Indians. In his Notes on the State of Virginia, Jefferson outlined his views on the status of the American Indian. His basic assertions were that the Indians’ situation was due to “circumstance.” Jefferson believed that those categorized as “uncivilized” could, through hard work, and the with government’s help, change their “circumstances” and become

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32 Trade and Intercourse Act.
34 Washington to the Cherokees, 1796.
more “civilized.”\textsuperscript{35} This same ideology was reflected in the letters of Knox and Washington. Once an Indian had adopted a “civilized” lifestyle, they would no longer be considered savage. They would become farmers and would not need all the hunting lands the Cherokees at that time claimed. Jefferson wanted the United States government to purchase these useless hunting grounds and then sell them to white settlers moving west. This was the basic understanding “civilizers” had during the early republic. Indians would settle down and farm, and when they did, they would sell vacant land, which reformers thought of as under-utilized hunting land. However, the goal was not just to “civilize” the Indian for their own sake, but more importantly, to “civilize” them for the sake of white expansion.\textsuperscript{36}

Jefferson was the first to consider removing the Indians from the eastern parts of America and relocating them farther west. In 1803, Jefferson purchased the Louisiana Territory from France. While he considered all the possibilities for this newly acquired land, he viewed it mostly in the context of relations between white Americans and Indian nations. He saw this newly purchased land as a place to send Indians who did not want to assimilate and who refused to participate in the civilization policy. However, he also saw it as a place for all eastern Indians to be moved. These Indians would simply exchange valuable land in the east for land in


the west. He admitted that this would take time, which indeed it did because it was not until the presidency of Andrew Jackson that Jefferson’s plan was realized.\(^{37}\)

Until then, it was up to Indian agents to promote “civilization” on Indian land. Benjamin Hawkins was an Indian agent in the Creek nation and a driving force of civilization policy among southeastern Indians. President Jefferson, when elected, extended his role further. Hawkins became one of the most important figures in southeastern Indian affairs in the new republic and antebellum years.\(^{38}\) He brought new technology, such as the spinning-wheel and plow. He delivered modern looms so that women could weave. He taught Indians how to plant cotton and brought the slave culture which surrounded it. In addition, he brought in cattle and taught methods of fertilizing and cultivation of their fields with new iron tools. These new tools brought greater economic security, made life easier, and Cherokees became healthier and more productive.\(^{39}\)

Under Hawkins and Jefferson, many more Cherokees adopted this new lifestyle.\(^{40}\) Benjamin Hawkins wrote, “It is with singular pleasure we have witnessed the advance of this people in the arts of civilization, the acquirement of individual property by agricultural improvements, by raising stock, and by

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\(^{40}\) Wallace, *Jefferson and the Indians*, 204.
domestic manufactures, seems to have taken strong hold of the nation.”

By the time Jefferson was president, many Cherokees had fully adopted “civilized” life. They farmed the land in European fashion, they spoke English, they wore clothes modeled closely after Euro-American fashions, and they were Christianized.

Both during and after Jefferson’s time as president, the Indians of the American Southeast became more reflective of the surrounding dominant white culture. With this, they became increasingly aware of both the civilization policy and their own sovereignty. The United States’ efforts to “civilize” the Cherokee were largely successful. Yet, there was division among the Cherokees. Those who rejected “civilization” were not as agreeable with land cessions to the U.S. government. Strong divides between those who identified themselves as “Traditionalists,” those that rejected civilization policy, and the “Progressives,” those who supported adoption of the policy, created inter-tribal turmoil.

In 1826, this tribal division was further enhanced by the creation of a new national Cherokee Nation with a constitution and set of laws dictating policies. Some saw this as the single most dangerous threat to the traditional social order, and it was the largest step towards adopting civilization policy achieved by the Cherokees. In October 1826, the Cherokee National Council voted to call a

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convention to adopt a constitution for the nation. They, however, met resistance among some traditionalist Cherokees led by Chief White Path. A year prior to this, White Path had been removed from leadership, most likely because of his rejecting of Christianity, civilization policy, and centralization of power, the constitution.\textsuperscript{44}

The debate surrounding the constitution marks one of the first instances in Cherokee history where the stark contrasts in Cherokee ideology can be seen. The Cherokee Council finally agreed on the Constitution in 1827. It addressed many issues resulting from the United States civilization policy, with one important exception: the Cherokees would no longer sell any land to the United States, which had been the main objective of “civilizers.” In Article I, Section 1, the Cherokee Constitution established the boundaries that the nation controlled, but Section 2 also described that “The Sovereignty and Jurisdiction of this Government shall extend over the Country within the boundaries above described, and the lands therein, and shall remain, the common property of the Nation” but any “improvements made” by an individual or their property is theirs as long as “no right nor power to dispose” of any improvements be “to the United States.”\textsuperscript{45}

\textsuperscript{44} McLoughlin, \textit{Cherokee Renascence}, 388.
anyone who was not a Cherokee. This was a clear demonstration of the backlash created by the civilization program. The civilization program had failed to completely dissolve tribalism and had failed to gain access to the majority of Cherokee land.

As the Cherokees became more “civilized,” many began to realize and desire their sovereignty and identified themselves not with white society, but with the Cherokee Nation and the land it possessed. This realization was led by the Progressive Cherokee Nationalists who sought to create and solidify a national identity and who adopted a constitution declaring that no more land would be sold to the United States. This provision was a direct challenge to the American government’s ability to access land through treaty and war. Therefore, the United States government had to take action to ensure the acquisition of Cherokee lands now protected by the Cherokee Constitution.46

By the late 1820s, with the adoption of the Cherokee Constitution, American officials realized that what they wanted out of “civilization” policy, land from unused hunting grounds, would take more time to mature than white planters were willing to wait. Therefore, in order to obtain the much coveted land, the Cherokee had to be removed by force.47

46 Sheehan, Seeds of Extinction, 258.
47 Sheehan, Seeds of Extinction, 243.
Land grabbing reached a new height in 1828, when Georgia demanded the Cherokees give up their land within the borders of the state. Georgia claimed it had authority over the Cherokees, denying the nation had any sovereignty. This sparked a protracted political battle between the Cherokee Nation, the state of Georgia, and newly-elected President Andrew Jackson. Since 1802, when Georgia gave up titles to western lands, the state had been pushing the federal government to remove the Cherokee from the Georgia borders.  

Pressure for their removal increased in 1828 as a result of two significant developments concerning the Cherokees. First, the Cherokees started a national newspaper, the *Cherokee Phoenix*. This newspaper began to print articles about the new Cherokee Nation’s Constitution. In fact, the first thing printed in the first publication was a transcript of the recently adopted constitution. With several other similar publications in the newspaper, Georgians began to understand the extent to which the Cherokees had moved towards nationalizing their people and land. This infuriated many of the state’s residents. They saw this as a threat to their land claims.

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Secondly, gold was discovered on the Cherokee land in Georgia, creating a hysteria state wide. In a very short time, thousands of whites rushed on to the Cherokees’ land to begin mining for gold. The Cherokee Council attempted to have these intruders removed with the help of the Cherokee Indian Agent, who sent in federal troops. This, however, had little effect, and when the governor of Georgia complained to President Andrew Jackson, the troops were removed. The gold rush intensified the push for Cherokee removal.\textsuperscript{51}

Georgia began passing laws that extended authority over the Cherokee’s lands in Georgia. The land taken from the Cherokees was then sold to white, state citizens. This legislation also placed the Cherokees under the laws of the state. Georgia was emboldened by President Jackson’s positive attitude about removing Indian and his support for the state.\textsuperscript{52}

These laws led to two important court cases which decided the sovereignty of the Cherokee Nation. The first was \textit{Cherokee Nation v. Georgia} decided in 1831. The Cherokees attempted to legally prevent the state from taking their land.

This bill is brought by the Cherokee nation, praying an injunction to restrain the state of Georgia from the execution of certain laws of that state, which, as is alleged, go directly to annihilate the Cherokees as a political society, and to seize, for the use of Georgia, the lands of the nation which have been

\footnotesize{\textsuperscript{51} Henry Thompson Malone, \textit{Cherokees of the Old South: A People in Transition}, (Athens: University of Georgia Press, 1956), 172
\textsuperscript{52} Malone, \textit{Cherokees of the Old South}, 172-173.}
assured to them by the United States in solemn treaties repeatedly made and still in force.\textsuperscript{53}

The courts ruled that the Cherokee Nation was a state, but not in the same sense as meant by the United States Constitution. Therefore, the Supreme Court maintained it had no jurisdiction over the case against the State.\textsuperscript{54}

A year later, in \textit{Worcester v. Georgia} (1832), the United States Supreme Court ruled in favor of the Cherokee Nation. One of the Georgia laws passed required whites to have a license to be allowed on the lands that the Cherokee occupied. Samuel Worcester, a missionary, was arrested for being on Cherokee land without a permit. His case made it to the Supreme Court. In the ruling by the Supreme Court, the Justices stated that the Cherokee Nation was a sovereign entity and Georgia had no authority over it. Georgia ignored this ruling, as did President Jackson, and continued to push for removal, which was already under way.\textsuperscript{55}

On May 28, 1830, Congress passed the Indian Removal Act, which gave the President the ability to move Indians where he chose. It stated, “That it shall and may be lawful for the President to have the same superintendence and care over any tribe or nation in the country to which they may remove, as contemplated by this Act, that he is now authorized to have over them at their present places of

\textsuperscript{53} Cherokee Nation v. Georgia, 30 U.S. 1 (1831), US Reports, Decisions of the United States Supreme Court.
\textsuperscript{54} Malone, Cherokees of the Old South, 174-175.
\textsuperscript{55} Malone, Cherokees of the Old South, 175; Samuel A. Worcester, Plaintiff in Error v. the State of Georgia, 31 U.S. 515, US Reports, Decisions of the United States Supreme Court.
residence.”56 With the passing of this act, the United States was declaring that Indian nations were not sovereign and the American government controlled their fate.

Just a few years before, in 1828, John Ross was elected as Principal Chief of the Cherokee Nation. This marked a significant change in Cherokee politics. The Cherokee people were now ready to elect a Progressive, acculturated Indian who was well-versed in the ways of white society. This acceptance of Progressive Indians was in part due to the increasing encroachment of white settlers and the cession of Cherokee land. Although a Progressive Indian, Ross was not willing to work with the federal government and simply move west or give up any land. He fought hard against the government.57

Cherokee removal was traditionally cast as a conflict between the United States government and the Cherokee Nation. But at a local level, within the Cherokee Nation, it was rooted in deep factionalism over the future of the Cherokees. And while past contention had been between Traditional and Progressive Cherokees, the debate over removal pitted Progressives against Progressives in a struggle to execute their plan. There were several key Progressive Cherokee figures in removal. The first was John Ross, Principal Chief of the

56 An Act to provide for an exchange of lands with the Indians residing in any of the states or territories, and for their removal west of the river Mississippi. Twenty-First Congress, Session 1, May 28, 1830, 411. Hereafter cited as Indian Removal Act.
Cherokee Nation. He was a well-educated, acculturated Cherokee nationalist who sought to preserve the rights of the Cherokees to remain in their homes in the East. John Ridge, Major Ridge, and Elias Boudinot, who opposed John Ross, formed the core of what became the Treaty Party, or those who advocated removal. They were joined by David Watie and Stand Watie, as well as a number of elite, Progressive Cherokees. All of them were well-educated and fluent in Cherokee and English. Although they were very similar, they differed greatly on the issue of removal. The debate over removal placed progressive Chief John Ross and the Council against the Treaty Party, comprised of Progressives such as the Ridges, Waties, and Boudinots. Both sides had adopted American civilization, and both were faithfully obedient to the independence of the Cherokee people, but they saw the future of their people in very different terms.58

Chief John Ross and his supporters advocated fighting a peaceful, legal battle with the federal government for their land and rights that would permanently alter the relationship between the two nations. As he aptly put it, “The constituted authorities of Georgia having assumed the power to exercise sovereign jurisdiction over a large portion of our territory...[Andrew Jackson] of the United States, having declared that he possess no power to oppose, or interfere with Georgia on

this matter, our relations with the United States are placed in a strange dilemma.”

It was a dilemma to say the least. The state of Georgia was vying for control over the Cherokee land and pushing for immediate removal. Jackson, who passed the Indian Removal Act and was advocating that the Cherokees move west, placed the Cherokees in dire straits.

The way Ross understood it, the Cherokees could only survive in their present condition if they remained in the east. They could not remain the same nation if they were forced to move west to Indian Territory. For him, it was a fight for survival. He stated,

The idea of concentrating the various tribes of Indians for the object of civilizing and preserving them West of the Mississippi, is the subject of great magnitude, and may perhaps contribute to better the condition of those tribes who have been removed from their lands and are now wandering over the wild and extended plains of the West. But if Indian’s civilization and preservation is sincerely desired and is considered worthy the serious attention of the United States; never urge the removal of those tribes who are now successfully embracing the habits of civilized man within their own limits. A removal of the Cherokees, can never been effective with their consent, consequently, if removed at all, it must be effected by such means, as would engender irreconcilable prejudices, and their dispersion and ultimate distinction would inevitably follow…for the sake of civilization and preservation of existence, we would willingly see the habits and customs of the aboriginal man extinguished, the sooner this takes place, the great stumbling block, prejudice, will be removed.

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60 “Letter to John Q. Adams from John Ross, G Lewis, and Elijah Hicks,” *Papers of John Ross*, 1:105
Not only does this quote express how adamant John Ross was about his people staying in the east, but it showed support for assimilation and disdain for Indian people that had not yet adopted American culture. Being the Progressive he was, he believed that the “habits and customs of the aboriginal man” should be destroyed. He was willing to fight a peaceful non-violent legal and moral battle with the federal government for the Cherokee homeland.61

John Ross was vigilant, as he saw it, in his duties as Principal Chief. And according to an outsider who took up the Cherokee cause, he was described as unmovable on his position that the Cherokee remain in the East. Author William Howard Payne, expressing his concerns about the treatment of the Cherokee, painted Ross in the most positive light imaginable. “But all the Indian haters’ hate is concentrated against the inflexible Chief of the Cherokees, John Ross (intimidation has been attempted against him to no purpose. So has seduction). He has resisted bribery in every instance, even in one amounting to fifty thousand dollars; rather than enrich himself by his country’s ruin, he will remain poor, but honest.”62 Payne’s description of the chief’s resiliency showed how much Ross was unwilling to work with federal officials on the issue of removal.

For others, it was a naive thing to assume the government would back off and let the Cherokees stay in the east. Those who felt this way supported the Treaty Party led by John Ridge. Animosity and accusations of death threats ran rampant as the debate grew more heated between the rival Progressive factions. The Nation was split over what to do about the encroaching American government.63

John Ridge, spokesperson for the Cherokees who advocated removal to Indian Territory, was as equally passionate as Ross. For this reason, Ridge formed a delegation to present their case to Congress and the BIA and to counter claims made by Ross. In early 1835, the two opposing Cherokee delegations went to Washington to discuss the issue of Cherokee removal. These delegations were headed by Ross and Ridge respectively, each claiming to represent the Cherokee Nation. Although Ridge had originally been in agreement with Ross about opposing removal, he soon began to think it impossible to remain in their homeland. He made it known to the President that he was willing to negotiate a treaty for removal based on previous plans set forth by Andrew Jackson. The Reverend J. F. Schermerhorn was appointed by President Jackson as the negotiator to the Ridge delegation and was instructed to ascertain under what conditions his

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63 Wilkins, Cherokee Tragedy, 262-265.
group was willing to sign a removal treaty. Ross attempted to stop the negotiations, but failed to do so.  

Under the agreement worked out between Ridge and Schermerhorn, the Cherokees would give up lands in the east for lands in Indian Territory. They would do so for $3,250,000, plus an additional $150,000 for damages. It also added 800,000 acres of land to the already 13 million agreed upon. But there was many generalities as the finer points and small print of how this was to be carried out was not specified. A final draft of the treaty was reached in March 1835. It increased payment for the eastern land to $4,500,000. Although it was signed then, it had a provision that it must be supported by the Cherokee people at a full Council meeting for ratification.

Ridge’s party, partially due to their advocacy for removal, gained favor in Washington and won out over Ross’s delegation. He left Washington with an almost certain guarantee removal would take place. Ridge stated,

My Dear Respected Chiefs, I have delayed this long in writing to you in the consequence of the hard struggles I had to make against John Ross and his party. At the outset they told Congress that our people had decided that they would choose to be citizens of the U. States [rather] than to remove. We contradicted this and he has failed to get an answer from Congress...We protested against this and we have succeeded to get a treaty made to be sent home for the ratification of the people. It is very liberal in its terms—an equal measure is give to all. The poor Indian enjoys the same rights as the

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—there is no distinction. We are allowed to enjoy our own laws in the west.  

Ridge actually believed that the Cherokees would have it better in Indian Territory. But he was not willing to sign a treaty without the consent of his people. 

In order to help convince the Cherokee people and Council, President Jackson appointed Schermerhorn and General William Carroll to complete the negotiations over the Treaty in the Cherokee Nation. Carroll became ill, so it was left to Schermerhorn to finish the task. He spent the summer and fall of 1835 trying to convince the Cherokee people to accept the treaty proposal, but to no avail. The factionalism between the Progressives was too great, not to mention opposition from the more traditionalist Cherokees.

In October 1835, the Cherokees, in a full Council meeting, rejected the Ridge Party’s treaty. Yet, all was not lost. During the meeting, the Council decided to meet in New Echota on the third Monday of December to discuss treaty negotiations. Anyone not in attendance at that meeting was assumed to have given their consent to whatever treaty was signed that day. After the council meeting was over, authorities arrested John Ross and held him without pressing charges. While he was being detained, the Council met at the designated time and place and agreed

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67 Royce, *Cherokee Nation*, 158
to the Treaty and removal of the Cherokee Nation. John Ross was not in attendance.68

President Andrew Jackson, on December 8, 1835, accepted the signatures of those who attended that meeting. The Treaty stated, “The Cherokee nation hereby cede relinquish and convey to the United States all the lands owned claimed or possessed by them east of the Mississippi river, and hereby release all their claims upon the United States for spoliations of every kind for and in consideration of the sum of five millions of dollars.”69 John Ross was listed at the beginning of the treaty, but was not present for the signing; this made no difference. According to the American government, one Indian’s signature was the same as any others. The Cherokee would be forcibly removed in what would become known as “The Trail of Tears.”70

Beginning in 1838, soldiers went into Cherokee homes and forcibly evicted and detained thousands of Cherokee. Once the Cherokees were rounded up and placed in holding centers, they were sent west in caravans. This “Trail of Tears” was a horrific event that has received much attention in the histories of the United

68 Royce, Cherokee Nation of Indians, 159.
69 Treaty with the Cherokees: Concluded at New Echota in the State of Georgia on the 29 day of December, 1835 by General William Carroll and John F. Schermerhorn commissioners on the part of the United States and the Chiefs Head Men and People of the Cherokee tribe of Indians. Treaties between the United states and the Indian Tribes, 1835, 479. Hereafter cited as Treaty of New Echota.
States. Upwards of 4,000 Cherokees, led by their leader John Ross, died because of the cold of winter, lack of food, and disease on their way to Indian Territory. John Ridge and the Treaty Party members had left for Indian Territory almost a year before the others. After main body of the Nation arrived, Major Ridge, John Ridge, and Elias Boudinot were assassinated on the same day by other Cherokees who were upset over their removal. The Ross faction was accused of being behind it, but they denied it and vowed to find the perpetrators and bring them to justice. Although a majority of Cherokees were removed west, there were some who remained behind, and today their offspring thrive in western North Carolina as the Eastern Band of Cherokee Indians. They remained in North Carolina in large part due to the efforts of a growing Progressive faction that fought the BIA and maintained a Cherokee identity.
CHAPTER II:
THE EBC AND THE RESURGANCE OF PROGRESSIVISM

Beginning in the early 1800s, some of the most traditional of the Cherokees left the Nation’s territory, primarily located in Tennessee and Georgia, and settled not far away in parts of North Carolina. These Oconaluftee, Lufty, or Qualla Indians would later be designated the Eastern Band of Cherokees (EBC). Their name most likely comes from the Oconaluftee River they settled near. The EBC has a tumultuous history, beginning in its earliest days of conception until well into the twentieth century. Even though they began as Traditionalists, Progressivism soon became a presence on the Qualla Boundary, the EBC’s reservation, and was a constant source of factionalism among them. And although they continued to interact with their Cherokee kin within the boundaries of the Nation, they considered themselves separate from the main body of Cherokees and expressed so openly.  

One of the most, if not the most, prominent figures in EBC history was William Holland Thomas. He was a white North Carolina native, adopted EBC member, and white chief of his Cherokee adopted family. Born to a widowed mother near the town of Waynesville, North Carolina, in 1805, Thomas grew up very aware of his Cherokee neighbors. At the age of thirteen, Thomas began

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managing a trading post near the Soco Gap, where the EBC Indians traded furs, herbs, and other goods. It was through his interactions at the store that Thomas learned to speak Cherokee and become familiar with their customs.\textsuperscript{72}

Yonaguska, the chief of the middle towns (those found in North Carolina), became increasingly interested in Thomas. Because Thomas had no father and aided these Cherokees and showed them kindness, Yonaguska sought to adopt Thomas into his clan. He got approval from the clan leaders, and when they agreed, the chief adopted Thomas into the Cherokees. Although Thomas and his mother were unaware of this process, the Cherokees from then on saw him as a brother. They called him Wil-Usdi, or Little Will, because of his short frame. Thomas quickly learned the ways of his adoptive kin and spent his entire life trying to protect them. The reason that the EBC were allowed to remain in North Carolina has much to do with the Thomas’ efforts.\textsuperscript{73}

In 1838, when the United States sent Brigadier General Winfield Scott to remove the Cherokee from their homes and march them to Indian Territory, the EBC were omitted from the numbers to be taken west. While there were many reasons for this, the legend of Tsali has become the EBC’s “creation” story and the reason they stayed in their home land. According to the story, Tsali, also known as


Charley, a member of the Cherokee Nation, and his family were rounded up by soldiers to be taken to a detention center before heading west. After his wife was brutally treated, Tsali, in a rage, killed one of the soldiers and fled into the mountains taking his family with him. The legend said that General Scott agreed to allow the North Carolina Cherokees to stay in North Carolina if they hunted Tsali down and brought him to justice for murder. Upon hearing this, Tsali supposedly surrendered so that his people would not have to hunt him down and could remain in their homeland. The myth makes Tsali into a sacrificial hero who gave his life up so that the EBC could remain in North Carolina.74

Although this story remained relevant until today, the historical facts of this event tells a slightly different story. Thomas was working feverishly to ensure that the EBC people were not associated with the Cherokee Nation based in Georgia. At the same time, he was purchasing land, the first of many such transactions, to help guarantee the EBCs continual residence in North Carolina. He also assisted the federal government in finding the fugitive Tsali and his accomplices. Thomas and several EBC Indians accompanied Colonel William S. Foster’s troops into the mountains and located the group’s camp. Taking a few of the primary suspects in custody, excluding Tsali who had escaped, the members of the EBC executed the prisoners. They did so citing ancient Cherokee customs and agreements with

whites, but it was likely they wanted favor from the general so that he would not go back on his word about letting them stay.\textsuperscript{75}

Having executed the primary criminals, Foster left it up to Thomas and the EBC to punish Tsali. Foster was so impressed and enamored by the EBC that he wrote to General Scott on several occasions requesting that the Qualla Town Indians be left alone and allowed to stay in western North Carolina. “I hope that Euchella and his band (including Wa-chu-ch) may be permitted to remain with Mr. Thomas, and the Lufty Indians...Permit me also to state, that the conduct of the Drowning Bear, the aged chief of the Oco-nee-lyfty was honorable to himself and tribe and useful to me, and I ask that it may be remembered in his and their favor.”\textsuperscript{76}

The EBC Indians were allowed to stay behind in their native lands partially due to their intentional separation from the larger Cherokee Nation and partially due to their white chief William Holland Thomas. However, the undesirability of

\textsuperscript{75} Finger, \textit{Eastern Band of Cherokees}, 22-27; Letter to Major General Winfield Scott from William Holland Thomas, Washington City, March 7, 1846, no.1987.025.001. Removal of the Cherokee Indians Collection. Museum of the Cherokee Indian Archives, Cherokee, NC; Thomas to General Scott March 7, 1846. William Holland Thomas Papers, Duke University Archives, Durham, NC. In these letters, Thomas explains the events and his involvement with the capture and execution of Tsali.

their land by local whites was also a primary reason the EBC remained in western North Carolina.\textsuperscript{77}

Although the EBC remained in the east, the push for them to move west, assimilate, and give up their land continued long after the Civil War and into the twentieth-century. Throughout their struggle, the EBC maintained their right to remain in North Carolina under the stipulations in the Treaty of New Echota (1835). Article 12 of the treaty stated, “Those individuals and families of the Cherokee nation that are averse to a removal to the Cherokee country west of the Mississippi and are desirous to become citizens of the States where they reside” and are qualified to do so may stay and abide by the laws of the state they reside in.\textsuperscript{78} Despite the Treaty of New Echota of 1835, the treaty that brought about removal and that stated that Indians could remain in the east and seek state citizenship, North Carolina refused to accept them as citizens. This was partially the making of Thomas. He did not want the EBC to vote because it would cause factionalism among them, and because he felt that North Carolina politicians would be angered at how they voted. It was for this reason that in the 1850s, Governor Thomas Bragg of North Carolina stated that because the EBC did not participate in the rights of citizenship, they were not citizens. The courts backed


\textsuperscript{78} Treaty of New Echota, 1835
him in this assertion, leaving the legal status of the EBC in the nineteenth century ambiguous.\textsuperscript{79}

Socially, the EBC were mostly united and had not yet faced the pains of factionalism, at least not at the level experienced by other Indian nations in North and South Carolina. On the other hand, alcoholism had gained an early footing. But by 1830, a temperance society had been formed on the Qualla Boundary and alcohol became less of a problem among members. Thomas, again, was important in this effort. But, it was Chief Yonaguska who claimed to have had a vision from the spirit world about his drinking habits. He was told to stop drinking and to prevent his people from drinking alcohol in excess and he did so until his death. Whether or not the chief actually experienced some supernatural vision is irrelevant. What is relevant, however, was that the EBC community believed in his vision, a testament to their traditionalism. And while the EBC continued to consume alcohol, it did not destroy them like it did many other Indian peoples.\textsuperscript{80}

By 1831, Thomas had become the legal spokesperson for the Quallatown Cherokees, the band of Indians that would later become the EBC. Although having no formal legal training, Thomas had studied the books given to him by the store owner he had worked for as a teenager and was as qualified as anyone willing to

\textsuperscript{80} Finger, \textit{Eastern Band of Cherokees}, 67-68.
help the Indians in that area. In 1839, when his adoptive father died, Thomas became the acting Chief of the EBC Indians.\textsuperscript{81}

Although the EBC were the most traditional of Cherokees, they nevertheless allowed a white man to be adopted into their nation and become acting chief for many years, 1839-1868. Thomas was devoted to maintaining the Cherokee identity and autonomy of his adopted brethren. Despite the fact that he had worked with the federal government to bring in Tsali, he did so to ensure the survival of the EBC, not in an effort to collaborate with the soldiers due to some underlying patriotism to the United States.\textsuperscript{82}

Though they had long been considered the most traditional of the Cherokees, traditionalism was steadily in decline on the Qualla Boundary. EBC Indians were beginning to slowly transform their society and adopt more “civilization” elements. However, even though their chief was a Progressive white man, on the eve of the Civil War, traditionalism was still supreme in Quallatown, the Eastern Band’s main municipality, which was located in Swain County, North Carolina.\textsuperscript{83}

At the onset of the Civil War, Thomas, a staunch Confederate, organized around 200 Eastern Cherokees into a militia unit called the Junaluska Zouaves. What was apparently a two battalion group, organized for the local defense of the

\textsuperscript{81} Finger, Eastern Band of Cherokees, 31; Hauptman, Between Two Fires, 106.
\textsuperscript{82} Finger, Eastern Band of Cherokees, 29, 31.
\textsuperscript{83} Finger, Eastern Band of Cherokees, 10, 60-61.
region, soon fell into obscurity from lack of support from Thomas, who was too busy in Washington and Raleigh. Thomas was busy planning a bigger role for the EBC in the Civil War, one that would bring him to prominence and secure the EBCs residency in North Carolina.\footnote{Louis H. Manarin, Weymouth T. Jordan, Matthew M. Brown, and Michael W. Coffey, \textit{North Carolina Troops, 1861-1865: A Roster}. 18 vols. (Raleigh, NC: State Department of Archives and History, 1966), 16:16.}

In 1862, Thomas formally created two EBC military companies, A and B. Combining these with companies of white men formed a regiment, and Thomas became a colonel in the Confederate Army. Thomas’ Legion was born. The Legion was originally created to protect the swamps and lowlands of North Carolina, a disease ridden and undesirable assignment. However, Thomas had different plans. Because of his relationship to Confederate President Jefferson Davis, Thomas was able to secure a new role for his beloved regiment. The Appalachian mountain passes that connected Tennessee and North Carolina were important to the protection of North Carolina, so Thomas’ Legion would become responsible for the Kentucky, Tennessee, and North Carolina mountains.\footnote{Walter Clark, \textit{Histories of the Several Regiments and Battalions from North Carolina, in the Great War 1861-'65} (Raleigh: E.M. Uzzell, printer, 1901), 729.}

In Knoxville, Tennessee, on September 27, 1862, the Legion was completed with the election of officers for the ten companies. These companies were designated as A through K, with companies A and B being comprised of the Indians of the EBC. The remaining was comprised of poor whites from western
North Carolina. Each company had anywhere from ninety-nine to 137 men, making a total of 1,125 officers and men.\(^\text{86}\) Thomas originally dubbed his Legion the Highland Rangers, but like many wealthy men who created Legions during the war, he attached his name to the unit, possibly in an effort to gain prestige.\(^\text{87}\)

Outside Knoxville, Thomas was ordered to establish a camp on the Straw Plains in order to guard the bridge crossing the Holston River, which was the main line for the East Tennessee and Virginia Railroad. This railroad connected the Strawberry Plains to southwestern Virginia.\(^\text{88}\) Affectionately named after a famous Cherokee Chief, Camp Junaluska was home to the Eastern Band and the Legion in the early days of the war.\(^\text{89}\) Almost as soon as the camp was established, disease swept the Legion. What enhanced the rapid spread of the diseases further was that the Indian soldiers, being isolated in the mountains and with few outside contact with whites, did not have the natural immunities their fellow white soldiers. It was during this first epidemic that the unit suffered its first death. An unidentified Cherokee was suffering from a fever. While recovering, he consumed some partially ripened cherries and died the next day. Disease, as with most Civil War

\(^{88}\) Manarin, Jordan, and Coffey, *North Carolina Troops*, 16:11
\(^{89}\) Manarin, Jordan, and Coffey, *North Carolina Troops*, 16:12
encampments, was rampant and costly, but the unit survived and would soon see
direct action on the battlefield.\footnote{Manarin, Jordan, and Coffey, North Carolina Troops, 16:16.}

Thomas’ Legion first saw action in September 1862 at Baptist Gap in
Tennessee. Most of the orders given to the Indians of the Legion were for scouting,
reporting on enemy troop movements, and guarding, like they did on Strawberry
Plains. Their assignment at Baptist Gap was no exception, yet it turned out to be a
very important event. From the peaks of Baptist Gap, there is good view of the
Cumberland Gap, an important pass in the mountains. Because of this view,
Baptist Gap, although little more than a footpath and horse trail, was of strategic
importance. The detachment of Legion Indians was assigned to guard the trail and
watch out for troop movements. As larger units of Confederate and Union troops
positioned themselves around the Cumberland Gap, the Indian battalions at Baptist
Gap were left alone as their commander and other units went to support other
efforts. As the commander and troops returned to Baptist Gap, they heard gunfire
and war whoops from the Cherokees; the part of the legion that had stayed had
engaged federal troops. This was their first major battle, but it was not their most
significant.\footnote{Clark, Histories of the Several Regiments, 736.}
In May 1865, as the Civil War was coming to an end, the Legion was scattered across western North Carolina. The region had just fallen to Union Army officer George Stoneman and his troops. A small detachment of the Legion, led by Lieutenant Robert T Conley, was on its way to meet Thomas, who was about to engage Union Lieutenant Colonel William C. Bartlett, when the two crossed paths at White Sulphur Springs, North Carolina. Conley and his men surprised Bartlett and fired on them until the Union soldiers fled. It is this minor skirmish in western North Carolina that is credited with the last shots of the Civil War east of the Mississippi.92 Walter Clark, a Civil War soldier, described these events. “General Martin hearing nothing from us at Franklin, went towards Waynesville with Major Gordon... Colonel Thomas had demanded the surrender of Bartlett's forces, and that next day... was fixed for a further consultation. This was the last gun fired during the war in this State.”93 The next day, May 7, Thomas and his Legion surrendered to Bartlett in Waynesville, North Carolina, almost a month after General Lee surrendered the Confederate Army at Appomattox. The EBC had fought hard and suffered greatly in the Civil War and was rewarded with the security of residency in North Carolina.94

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93 Clark, *Histories of the Several Regiments*, 761.
94 Manarin, Jordan, and Coffey, *North Carolina Troops*, 16:246
The primary reason for the EBC’s decision for fighting the war was to gain recognition by the state of North Carolina, something that Thomas encouraged. In 1866, as a result of the Band’s participation in the war, North Carolina granted them the right of residency in North Carolina. The Cherokees had seemingly won their battle. Yet, this new status did little in relief and aid for them. Without some sort of help with finances or food and supplies, the EBC’s right to stay in North Carolina meant nothing. They could not get help from the state of North Carolina because even though they now had the right to stay, the new law did not give them citizenship. This only further complicated the legal status of the EBC, and it would take some sort of effort by either the state government or the federal government to clarify their status.95

After fighting in the Civil War for the Confederate Army in Thomas’ Legion, EBC soldiers returned home to the Qualla Boundary, bringing with them the pains of war. Almost immediately upon returning home, a measles epidemic broke out among the EBC. Many in Thomas’ Legion were captured by Union soldiers, while some abandoned the regiment for the Union Army. It was supposedly one of these EBC Indians that carried home the deadly disease. As

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historian John Finger aptly put it, “Simple survival was the foremost concern of the Cherokees following the war.”

The outbreak was horrific for the EBC. Many traditionalist Cherokees blamed it on Yankee magic and saw it as a curse for participating in the Civil War. Many of the Cherokees relied on ancient methods to combat the disease. For example, one method of prevention was to hang a skunk above the doorway to keep out the smallpox. Once a Cherokee was afflicted with measles, rather than use modern medicine, many relied on an old cure that had devastating effects on the one practicing it. In traditional Cherokee medicine, if an Indian was sick, he or she would engage in a sweat bath. Once the body temperature was elevated, he or she would run from the tent and submerge themselves into the icy cold water of a mountain stream. Modern medicine says this was a terrible way to treat smallpox, and many who practiced it died as a result. These examples do not display the ignorance of Cherokees, but rather convey their resiliency in maintaining culture and show that even after the war, many Band members engaged in traditional Cherokee medicine. In an effort to stop the disease, William Holland Thomas hired a doctor and attempted to purchase medicine for the Band. Despite his best efforts,

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nothing could be done. The disease ran its course and finally died out in 1866 after claiming 125 EBC lives.\textsuperscript{97}

Not only did the Cherokees face this epidemic, but the war had left their land, people, and way of life in ruin. Upon returning home, the Cherokees’ fields were ruined. Their children were uneducated and malnourished. In addition, they now faced factionalism and alcoholism, both virtually absent from the antebellum period. Factionalism created divisions over politics, ideology, culture, society, and so forth. In this case, those who had defected and fought for the Union were ostracized by the community. Qualla Town became a hotbed of animosity and opposition. This was partly due to Thomas and his post-war reputation. Many Indians became disillusioned with Thomas as a commander and as a chief, stemming from his inability to stop the smallpox outbreak. After the war, because of decisions he made in entangling the EBC in the war, many of his people did not trust him and turned their backs on him. His drop in prominence and influence created a vacuum of power within the EBC, a struggle that would continue well

into the twentieth century. It was clear in 1866 that the Eastern Cherokee were desperate. They needed help from the state and federal governments.  

Following the decline of Thomas as the leader by 1867, the EBC people, who for so long were under the guidance of the white chief, were unable to fight against the Progressive EBC members in Cherokee and Macon County. George Bushyhead, a Progressive Cherokee and headman of Sand Town in Macon County, North Carolina, filled the power vacuum created by the absence of Thomas. Even though the Qualla Town EBC sent a petition to President Johnson accusing Bushyhead and James Taylor, a cohort of Bushyhead, of being worthless and deceiving, Bushyhead still came to power.  

Their mistrust of the new leader stemmed from his Progressive ideology and his tendency to favor removal. In the years following the Civil War, 1865-1870, he made the public aware of the conditions on the Qualla Boundary and lobbied state and federal agencies for relief. At the state level, Bushyhead both applied for a reservation and for assistance in the form of clothing and food. The state provided neither. Instead, they supplied him with $100 to go to Washington, D.C. to plead his case. He had no better luck there either. He was told by the Commissioner of

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98 John B. Jones to Dennis Cooley, March 16, 1866, M-234 100/515. Letters Received Indian Office; Finger, *Eastern Band of Cherokees*, 100; Finger, “Cherokee Accommodation and Persistence,” 38.

Indian Affairs, Dennis N. Cooley, that the federal government had no authority to provide assistance because the EBC were citizens of North Carolina. Yet, North Carolina still refused to acknowledge this.\(^{100}\) Bushyhead was supported by an equally Progressive Indian named James Taylor. Following the Civil War, it would be these two individuals who voiced the concerns of the EBC people, whether they agreed to it or not. One of these claims was that 800 Cherokees wanted to remove to Indian Territory. Bushyhead requested clothing and supplies for their trip from the President.\(^{101}\)

Although there were those among the EBC who opposed Bushyhead, they were powerless to stop him. In December of 1868, Bushyhead and Taylor supporters organized what became the first post-war annual Council meeting at Cheoah in Graham County, North Carolina. Progressivism was predominate in Cheoah and surrounding Graham county. At this meeting, they approved “wardens” for poor EBC Indians, designated a group to go to Washington, DC, to plead their case to Congress, and decided that anyone seeking public funding from the EBC would have to prove their Cherokee “blood.” As a final blow to the old ways, the Council determined that all power of attorney held by Thomas was null and void. This Council also made an important step towards Progressivism and

\(^{100}\) Bushyhead to Cooley, March 19, 1866, M-234 100/233-236. Letters Received Indian Office; Finger, *Eastern Band of Cherokees*, 103.

\(^{101}\) Bushyhead to the President, March 15, 1867, M-234 101/630. Letters Received Indian Office; Bushyhead to Cherokee Indian Agent Taylor, June 9, 1868, M-234 101/810 Letters Received Indian Office; Finger, *Eastern Band of Cherokees*, 102,103.
sovereignty when they introduced an EBC constitution without the permission of the BIA. The document outlined a provisional governmental structure based on representation by the people. Each town would elect one representative for every 150 residents. The Council would then appoint a chief for the EBC who would hold office for four years at a time. In addition, they created other offices and laws on how the EBC would operate. Although not everyone accepted the new constitution, it was clear by this time that Progressivism had taken hold on the Qualla Boundary and was again deciding the fate of the Cherokee people.102

Bushyhead, in 1869, was declared the Principal Chief of EBC Indians. Under the 1868 Constitution, whoever held the position of chairman of the council was automatically deemed chief. Although many traditionalist Cherokees backed the election of Flying Squirrel, the Progressives of Macon County backed Bushyhead as chief and he held that position until he retired due to illness in 1870. His successor, John Ross, was then named chairman of the Council and Chief of the EBC. Ross joined Taylor and the two renewed their zeal for Progressivism on the Qualla Boundary.103

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103 Bushyhead et. al. to Parker, February 9, 1870, M-234 103/104. Letters Received Indian Office; Cherokee Council of March 24, 1870, M-234 103/991-995. Letters Received Indian Office; Finger, *Eastern Band of Cherokees*, 113.
A rival council was created in 1870 to combat the growing authority of the Bushyhead-Ross-Taylor faction. Lloyd R. Welch, Henry Smith (father of Nimrod Jarrett Smith), and others created a council that would meet at Quallatown. Quallatown residents were predominantly more traditionalist than those in Graham and Macon counties. This group elected Flying Squirrel as Principal Chief of the EBC and John Jackson as Vice Chief. Flying Squirrel was more of a Traditionalist in the minds of the EBC, but even he was not opposed to some progressive ideology. This was evident in the creation of a new rival constitution that allowed males of sixteen years of age to vote in general elections. In addition, a delegation was appointed to go to Washington, DC to represent the EBC. Welch, a man even more progressive than Flying Squirrel, headed the group with Flying Squirrel and others joining as well.104

Once again, factions of Progressives were battling over the future of the Cherokee people. The Taylor-Ross Cheoah Council also sent a delegation to Washington to meet with the BIA, headed by Ross. Both the Quallatown Council and the Cheoah council demanded to be heard. The BIA refused to deal with both delegations and informed them that they had to confer amongst themselves and appoint a Principal Chief, and that is who would be talked to by government officials. After a heated debate, Ross ended up with the nomination, despite the

protests of Flying Squirrel and over one-hundred EBC Indians. The Progressive factionalism was red hot by this point and showed no signs of cooling off.\textsuperscript{105}

In an 1875 election, Lloyd Welch was victorious over John Ross and took Flying Squirrel’s position as Principal Chief. Once again, not everyone agreed on the legitimacy of the election, but Welch had more support and became the leader of the EBC. Even the Indian Agent to the EBC, William McCarthy, accused the newly-elected Chief Welch of rigging the election. He was convinced that many Indians did not know about the election, allowing Welch to be elected. The factionalism among the Progressives during this time got so heated that it got government officials involved, something McCarthy almost paid for with his job. Even the Ross-Taylor faction turned on McCarthy for interfering with EBC politics, especially after McCarthy stuck his nose into Ross’ business. Welch, Ross, and Taylor all rejected the interference by the federal government, unless it was to obtain funds of some kind. They did not enjoy the BIA interfering with the EBC’s government.\textsuperscript{106}

The remainder of the 1870s was locked in battles over land and lawsuits. The Progressives of Cheoah maintained that their Council was legitimate, while Welch in Quallatown remained the Principal Chief of the EBC. Yet the aging

\textsuperscript{105} Finger, \textit{Eastern Band of Cherokees}, 116; Lang to Ross, September 6, 1871, M-234 109/1778-80. Letters Received Indian Office; Flying Squirrel to Walker, 1872, M-234 105/147-151. Letters Received Indian Office.

Welch soon passed the torch to a very prominent EBC Indian and the son of Henry Smith, an original member of the Quallatown faction.

Nimrod Jarrett Smith was elected as Principal Chief by the EBC Council in 1880 after the death of his predecessor, Chief Welch. He held this position for eleven years and was the most powerful figure on the Qualla Boundary. Smith was born in 1837 to Mr. and Mrs. Henry Smith of Murphy, Cherokee County, North Carolina. Growing up, he received a decent education and spoke both Cherokee and English fluently. During the Civil War, at the age of twenty-five, Smith had enlisted in Thomas’ Legion and obtained the rank of sergeant. He was also the council clerk when the 1868 EBC Constitution was created. He was married to a white woman and had four children. All of these things made him a “Red Progressive” Cherokee and ideal for the job as Chief of the EBC.¹⁰⁷

In Chief Nimrod Smith’s first inaugural address he spoke of his desires for the EBC people.

My energy and efforts have been used at all times to preserve the unity of our tribe residing east of the Mississippi, to secure our rights under the treaties, and remain in our native country, which is endeared to us by the graves and sacred relics of our ancestors; here, where the bones of our children, sisters, brothers, fathers and mothers lie; here, on these sacred hills, our resting place shall be, and our endless sleep shall be beside the humble

tombs of our illustrious Chieftains, Juneluski and Yonaguski. We will not, we cannot leave them. The homes surrounded by the scenes of our childhood, the stately mountains, the rich valleys, the beautiful streams and crystal waters, the happy hunting ground of our fathers, the place of our nativity; here in this new Switzerland we will ever remain: where our lives, liberties and property are secure, where we enjoy the rights of citizenship with our white brethren.\textsuperscript{108}

He went on to explain that on one of his many trips to Washington, he was informed that the Indian Office had no idea that so many Cherokees remained in the East, and that of those that did, the BIA was under the impression that they wanted to remove west. Smith claimed he informed the Commissioner of Indian Affairs that this was not the case and that his people were going to stay in the mountains of North Carolina and assert their sovereignty.\textsuperscript{109}

Smith lived up to his word and was a force to be reckoned with on the Qualla Boundary. Without obtaining the permission of the BIA, he allowed the renting of EBC land for timber production in an attempt to gain revenue for the EBC. This act of independence was quickly stopped by Indian agents like William McCarthy, appointed to the EBC in reaction to Smith’s efforts to ignore the BIA and conduct business without their consent. Soon after taking office in 1883, Smith began bringing in Quakers to the Qualla Boundary who built schools and educated

\textsuperscript{108} Inaugural Address of Honorable N. J. Smith, Principle Chief of the Eastern Band of Cherokees, Delivered Before the Annual Council at Cherokee Council House, Cherokee, Swain County, North Carolina, October 4, 1883, Nimrod Jarrett Smith Collection, 1987.033.001, Museum of the Cherokee Indian Archives, Cherokee, NC.

\textsuperscript{109} “Inaugural Address of Honorable N. J. Smith.”
EBC children in Christianity and arts of civilization, such as farming. Smith was active in bringing elements of American culture to the EBC, but did so without the help of the federal government and openly defied it on several occasions.\textsuperscript{110}

As chief, Smith attempted to gain revenue to pay taxes on the EBC land, which North Carolina insisted they pay or it would be sold at auction by leasing land to lumbermen to cut down trees. In 1881, Smith attempted to sell a large grove of chestnut trees near the Big Cove community. However, Indian Commissioner Hiram Price was furious and questioned Smith on what authority he had to sell this land and forbid him to sell anymore. Because some of the trees had already been cut down, the local Indian Agent Samuel Gibson arranged to have them purchased, but no land was ever sold. The BIA only allowed for enough timber to be cut for payment of land taxes. The BIA at this time began to flex its power on the EBC reservation. Preventing the cutting of lumber was a power move against the uncooperative Chief Smith. However, some EBC Indians openly defied these rules.\textsuperscript{111}

James Taylor, who staunchly opposed federal intrusion onto EBC land, was known to ignore laws forbidding the cutting of timber in excess. He did so claiming that it was their land and they had the right to cut it down. Timber revenues ultimately saved the EBC from their destitution in the late 1800s, not the

\textsuperscript{110} Finger, \textit{Eastern Band of Cherokees}, 142
\textsuperscript{111} Finger, \textit{Eastern Band of Cherokees}, 147-149.
federal government nor the state of North Carolina. The timber industry and the sale of the land where it was profitable was a major source of contention among EBC members and with the federal government. While some Cherokees advocated the sale of these lands, other Cherokees were for harvesting the lumber and selling it for profit. What was certain, however, was that the EBC needed to pay the taxes on the land and provide revenue for its people. The EBC did not lack the forests; there were over five million feet of boards along Soco Creek, near Cherokee, NC. Yet, ownership of the timber was a major issue. The EBC constantly fought the BIA over who had the right to cut and sell the timbers. Because of this, the EBC, for a brief time, experienced some of the old cohesion. Even Taylor backed Chief Smith in his efforts against the agency\textsuperscript{112}

Even though Bushyhead, Taylor, and Ross on the one hand and Thomas, Welch, and the Smiths on the other were on opposing sides of many debates and conflicts, they agreed on one thing, and that was to keep the federal government out of EBC business. Although at times it was necessary to work with the United States, it was only out of necessity placed upon the leaders—for funds, land, and treaty rights—not the Indians themselves actively seeking to involve and work with the federal government. Despite not wanting government interference, they still needed answers regarding their legal status; were they or were they not

\textsuperscript{112} Finger, \textit{Eastern Band of Cherokees}, 149-151.
citizens of North Carolina? If not, then they were an Indian reservation under the federal government’s control. If they were citizens, then they should be afforded the rights of citizens of North Carolina.

Finally, in 1886, the United States Supreme Court ruled in *The Cherokee Trust Funds*, a case concerning annuities and payment of lands sold by the Cherokee Nation in Indian Territory, that the Eastern Band of Cherokees were citizens of North Carolina and had no connection with the Cherokee Nation, nor did they have rights to their payments. The ruling stated,

> The Cherokees in North Carolina dissolved their connection with their nation when they refused to accompany the body of it on its removal, and they have had no separate political organization since. Whatever union they have had among themselves has been merely a social or business one...no treaty has been made with them; they can pass no laws; they are citizens of that state [North Carolina], and bound by its laws.\(^{113}\)

This court ruling did little to secure or help the EBC. This decision held no substantial law binding basis, and thus could be overturned by any court. This ruling left the EBC’s status just as ambiguous and vulnerable as before because without state citizenship, the EBC lacked access to funds and voting rights.\(^{114}\)

Therefore, in 1897, the United States District Court in North Carolina, in *U.S. v. D. L. Boyd*, was able to state that they were not citizens of North Carolina.

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\(^{114}\) Cherokee Trust Funds, (1886); Finger, “Cherokee Accommodation and Persistence,” 41.
They paid taxes to North Carolina, but were increasingly denied the right to vote. The EBC were in a state of quasi-citizenship.\textsuperscript{115} This meant that although they were not acknowledged by North Carolina, the federal government considered them citizens of the state and denied funds for relief. Without a discernible citizenship, it was easy for the BIA to deny the EBC funds. They were neither citizens of a state, nor wards of the federal government. They had to fight to receive help from the BIA. Yet, at the same time, the BIA continued to extend control over the group and treated them as though they were their guardians. This plagued the Cherokees for almost a century, from before the Civil War to the 1920s.\textsuperscript{116}

One of the primary tools of forced-acculturation was education. Through education, it was believed by whites and the federal government that Indians would become “civilized.” The Bureau of Indian Affairs formally took control of the Eastern Band of Cherokees’ schools in 1892. The takeover ended what was established by the Quakers in 1881 on the Qualla Boundary. The new educational reform was much more repressive than the “Quaker Policy” of President Ulysses S. Grant. Under the Quakers, they allowed for some Indian culture to survive. The new program controlled by the BIA was strictly designed to discourage and destroy Indian culture in its students. This was not to say that acculturation was not

\textsuperscript{115} Finger, \textit{Eastern Band of Cherokees}, 174.
a goal of the Quaker schools, but that some tolerance was permitted for Indians to practice their culture. In addition, attendance at school was not required, allowing more traditional EBC members to resist assimilation. Unfortunately, a combination of dwindling national support for the Quaker policy and the corruption of a Quaker superintendent validated the transfer of school control to the BIA.\(^{117}\)

Soon after taking control in the early 1890s, the BIA ushered in a new forced acculturation policy. In order to help facilitate this, they instituted mandatory attendance at the schools, many of which were boarding schools located miles from Indian reservations. At these schools, women were trained in domestic arts such as sewing, darning, mending, and learning the proper use of a sewing machine. They were taught these skills not merely for their own benefit, but with the intention that they would become maids in the homes of whites. Young boys at the school were taught farming skills. This curriculum was continued until John Collier and the Indian New Deal in 1933.\(^{118}\)


CHAPTER III:
THE INDIAN NEW DEAL AND EBC PROGRESSIVES

The Dawes Act, authored by Senator Henry Dawes of Massachusetts in 1887, set out to accomplish several key aspects of the “civilization” policy, such as obtaining land, destabilizing tribal sovereignty, and placing individual Indians on small plots of land. The Act broke up established reservations, which had been agreed upon in treaties and placed American Indians on their own tracts of land, thereby destroying a communal property tradition. The Act held that 160 acres would be allotted to families, each single Indian over eighteen years of age and orphaned children were to receive eighty acres of land, and all others born after allotment were to receive forty acres of land.¹¹⁹ The Dawes Act issued 32,800 plots amounting to 3,285,000 acres of land, while Indian Nations sold 28,500,000 acres of “unused” land, all in the span of thirteen years, from 1887 to 1900.¹²⁰

For the EBC, the idea of allotment was met with mixed reactions. Some of them welcomed the idea of allotment. Others rejected the idea completely. The prevailing idea throughout the 1880s by “civilizers” and Indian agents was that the EBC were not yet ready to control their own land. This was refuted by several

¹²⁰ Priest, “The Dawes Act and Indian Reform,” 85-86.
acculturated EBC members, but nonetheless, the federal government was hesitant to allot the Qualla Boundary. This was partially due to the small amount of available land unoccupied by EBC members already. The EBC had already divided the land and allocated its use to individuals. Therefore, the only thing allotment would change would be how it was owned, by the individual and not the EBC as a whole. Ultimately, allotment would never be forced upon the EBC, but the issue was brought up several times over many years until the 1930s when Franklin D. Roosevelt was elected President and John Collier was appointed as Commissioner of Indian Affairs and the approach to Indian peoples changed drastically.\footnote{121}

One bright spot in the lives of the EBC Indians, and Indians across the country, was the passing of the Indian Citizenship Act in 1924. Unlike previous citizenship legislation, much of which was outlined in the Dawes Act, this Act required no proof of a “civilized” lifestyle to be considered a United States citizen. It was a blanket, all-encompassing piece of legislation that settled the status of many Indians, especially the EBC.\footnote{122}


\footnote{122} The Dawes Land Allotment Act of 1887; An Act to authorize the Secretary of the Interior to issue certificates of citizenship to Indians. Sixty-Eighth Congress, Session 1, Jun 2, 1924, 253. Hereafter cited as Indian Citizenship Act (1924).
After taking office in 1933, President Franklin D. Roosevelt also wanted to institute a “New Deal” for American Indians. The President faced growing pressure from American Indian rights advocates such as the American Indian Defense League. Formed in 1925 by John Collier, the organization’s purpose was to aid Indian groups in their efforts to maintain their identity and fight the BIA and its rapid assimilationist policies. The newly elected President sprang into action to save Indians from cultural, economic, and political collapse.123

The Indian New Deal was initiated with the appointment of Harold L. Ickes as Secretary of the Interior. Ickes was chosen by the President because of his liberal views, his beliefs in conservation, and his ability to persuade Midwesterners to join the Democratic Party. Ickes, shortly after taking office, tried appointing John Collier as Commissioner of Indian Affairs, meaning he would head up the Bureau of Indian Affairs. The United States Senate initially rejected the appointment. There were several other candidates for the position. Many were backed by powerful senators, such as Oklahoma Senator Elmer Thomas and Joseph T. Robinson, the Senate majority leader from Arkansas, who supported Edgar B. Meritt, his brother-in-law. After a meeting between Robinson, Ickes, and

Roosevelt, Robinson withdrew his support and his objections. John Collier’s appointment was confirmed nine days later.¹²⁴

Soon after Collier was sworn in on April 21, 1933, he expressed his vision for the Bureau’s future. While praising his predecessors’ actions in the area of education and healthcare, he declared his intention to help the Indian nations of America regain lost land, to help them become more independent, while at the same time asserting that Indians had the right to adopt whatever lifestyle they choose.¹²⁵

Collier’s relationship with President Roosevelt and Ickes was good. Because of this, and with the Great Depression sweeping the nation, Collier had a great deal of freedom to shape federal policy. Revolutionizing the methods that former BIA commissioners had followed, Collier began to promote ethnic and cultural revitalization among Indian groups. He rejected the notion that Indians had to be forcibly assimilated into mainstream white society. Rather, he believed that in order for the American Indians to survive, it was necessary to promote Indian culture. Although he eventually saw Indians being brought into mainstream

¹²⁴ Philp, John Collier’s Crusade for Indian Reform, 46.
¹²⁵ Philp, John Collier’s Crusade for Indian Reform, 117-118.
society, it was not necessary for it to be immediate or even within the next century. He pursued a more gradual course of action.\textsuperscript{126}

Collier saw the role of the BIA as advisory, not supervisory. He felt that the Bureau had been too controlling in the past, which had harmed Indian groups financially and devastated their communities. The Dawes Act was one policy Collier saw as too damaging to Indian culture, financial security, and community. He also rejected the then current philosophy on education. Instead of attending boarding schools far away from their parents, Indian children would now attend day schools located on the reservations. This new method would allow students to learn the skills they needed but at home where they could maintain their cultural heritage. Under Collier’s guidance, the American government would no longer oppress the Indians, but would help them survive, both physically and culturally.\textsuperscript{127}

Collier faced some obstacles, however, and relied on his relationship with Roosevelt to overcome them. The Board of Indian Commissioners had been established in 1869 to oversee the BIA and its commissioner. Made up of ten unpaid members who were primarily humanitarians, such as William Welsh and President Ulysses Grant’s close friend, George Hay Stuart, the Board was to keep a close eye on the BIA and suggest policies they felt would help the American


\textsuperscript{127} Olson and Wilson, \textit{Native Americans in the Twentieth Century}, 109.
Indian.\textsuperscript{128} In 1933, most of the members of the Board still held on to nineteenth-century policies, especially the Dawes Act, and still believed assimilation policy was ideal for helping Indian people. Rather than challenge the Board members, Collier went to the President and asked him to do away with the Board. Shortly after, the President issued an Executive Order disbanding the Board of Indian Commissioners.\textsuperscript{129} This is just one example of the type of power Collier extended in regards to Indian affairs.

With the Board of Indian Commissioners gone and confident of the support of the President, Collier was able to appropriate millions of dollars in relief money for destitute Indians. The Great Depression was hitting the reservations and Indian communities hard, and many Indians were out of work, and required assistance from the EBC Council. And although some Indians were working for the Civilian Conservation Corps, Collier went one step further. With the help of Congress, he initiated the Indian Emergency Conservation Work program. In addition, Collier managed to get Indians hired for many other New Deal work programs. He also got clothing and supplies and secured for them opportunities to obtain livestock through the Department of Agriculture. Because of Collier’s efforts, Indians

\textsuperscript{128} Olson and Wilson, \textit{Native Americans in the Twentieth Century}, 109; Prucha, \textit{Great Father}, 502-503.

\textsuperscript{129} Olson and Wilson, \textit{Native Americans in the Twentieth Century}, 109.
weathered the Great Depression, and in some cases, had a higher quality of living than they had previously experienced.\textsuperscript{130}

John Collier also made drastic changes in the area of Indian education based on a report that was completed in the previous decade. In the mid-1920s, pressure from Indian rights activists like Collier pushed Indian reform to the forefront of many in Congress, and increasingly they grew louder and more demanding. Because of this, Secretary of the Interior Hubert Work, under President Coolidge (1923-1928) asked the Brookings Institute to examine the BIA and write a report on the findings. This document, known as the Meriam Report, came out in 1928 and was a scathing indictment of the Bureau’s handling of Indian affairs. While the Report assessed all aspects of the B.I.A., the Education Section truly suggested the need for major reform measures and it became the basis for Collier’s education reforms.\textsuperscript{131}

The Education Section of the document was primarily written by a well-known and respected educator, Dr. W. Carson Ryan Jr. His ideas on education came right out of the Progressive Era, when education was approached through an understanding of life outside of the school. His part of the Report rejected the idea of boarding schools in favor of day schools. The idea of taking children away from

\begin{itemize}
\item \textsuperscript{130} Olson and Wilson, \textit{Native Americans in the Twentieth Century}, 110-111.
\end{itemize}
their parents repulsed those writing the Report and they ridiculed the Department for utilizing this method. This was what helped Collier to form his own opinions on education.  

It was not surprising then that Collier quickly changed this policy and instituted day schools on reservations across the country. Although it was William Beatty, director of Education, who would implement this new policy, it was Collier who made it possible through his connections and support from the President.  

It was in this same light of reform that the Bureau initiated a bill that would be the catalyst for Fred Bauer of the EBC to begin a resistance campaign against Collier. Passed in 1934, the Wheeler-Howard Act, or the Indian Reorganization Act (IRA), reversed the Dawes Act and attempted to establish Indian self-government. The Act’s opening section clearly nullified the Dawes Act. “Hereafter no land of any Indian reservation, created or set apart by treaty or agreement with the Indians, Act of Congress, Executive order, purchase, or otherwise, shall be allotted in severalty to any Indian.” Section 3 took nullification of the Dawes Act one step further and established the authority of the Secretary of Interior to give surplus land for “tribal ownership,” which was to be owned and operated

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132 Szasz, Education and the American Indian, 19, 23.
133 Szasz, Education and the American Indian, 40.
134 An Act to conserve and develop Indian lands and resources; to extend to Indians the right to form business and other organizations; to establish a credit system for Indians; to grant certain rights of home rule to Indians; to provide for vocational education for Indians; and for other purposes. Seventy-Third Congress, Session 2, June 18, 1934, 984. Hereafter cited as The Indian Reorganization Act.
communally by the Indian nations. While most of the act concerned Indian land, it was these two sections that directly countered the Dawes Act and the more than a century of land loss at the hands the United States government.\footnote{The Indian Reorganization Act.}

Although much of the Act concerned land policy, it did not ignore Indian self-sufficiency and self-government. Section 10 of the IRA outlined provisions for loans to be granted by the federal government to Indian nations for economic improvements. The Act set up a revolving fund of $10 million that was to be allocated by the Secretary of Interior. This reversed a long history of reducing the amount of annuities paid to Indian nations annually. However, the government was still responsible for determining the allocation of the annuity funds.\footnote{The Indian Reorganization Act.}

Section 18 provided Indians with some of the autonomy that many Indian people had sought to regain. Until this time, Indian people rarely had the opportunity to reject a federal policy. For the most part, Indian people were expected to abide by United States’ demands. However, the IRA sought to change this and added a provision to do so. The Act stated that once the Indian council approved the stipulations of the Act, it would be put to a vote. And on reservations where a majority of the adult population voted against the IRA in an open election,
which was to be advertised by the Secretary of the Interior, the Act would not be applied to that particular Indian group.\textsuperscript{137}

This unique provision of the IRA was the section that gave Indians a say on whether to adopt the measure or vote to reject it. The federal government had never before encouraged Indian people to engage so directly with Indian policy. Because of this section, much to Collier’s chagrin, many Indian nations rejected the IRA. While some may have rejected the Act on the principle of saying no to the government, many Indians were worried about how the Act was going to be implemented. One of them was the Eastern Band of Cherokees.\textsuperscript{138}

This Act would have given the EBC the ability to self-govern; it would have secured their lands and destroyed the idea of land allotment and given them access to economic benefits to help stabilize their community. In the beginning, the EBC was only partially hesitant about the IRA, and in fact, many welcomed it. The EBC council approved passing the IRA in May 1934, and the entire Band voted on whether or not to accept the Act on December 20 of that same year. Out of the 1,114 eligible Cherokee voters, 806 cast their ballots. Of these, 705 voted for it, and 101 were against it. In this landslide victory, it seemed inevitable that the IRA would be applied to the Eastern Band of Cherokees. This, however, did not

\textsuperscript{137} The Indian Reorganization Act.
\textsuperscript{138} Finger, \textit{Cherokee Americans}, 80.
guarantee the adoption of the act, and a factional struggle among the Eastern Cherokees was ignited.\textsuperscript{139}

Fred Blythe Bauer became the leader of resistance among the Progressive group of EBC people. A growing number of members were becoming increasingly disillusioned with Collier’s ideas on tribalism, fearing its emphasis on communalism rather than individualism. Capitalizing on these sentiments and his already established popularity, Bauer gained political prominence among the Eastern Cherokees in the 1930s.\textsuperscript{140}

Fred Bauer was born on December 26, 1896 to a Cherokee mother, Rachel Blythe Bauer, and his white, architect father, Adolphus Gustavus Bauer, in Raleigh, North Carolina. Just fourteen days after his birth, Fred’s mother passed away. Some believed it was from childbirth, but it was actually from intestinal complications. It was possible that Rachel died due to lack of money for proper medical care, as the family had suffered financial setbacks. Fred’s father, unable to cope with her death, sent his son to his Uncle James Blythe on the Qualla Boundary. James and his wife, Josephine, adopted Fred and raised him with his cousin, Jarrett. He attended Carlisle Boarding school in Pennsylvania. During World War I, he served with the Army Air Corps in France. After the war, he began a teaching career, and he taught in various Indian schools across the country.

\textsuperscript{139} Finger, \textit{Cherokee Americans}, 80; Prucha, \textit{Great Father}, 2: 962-963.
\textsuperscript{140} Finger, \textit{Cherokee Americans}, 84.
At the start of the 1930s, he and his wife, Catherine, taught in Michigan. However, that school closed and the couple returned to the Qualla Boundary.\textsuperscript{141}

After returning the Qualla Boundary, Catherine began teaching at a local school and Fred worked on various relief efforts, including the construction of roads. Not long after Collier announced his Indian New Deal, the Bauers began to voice their opposition. Fred Bauer was a Progressive Cherokee who advocated the allotment of land, the end of the BIA, and complete assimilation into American society. The idea of “tribalism,” meaning holding land in common in a state of perceived “savagery,” was un-American and, he believed, communistic in nature.\textsuperscript{142}

It was not surprising given the Bauers’ background that they began by attacking the Indian New Deal’s education policies. On the Qualla Boundary, the Indian school superintendents embraced the Indian New Deal concepts of smaller day schools for Cherokee children. These day schools would not follow a typical, white high school curriculum by teaching subject like mathematics. Rather, the Eastern Cherokees’ schools would focus on forestry, agriculture, and domestic duties, essentially preparing them for life on a reservation. Before long, other EBC


\textsuperscript{142} Finger, \textit{Cherokee Americans}, 85.
members joined in Bauer’s outrage and began to turn away from the IRA and Collier.\textsuperscript{143}

Several books being used in the EBC schools, which were chosen by BIA officials, furthered the Bauers’ animosity and resentment towards the Indian New Deal educational program. A book entitled \textit{New Russia’s Primer: The Story of the Five-Year Plan} became a source of anger for many on the Boundary. This book was written by a Soviet engineer, M. Ilin, in the late 1920s. It appeared on the desk of George Counts, a noted and respected philosopher on education in late 1930. This book outlined Russia’s new Five-Year Plan to rebuild the nation and become an industrial superpower. According to the author, the plan “was first discussed in December, 1927, at the Fifteenth Congress of the Communist Party.”\textsuperscript{144} While much of the book was a step-by-step guide on how to build the economy, starting with search for raw materials and growing into large factories and railroads, it was the initial chapter that no doubt alarmed the EBC Indians.

The first chapter used anecdotes to show how America’s free-market economy was a failure. In one example, Ilin outlined a situation for supply and demand gone wrong. The story involved a demand for hats, how three competing business men built factories to meet the demand, over-produced, and had to close

\textsuperscript{143} Finger, \textit{Cherokee Americans}, 87.
their factories and layoff the workers. This, he claimed, in poetic, flowery language, was madness. This was clear judgment against free-market capitalism.\footnote{Ilin, \textit{New Russia’s Primer}, 5-9.}

In yet another example, Ilin discussed what he termed “mechanical helpers” in America. He claimed that the machines in America were an enemy because they replaced workers in factories. This, then, caused poverty and unhappiness. Yet in Russia, under the Five-Year Plan, their machines would be helpful. He asserted, “We build factories in order that we may have as many mechanical helpers as possible—machines in order that these mechanical helpers may belong to all and work all equally. We build in our country a new, an unheard-of, a socialistic order.”\footnote{Ilin, \textit{Russia’s Primer}, 17.} The main idea of the chapter was to compare the two countries, the United States and Soviet Russia, and argue that Russia’s methods were more rational than American’s.\footnote{Ilin, \textit{Russia’s Primer}, 17.}

Conservative Americans such as Bauer saw the use of this book in Eastern Cherokee schools as un-American. This only furthered his efforts in repealing the IRA and helped him gain support from fellow conservatives on the Qualla Boundary. Yet, the perceived communist agenda of the BIA was not the only issue Bauer took with the BIA education system.\footnote{Finger, \textit{Cherokee Americans}, 90.}
Another of Bauers’ main problems with the education on the Qualla Boundary was that it promoted Cherokee crafts and traditions not suitable for the white world. Essentially, the Bauer Progressives in the EBC felt that the schools were training their children for life on a reservation, not a career outside the Indian community. This bothered men like Bauer who had been educated in an assimilationist boarding school and were able to find work away from the reservation. He wanted the same thing for the children of the EBC.\footnote{149}

In order to truly make a difference, Bauer needed to be involved in politics on the Qualla Boundary. Bauer and his associates, one of which was a prominent Progressive Cherokee named Pearson McCoy, launched a campaign to reject a new constitution that would incorporate the Band under the guidelines of the IRA. In an almost complete turnaround from the year before, the EBC voters rejected the constitution 484 to 382. Bauer and his supporters were successful in conveying their message of resistance to the BIA and prevented the new constitution from passing.\footnote{150}

Bauer soon ran for political office and for the Principal Chief position on the EBC council. In order to do so, though, he would need to go up against his cousin Jarrett Blythe. In the election, EBC members elected Bauer as Vice Chief and his

\footnote{150} Finger, \textit{Cherokee Americans}, 90-91.
close ally, Pearson McCoy, to a council seat, while they kept Jarrett Blythe as Principal Chief.¹⁵¹

Jarrett Blyth was born to James and Josephine Blythe in 1886 on the Qualla Boundary. Like his father before him, and his great grandfather, Nimrod Smith, he was to become Principal Chief of the EBC. James Blythe was a Progressive Indian and raised his son, and Fred, that way. Although cousins, Bauer and Blythe grew up in the same home much like brothers. Both men were very well educated and articulate, giving them advantages that would help them in their battle against one another and against the federal government.¹⁵²

While education was important to Bauer, it was not the only aspect of the Indian New Deal that he opposed. He immediately began to influence the Council upon election over the proposed Blue Ridge Parkway. The original proposal for the Parkway took land away from the EBC, with some compensation. Bauer adamantly opposed this and fought a campaign to keep the reservation land. The idea of the Blue Ridge Parkway was first mentioned in North Carolina in 1933. The automobile had spurred the transportation industry across the nation. In the early part of the 1900s, roads were being built into the remotest parts of the country. This included roads into and around the Qualla Boundary. At first, the

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¹⁵¹ Finger, Cherokee Americans, 91.
EBC were delighted at the prospect of a major highway coming to the EBC community, so much so that they allocated a 200 foot right-of-way for the road. For a long time, the EBC had been trying to get a highway to extend from Cherokee to Waynesville and Asheville. This new highway seemingly presented a solution.\(^{153}\)

Soon, though, the EBC learned that the Parkway was not going to be the highway they anticipated. First of all, the rumors being spread claimed that the new road would take up much more than the 200 foot right-of-way. Furthermore, there would be no access to the road from the Qualla Boundary. Because of this, Bauer, who lived in the Soco Gap at the time, rushed to Washington, DC, to issue a petition signed by 271 EBC members to stop the road from being built. Bauer presented the petition directly to John Collier and A. E. Demaray, Assistant Director in the National Park Service. Collier acquiesced to prevent Bauer splitting the EBC more and informed construction crews to stop building until further notice. Both Collier and Ickes reassured the EBC that nothing would be done until they approved it.\(^{154}\)

In a letter to the EBC, Ickes confirmed the fears that many Indians had heard. The Parkway would, in some places, take up a 1,000 feet of valuable farm


\(^{154}\) Whisnant, “Parkway Development and the Eastern Band of Cherokees.” Part 2 of 3
land. In addition, the road would wind through sharp mountain slopes, preventing any tourist shops to be built nearby. It also would not have any direct access to the Soco Valley for residents in the area. This news led Principal Chief Jarrett Blythe and the Council to hold an emergency session where they revoked the right-of-way for the road to be built.\(^{155}\)

At the onset of the Parkway issue, both Blyth and Bauer agreed that the road would not take up the farm land in the Soco Valley. However, Blythe was willing to work with the BIA to negotiate a compromise. Bauer, on the other hand, refused to do so. This resulted in mixed signals being sent to the BIA in Washington about whether the EBC were willing to accept a proposal for an alternate route through the Soco Valley. When the Council met in December 1935, they once again refused to grant a right of way.\(^{156}\)

Harold Foght, BIA superintendent in Cherokee, wrote state officials telling them that the Council’s voting was not representative of the residents in Soco Valley. He claimed that they were being intimidated by Bauer and his wife, who were using the Parkway as an excuse to fight the New Deal and Collier. This accusation, coupled with Blythe’s reassurance that he supported a new proposal, had officials drafting new plans throughout 1936.\(^{157}\)

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\(^{155}\) Whisnant, “Parkway Development and the Eastern Band of Cherokees.” Part 2 of 3

\(^{156}\) Whisnant, “Parkway Development and the Eastern Band of Cherokees.” Part 2 of 3

\(^{157}\) Whisnant, “Parkway Development and the Eastern Band of Cherokees.” Part 2 of 3
Many state and federal officials believed the Bauers to be crazed fanatics and extremist. This was especially true when Catharine Bauer made connections to the governments’ demands of a right-of-way to the Cherokee removal of 1838. Most thought this was ridiculous. However, even Chief Blythe admitted that there were some on the Qualla Boundary that were concerned that this issue was the first step in the federal government’s plan to take over the EBC’s land.\textsuperscript{158}

The Bauers were very much aware of the larger perception of the EBC. They believed that if the Parkway was to be built as planned, tourists would only see a portion of the EBC lifestyle.

The Parkway, restricted and ‘insulated’ as it is with few access roads, would make it difficult for the tourist to come in contact with real Indian life. Most ‘trading post Indians’ do not give a true picture of the Indian of today... We Indians want our visitors to come back again and again. We do not want to pass through without seeing more than a feathered ‘trading post Indian,’ and go back to New York or Boston believing [t]hat we Cherokees are living the old life. We live much the same as our white neighbors [sic], and this you will never see from the Blue Ridge Parkway.\textsuperscript{159}

They feared that the Parkway would turn the Qualla Boundary into an exhibit, one that showed the EBC as a primitive, backwards people controlled by the BIA. Bauer did not want his people to be put on display like museum artifacts. He wanted people to understand that they live their lives like white people. He rejected

\textsuperscript{158} Whisnant, “Parkway Development and the Eastern Band of Cherokees.” Part 2 of 3
\textsuperscript{159} Fred Bauer, “Cherokee Indian Explains Opposition to Scenic Road,” \textit{The Charlotte Observer}, Sunday, January 15, 1939, http://docsouth.unc.edu/blueridgeparkway/content/6520/
the Indian New Deal and the Blue Ridge Parkway because he saw them as another way of forcing Indians to do what the government wanted of them.\footnote{Whisnant, “Parkway Development and the Eastern Band of Cherokees.” Part 2 of 3}

After a much heated debate, headed by Blythe, a compromise was struck, which basically pandered to the EBC’s demands. The new plan would exchange some park land for reservation land, change the route of the Parkway, provide a highway system through Soco, protecting valuable tourist locations, and not block the scenic view of the mountains.\footnote{Finger, \textit{Cherokee Americans}, 93-96.}

This seemingly gracious compromise did not pacify Bauer. He demanded that no reservation land be given up to the federal government. However, by the late 1930s, it was clear the Parkway was going to be built with or without the Cherokee’s permission. And despite Bauer’s best efforts, the Band accepted the compromised route. Although the Blue Ridge Parkway was not related to the IRA, this debate clearly illustrated Bauer’s passion for his home and the tourism business, as well as his loathing for the BIA and federal control over the Eastern Band of Cherokees.\footnote{Finger, \textit{Cherokee Americans}, 93-96.} Bauer had many friends among the Eastern Cherokees, but his main goal was the continuation of his people and the preservation of their land and society. Although Blythe and Bauer stood at opposite ends of the spectrum, they nonetheless sought to support their people.
CONCLUSION

Although Progressive Indians did acculturate and incorporate civilization policies into their lives, this did not mean that they gave up their Cherokee identity. It most often meant the exact opposite. Because they were educated men, most held on to their Cherokee identity despite the American government’s incentives and pressures. This allowed them to remain proud Indians and not forsake their heritage but still change to external social, economic, and political conditions.

In the case of John Ross and John Ridge, they both were Cherokees. They both had deep rooted beliefs in the survival of their people. They, however, saw this future differently. Ross advocated staying in the East whereas Ridge saw the best hope for the Cherokee in the West in Indian Territory. Progressives were not always united in their ideas, and just because those ideas were different did not make one more or less Cherokee.

After removal, the EBC Indians who stayed behind were the most traditional of the Cherokee people. They had left the Nation and actively sought to separate themselves from their kin. Despite this, they almost immediately put their trust in a white, Progressive man, William Holland Thomas. He had almost complete command over the EBC until after the Civil War, when yet another Progressive Indian, George Bushyhead, took over and spoke for the EBC. Shortly thereafter, Nimrod Smith was elected as Principal Chief. And while he was not the same type
of Progressive as Bushyhead, he was a new “Red Progressive” who neither completely adopted “civilization policy” nor reverted back to a state of tribalism. All of these men, though, were EBC nationalists. They believed in the survival of their people, but had a different outlook on how to direct their futures.

Cousins Jarrett Blythe and Fred Bauer were both Progressive Indians who stood at opposite ends of the debate over the Indian New Deal and the Blue Ridge Parkway. Fred Bauer saw the future of the EBC in terms of allotted land, individualism, and no reliance on the federal government. Blythe, on the other hand, was more willing to work with the government, but only in so far as it would benefit the EBC through land acquisition or allocation of funds. Although they did not see eye-to-eye, they nonetheless were EBC Indians and wanted to see the survival of their people.

Cherokee Progressives throughout history have been pitted against Cherokee Traditionalists, but as these events show, Progressives were often pitted against one another. It is important to keep this in mind when reading about the Treaty Party, Bushyhead, and Fred Bauer. Even though these individuals seemingly went against what is perceived as the right and just thing to do, this did not mean that they were out to destroy their people, but rather saw their survival in a different path than their counterparts. What remains to be seen is if this application can be applied to other Indian groups.
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