
Slaveholding Indians: the Case of the Cherokee Nation

di

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Abstract: Questo saggio si sofferma su un aspetto spesso dimenticato della storia Americana: sulla diffusione della schiavitù tra gli indiani insediati in molte zone degli Stati Uniti e sul trattamento da loro riservato agli schiavi di origine africana, anche dopo la deportazione di massa nell'Oklahoma (nota come "Il sentiero delle lacrime"). L'esempio più significativo di questa tradizione - una tradizione radicata nella storia indiana, riemersa e incoraggiata dallo sviluppo su larga scala della schiavitù tra i bianchi - è quello dei Cherokee, nonostante si trattasse della nazione indiana più avanzata, o forse proprio per questa ragione. Tale mutamento non fu soltanto riprovevole sul piano morale, ma si rivelò politicamente disastroso nel momento in cui, i Cherokee e altre tribù deportate che adottavano la schiavitù, per salvare la propria organizzazione sociale, appoggiarono la Confederazione durante la Guerra civile. Il prezzo che dovettero pagare fu estremamente alto.

In one of his best short stories, *Red Leaves*, William Faulkner describes two Indians—Basket and Berry—strolling across the slave quarters of an antebellum southern plantation, and exchanging ideas about slavery. "In the old days, Basket says, there were no quarters, no Negroes. A man's time was his own then. He had time. Now he must spend most of it finding work for them . . . to do." And they both agree that those blacks "are like horses and dogs," that "nothing contents them save sweat," and that "they are worse than the white people." At one point, they even evoke cannibalism, one of the Indians complaining that their flesh, which he tasted only once when he was "young . . . and more hardy in the appetite than now, [had] a bitter taste." Their common conclusion, however, is that black slaves "are too valuable to eat *now*" (my italics). The only sensible course to take, they finally admit, is to "do as the white men do." Basket and Berry will therefore "clear the land and plant it with food and raise Negroes and sell them to the white men for money."¹

This is fiction, of course, and it seems that Faulkner knew little, in fact, about the material culture of the Chickasaws or Choctaws he described. To use his own phrase, he "made them up."² Yet, as he made them up, Faulkner, as Gene Moore

¹ "Red Leaves," *Collected Stories of William Faulkner*, Random House, 1950, pp.313-41.

² Lewis M. Debney, *The Indians of Yoknapatawpha: A Study in Literature and History*, LSU Press, Baton Rouge 1973, p.11. Faulkner sometimes described the Indians as "a lazy indolent people" [*Faulkner in University: Class Conferences at the University of Virginia, 1957-1958*, ed. Frederick L. Gwynn and Joseph Blotner, Vintage, New York 1959, p.63, but there were no Indians where he lived. Therefore, "with no experience to draw upon and with his aversion to research, Faulkner makes no pretension to accuracy in his treatment of Indian life" (Debney, p.12). See also the issue on

has shown, posited “the Indians not as noble savages or ‘primal ecologists’ but as doubly alien, without a cultural identity of their own.”³ Faulkner thereby pointed to a fact (which it is nowadays not politically correct to mention)—the fact that blacks, as slaves, had “preserved a far more natural and unified culture than the borrowed and degraded cultural trappings of their masters,” when those masters were red. The reason for that preservation, Moore goes on to say, is that, contrary to the Indians, black slaves had never had the means, nor the opportunity, “of assuming the prestigious attributes of an alien culture,” and had therefore managed “to preserve their own cultural identity.” Compared to them, the slaveholding Indians of North America were clearly losers on two essential scores: they had, at least in part, lost their original identity, and they had *not* become “white,” i.e. socially, culturally and politically equal to their white models. They were at best a surrealistic caricature of the dominant group, and that is what “Red Leaves” is indeed all about.

Some historians maintain that slavery is a universal phenomenon; others, like Peter Farb, argue that slavery “has never been proved to exist in any primitive society *beneath the level of the state* (my emphasis), except where the primitives learned slave making from a more complex culture.”⁴ To this assertion one is tempted to oppose the now well-known fact that the infamous ‘triangular trade’ between Europe, Africa and the Americas would neither have appeared nor prospered without the preexistence of local African pre-state forms of servitude.⁵

Be that as it may, when Christopher Columbus landed on the island of Hispaniola in 1492, he not only discovered that the island contained gold mines (“countless quantities of gold”)⁶ and was inhabited by ‘Indians’ (the Tainos). He also discovered that those Indians played a ball game of their own, gambled on the results, and had slaves, which they occasionally used as a convenient means of paying off gambling debts.

The subsequent Conquistadors of Latin America were equally surprised to find out that slavery and human sacrifices—let alone anthropophagy—existed on a large scale in the Maya as well as in the Aztek or Inca civilizations: in those

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³ Gene M. Moore, “‘European Finery’ and Cultural Survival in Faulkner’s ‘Red Leaves,’” in *William Faulkner’s Short Fiction*, an international symposium edited by Hans H. Skei, Solum Forlag, Oslo 1997, p.363.

⁴ Peter Farb, *Man’s Rise to Civilization, as shown by the Indians of North America from Primeval Times to the Coming of the Industrial State*, Dutton, New York 1968, p.141.

⁵ On this particular point, see Olivier Pétré-Grenouillot, *Les traites négrières : essai d’histoire globale*, Gallimard, Bibliothèque des Histoires, Paris 2004.

⁶ Christopher Columbus, *The Letter of Columbus on His Discovery of the New World*, USC Fine Arts Press, Los Angeles 1989.

societies, apart from ritual sacrifices, slaves were used in both agriculture and warfare, and stood, if anywhere at all, at the very bottom of the social ladder.⁷

If we now move in time and space and look up to North America, what do we find? We find that slavery existed among the Indian tribes of the Northwest Coast (from California to the Canadian border and beyond). There were of course no black slaves in that area. As in South and Central America, the slaves of the Northwest Coast were either the victims of ‘debt slavery’ (a consequence of gambling, again) or, more frequently, war captives from other tribes. As Farb puts it, in a culture whose central preoccupation was not material affluence, “the ‘slave’ was more a trophy of war and a prestige item than a producer of economic wealth.” The slave had no rank of his own in the society and was not really part of it. An object of contempt, he could only marry another captive and could be killed “at the whim of his master.” Farb’s conclusion is that a society of this kind, although it did have a number of slaves (the number is unknown) cannot rightfully be called a ‘slave society’.⁸

In the South-Eastern part of what has become the United States, there were also slaves among Indian tribes, but the case is radically different, if only because the bondsmen were black and the practice of slavery was borrowed from the white colonizers (although, as we shall see, some forms of aboriginal bondage had, there too, existed prior to the arrival of white settlers and traders). Strangely enough—or not so strangely—not much has been written on those slaveholding Indians nor on the life of their slaves, even by specialists of Native American history: the subject has received very little attention in the United States (compared to the mountains of books on Afro-Americans and Native Americans), none at all in France, and probably none in the rest of Europe. It was not until the late 1970s that at least two reliable treatments of the subject appeared in print in the U.S. Rudi Halliburton, Jr.’s *Red over Black: Black Slavery among the Cherokee Indians*⁹ was published in 1977, soon followed in 1979 by Theda Perdue’s *Slavery and the Evolution of Cherokee Society, 1540-1866*¹⁰. Both books are fascinating and extremely well documented. Theda Perdue is a better writer than Halliburton (who, for the most part, simply sticks to facts and documents), but her neo-marxian approach based on class analysis tends at times to oversimplify the complexities of Indian history.

I shall here focus on the Cherokee tribe, partly because it is a better documented case, but also because, toward the end of the eighteenth century, the Cherokees became the chosen keystone of the U.S. Government’s “civilization program”... whose ironic and tragic outcome was the Trail of Tears.

⁷ See, for instance, C. A. Burland, *Peoples of the Sun: The Civilizations of Pre-Columbian America*, Praeger, New York 1976); or, more exhaustively, *The Cambridge History of Latin America*, vol. 1, Cambridge University Press, New York 1984).

⁸ Farb, *Man’s Rise to Civilization*, *op. cit.*, p.141.

⁹ Rudi Halliburton, Jr., *Red over Black: Black Slavery among the Cherokee Indians*, Greenwood Press, Westport, CT 1977. Henceforward referred to as *Red*.

¹⁰ Theda Perdue, *Slavery and the Evolution of Cherokee Society, 1540-1866*, The University of Tennessee Press, Knoxville 1979. Henceforward referred to as Perdue.

I. The Pre-Removal Scene

Slavery existed among the Cherokees long before the arrival of European settlers. Slaves were obtained mostly by warfare. Female captives and children were usually spared from death. “In the Cherokee matrilineal kinship system, it was the women of the clan who were in charge of torturing the captives, and finally scalping and burning them” (Perdue, 8). They also had the power to “pardon” them. The captives that were not killed (a minority) were either adopted and fully incorporated into the clan or remained outside the kinship system as slaves who had no rights whatsoever and lived on the fringe of society. In the subsistence-based economy of the aboriginal Cherokees, slaves did not represent an economic asset. They simply helped “their masters in the performance of many of the same tasks” (hunting, carrying burdens, and other servile work) or “helped women in the various aspects of cultivation” (Perdue, 15).

Things changed when the first white traders arrived (around 1674). The Cherokees became increasingly dependent on European manufactured products (knives, hatchets, hoes, guns) and they in turn were suddenly threatened with being enslaved by the whites. It was in fact after the ‘Jamestown massacre’ of 1622 that “the Indians who had previously been treated as friends [by white settlers] could now be enslaved and forced to work . . . or exported to Bermuda.”¹¹ The enslavement of Indians was actively encouraged by the white colonial authorities, and traffic in Indian slaves developed on a large scale. The Cherokees themselves often participated in “slave raids, [thus] obtaining slaves to exchange for English goods” (Perdue, 26). In 1708, the population of South Carolina “totaled 9,850 [people], including 2,900 African slaves and 1,400 Indian slaves”: in other words, slaves of both colors represented 44% of the population, and one slave out of three was an Indian!

An important *cultural* shift also took place. War captives became the personal property of the captors, so that Cherokees owned slaves “individually and not communally” (Perdue, 34). The desire to accumulate wealth which had no place in their traditional way of life began to play an important, if not a central role in their culture, thus preparing the ground for the future adoption of Western economic habits. It was probably because of these mimetic capacities that the Indians of that region were called the “five *civilized* tribes.”

The Indian slave trade expanded until the Yamassee War of 1715-17 in North Carolina, after which it declined steadily. This decline, Perdue argues, “can probably be attributed to the fact that the African wrenched from his homeland with no opportunity to escape and return represented a better [and safer] investment” for the whites (Perdue, 37). Plus, Indians could be removed farther west, and their lands “grabbed”—something which obviously could not be done with the Africans!

It should also be remembered that the Jamestown settlers purchased their first cargo of Africans in 1619, only twelve years after the founding of the colony, and at about the same time they started enslaving Indians (after the 1622 Jamestown

¹¹ Almon W. Lauber, *Indian Slavery in Colonial Times Within the Present Limits of the United States*, Corner House Publishers, Williamstown, MA 1970 [1913], p.118.

massacre): slavery can therefore be regarded as virtually ‘consubstantial’ with American history—at least until 1865 when abolition was officially proclaimed. But the first encounter between Indians and blacks probably dates back to 1526, when Lucas Vásquez de Ayllón, escorted by 500 colonists and about 100 African slaves, undertook to establish a settlement near the mouth of the Pedee River in South Carolina. Ayllón soon died of fever. After his death, disputes broke out among the settlers and some of the slaves escaped in the forest and found refuge with the local Indians, who had never seen black-skinned individuals before. “Black slaves later accompanied Spanish expeditions to the Cherokees, including those of Hernando de Soto in 1540 and Juan Pardo in 1567” (Perdue, 36).

After these first encounters, the employment, by white settlers, of enslaved Indians alongside African slaves “produced extensive contacts between the two peoples,” but increasingly Cherokees became acquainted with blacks in another manner—as “warriors capturing black bondsmen” (Perdue, 36, 37). A treaty signed between the British and the Cherokees in 1730 encouraged the capture of African fugitives: “For every slave so apprehended and brought back, the Indian that brings him shall receive a gun and a matchcoat [woolen mantle].”¹² It did not take the Cherokees long to understand that the capture of black slaves was a profitable activity. Several possibilities existed for them: they could catch runaway slaves and return them in exchange for a reward, or they could steal slaves from one settler and sell them elsewhere to some other white planter. Also the “English urged the Cherokees to sell them all the blacks whom they seized from Indians friendly to the French [while] the French in turn rewarded the Cherokees handsomely for blacks abducted from English plantations.” In 1789 for instance, in Georgia alone, “one hundred and ten blacks were captured by the [local] Cherokees” (*Red*, 6, 12).

In the beginning, Cherokees would rarely keep black slaves for their own use, although Cherokee women were quicker in accepting black bondage because it “immediately lightened their traditional task of tilling the fields” (*Red*, 8-9).¹³ But, over the years, more and more of the Cherokee hunting lands were either lost in wars or ceded to white colonizers through treaties, so that Cherokees were increasingly forced to become “sedentary and agrarian.” Spurred by the example of white planters, “they continued to abandon the communal cultivation of land and began to operate their farms on an individual basis”: the availability of black slaves and their employment on the farm made this change possible and certainly sped it up (*Red*, 12).

In addition, intermarriage between whites and Indians probably accelerated the economic and cultural rapprochement between the Cherokees and their European

¹² Alexander Hewatt, *An Historical Account of the Rise and Progress of the Colonies of South Carolina and Georgia, 1779*, London 1779, 2: p.8.

¹³ Some of the men must have had a similar attitude, based on sheer realism: “It is generally agreed,” William McLoughlin writes, “that the Southeastern Indians at first welcomed runaway slaves because they had important skills which were helpful to the Indians; e.g., they could speak English and thus serve as interpreters and negotiators with whites; they knew how to repair guns and traps, to shoe horses, to improve agricultural methods, to spin and weave, to make butter, to build houses, barns and wagons” (William G. McLoughlin, “Red Indians, Black Slavery and White Racism: America’s Slaveholding Indians”, *American Quarterly* 26, no. 4 [October 1974], p.368.

models. As Halliburton explains, “some traders who married Cherokee women amassed property, and their plantations soon rivaled those of the Carolinas in size. They purchased black slaves and left them and other properties as an inheritance to their half-Cherokee children” (*Red*, 6): hence the fact that, over time, there were many more mixed-blood slaveowners among Cherokees than full-bloods. In 1835, for instance, the Cherokees of Georgia owned a total of 776 black slaves: there were 23 full-blood slaveowners possessing a total of 69 slaves; 14 female slaveowners possessing a total of 70 slaves; and 73 mixed-blood Cherokees who possessed 637 slaves (i.e. 82% of the total number).¹⁴

By the end of the eighteenth century, the Cherokees, increasingly anxious to acquire manufactured goods through the sale of deerskins, “had seriously depleted their supply of game.” Coupled with various and large cessions of land,¹⁵ excessive hunting resulted in a growing economic crisis which had a profound effect on Cherokee culture, working habits and division of labor: “gradually men began to take over more and more of the agricultural tasks traditionally reserved for women [and] only when the identification of women with agriculture had ended [did] the [large-scale] introduction and utilization of slave-labor for cultivation by even a minority of Cherokees [become] possible” (Perdue, 53).

This evolution was suddenly facilitated and accelerated when in the last decade of the eighteenth century George Washington and his Secretary of Defense Henry Knox decided to launch an ambitious program aiming at civilizing the ‘savages’: the idea was to transform the Indians, and first of all the Cherokees, into farmers motivated by the concept of individual property and profit. The idea was also to convert them to the practice of republicanism; to help them, with the assistance of missionaries, to ‘rise’ from animism to the Christian faith; and to save them from illiteracy in order to turn them into educated citizens.

This project, later on taken over and amplified by Thomas Jefferson, was on the whole enthusiastically received by the Cherokees. Accepting the challenge and playing the game—even better than was expected—they became farmers,¹⁶ artisans, laborers; they opened schools and built churches; some became Christians, others freemasons,¹⁷ some were both; over time they had their own lawyers and doctors; they created a library, a museum, a learned society, and launched their own newspaper, *The Cherokee Phoenix*, which still exists today. A few Cherokees,

¹⁴ *Red*, 190 (additional notes).

¹⁵ For instance, between 1776 and 1794 the Cherokees had to cede to the white authorities or colonists some 20,000 square miles of hunting lands. They had already signed 10 treaties (with land cessions) during the colonial period, and they would have to sign 10 more between 1794 and 1835. The whole list is to be found in Charles C. Royce, *The Cherokee Nation of Indians*, Aldine Publishing Co., Chicago 1975, p.256.

¹⁶ “In 1835, 224 Cherokee families operated two farms, 77 operated three, 33 operated four, 17 operated five, 8 operated six, 1 operated seven, 1 operated nine, and 1 family operated a total of thirteen farms. Moreover, 93% of all Cherokees operated at least one farm” (*Red*, p.20).

¹⁷ The most famous Cherokee freemasons of the time were : John Ross, Joseph and David Vann, John Ridge, Stand Watie and Elias Cornelius Boudinot (son of Elias Boudinot, editor of the *Cherokee Phoenix*). See William R. Denslow, *Freemasonry and the American Indian*, Missouri Lodge of Research, Fulton, MO 1956.

predominantly but not exclusively ‘half-breeds’, as they used to be called, were extremely successful and wealthy, owning large plantations, dressing like Europeans, living in substantial mansions, served and assisted by numerous slaves. An 1824 census indicates that there were at the time 16,000 Cherokees in the South-Eastern states (30% more than in 1809), *not including* 1,277 black slaves (an increase of almost 120%).¹⁸ In 1822, they instituted a Supreme Court and in 1827 drafted and adopted a Constitution of their own, modeled on the U.S. Federal Constitution and based on the separation of powers.

The government of the Cherokee Nation was to a large extent in the hands of Cherokee slaveholders: “Of the twelve signers of the [Cherokee] Constitution of 1827 . . . eleven owned bondsmen . . . [they owned in fact] 22% of all the slaves in the Cherokee Nation” (Perdue, 57). Theda Perdue argues that the Cherokee planter, “driven by the desire to make a profit, amass a fortune, and protect his financial investment, attempted to imitate the plantation society of the white South [but] could not entirely *escape his Indian heritage*”(58, my italics). I think she thereby suggested (unlike Faulkner) that slaves were on the whole better treated at the hands of Indian masters than they were on white plantations. This was probably true before the great Removal (less true afterwards, as we shall see). Rare indeed, at the time, were the unhappy slaves that would run away from an Indian plantation to that of a white master. “Noticeably lacking in the Cherokee [black] code,” Perdue goes on to say, “[were] laws dealing with insubordination and rebellion, and the majority of punishments [were] reserved for the masters and not the slave” (58). Also, as Circe Sturm points out, “Cherokees did not indulge in mob violence [and their] Nation has no record of mass lynching.”¹⁹

True, but there were also a number of laws passed by the National Council which all tended to control and restrict the activities of black bondsmen: runaway slaves from white plantations were regarded and treated as “intruders,” and free blacks from outside could not reside in the Cherokee Nation without a special permit; intermarriages between Negro slaves and Indians, or whites, were unlawful (male offenders were punished with fifty-nine stripes on the bare back—female offenders with only twenty-five); purchasing goods from slaves was prohibited; slaves could neither own property, nor buy or sell liquor, nor take their masters to court for maltreatment or other forms of abuse. And those things happened: after the murdering of a slave by his discontented mistress, the Cherokee agent in Arkansas, Reuben Lewis, wrote to the Secretary of War that “there is no law or custom among the Cherokees to protect the lives of that poor unfortunate part of the human Species” (*Red*, 42)—but was there any in the white slave states?!

The growing presence of missionaries in the Cherokee country was of no great help to the slaves. In their sermons, they would generally side with the Indian ruling class and base their Sunday exhortations on biblical passages favorable to human bondage: “Bid slaves to be submissive to their masters and give satisfaction

¹⁸ See B. Vincent, *Le sentier des larmes: le grand exil des Indiens cherokees*, Flammarion, Paris 2002, p.46.

¹⁹ Circe Sturm, *Blood Politics: Race, Culture and Identity in the Cherokee Nation of Oklahoma*, University of California Press Berkeley, Los Angeles, London 2002, p.68.

in every respect . . . so that in everything they may adorn the doctrine of God our Saviour” (Titus 2: 9-10); or “Let all who are under the yoke of slavery regard their masters as worthy of all honors” (Timothy 6: 1-2). Most of the Indian slaveowners were not taken in by that kind of discourse, and few indeed were those who became Christian at heart, but they easily and quickly understood that it was in their interest to allow slaves to go to church on Sundays, even if some of them had to travel “as far as twenty miles to attend church services” (*Red*, 28).

One essential difference between white and Indian slaveholders was that, according to Halliburton, “the Cherokees did not experience the practice of slavery *and [bad] conscience* [emphasis mine] that permeated much of the United States. They never felt the need to justify slavery and never expressed the opinion that slavery was in the best interest of the black . . . Slavery was justified only on the basis of benefits that accrued to the masters” (*Red*, 38).

In proportion as the original civilization program became real, a growing number of whites began to realize the dangers contained in the planned evolution of Cherokees. If indeed the Indians became ‘civilized’, if the hunter became a farmer and cultivated his fields with the help of slaves, and if in addition he was a normal educated church-going citizen, on what ground could the remaining Indian lands be confiscated from such ‘Americans’? In the late 1820s, Georgia decided to take action, and based it on an agreement signed by Thomas Jefferson in 1802: the agreement stipulated that Georgia would cede to the Union all the western territories included in its original charter, *while the United States promised, in exchange, to buy all the Indian lands located in Georgia and redistribute them to white Georgian settlers.*

Four events marked the pivotal year 1828: the election of John Ross, a rich full-blood Cherokee slaveowner, as ‘Principal Chief’ of the Cherokee Nation; the election of Andrew Jackson to the White House; and the decision of Georgia to invalidate all the legislation recently adopted by the Cherokee National Council, including its Constitution, and to place all Cherokees and Cherokee possessions under its sole political jurisdiction. The final, crowning event was the discovery of large quantities of gold in Cherokee territory.

The fate of the Cherokee Nation was then sealed: however ‘civilized’ and ‘American’ they had become, they would, willingly or unwillingly, be removed *en masse* to some western land, on the other side of the Mississippi River. In 1830 Congress passed the historic ‘Removal Act’, which gave President Jackson the authority to organize the exclusion and relocation of the Cherokees and other southern Indians in the West. In accordance with the 1802 agreement signed by Jefferson, the lands and other properties of the Cherokees were to be redistributed to the Georgians, and this was done through a lottery system. The ruling of the Supreme Court—in *Worcester v. Georgia* (1832)—was, as is well known, of no avail.

II. The Post-Removal Scene

The prospect of a wholesale removal divided the Cherokee Nation into two radically opposing groups: the traditionalists, led by John Ross, who refused, whatever the cost, to leave the land of their ancestors; the modernists, led by Major

Ridge, his son John Ridge, Elias Boudinot, editor of the *Cherokee Phoenix*, and his brother Stand Watie, who were willing to negotiate with Andrew Jackson. The first group, known as the National Party, was far more numerous than the other. Ross and his group stuck to their guns and rejected all forms of compromise. The modernists, on the other hand, considered the removal of their tribe as inevitable, doubted that resistance would succeed, and preferred to obtain through negotiation the best possible material and moral terms for their departure and transfer. In December 1835, in the presence of some 500 Cherokees (out of 16,000), John Ridge and his allies signed, at New Echota, the capital of the Nation, a treaty by which they relinquished all claims to Cherokee lands east of the Mississippi River in exchange for five million dollars to cover spoliations, and a large tract of land (seven million acres) located in the north-eastern part of Indian Territory (today's Oklahoma). From that moment on, the signers and their followers were referred to as the 'Treaty Party'—an expression construed by the other group as meaning the 'Traitors' Party.

In the past, several removals had already taken place: "as early as 1790 . . . small bands of Cherokees [had moved] westward into Arkansas and Texas to escape the encroachments of white men . . . In 1817 a group of Western Cherokees, who were to become known as 'the Old Settlers', [moved] to Tennessee . . . By 1820 there were approximately 6,000 Western Cherokees [who] in 1828 signed a treaty with the United States" and exchanged their Arkansas lands for territory located further west in present-day Oklahoma (*Red*, 39-40). But the displacement proposed, or rather imposed, by the Removal Act of 1830 and the New Echota Treaty of 1835 was on a much larger scale since it concerned the entire Cherokee Nation.

Theda Perdue argues that the division between the National Party and the Treaty Party resulted from the development of "two distinct classes within Cherokee society not only in an economic sense but also in terms of values and world views" (68). As I see it, this kind of distinction is too reductionist. The leaders of *both* parties were rich planters. They owned or hired slaves and none had a bad conscience about it, nor were they in favor of emancipation. John Ross, for one, leader of the National Party, possessed a plantation and a ferry, had 19 slaves working on 170 acres of fields and orchards. His daughter was destined to marry into the finest Philadelphia society, and finally did. His own brother, Lewis, had 41 slaves. His treasurer, John Martin, had 100 slaves. Among the Treaty Party leaders, Major Ridge had some 30 slaves and his son, John, 21 (*Red*, 22-27). Like everybody else, John Ross took his own slaves to Oklahoma and never thought of freeing them although he was both a Christian and a freemason. It must also be noted that this 'traditionalist' leader was so acculturated to white society that he could not speak Cherokee and had to use an interpreter when addressing—in English—his own National Council!

The real difference, it seems to me, between the two opposing parties had to do with pragmatism, not with social class. The members of the Treaty Party did care for their traditional lands too but, contrary to the Conservatives, they believed that fighting for the status quo against the United States was hopeless. They were certainly more 'americanized' than many members of the other group but, in terms

of values and with regard to slavery, none of them ever dared to do what nationalist Lewis Ross, brother of the Principal Chief, did on the eve of the forced removal: suspecting that there would be a high demand for slaves in Oklahoma, he bought 500 black bondsmen and had them transported by boat for sale in the new territory!²⁰ Once displaced and relocated in Oklahoma, the Ross family was even wealthier than before, and John Ross took to living with all his slaves in a magnificent mansion called 'Rose Cottage'.

The period following the removal of the Cherokee Nation was one of violence and chaos. The 'Old Settlers' expected the newly-arrived Cherokees to "accept their previously established government, laws, and chiefs" (Perdue, 73). But Ross and his nationalist friends, who far outnumbered the Old Settlers, refused to comply, and strove to keep their former institutions and laws alive. Hoping to render Ross powerless, the Treaty Party sided with the Old Settlers, but in June 1839 its key leaders (Major Ridge, John Ridge, Elias Boudinot) were cold-bloodedly assassinated by members of the National Party—who used as justification a law of 1829 (originally proposed by Major Ridge himself!) which made the unauthorized cession of Cherokee land to whites a capital offence. Only Stand Watie was able to escape: twenty years later, he reappeared as brigadier general in the Confederate army, burned down John Ross's beautiful mansion ('Rose Cottage') at Park Hill, and at the end of the Civil War was the last Confederate general to surrender (June 23, 1865).

These murders resulted in growing chaos and increased political factionalism. In Oklahoma, most Cherokees "no longer felt that they controlled their destiny, and a sense of rootlessness and the feeling that life had little meaning pervaded the Nation" (Perdue, 75). For many of these humiliated and dispossessed people, respect for life and property ceased to have any value. Lawlessness spread, placing all forms of property, including slaves, in jeopardy. Blacks, including the few free individuals that then existed, became subject to seizure and sale—only 17 free blacks were left in the Cherokee Nation in 1860! (*Red*, 117). Abducted slaves were usually taken to Arkansas or Texas where they could more easily be sold.

But the disregard for law and the restlessness of their Indian masters soon rubbed off on the slaves themselves, who were in turn tempted to disobey, run away, or even rebel. Some would head back east or go to California or to one of the free states; others "chose to remain in Indian territory and took refuge with the Seminoles" (Perdue, 81) whose black code was much less stringent. In 1842 and 1848 two important black rebellions occurred. The Cherokees managed to suppress one revolt, the other was defused in time, but these attempts resulted "in a paranoia throughout the Nation" (Perdue, 83), and a tightening up of the Cherokee black code.

In order to identify their human property, and retrieve runaways more easily, some Cherokee masters branded their slaves. Intermarriage, *in whatever form*, was declared illegal: William McLoughlin sees this as a proof that, over time, white

²⁰ B. Vincent, *op. cit.*, 162; John Ehle, *Trail of Tears: The Rise and Fall of the Cherokee Nation*, Anchor Books, New York 1988, p.362.

“racism” had actually contaminated southeastern Indians²¹; so does Circe Sturm, in *Blood Politics*, maintaining that Cherokees could not but “replicate the racial ideologies and practices of the U.S. federal and state governments.”²² In addition, not only were slaves forbidden to own any property (not even livestock as they used to in the good old days), but new laws prohibited “the teaching of free blacks or slaves to read and write” (Perdue, 88): violators would be expelled from the limits of the Cherokee Nation. Rapes were also severely punished, but in ways that reeked of discrimination: one hundred lashes for a white rapist; “death by hanging” for any Negro charged with having raped “any free female, not of Negro blood” (*Red*, 64). Indeed, over time, the Cherokee slave code became as comprehensive, and as harsh, as that of the Southern states. Two factors are to blame: (1) the achievement, after some time, of a semblance of unity between the Old Settlers and the newly arrived Cherokees, signaled by the adoption of a new Constitution (which denied citizenship to both free blacks and slaves); (2) the fact that in the unified Nation slavery continued to flourish, with Cherokees buying or selling slaves among themselves as well as with other tribes or white traders.

“The hiring out of slaves [also] continued to be common practice. Missionaries—even antislavery missionaries—were sometimes obliged to hire slaves from their parishioners for domestic help, nursing duties, and other work” (*Red*, 69). Since it was much cheaper to hire bondsmen than to buy them, the practice of hiring out slaves “proved a boon” (Perdue, 107) to any Cherokee in need of additional laborers—and there were many. In business transactions, Cherokees used slaves as a security: “the slaves worked for the lender until the principal was repaid, then they were returned to their masters.” Or they were used as “transferable capital” in payment for services rendered.” Also “the exchange of blacks for real estate improvements was common” (*Red*, 85). In the post-removal period, black slaves thus became an economic asset throughout the Nation, and the slavery market expanded, inevitably creating new hazards and a parallel reinforcement of the black codes.

On the eve of the Civil War, according to the 1860 census, there was a total of 2,504 black slaves in the Oklahoma Cherokee Nation (60% more than in 1835, on the eve of the Great Removal). Only 2% of the Cherokee population owned slaves (*Red*, 177).²³ But this fact did not prevent the Cherokees as a whole—or almost as a whole—from siding with the white Southerners during the great national struggle over slavery and emancipation. To whatever faction they belonged, however rich or poor, most Cherokees were hostile to the idea of freeing slaves. They were so intolerant of abolitionist sentiments that the missionaries or school teachers who dared disseminate antislavery doctrines “often found themselves threatened with banishment from the Nation” (*Red*, 91). In proportion as slavery became a central issue in local as well as national politics, a growing number of Oklahoma

²¹ William G. McLoughlin, *op. cit.*, p.382.

²² Circe Sturm, *op. cit.*, p.54.

²³ According to another source, the Oklahoma Cherokees were 17,000 at the time of the Civil War, and had a total of 4,000 black slaves (23,5% of the population): see Michael Roethler, “Negro Slavery among the Cherokee Indians, 1540-1866” (Ph.D. diss., Fordham University, 1964), 161.

missionaries expressed their doubts about the ‘peculiar institution’, but excluding slaveowners from their churches was a step they were unwilling to take: “We regard it as *certain*,” they would argue, “that the Apostles, who are our patrons, did receive slaveholders to the communion of the church” (*Red*, 98).

Stand Watie, who had become a wealthy planter and slaveowner, unhesitatingly rallied to the Confederates—like the vast majority of the Oklahoma Cherokees—and became the first Indian general in American history. With his help, and John Ross’s half-hearted approval, “two Cherokee regiments were raised for the Confederate service” (*Red*, 128).²⁴ John Ross had first sided with the Union but, impressed by the first victories of the Confederate army (in particular at Bull Run and Wilson’s Creek), and anxious to preserve the unity of his Nation, he rather reluctantly decided to change sides and support the South. When the winds of war began to shift, Ross and some of his friends readjusted their position once more. Ross was ‘lucky’ enough to be arrested by Northern troops and to be sent in (comfortable) ‘exile’ to Philadelphia, where he remained till the end of the war. “Stand Watie promptly declared the office of principal chief vacant and assumed the position himself” (Perdue, 137).

When hostilities had initially broken out, the Cherokee slaveowners who joined the Confederate army had to leave their families and slaves behind. Some “took or sent [them] to the Choctaw Nation, Texas, or elsewhere for the duration of the war. [But] many black slaves remained in the Nation and continued to be faithful to their absentee masters; sometimes they were the sole occupants of plantations” (*Red*, 130). Uncertain about the outcome of a conflict in which their own future was at stake, they did *not* try to take advantage of the situation, but simply chose to keep quiet and bide their time.

In February 1863, members of the Cherokee faction that had remained loyal to the Union met in council and repudiated the alliance with the South, which was now on its way to total defeat. Taking their inspiration from President Lincoln’s recent Emancipation Proclamation, the Federal Cherokees “passed an act which emancipated slaves and abolished slavery within their Nation” (*Red*, 131). The signers, although they were the first group to abolish slavery voluntarily during the Civil War, had in fact little to lose because they had no, or very few, slaves. The large slaveowners were practically all supporters of the South, and “they totally disregarded the [emancipation] law” adopted by the pro-Union group (*Red*, 133).

And so did the Federal authorities! When the war ended, they indeed claimed that, since most Cherokees had aligned themselves with the Confederacy, “all existing treaties between the two nations were void” (*Red*, 133). A post-Civil War treaty was eventually signed in Washington on July 19, 1866. It provided that, in Oklahoma, the Cherokees—but also free Negroes and freed slaves—had the right

²⁴ “One, the First Regiment Cherokee Mounted Rifles, was under the command of John Drew (a supporter of John Ross). The other, the Second Regiment Cherokee Mounted Rifles, was under the command of Stand Watie” (*Red*, 128). During the summer of 1862, when Union forces entered the Cherokee Nation and the early successes of the Confederates began to prove ephemeral, Drew’s regiment went over, almost totally, to the Union side. For further detail, see Perdue, 133 ff. and Annie Heloise Abel, *The American Indian as Slaveholder and Secessionist*, University of Nebraska Press, Lincoln and London 1992 [1915], passim.

to settle in and occupy a territory “which include[d] a quantity of land equal to one hundred and sixty acres for each person who [might] so elect to reside in the [said] territory” (*Red*, 134). Regarding those who had found refuge outside the Cherokee Nation during the war, Article 9 stated that all free blacks and all freedmen, and their descendants, “who may return within six months . . . shall have all the rights of native Cherokees” (*Red*, 135). Alas, many of them were not informed in time, and returned home *after* the fateful date of January 19, 1867—to discover that “they were not citizens, but intruders” and were no longer entitled to a tract of tillable land (*Red*, 136). The outcome of war was in their favor, but once again fate and the injustice of history were against them, and many were then forced to live from hand to mouth. To make matters even worse, in 1910, a grandfather clause in the new Oklahoma constitution disenfranchised all blacks: those former slaves, or their descendants, “became so discouraged with their lot that they [engaged] in a forlorn effort to return to Africa.”²⁵

In 1860, slaves represented 43.72% of the total population of Georgia, and 38% of all whites families owned slaves,²⁶ whereas, as already noted, only 2% of all Cherokees were slaveholders in Oklahoma. From a quantitative standpoint, the difference is glaring, and things cannot compare. But one can point to important qualitative parallels.

When studying the condition of the black slaves of Cherokee masters, one cannot but observe that their work activities and living conditions were quite similar to those of their counterparts in the Southern states. One essential difference was that the Cherokees, whether or not they owned slaves, never questioned the legitimacy of slavery, never experienced any qualms of conscience about it, never felt the necessity to justify (or condemn) it morally, never developed any kind of ‘underground railroad’ within their Nation, never established any abolitionist movement. Even today “there appears to be little or no feeling of guilt” among them (*Red*, 144). The explanation is probably of a cultural or anthropological order: as Claudio Saunt recently pointed out, for southeastern Indians “only people with kin relations within a larger clan network . . . were considered human... In fact, the opposition between slavery and freedom is peculiar to Europeans; for many other peoples, the opposite of slavery is kinship.”²⁷ It is hardly surprising, then, that the Cherokees did not feel guilty about slavery. One, moreover, can understand that a people under siege as the Cherokees were, dispossessed of their ancestral lands by the greed of a rival and conquering culture, their traditions undermined and debased, and forced *en masse* onto the tragic Trail of Tears, would be too focused on their own catastrophe to make the additional effort of having a Christlike attitude toward another group of downtrodden people. Nor should one forget the central paradox which characterized their evolution: the more ‘civilized’ they became, or were asked to

²⁵ William G. McLoughlin, *op. cit.*, 383.

²⁶ Source: Historical Statistics of the United States (1970).

²⁷ Claudio Saunt, “‘The English has now a mind to make slaves of them all!’ Creeks, Seminoles, and the Problem of Slavery.” *American Indian Quarterly* 22, no. 1-2 (winter-spring 1998), p.160.

become, the more proslavery and, if I may say so, the more ‘white’ they tended to be, in both sensibility and practice.

When reading some of the documents and testimonies of the time, one is tempted to think that the Indians were on the whole less cruel to their slaves than their white models. One of my aims here was to show that the so-called ‘benevolence’ of slaveholding Indians, and of Cherokee slavery in particular, is a myth: a myth which, incidentally, was above all “created by the missionaries, Indian superintendents, and Cherokee agents,” all of them taking care not to displease the influential Cherokee slaveowners when writing their official reports (*Red*, 144). And a myth that enables the historian to avoid adding in any way to the Indian’s historical burden. In part, it is probably because of that mythical benevolence that the case of slaveholding Indians has been so much neglected and has given rise to so little research: why indeed bother about something that is not perceived as problematic or questionable? Not a single line, for instance, in John Hope Franklin’s famous history of Negro Americans, *From Slavery to Freedom*. Not a single line!

In recent months, the colleagues to whom I mentioned the fact that I was working on slaveholding Indians in North America expressed surprise—most of them, if not all, admitting that they had never heard of the existence of black slaves among American Indians. It is high time that some attention be, at long last, given to these slaves. Their story was tragic, but leaving it untold would be an additional injustice.

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Cherokees Slaves and Slave Owners in 1835

<u>Alabama</u>	<u>Tennessee</u>	<u>North Carolina</u>	<u>Georgia</u>	<u>TOTAL</u>
NUMBER OF CHEROKEES				
11 424	2 528	3 644	8 946	26 542
NUMBER OF CHEROKEE HEADS OF FAMILY				
244	427	644	1 461	2 776
PERCENTAGE OF SLAVEHOLDING FAMILIES				
16.39	13.34	2.48	6.57	
TOTAL NUMBER OF SLAVES OWNED				
299	480	37	776	1 592
% OF SLAVES TO CHEROKEE POPULATION				
2.61	18.98	1.01	8.67	6

Source: R. Halliburton, Jr., *Red over Black*, Greenwood Press, Wesport, Conn 1977, p.191.