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Source: *The Journal of Southern History*, FEBRUARY 2012, Vol. 78, No. 1 (FEBRUARY 2012), pp. 3-36

Published by: Southern Historical Association

Stable URL: <https://www.jstor.org/stable/23247455>

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The Legacy of Indian Removal

By THEDA PERDUE

REMOVAL IS WHERE MOST HISTORICAL ACCOUNTS OF SOUTHERN INDIANS end, but that is where this story begins. Intended to rid the South of Indian nations with communal lands and sovereign powers, the removal policy of the 1830s fell short. Not only did individual Indians remain, but native communities also struggled over the next century and a half to carve out a place for themselves in the South.¹ For much of that time, U.S. officials schemed to transport remnants of removed nations to Indian Territory, and in a variety of scenarios, both states and individuals sought to dispossess other Indians and dislocate their communities. The ongoing efforts to expel Indian people from the South and/or obliterate their status as Indians met with little of the highly publicized opposition that the removal of the 1830s provoked. Instead, white southerners used the expulsion of Indians in the Jacksonian era to obscure the continuing presence of native people in the South, to fuse their own lost cause to that of the Indians, and to fortify Jim Crow against the challenges that diversity among non-whites presented. As for Indians, poverty, isolation, disenfranchisement, intimidation, and racism compounded their terror and threatened to render them powerless, but in a struggle that coincided with the civil rights movement, some southern Indians forced a reckoning. As historians, we have incorporated Indians into narratives of colonization, slavery, and the expansion of the cotton kingdom, but after the Jacksonian period, we puzzle over what to do about scattered, historically disconnected Indian communities. One way of linking those communities to each other and to the broader history of the South is to

¹For an overview, see Theda Perdue and Michael D. Green, *The Columbia Guide to American Indians of the Southeast* (New York, 2001), chap. 7. For purposes of this essay, the South excludes Indian Territory and Oklahoma, which legally defined Indians as white. The article focuses on well-documented Indian tribes and communities in east Texas, Louisiana, Mississippi, Alabama, Tennessee, Georgia, Florida, South Carolina, North Carolina, and Virginia.

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THE JOURNAL OF SOUTHERN HISTORY
Volume LXXVIII, No. 1, February 2012

recognize that removal served to solidify a biracial South and reinforce white power long after the Trail of Tears ended. Furthermore, native resistance to dispossession and segregation helped loosen the hold of Jim Crow on the region.

Most southern historians are aware that the United States government removed the so-called five civilized tribes, a term Indian historians no longer use, and some scholars know that remnants of four of the tribes remained in the South. A private reservation granted under the 1814 treaty that ended the Creek War provided land in Alabama on which a community coalesced, one that the United States recognized in 1984 as the Poarch Band of Creeks.² Cherokees in North Carolina who had received private reservations under an 1819 treaty and subsequently lived outside the Cherokee Nation formed the nucleus of the Eastern Band of Cherokee Indians, recognized by Congress in 1868.³ Thousands of Choctaws who unsuccessfully sought reservations under their removal treaty remained in Mississippi, landless and impoverished until the United States stepped in after World War I and then, in 1945, accepted the tribal constitution that formally established them as the Mississippi Band of Choctaw Indians.⁴ And in southern Florida, Indians who avoided capture in the Seminole Wars struggled to survive in the swamps and marshes. In 1957 and 1961 they constituted Seminole and Miccosukee tribes under the Indian Reorganization Act.⁵ As the dates of their formal organizations indicate, the United States, in the aftermath of removal, did not officially acknowledge any of these remnants as tribes, and before World War II, only the Cherokees had a government-to-government relationship with Washington, D.C.

The absence of formal governments, commonly held land, and federal relations made these remnants vulnerable to exploitation by whites. Recognizing the dangers, Jim Boy, a Creek headman, returned to Alabama in 1848 to rescue Creeks left behind in his tribe's chaotic removal. He saved sixty-five countrymen, but he failed to secure the freedom of at least a hundred others whom white Alabamians held in

²J. Anthony Paredes, "Federal Recognition and the Poarch Creek Indians," in Paredes, ed., *Indians of the Southeastern United States in the Late Twentieth Century* (Tuscaloosa, 1992), 120–39.

³John R. Finger, *The Eastern Band of Cherokees, 1819–1900* (Knoxville, 1984), 10, 105–6.

⁴John H. Peterson Jr., "Choctaw Self-Determination in the 1980s," in Paredes, ed., *Indians of the Southeastern United States*, 140–61, esp. 141–42.

⁵Harry A. Kersey Jr., "Seminoles and Miccosukees: A Century in Retrospective," *ibid.*, 102–19.

slavery.⁶ With little tolerance for racial anomalies, these planters had converted previously free Indians into slaves and driven home the message that leading southerners aspired to create a region populated only by free whites and enslaved people of color.

The wholesale enslavement of remaining Indians did not happen, but the federal government acted in concert with the states to turn the South into a biracial region by continuing to try to expel the remnants of removed tribes from the Southeast. In the 1840s the federal government attempted to entice Choctaws deprived of private reservations in Mississippi to leave the state by issuing scrip redeemable for public land, with half the scrip available only upon their arrival in Indian Territory. Many desperate Choctaws took the offer, but about 1,500 still remained in Mississippi at the end of the decade.⁷ In the same period, the United States made an effort to convince the Cherokees in North Carolina to move west, but the only people who demonstrated much interest were white men with Cherokee families or highly acculturated Cherokees who had tired of trying to assimilate into white society. In 1848 Congress passed an act granting \$53.33 to any North Carolina Cherokee who emigrated, an inducement to some perhaps, but a reminder to most that the threat of removal persisted.⁸ In the 1850s the United States renewed efforts to remove the Seminoles militarily and provoked the Third Seminole War. The capture and deportation of Billy Bowlegs's bellicose band in 1858 ended hostilities but not the determination of remaining Seminoles to resist removal.⁹

⁶ Affidavit of Nealie (Neal) McCormick, n.d.; and Affidavit of Esther Evans Harris, October 27, 1978, pp. 231, 235, in "Petition for Federal Acknowledgement of the Lower Creek Muscogee Tribe East of the Mississippi as an Indian Tribe," April 1979 (Office of Federal Acknowledgment, Bureau of Indian Affairs, Washington, D.C.; hereinafter OFA); Grant Foreman, *Indian Removal: The Emigration of the Five Civilized Tribes of Indians* (1932; new ed., Norman, Okla., 1953), 107–90, esp. 190n35; Holátte Cvpvkke (C. B. Clark), "'Drove Off Like Dogs'—Creek Removal," in John K. Mahon, ed., *Indians of the Lower South: Past and Present* (Pensacola, 1975), 118–24.

⁷ Clara Sue Kidwell, "The Choctaw Struggle for Land and Identity in Mississippi, 1830–1918," in Samuel J. Wells and Roseanna Tubby, eds., *After Removal: The Choctaw in Mississippi* (Jackson, Miss., 1986), 64–93, esp. 78.

⁸ Finger, *Eastern Band of Cherokees*, 31–40, 47; John R. Finger, "The Abortive Second Cherokee Removal, 1841–1844," *Journal of Southern History*, 47 (May 1981), 207–26. The 1848 act also provided an incentive to stay by ordering payment of 6 percent annual interest on the removal amount to each Cherokee who remained, and after the Civil War the United States conveyed the principal to the Cherokees as a common fund. *House Reports*, 30 Cong., 1 Sess., No. 632: *Cherokee Indians in North Carolina* (Serial 526; Washington, D.C., 1848), 9; Finger, *Eastern Band of Cherokees*, 47–59, 101–10, 122–23.

⁹ James W. Covington, *The Seminoles of Florida* (Gainesville, Fla., 1993), 110–44; Covington, *The Billy Bowlegs War, 1855–1858: The Final Stand of the Seminoles Against the Whites* (Chuluota, Fla., 1982); "Late Army News from Florida," *New Orleans Daily Picayune*, February 10, 1850, p. 3.

The same factors that gave rise to the expulsion of the five tribes—greed, racism, and political posturing—led to the dispossession of other southern Indians in the antebellum period, an indication of the pervasiveness of removal sentiment. Indian reservations in Virginia, North Carolina, and South Carolina that dated from the colonial period faced dissolution as these states sought to make Indian land available to white farmers and make Indian people disappear into the amorphous category of “free people of color.” Gingaskins and Nottoways in Virginia lost much of their land in the 1830s after the state legislature provided for the allotment (that is, division into individually owned tracts) of reservations that dated to the seventeenth century. The Pamunkeys and Mattaponis barely managed to fend off an attempt to sell or allot their reservations in 1843 when whites questioned the Indians’ ethnicity and petitioned the legislature to end their special status.¹⁰ As a result of the tribes’ resistance, these descendants of the Powhatans still hold their seventeenth-century reservations in eastern Virginia.

In 1831 North Carolina acquired the remainder of an eighteenth-century Tuscarora reservation from the tribal government in New York, where many Tuscaroras had migrated. This cession left landless those Tuscaroras who remained in North Carolina, and they gradually shifted south, where they blended with Cheraws and other Indian people to form the tribe now known as the Lumbees.¹¹

In 1840, over a rum barrel, the Catawbas ceded to South Carolina their Revolutionary-era reservation. South Carolinians planned to relocate the Catawbas to North Carolina, a scheme that ended abruptly when the North Carolina governor discovered it. In recompense for the 144,000 acres ceded, the Catawbas received a small amount of money and 630 acres of largely worthless clay hills that could not support them.¹² In desperation, the Catawba Nation requested removal west of

¹⁰ Helen C. Rountree, *Pocahontas's People: The Powhatan Indians of Virginia Through Four Centuries* (Norman, Okla., 1990), 179–86, 193–96; Rountree, “The Indians of Virginia: A Third Race in a Biracial State,” in Walter L. Williams, ed., *Southeastern Indians Since the Removal Era* (Athens, Ga., 1979), 27–48, esp. 32–36. Legislation of 1813 allotted all of the Gingaskins’ land, but most held on to their allotments until after the Nat Turner revolt, when over half the acreage quickly passed from Indian ownership. In 1823 the legislature permitted but did not require Nottoways to take allotments. Few did so until the 1830s.

¹¹ J. Bryan Grimes, *A Letter Concerning the Lands Formerly Held by the Tuscarora Indians in Bertie County, North Carolina* (Raleigh, 1911); Alan D. Watson, *Bertie County: A Brief History* (Raleigh, 1982), 6–9; Fred Olds, “The Story of the Tuscarora Indians,” *Oxford* (N.C.) *Orphans' Friend and Masonic Journal*, May 31, 1918; Olds, “Governor Pollock’s Letter Book,” *ibid.*, September 3, 1920.

¹² A copy of the 1840 treaty is in General Service, Central Classified Files, 1907–1939, Records of the Bureau of Indian Affairs, Record Group (hereinafter RG) 75 (National Archives and Records Administration [hereinafter NARA], Washington, D.C.). The deed conveying

the Mississippi River, and in 1848 Congress appropriated money to relocate them if the federal government found a place for them among the nations that already had removed. The Choctaw Nation accepted a group of Catawbans and, in 1856, extended full citizenship rights to them.¹³ Most, however, remained in South Carolina.

Other southern Indians who had neither relatives in the West nor a possibility of relocating struggled to preserve any land they had acquired, but the fervor that surrounded Indian removal often led to their dispossession by individuals. In Louisiana, for example, the Tunica-Biloxis lost all except 130 acres in the 1840s when a white man fenced much of their holdings for himself, charged several Indian women with trespassing on the tract, and shot the chief who protested his actions.¹⁴ Removal, therefore, was more encompassing than southern historians traditionally have acknowledged. It also extended over a much longer period.¹⁵

Following the Civil War, the United States renewed efforts to remove the remnants of tribes targeted in the 1830s. In 1869 the commissioner of Indian affairs requested funding for an agent to assess the feasibility of moving the Seminoles west, a goal he thought could be accomplished “if they were informed of the advantages to be gained

approximately 630 acres on December 24, 1842, to South Carolina in trust for the Catawbans is in York County Deed Book N, pp. 340–41 (York County Courthouse, York, S.C.). Also see Secretary of the Interior, “Memorandum of Information Relating to a Bill to Provide for the Relief of the Catawba Indians in South Carolina,” n.d., Records of the Cherokee Indian Agency, General Records Correspondence, 1890–1952, RG 75 (NARA, Morrow, Ga.); Chester Howe to Francis E. Leupp, December 28, 1905, General Service, Central Classified Files, 1907–1939, RG 75 (NARA, Washington); *Correspondence Relative to the Catawba Indians, Embracing Gov. Seabrook’s Letter to the Special Agent and Commissioners Appointed by Him* (Columbia, S.C., 1849), 3–5; H. Lewis Scaife, “Catawba Indians of South Carolina” (1896), *Senate Documents*, 71 Cong., 2 Sess., No. 92: *Catawba Indians of South Carolina* (Serial 9219; Washington, D.C., 1930), 7–10; Frank G. Speck, “The Catawba Nation and Its Neighbors,” *North Carolina Historical Review*, 16 (October 1939), 404–17, esp. 416; and Douglas Summers Brown, *The Catawba Indians: People of the River* (Columbia, S.C., 1966), 316–20.

¹³The Choctaw Nation expected payment as promised by Congress, but the funds never materialized. *Senate Documents*, 54 Cong., 2 Sess., No. 144: *The Catawba Tribe of Indians* (Serial 3471; Washington, D.C., 1897).

¹⁴Ernest C. Downs, “The Struggle of the Louisiana-Tunica Indians for Recognition,” in Williams, ed., *Southeastern Indians Since the Removal Era*, 72–89; “Petition for Recognition of the Tunica-Biloxi Indian Tribe in Compliance with 25 CFR, Part 54, prepared by the Native American Rights Fund,” 2–9, 35, 64–65, 70 (OFA); Ruth M. Underhill, “Report on a Visit to Indian Groups in Louisiana, Oct. 15–25, 1938,” pp. 18–29, General Service, Central Classified Files, 1907–1939, RG 75 (NARA, Washington).

¹⁵Historians generally have followed the lead of Foreman’s *Indian Removal* and limited any discussion of southern removals to what he called “the five civilized tribes.” John P. Bowes, *Exiles and Pioneers: Eastern Indians in the Trans-Mississippi West* (New York, 2007), draws together the experiences of several tribes from the Old Northwest and presents removal as process rather than event, a useful way of thinking about removal in the South as well.

thereby.”¹⁶ In the Office of Indian Affairs, it seems, memory was short, hope long, and disappointment, at least where Seminole removal was concerned, predictable. No one went west. More susceptible to removal efforts were Cherokees who were not a part of the core landowning group in North Carolina. In 1871–1872 approximately a hundred of these Cherokees, “having been dispossessed of all their lands and property fraudulently,” encamped near an East Tennessee railroad station “in a destitute and suffering condition” to await transportation that the United States had promised but was slow to deliver. Their ordeal seemed to mirror the Cherokee experience of 1838 and dampened further pro-emigration sentiment among Cherokees.¹⁷ Reluctance to remove extended to Choctaws as well. Between 1889 and 1891, the Choctaw Nation in Indian Territory actively encouraged the Mississippi Choctaws to join them, even appropriating funds for a Choctaw Nation representative to visit the Mississippi group, but this effort met with limited success: fewer than two hundred Mississippi Choctaws emigrated.¹⁸

The most serious New South effort to rid the region of Indians came at the turn of the twentieth century when their presence and their racial ambiguity began to complicate Jim Crow laws. Thousands of Indians lived in the South, and they composed an extraordinarily diverse group.¹⁹ Many descendants of Cherokees, Choctaws, Creeks, and Seminoles lived in Indian communities, but others intermarried with whites and blacks and assumed those racial identities.²⁰ Although some preserved

¹⁶ *House Executive Documents*, 41 Cong., 2 Sess., No. 1/11: *Report of the Commissioner of Indian Affairs* (Serial 1414; Washington, D.C., 1869), 483; hereinafter cited as *Report of the Commissioner of Indian Affairs* (1869).

¹⁷ Report of Commissioner John D. Lang, December 6, 1871, in *House Documents*, 42 Cong., 2 Sess., No. 1/11: *Report of the Commissioner of Indian Affairs* (Serial 1505; Washington, D.C., 1871), 580–81 (quotations on 580); Finger, *Eastern Band of Cherokees*, 114–17.

¹⁸ Ronald N. Satz, “The Mississippi Choctaw: From the Removal Treaty to the Federal Agency,” in Wells and Tubby, eds., *After Removal*, 3–32, esp. 16–21.

¹⁹ The U.S. census recorded a total of 5,843 Indians in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia in 1890 and 9,620 in 1900. U.S. Census Office, *Report on Population of the United States at the Eleventh Census: 1890*, Part I (Washington, D.C., 1895), 444–49; U.S. Census Office, *Twelfth Census of the United States, Taken in the Year 1900. Population*, Part I (Washington, D.C., 1901), 529–61. Censuses are notoriously unreliable for recording the Indian population, however, because census takers based racial designations on physical appearance. The disparity in the two population totals above stems partly from the failure of census takers in 1890 to record the native population in eastern North Carolina as Indian. Calvin L. Beale, “Census Problems of Racial Enumeration,” in Edgar T. Thompson and Everett C. Hughes, eds., *Race: Individual and Collective Behavior* (Glencoe, Ill., 1958), 537–40.

²⁰ Antebellum legislation in Georgia and Alabama converted specific Indian families into whites. *Acts of the General Assembly of the State of Georgia Passed in Milledgeville at an Annual Session in November and December, 1839* (Milledgeville, Ga., 1840), 32; Sharon P. Flanagan, “The Georgia Cherokees Who Remained: Race, Status, and Property in the Chattahoochee

knowledge of Indian ancestry, others concealed this chapter of their family histories. In addition to the people whose tribes removed, there were Indian communities that had no history of relations with the United States and were not slated for removal. Some, such as the Tunica-Biloxi and the Chitimachas in Louisiana, had land the tribes had possessed since before the Louisiana Purchase.²¹ The Alabama-Coushattas in Texas, the Catawbas in South Carolina, and the Pamunkeys and Mattaponis in Virginia held state reservations.²² But the majority of Indians remaining in the South had no common land and no formal relationship with state or federal governments. As states segregated not only schools but also transportation and public accommodations, these people presented legislators with a conundrum: How could they fit a third race into a biracial legal system?

Solutions varied according to time and place, but generally the states categorized Indians as “colored” and made few separate provisions for them in Jim Crow statutes.²³ Insisting that intermarriage with African Americans had tainted native people’s Indian blood, states usually closed “white” facilities to them and refused to record them as Indian on official documents.²⁴ Although local and even state governments

Community,” *Georgia Historical Quarterly*, 73 (Fall 1989), 584–609; J. Anthony Paredes, “Ethnohistorical and Ethnographic Report,” in “[Petition of] MaChis Lower Alabama Creek Indian Tribe, Inc. [for Federal Recognition],” 4 (OFA). In the 1880 U.S. manuscript census, Choctaw chief Greenwood LeFlore’s descendants Rebecca Harris, Greenwood Haulsey (Halsey), and John D. Haulsey (Halsey) are listed as white, the result of general acceptance (probably as a result of their wealth) rather than legislative action. Manuscript Census Returns, Tenth Census of the United States, 1880, Carroll County, Mississippi, Population Schedule, accessed via HeritageQuest Online subscription database. Mississippi governor Haley R. Barbour, who identifies as white, is a great-great-nephew of LeFlore. Debbie Burt Myers, “Barbour Says Tribe Should Vote on Casino,” *Philadelphia (Miss.) Neshoba Democrat*, August 4, 2010, <http://www.neshobademocrat.com/main.asp?SectionID=2&SubSectionID=297&ArticleID=21661>.

²¹ In 1896 the commissioner of Indian affairs insisted that “[t]he Federal Government does not have jurisdiction over any Indians in Louisiana,” an opinion that led the Louisiana Supreme Court to rule that all Louisiana Indians came under state jurisdiction. *State of Louisiana v. Fulgence Chiqui*, 49 La. Ann. 131 (1897), at 133.

²² Jonathan B. Hook, *The Alabama-Coushatta Indians* (College Station, Tex., 1997), 32–33.

²³ Theda Perdue, “Southern Indians and Jim Crow,” in Stephanie Cole and Natalie J. Ring, eds., *The Folly of Jim Crow: Rethinking the Segregated South* (College Station, Tex., 2012), 54–90.

²⁴ A Louisiana attorney made the following observation of the Chitimachas: “We call them Indians out of respect for the aboriginal red skin from whom they are only remote descendants. They have intermarried with negroes and with rare exceptions with white persons, so that there is not now a full-blooded Indian upon the property.” Emmet Alpha to Samuel M. Brossus, January 30, 1914, General Service, Central Classified Files, 1907–1939, RG 75 (NARA, Washington). Virginia officials were convinced that the Mattaponis were “using the Indian technique in order to escape from the black race to the white race.” Joe Jennings, Memorandum, July 29, 1946, General Records Correspondence, 1926–1952, Records of the Cherokee Indian Agency, RG 75 (NARA, Morrow, Ga.). On vital statistics records, see Christopher Arris Oakley, *Keeping the Circle: American Indian Identity in Eastern North Carolina, 1885–2004* (Lincoln, Neb., 2005), 69; and Rountree, *Pocahontas’s People*, 220–42.

occasionally funded Indian schools or teachers, they more commonly insisted that Indians attend “colored” schools or that the federal government provide education for them. The Office of Indian Affairs did acknowledge obligations to remnants of removed tribes. As for other native people, the United States demurred. Ironically, the people who were supposed to have been removed had a legitimacy denied Indians who had not been slated for removal. Hesitancy to provide for all Indians stemmed in part from doubts that some Indians were who they said they were. Academic characterization of them as “mongrels” or “tri-racial isolates” undermined public acceptance of their Indian identity and in the 1930s led to anthropometric tests to determine racial ancestry.²⁵

Many Indians feared losing their identity as Indians, but they often also subscribed to the racist views that gave rise to Jim Crow. Both factors drove a wedge between Indians and African Americans. Most Indians refused to attend “colored” schools, ride in “colored” coaches, live in “colored” neighborhoods, or accept employment in what they considered to be “colored” jobs.²⁶ The result was isolation, not just from whites and blacks but also from other Indians. Remnants of removed tribes regarded with suspicion those Indians not targeted for removal. Such skepticism reflected distinctions whites made, not in law perhaps, but in practice. In 1940 the president of the University of North Carolina confirmed the eligibility of Cherokees for admission to whites-only state universities, but he noted that “Croatan [Lumbee] Indians are restricted because most of them are part Negro.”²⁷ Such distinctions made Cherokees wary of admitting anyone except Indians from removed tribes to the federal boarding school on their reservation. When the Office of Indian Affairs concluded that the “majority of the Pamunkeys have so little [Negro blood] that it is hardly evident,” the Cherokees agreed “to accept those children or children of similar

²⁵ For example, see Arthur H. Estabrook and Ivan E. McDougale, *Mongrel Virginians: The Win Tribe* (Baltimore, 1926); and William Harlen Gilbert Jr., “Memorandum Concerning the Characteristics of the Larger Mixed-Blood Racial Islands of the Eastern United States,” *Social Forces*, 24 (May 1946), 438–47. On the testing of Lumbees, see Malinda Maynor Lowery, *Lumbee Indians in the Jim Crow South: Race, Identity, and the Making of a Nation* (Chapel Hill, 2010), 181–212. Henry Bascom Collins Jr. measured the Mississippi Choctaws in the 1920s and found no recent miscegenation. Collins, “Anthropometric Observations on the Choctaw,” *American Journal of Physical Anthropology*, 8 (October–December 1925), 425–36; Collins, “Additional Anthropometric Observations on the Choctaw,” *ibid.*, 11 (January–March 1928), 353–55.

²⁶ Theda Perdue, “Native Americans, African Americans, and Jim Crow,” in Gabrielle Tayac, ed., *IndiVisible: African–Native American Lives in the Americas* (Washington, D.C., 2009), 21–34.

²⁷ The line about Croatans is crossed out in the draft. Frank Porter Graham to W. L. Mayer, April 24, 1940, Box 13, Office of the President of the University (System): Frank Porter Graham Records, 1932–1949, #40007 (University Archives, Wilson Library, University of North Carolina at Chapel Hill).

appearance.”²⁸ Cherokees did not quibble about admitting Choctaws or Seminoles to the school because their link to removed tribes made their identity unassailable. But for most Indians, distant ancestry was difficult to prove. Even unfounded charges of African Americans in a lineage discredited assertions of Indian ethnicity.

A history of removal affirmed the Indian identity of remnant peoples, but that acknowledgment did not necessarily give them access to schools, social services, transport, public accommodations, or jobs reserved to whites. White schools in western North Carolina, for example, denied admission to Cherokee students in the 1890s. The white school in Indiantown, Florida, expelled, because of local whites' objections, the four or five Seminoles who had enrolled in 1916. Poarch Creeks in Alabama gained admission to a white high school only in 1936, and as late as the 1950s, Mississippi Choctaws were “restricted to use of colored facilities and generally treated as colored.”²⁹ Whites conceded the racial identity of all these peoples as Indian, but Jim Crow's purpose was to protect whiteness, not segregate the nonwhite population in myriad ways based on ethnicity. State and local authorities usually insisted that Indians were the federal government's problem, and the willingness of the United States to make provisions for a people verified that they were Indian.³⁰ Until 1934, however, the United States was trying to divest itself of responsibility for Indians, and authenticating additional Indians was unlikely. Indeed, removing Indians physically from the South or ending their legal status as wards

²⁸ Willard W. Beatty to Joe Jennings, December 26, 1945 (first quotation); Joe Jennings to Willard W. Beatty, January 9, 1946 (second quotation), both in General Records Correspondence, 1926–1952, Records of the Cherokee Indian Agency, RG 75 (NARA, Morrow, Ga.).

²⁹ A. Spencer to Commissioner of Indian Affairs, February 17, 1893, Superintendent's Letterbooks, 1892–1914, Chronological Correspondence Files, Records of the Cherokee Indian Agency, RG 75 (NARA, Morrow, Ga.); W. S. Coleman to Com., October 31, 1916, Seminole, Central Classified Files, 1907–1939, RG 75 (NARA, Washington); Rev. Edgar Van W. Edwards, “Report of Indian Work,” 1936, Charles Colcock Jones Carpenter Papers, 1920–1969, Collection #241.2.91.13.13 (Department of Archives and Manuscripts, Birmingham Public Library, Birmingham, Ala.); Robert M. Cullum to W. O. Roberts, August 6, 1951, Mississippi Choctaw, Office of Tribal Operations, Records of the Five Civilized Tribes Indian Agency, RG 75 (NARA, Fort Worth).

³⁰ Whites usually claimed that they excluded Choctaws and Cherokees from schools because land held in trust by the United States was exempt from property taxes that supported state schools. White children whose parents paid no property tax, however, were admitted. Frank Kyselka to Commissioner of Indian Affairs, January 11, January 22, March 29, 1911, Superintendent's Letterbooks, 1892–1914, Chronological Correspondence Files, Records of the Cherokee Indian Agency, RG 75 (NARA, Morrow, Ga.); United States House of Representatives, *Hearings before the Committee on Investigation of the Indian Service*. Vol. 2: *Condition of the Mississippi Choctaws* (Washington, D.C., 1917), 120–21, 161, 179–80; hereinafter cited as *Condition of the Mississippi Choctaws*.

of the federal government offered solutions for both the United States and Jim Crow.

In 1887 the Dawes Act established a federal policy of allotting tribal lands to individuals and bringing Indians under the laws of the states in which they lived, even if those laws segregated and discriminated against them. In the Southeast at the time, only the Eastern Band of Cherokees lived on tribal land that the United States held in trust, and the Cherokees, by incorporating under state law, forestalled efforts to allot commonly held land.³¹ The United States bought land for the Seminoles in the hope of settling them on individual tracts in preparation for allotment and withdrawal of federal protection, but the Seminoles would have none of it. When the government purchased land on which an Indian family lived in order to give them a secure title, the family promptly moved.³² The only success in fulfilling the allotment policy's goals in the Southeast came in Alabama, where the federal government revoked the trust status of the private reservation on which many Poarch Creeks lived, thereby making the land taxable and removing any buffer to the state's racial codes.³³

The Dawes Act exempted the southern nations in Indian Territory, but in 1893 Congress established the Dawes Commission to negotiate allotment agreements with them that would accomplish the same goals. Under the terms of their 1830 removal treaty, Mississippi Choctaws retained citizenship in the Choctaw Nation, a circumstance that entitled them to allotments in Indian Territory. The absence of records, the opposition of landlords who held many Choctaws in peonage, and the Indians' fear of anything having to do with the federal government hampered the enrollment of Choctaws in Mississippi for allotments in Indian Territory. Add to these factors bureaucratic bungling, shyster lawyers who defrauded their Indian clients, and poverty so severe that people who received allotments often could not afford to buy a rail ticket to go claim their land, and the result was failure to rid Mississippi of Choctaws. By 1903 when enrollment

³¹ Joseph W. Howell, "Brief on Behalf of Cherokees of North Carolina," December 18, 1929, Records Relating to Enrollment of Eastern Cherokee, Enrollment Records, RG 75 (NARA, Washington). Just under half of the Chitimachas' land was allotted to individuals in the first decade of the twentieth century, but the impetus came from Indians who had moved away rather than from United States officials. Emmet Alpha to Sarah McIlhenny, February 4, 1913, General Service, Central Classified Files, 1907-1939, RG 75 (NARA, Washington).

³² Lorenzo D. Creel, "Investigation of the Seminole Indians in Florida," 1911; Lucien A. Spencer to Commissioner of Indian Affairs, n.d., rec'd April 7, 1913, both in Seminole, Central Classified Files, 1907-1939, RG 75 (NARA, Washington).

³³ "Petition for Federal Recognition Submitted by the Poarch Band of Creeks to the United States Department of Interior," January 10, 1980, pp. 2-4, 71 (OFA).

ended, 1,634 Mississippi Choctaws had been added to the rolls of the Choctaw Nation. Some moved to Indian Territory, but many remained in Mississippi. Others returned from Indian Territory only to find their Indian schools closed, their communities dislocated, and their economic opportunities even more circumscribed than they had been.³⁴ Piqued by the Indians' refusal to disappear from Mississippi, both state and federal governments adopted a punitive attitude. Choctaw Baxter York told an interviewer that the government said to those who remained, "All right then, we're gonna take everything away from you, even your happiness."³⁵ York made this comment nearly three-quarters of a century after the event, but his anguish was still palpable.

Continuing pressure to go west reinforced native memories of removal, passed on from generation to generation through stories, songs, and even personal names. Seminoles in the 1880s bore names that evoked removal: A-fa-na-ká, or "a lookout"; Tca-yai-yak-tsi, or "hush, be quiet"; It-tcai-hi, or "the one who shoots"; and A'-ba-yik'-ha-tco, or "people going."³⁶ The practice did not end with the demise of those who actually experienced the Seminole War. Nancy Shore told an interviewer in 1999 that her grandmother continued the practice with names such as Ingalee, meaning "scared," and Ahichakitag, or "looking back," for her grandchildren. When she explained to the children the meaning of their names, the old woman recounted the story of their ancestor's escape from a boat that was taking Seminoles to Indian Territory.³⁷

³⁴ Satz, "Mississippi Choctaw," 16–21; Charles Roberts, "The Second Choctaw Removal, 1903," in Wells and Tubby, eds., *After Removal*, 94–111; "Report of the Commission to the Five Civilized Tribes," in *House Documents*, 58 Cong., 3 Sess., No. 5/4: *Annual Reports of the Department of the Interior for the Fiscal Year Ended June 30, 1904. Indian Affairs*, Part II (Serial 4799; Washington, D.C., 1904), 14–15; Henry S. Halbert to H. L. Whitfield, November 1, 1899, in *Biennial Report of the State Superintendent of Public Education to the Legislature of Mississippi for Scholastic Years 1897–98 and 1898–99* (Jacksonville, Fla., 1900), 36; *Condition of the Mississippi Choctaws*, 138–40; "Shysters Seek to Cheat Reds," *Atlanta Constitution*, January 17, 1903, p. 1; "Scandal Touches Another Senator," *ibid.*, August 23, 1910, p. 2; "No Money Is Allowed Mississippi Choctaws," *ibid.*, January 10, 1915, p. B1.

³⁵ Interview with Baxter York, August 22, 1975, p. 3 (Samuel Proctor Oral History Program, University of Florida, Gainesville), <http://ufdc.ufl.edu/UF00007871/00001/>.

³⁶ William C. Sturtevant, "Introduction," in Clay MacCauley, *The Seminole Indians of Florida* (Gainesville, Fla., 2000), xxxvii, xlv–xlix.

³⁷ Interview with Nancy Shore, November 8, 1999, pp. 5–6 (Samuel Proctor Oral History Program), <http://ufdc.ufl.edu/UF00091800/00001/>. Many Seminoles have such stories. Former Seminole tribal chair Betty Mae Tiger Jumper included hers in her autobiography. Digging a hole under the stockade fence and singing loudly to distract the guards, her great-great-grandmother engineered the escape of her two youngest daughters after soldiers raped her and her eldest. Betty Mae Tiger Jumper and Patsy West, *A Seminole Legend: The Life of Betty Mae Tiger Jumper* (Gainesville, Fla., 2001), 3–7.

No one understood better how duplicitous the United States could be than the Seminoles. In the early twentieth century, drainage projects steadily opened the swamps in which the Seminoles lived to whites, but most Indians refused to move to reservation land that the United States had acquired. Settling on a reservation, they thought, made them vulnerable to removal. In 1911 a United States agent tried to convince Charley Osceola, who as a child had seen Seminoles deported on a steamboat, that relocating to reservation land would provide some security for the Seminoles. Osceola replied, "No, there is a big canal out there, pretty soon big steamboat come along put Injun on, hiepus (go) and never come back."³⁸ A white trader among the Seminoles testified in 1917 to a congressional committee that the events of the 1830s "are as fresh with many to-day as they were when they happened" and that nine-tenths of the Seminoles believed that the government still wanted to take them to Oklahoma.³⁹

Even after a century, removal haunted Indians across the South. When the Office of Indian Affairs sent a special investigator from Washington in 1931 to assess the Choctaws' situation in Mississippi, the people who lived at Bogue Chitto refused to meet with him, despite the beef their agent barbecued in an effort to lure them to the meeting. They wanted nothing to do with the federal government because of fear that, as one man put it, "The Government will take us away some day to Oklahoma." When the investigator sought an explanation for why many Choctaw sharecroppers refused to leave their landlords' plantations and settle on land the United States had been acquiring for them since World War I, another told him, "Old time Indian Choctaw is scared to move . . . because of forced removal years ago." Memory was long in Bogue Chitto and made people wary of government

³⁸ Lorenzo D. Creel, "Investigation of the Seminole Indians in Florida," 1911, Seminole, Central Classified Files, 1907–1939, RG 75 (NARA, Washington).

³⁹ United States House of Representatives, *Hearings before the Committee on Investigation of the Indian Service*. Vol. 1: *Condition of the Florida Seminoles* (Washington, D.C., 1917), 58; hereinafter cited as *Condition of the Florida Seminoles*. The creation of the Everglades National Park in 1935 provided evidence for how vulnerable Seminoles were, whether or not they lived on reservations, because it involved an exchange of Seminole land within the park for land outside and limitations on use of land within the park boundaries. For many Seminoles, it was another kind of removal, one that put them "in constant fear of losing their present homes." Edna Groves to Willard W. Beatty, June 25, 1937, General Records Correspondence, 1926–1952, Records of the Cherokee Indian Agency, RG 75 (NARA, Morrow, Ga.); Hester Scott, "Nation's Eyes Turn to Everglades Park," *Miami Herald*, May 3, 1937, p. 8B; W. O. Roberts, "Report on Proposed Legislation to Terminate Federal Supervision over the Property of the Seminole Tribe of Indians in the State of Florida and for Other Purposes" (1953), pp. 3, 5, Seminole-Florida, Office Files of Tribal Affairs Officer, 1947–1965, Office of Tribal Operations, Records of the Five Civilized Tribes Indian Agency, RG 75 (NARA, Fort Worth).

overtures.⁴⁰ At the end of the twentieth century, many Choctaws still believed that a third removal was imminent.⁴¹

Indians often saw schools as an instrument of removal. Such an association is not surprising since missionaries established schools in the Cherokee, Chickasaw, Choctaw, and Creek Nations in the decade or so immediately before 1830, when Congress passed the Indian Removal Act. Refusing to send their children to school was one way that Indians isolated themselves from whites and, they believed, the possibility of removal.⁴² Any issue involving education tended to become associated with removal. A dispute between the U.S. agent and the Quaker school superintendent over control of the Cherokee school in 1892 sparked rumors, the agent claimed, that “[I] was going to move the Indians West, if they did not let me have [control of] the school.”⁴³ In the 1930s Choctaws believed that the government intended “to first make a show of beneficence through education of their children and eventually, by this very means, bring about a forced emigration as in 1830.”⁴⁴

For southern Indians, removal became the touchstone for totally unrelated events. In 1870 a Poarch Creek refused to answer the questions of a census enumerator. He and his family “all took to the swamp,” repeating an earlier generation’s response to a federal presence.⁴⁵ In 1930 some Seminole communities gave up their cattle in order to avoid possible confrontations with white cattlemen over grazing, conflicts that the Seminoles feared might result in their deportation.⁴⁶ Public events provoked Seminole anxiety. In 1935 at a carefully staged meeting between a Seminole delegation and Secretary of the Interior Harold L. Ickes in West Palm Beach, Florida, the Indians

⁴⁰ Henry Roe Cloud, “Report of the Choctaw Mississippi Situation,” October 1931, Choctaw, Central Classified Files, 1907–1939, RG 75 (NARA, Washington).

⁴¹ Tom Mould, *Choctaw Prophecy: A Legacy of the Future* (Tuscaloosa, 2003), 132–35. Some Choctaws believe removal will be spiritual, that is, the end of the world. Others think physical removal will come because the Choctaws lose their land in Mississippi.

⁴² Roy Nash, “Seminole Survey of 1930,” Seminole, Central Classified Files, 1907–1939, RG 75 (NARA, Washington).

⁴³ A. Spencer to M. Zachary, November 12, 1892, Superintendent’s Letterbooks, 1892–1914, Chronological Correspondence Files, Records of the Cherokee Indian Agency, RG 75 (NARA, Morrow, Ga.).

⁴⁴ Henry Roe Cloud, “Report of the Choctaw Mississippi Situation,” October 1931, Choctaw, Central Classified Files, 1907–1939, RG 75 (NARA, Washington). As late as the 1950s some Choctaws were terrified that their children would be taken away by force and sent to school. Peggy C. Vaught to W. O. Roberts, February 1952, Mississippi Choctaw, Office of Tribal Operations, Records of the Five Civilized Tribes Indian Agency, RG 75 (NARA, Fort Worth).

⁴⁵ “Petition for Federal Recognition Submitted by the Poarch Band of Creeks to the United States Department of Interior,” January 10, 1980, p. 35 (OFA).

⁴⁶ W. Stanley Hanson to Sen. Frazier, “The Florida Seminoles,” November 15, 1930, Seminole, Central Classified Files, 1907–1939, RG 75 (NARA, Washington).

became “badly frightened” because local boosters had styled the encounter as a peace conference that, the Indians feared, might bring removal. Furthermore, the Seminoles rejected an offer of congressional affirmation of their citizenship because they did not want to be subject to the United States, which might decide to carry them off.⁴⁷ Memories of removal shaped interpretations of current events. An article in the *Cherokee One Feather* in the 1970s compared Richard M. Nixon’s refusal to turn over Oval Office tapes to the congressional committee investigating the Watergate burglary to Andrew Jackson’s refusal to enforce *Worcester v. Georgia* (1832), which recognized the sovereignty of the Cherokee Nation.⁴⁸

Removal did far more to native people than arouse fear and distrust. On a social and political level, removal made it difficult for tribes to come together into new nations. The story of the Cherokees through the nineteenth century shows the gradual and arduous consolidation of people and political authority in Quallatown, or Cherokee, as it began to be called.⁴⁹ It was not until the twentieth century that Seminoles and Choctaws began to forge political ties among their respective communities. The Seminoles had always been composed of disparate groups. Although the Seminole Wars seemed to unite them against a common threat, the tactic of capturing and deporting entire groups induced them to forge the smallest possible social units. Their relocation to the swamps of southwest Florida reinforced this pattern.⁵⁰ Like the Seminoles, Choctaws had been divided even before removal and lived in three distinct regions. In the aftermath they survived as sharecroppers and squatters in Mississippi, Louisiana, Alabama, and ultimately Tennessee, where they formed widely separated communities.⁵¹

⁴⁷ J. L. Glenn to A. C. Monahan, March 22, 1935 (quotation); Henry Hanson to Dr. J. G. Townsend, April 9, 1935, both in Seminole, Central Classified Files, 1907–1939, RG 75 (NARA, Washington); Harry A. Kersey Jr., *The Florida Seminoles and the New Deal, 1933–1942* (Boca Raton, Fla., 1989), 75–78; “Seminole Leaders Opposed to ‘Peace,’” *Miami Herald*, April 4, 1935, pp. A1–A2.

⁴⁸ “Jackson Executive-Judicial Power Struggle Recalled,” *Cherokee One Feather* (Cherokee, N.C.), January 9, 1974, p. 1.

⁴⁹ Superintendent to Commissioner of Indian Affairs, September 13, 1895, Superintendent’s Letterbooks, 1892–1914, Chronological Correspondence Files, Records of the Cherokee Indian Agency, RG 75 (NARA, Morrow, Ga.).

⁵⁰ Clay MacCauley, “Some Statistics and Other Facts Concerning the Florida Seminoles,” October 1, 1880, Box 70, Letters Received, 1879–1888, Bureau of American Ethnology Records (National Anthropological Archives, Museum Support Center, Smithsonian Institution, Suitland, Md.); *Condition of the Florida Seminoles*, 25.

⁵¹ John R. S. Reeves to Commissioner of Indian Affairs, November 6, 1916, in *House Documents*, 64 Cong., 2 Sess., No. 1464: *Additional Land and Indian Schools in Mississippi* (Serial 7240; Washington, D.C., 1916), 2–14, 23–28.

The Catawbas' small reservation dating from the 1840s could not support all the Catawbas, so many of them lived dispersed through the upcountry South, and some even moved west to Utah, Colorado, and New Mexico.⁵²

Removal also impeded the creation of new tribal governments. The Choctaw agent could have been speaking about any of the remnant southern tribes when he wrote that the Choctaws were left "without tribal relationship." From necessity, the Choctaws and other Indians learned to live as individuals and to be skeptical of others.⁵³ The Cherokees were the first to succeed in putting together a tribal government, largely because they had a vested interest in land and needed to make corporate decisions about its use. Governments like that of the Cherokees could protect the Indians' interests, but governments also could become tools of those who wished to dispossess Indians. Since treaties exist only between governments and treaties had been the instrument of removal, the absence of a tribal government meant that treaties and other agreements could not be negotiated. For that reason, tribal governments as they existed in the South before removal and continued to function elsewhere in the country developed slowly in the postremoval South. Furthermore, factionalism was rife. Whether it was intentional or not, factionalism provided an effective strategy for avoiding relations with the United States, except on the specific issues, like economic relief or schools, on which most members of a tribe could agree. Federal recognition was not a good thing in the removal era, and the memories of the suffering wrought by recognition encouraged Indian communities to keep their heads down. One result was growing obscurity and anonymity.

Before removal, Indians had been a major presence in the South. Thoroughfares ran through their nations, and most southerners, during the course of their lives, probably encountered an Indian or two, at the very least.⁵⁴ Indian leaders were not an uncommon sight on the streets of southern towns and in Washington, D.C., and their political jockeying filled the pages of newspapers as well as the private correspondence of the region's white elite. With removal, this high visibility ended,

⁵²Judy Canty Martin, [ed.], *Missionary Journals: Journal or Diary's of Two LDS Missionaries to the Catawba Indians (Joseph Willey and Catawba Pinkney Head)* (Cortez, Colo., 1995), copy in South Caroliniana Library, University of South Carolina, Columbia; Charles M. Hudson, *The Catawba Nation* (Athens, Ga., 1970), 71.

⁵³A. H. McMullen to W. O. Roberts, June 29, 1951, Mississippi Choctaw, Office of Tribal Operations, Records of the Five Civilized Tribes Indian Agency, RG 75 (NARA, Fort Worth).

⁵⁴For example, see Angela Pulley Hudson, *Creek Paths and Federal Roads: Indians, Settlers, and Slaves and the Making of the American South* (Chapel Hill, 2010).

and southerners began to consider Indians merely as part of the region's past. William Gilmore Simms, the South's most notable writer during removal and its immediate aftermath, had some interest in the Indians he encountered on his travels through the region, and he wrote about the Creek William McIntosh, the judicial system of the Choctaws on the eve of removal, and Catawba women selling pottery in Charleston. But Simms set most of his novels and stories in the colonial period and depicted Indians as noble but tragic adversaries who had faded from the scene.⁵⁵

Other southerners tended to regard Indians not only as anachronisms but also as obstructions to the region's prosperity, expansion, and destiny. White leaders believed that removal was in the best interest of both the region and the Indians whom they had forced out: living in proximity to whites had doomed Indians to extinction. Most white southerners agreed with Senator Thomas Hart Benton, who wrote in his memoirs that removal was "beneficial to both parties; and still more so to the Indians than to the whites."⁵⁶ They had only to look to Indian Territory for evidence. By the end of the nineteenth century, when they increasingly ignored or denied the Indians in their midst, white southerners were laying claim to the achievements of expelled Indians. In 1893 the *Atlanta Constitution* described the affluence of removed Cherokees in an article entitled "Prosperous Ex-Georgians."⁵⁷

As they took up former Indian land, southerners had stopped thinking very much about the Indian people who remained in the region. The whites kept some Indian place-names, especially for natural features, but they also made changes, so that mountain peaks came to commemorate white men, English descriptors tagged lakes and waterfalls, and settlements bearing new names rose on the ruins of native towns.⁵⁸ The newcomers were interested in the productivity of the land, not in its cultural or historical associations.⁵⁹ White migrants needed laborers to farm the fields and to clear the forests that had belonged to the Indians, but they had little use for native people and relied instead

⁵⁵ See John Caldwell Guilds and Charles Hudson, eds., *An Early and Strong Sympathy: The Indian Writings of William Gilmore Simms* (Columbia, S.C., 2003).

⁵⁶ Thomas Hart Benton, *Thirty Years' View: Or, A History of the Working of the American Government for Thirty Years, from 1820 to 1850* (2 vols., 1854–1856; reprint, New York, 1968), I, 690.

⁵⁷ "Prosperous Ex-Georgians," *Atlanta Constitution*, September 24, 1893, p. 3.

⁵⁸ Barbara R. Duncan and Brett H. Riggs, *Cherokee Heritage Trails Guidebook* (Chapel Hill, 2003), 77, 98, 143; David I. Bushnell Jr., *The Choctaw of Bayou Lacomb, St. Tammany Parish, Louisiana* (Washington, D.C., 1909), 6–7.

⁵⁹ *Biennial Report of the State Superintendent of Public Education, to the Legislature of Mississippi, for Scholastic Years 1893-'94 and 1894-'95* (Jackson, Miss., 1896), 40, 534–45.

on growing numbers of African American slaves. As a result of Indian removal, the nonwhite population of the region became overwhelmingly made up of slaves, a circumstance that relieved white southerners of the racial contradiction that free, flourishing Indian people had presented. Little challenged the growing conviction of white southerners that people of color were inferior and that slavery was a blessing.

After the Civil War, some Americans saw in Confederate defeat a kind of reckoning for the South's treatment of Indians. Recounting the story of Georgia's dispossession of the Cherokees, President Ulysses S. Grant's commissioner of Indian affairs made that interpretation explicit: "The believers in retributive history, in verification of their theory, point to the fact that General [William T.] Sherman has since 'marched to the sea' over that same tract of country."⁶⁰ Few southerners would have agreed with this assessment, and their defensiveness about Indian removal continued until near the end of the century.⁶¹ In 1881 the *Atlanta Constitution* ridiculed Helen Hunt Jackson's *A Century of Dishonor*, in which she recounted the wrongs done the Cherokees and other Indian peoples; the reviewer suggested that if the president named Jackson secretary of the interior, she would "give each Indian squaw an opera cloak and spring bonnet." Views of removal, however, shifted, and just over two decades later, the Tea Cups Club in Spartanburg, South Carolina, included Jackson as one of the famous women whom members were studying, and they devoted an entire program to *A Century of Dishonor*. Even so, southerners were reluctant to accept responsibility for the plight of the Indians and resolutely laid the blame for their suffering elsewhere: "How is it that our good northern brothers and sisters, whose sympathy for the negro was so intense that it precipitated a bloody war between brothers," the *Constitution* asked, "do not extend more of their active philanthropy to the nobler race, who are rightful owners of this country?"⁶²

In many respects the growing attention southerners paid Indians at the end of the nineteenth century mirrored popular culture in the rest of the country. The use of Indians by William Gilmore Simms to create an American literature paralleled (and slightly predated) that of Henry Wadsworth Longfellow, whose *The Song of Hiawatha* (1855) enjoyed a revival in the late nineteenth century. Although it was not set in the

⁶⁰ *Report of the Commissioner of Indian Affairs* (1869), 514.

⁶¹ Helen Hunt Jackson, *A Century of Dishonor* (New York, 1881).

⁶² "An Article of Vertu," *Atlanta Constitution*, February 22, 1881, p. 2; "Spartanburg, S.C.," *ibid.*, March 13, 1904, p. B6; "What a Woman Found among the Indians," *ibid.*, March 2, 1902, "woman's realm" section, p. 7 (second and third quotations).

South, southerners loved *Hiawatha*, and dramatizations of the poem took place at hundreds of venues.⁶³ *Hiawatha*'s popularity reaffirmed the American identity of the South, but this impulse coexisted with regional chauvinism. Not content with *Hiawatha*, southerners latched on to their own authentic Americans, Indians who were distinctly southern.

White southerners initially exalted in Indian heroes whom they could whiten. In 1878 George Cary Eggleston published *Red Eagle and the Wars with the Creek Indians of Alabama*, a biography of the Creek warrior William Weatherford, who had fought with the Red Sticks against fellow Creeks and the United States Army, not because he was a savage, but because "the first transgressions were committed by the white people, and . . . he was fighting for the liberties of his nation." Weatherford was a hero with whom white southerners could identify. Following the Creek War, he "returned to Alabama and established himself as a planter." Although he died before removal, most of Weatherford's descendants remained in the South, where they "intermarried with the whites, well-nigh extinguishing all traces of Indian blood in his descendants." The Weatherfords, that is, became white.⁶⁴

Other removal-era Indians elicited admiration from southerners. A 1903 *Atlanta Constitution* article on the "assassination" of William McIntosh in 1825 posited that the Creek warrior had no equal among Indians or whites for his "courtly manners, genteel bearing, and the general polish of a gentleman." McIntosh favored land cession and removal, in opposition to most of his countrymen and the "pseudo-philanthropy" of people "at the north" who already had dispossessed their Indians. Firm in his convictions, he paid with his life.⁶⁵ In 1906 the biographer of Pushmataha placed the Choctaw leader in opposition to "yankee" missionaries and attributed to him fear that Choctaw failure to do the bidding of the United States would "involve the innocent inhabitants of two nations in the ruinous consequences of war."⁶⁶ By

⁶³"The Macon Athenaeum," *ibid.*, June 18, 1887, p. 5; "The Lucy Cobb Commencement," *ibid.*, June 28, 1887, p. 3; "Society News and Sunday Gossip," *ibid.*, April 12, 1891, p. 15. Alan Trachtenberg has suggested that the late-nineteenth-century revival of Longfellow's *Hiawatha* and its dramatization and translation as well as the composition of a musical score reflected a national anxiety about who was an American in a period of eastern European and Asian immigration. See Trachtenberg, *Shades of Hiawatha: Staging Indians, Making Americans, 1880–1930* (New York, 2004), 3–97.

⁶⁴George Cary Eggleston, *Red Eagle and the Wars with the Creek Indians of Alabama* (New York, 1878), 342 (second quotation), 346 (first and third quotations).

⁶⁵R. J. Massey, "Thrilling Story of the M'Intosh Assassination by Creek Indians," *Atlanta Constitution*, October 11, 1903, p. 4.

⁶⁶Gideon Lincecum, "Life of Apushmataha" (1906), in Lincecum, *Pushmataha: A Choctaw Leader and His People* (Tuscaloosa, 2004), 79 (second quotation), 87 (first quotation).

the end of the nineteenth century, southern Indians no longer presented an obstacle to “civilization”; they were brave men who had fought for their homeland and, even in defeat, preserved their honor.⁶⁷ White southerners began to see shared experiences—love of homeland, valiant defense of a way of life, defeat, and sorrow.

Osceola, the Seminole warrior, became the South’s favorite Indian. Captured in the Second Seminole War under a flag of truce, he was imprisoned by the United States at Fort Moultrie near Charleston, South Carolina, where he died. Following his death, many Americans sought a piece of Osceola—his painted image, his clothing, his weapons, items of personal adornment, his hair, and even his head, which the physician attending him removed before interment and reportedly displayed in his drugstore in St. Augustine, Florida.⁶⁸ The fascination of non-Indians with Osceola follows a national pattern of conveying celebrity on deceased warriors: extolling their power, status, and victories made their defeat seem all the more glorious. But for southerners, Osceola’s fight for his homeland took on added significance, and they regarded him less as a worthy opponent than as one of their own. Osceola embodied the white southern values that formed the real bedrock of American liberty.

An 1874 article in the *Atlanta Constitution* had linked the heroic defense of Fort Moultrie by the Americans in the Revolution and by the Confederates in the Civil War: “It was here that in ’76 the brave Americans won for themselves an ever enduring ‘niche in the temple of fame,’ and here in ’64 the Palmetto boys, following the example of their illustrious forefathers, made for themselves a name and a fame which will ever be encircled by a halo of glory.” The article then moved to another chapter in the fort’s history, the imprisonment of Osceola, “one of the bravest and noblest of warriors.” The article excoriated the United States for the circumstances of Osceola’s capture: “What a blush of shame it should call to every honest cheek when we remember that we ‘owe allegiance’ to the government that committed such a deed.”⁶⁹ Osceola possessed the timeless virtues of both Revolutionary and Confederate patriots, and the presence of his

⁶⁷ Charles H. Coe, *Red Patriots: The Story of the Seminoles* (1898; reprint, Gainesville, Fla., 1974).

⁶⁸ Patricia R. Wickman, *Osceola’s Legacy* (Tuscaloosa, 1991), catalogs and analyzes these items’ provenances. For a summary of the artifacts associated with Osceola, see *ibid.*, 195–200. For the fascination with the artifacts, see Theda Perdue, “Osceola: The White Man’s Indian,” *Florida Historical Quarterly*, 70 (April 1992), 475–88.

⁶⁹ “South Carolina’s Long Branch,” *Atlanta Constitution*, February 8, 1874, p. 5.

statue at the Cotton States and International Exposition in Atlanta in 1895 indicated that those virtues held relevance for the New South as well.⁷⁰

The recovered memory of removal emerged at the end of the nineteenth century from a growing public interest in history and, among southerners, the Lost Cause.⁷¹ The Daughters of the American Revolution (DAR), founded in 1890, and the United Daughters of the Confederacy, founded in 1894, were products of this movement.⁷² Reflecting a renewed interest in the native past, a number of DAR chapters took Indian names. Although no Indians belonged, the Rock Hill, South Carolina, chapter, established in 1898, called itself "Catawba"; Chattanooga, Tennessee, had a chapter (1922) named for Cherokee chief John Ross; and the chapter in Jackson, Georgia (1913), where William McIntosh owned a tavern and signed the traitorous 1825 Treaty of Indian Springs, bore the Creek's name. In Florida, the West Palm Beach DAR was "Seminole" (1922), and Bradenton was "Osceola" (1926).⁷³ Public recognition of Indians often complemented celebration of the Lost Cause. Nowhere was this more evident than at Fort Mill, South Carolina, where city fathers erected a statue in 1900 to memorialize Catawba veterans of the Confederacy. The monument depicted a bare-chested warrior with flowing feathered headdress, bow, and arrow, reminiscent of actors in Buffalo Bill's Wild West. On the base was a bas-relief of a buffalo. The loss of the Indian way of life seemed to parallel the demise of the Confederacy so closely that a single monument commemorated both.⁷⁴

White southerners infused the past with sentimentality. They wept over historic tragedies, even mythical ones, and a sense of shared

⁷⁰ Smithsonian Institution, *The Exhibit of the Smithsonian Institution at the Cotton States Exposition, Atlanta, 1895* (Washington, D.C., 1895).

⁷¹ See Gaines M. Foster, *Ghosts of the Confederacy: Defeat, the Lost Cause, and the Emergence of the New South, 1865 to 1913* (New York, 1987).

⁷² W. Fitzhugh Brundage *The Southern Past: A Clash of Race and Memory* (Cambridge, Mass., 2005), chap. 1.

⁷³ DAR National Society, State and Chapter Website Listings, <http://www.dar.org/natsociety/chapters.cfm>.

⁷⁴ "Monument to Catawba Indians Is Unveiled," *Atlanta Constitution*, August 1, 1900, p. 1. A bronze marker that commemorates Alabama-Coushatta volunteers for the Confederate military stands in front of the Presbyterian church on the reservation in east Texas, but it dates from the 1990s. In addition to the Alabama-Coushattas and Catawbans, some Mississippi Choctaws, Eastern Band Cherokees, Poarch Creeks, and other southern Indians fought for the Confederacy. Lumbees and Pamunkeys generally sided with the Union. The five removed nations all signed Confederate treaties, but the majority of the Cherokees, Creeks, and Seminoles actually supported the United States. See Laurence M. Hauptman, *Between Two Fires: American Indians in the Civil War* (New York, 1995).

suffering linked them to other people and other times.⁷⁵ Romantic Indian “myths” proliferated in the late nineteenth century and endured well into the twentieth. These stories often revolved around star-crossed lovers of enemy tribes who died together rather than live apart, but their recounting conjured up the southern conflagration. The Works Progress Administration guide to Mississippi, for example, attributed the “mysterious extinction” of the Pascagoula people to a romance between their chief and a Biloxi princess. Furious at the Pascagoula chief’s presumption, the Biloxis supposedly attacked his people, who drowned themselves rather than surrender.⁷⁶ Perhaps some precedent, even an Indian precedent, for the righteousness of Civil War slaughter was comforting.

In the early twentieth century, white southerners found a term that appropriately sentimentalized Indian removal. Now commonplace, the phrase “trail of tears” did not appear in print until 1908, when a history of Oklahoma used it to describe removal.⁷⁷ “Trail of tears” welded the sentimentality of Indian lore to an actual historical event. Despite its origin among the Choctaws, the phrase came to be associated with the Cherokees, although the horrors of removal were by no means confined to them.⁷⁸ Collapsing all of removal history into one sentimental narrative featuring the Cherokees simplified the past for non-Indians while, in effect, denying the suffering of many other native peoples. But it was not the Indians whom white southerners were really interested in—it was themselves. By mourning the tragedy of removal, southerners absolved themselves of guilt for the actions of their ancestors and responsibility for the plight of Indians who remained.

Recasting removal was part of the process by which white southerners became more secure as Americans. The Spanish-American War had rekindled patriotism, a development made easier by the willingness

⁷⁵ Charles Reagan Wilson, *Baptized in Blood: The Religion of the Lost Cause, 1865–1920* (Athens, Ga., 1980), 39–40.

⁷⁶ Federal Writers’ Project, *Mississippi: A Guide to the Magnolia State* (New York, 1938), 288.

⁷⁷ Joseph B. Thoburn and Isaac M. Holcomb, *A History of Oklahoma* (San Francisco, 1908), 51. Thoburn had learned the term from a Cherokee Methodist minister, who credited the Choctaws as the originators. T. L. Ballenger, “Joseph Franklin Thompson: An Early Cherokee Leader,” *Chronicles of Oklahoma*, 30 (No. 3, 1952), 285–91, esp. 288–89; Joseph B. Thoburn, review of *Our Oklahoma* by Muriel H. Wright, *Chronicles of Oklahoma*, 17 (No. 4, 1939), 450–51. Thanks to Duane King for helping the author track down the elusive origins of the phrase.

⁷⁸ Other southern Indians are often mistakenly thought to be Cherokees. The published reminiscence of a woman in the 1880s, for example, recounted how the Cherokees had passed through Montgomery, where she lived, in 1835 on their way west: “Many of the chiefs and warriors of the tribe were in chains.” Not only was the date off, but the scene she described was almost certainly Creek, not Cherokee, since Cherokees did not go through Montgomery and their chiefs were not in chains. “Old Georgia,” *Atlanta Constitution*, November 25, 1882, p. 2. A number of titles incorporating the term deal only with Cherokees. For example, see Theda Perdue and Michael D. Green, *The Cherokee Nation and the Trail of Tears* (New York, 2007).

of the rest of the nation to let white southerners manage their own race relations. *Plessy v. Ferguson* (1896) had recognized the legitimacy of segregation laws; sharecropping and peonage guaranteed sufficient agricultural labor; and science confirmed whites' belief that people of color were inferior. Consequently, white southerners felt comfortable writing about the past in ways that served their interests, especially the rightness of their cause, the superiority of their race and culture, and the preservation of a racial hierarchy that placed whites on top.

Southern history emerged as a distinct field within the academic discipline of history, and the dean of southern history, Ulrich Bonnell Phillips, made removal an intrinsic part of the southern saga. Phillips is far better known for his *American Negro Slavery: A Survey of the Supply, Employment and Control of Negro Labor as Determined by the Plantation Régime* (1918) and *Life and Labor in the Old South* (1929), both of which placed race (and white racial superiority) at the center of southern history, but his first published monograph addressed removal. Dismissing the Indians as an "inferior race" and disparaging their pretensions to sovereignty, he recognized that removal was about race. Georgia emerged victorious, not only in the state's acquisition of Indian land but also in its entrenchment of white power.⁷⁹ Long after Phillips's day, Georgia's victory over federal power provided inspiration for other struggles for white supremacy. In Mississippi the White Citizens' Council found a precedent for disregarding the Supreme Court's ruling in *Brown v. Board of Education* (1954) in Georgia's refusal to enforce the 1832 *Worcester* decision, which had recognized Cherokee sovereignty. The council urged Mississippi to follow Georgia's century-old example in defying federal intervention in race relations.⁸⁰

Even if Georgia was right, presenting Indian removal to the public was tricky. White southerners needed to see themselves as victors over the federal government rather than as the conquerors of heroic, tragic, sentimentalized Indians. Historical tableaux and dramas accomplished this feat by melding public interest in the past with local interest in making money. In the 1930s the superintendent at Cherokee sought to capitalize on the growing popularity of the recently opened Great Smoky Mountains National Park by organizing a pageant called *Spirit of the Smokies*. Hoping to take advantage of increased tourist traffic,

⁷⁹ Ulrich B. Phillips, *Georgia and State Rights: A Study of the Political History of Georgia from the Revolution to the Civil War, with Particular Regard to Federal Relations* (1902; reprint, Yellow Springs, Ohio, 1968), 48 (quotation), 54, 61–63, 65, 70, 84.

⁸⁰ John Temple Graves, "Opposition in the Past," Jackson (Miss.) *Citizens' Council*, December 1955, p. 4.

the Tsali Foundation, composed of white boosters in Knoxville, Tennessee, the city closest to the western boundary of the park, provided financial backing. Based on the nineteenth-century writings of two ethnographers, the drama focused on Tsali, whom it depicted, with considerable dramatic license, as the savior of his people. Pawnee Bill's Wild West show furnished the costumes, and the Smoky Mountain Ramblers, a white "hillbilly" band, provided the musical accompaniment. The cast of 350 was mostly Cherokee, but the audience was overwhelmingly white.⁸¹

After World War II, the Cherokee Historical Association, composed largely of white businessmen in western North Carolina, raised money to produce a more professional outdoor drama, *Unto These Hills*. An Oklahoma Cherokee living in Texas cowrote the musical score, but the scriptwriter and director were non-Indian. So were most of the performers, even those who played Indian roles. Once again, the fictionalized story of Tsali was the centerpiece.⁸² According to the *Cherokee One Feather*, the drama "broke the dam," and tourists flooded into the region, creating a demand for hotels, restaurants, and gift shops, reducing unemployment, and filling the coffers of mostly non-Indian entrepreneurs.⁸³ *Unto These Hills* enabled a largely non-Indian audience to feel bad about a historical tragedy without having to confront its racial implications for either past or present. It separated Indians from a history of racial oppression by infusing the story with a sense of inevitability.

By contrast, the various historical pageants that the Lumbee Indians staged in eastern North Carolina were dismal financial failures.⁸⁴

⁸¹ The sources for the drama were Charles C. Royce, "The Cherokee Nation of Indians: A Narrative of Their Official Relations with the Colonial and Federal Governments," in *Fifth Annual Report of the Bureau of American Ethnology* (Washington, D.C., 1887), 121–378; and James Mooney, "Myths of the Cherokee," in *Nineteenth Annual Report of the Bureau of American Ethnology* (Washington, D.C., 1900), 3–548. Cherokee attendance is difficult to discern, perhaps because Indians and children paid the same price for admission. Records put attendance at 792 white adults and 230 children and Indians. Harold W. Foght to John Collier, May 3, 1937, July 7, 1937; Foght to F. A. Roberts, August 11, 1937; Foght to J. S. Hall, August 13, 1937, all in Records of the Cherokee Indian Agency, General Records Correspondence, 1890–1952, RG 75 (NARA, Morrow, Ga.); "The Spirit of the Smokies," MS-87-56 (Museum of the Cherokee Indian, Cherokee, N.C.); "1,300 Watch Cherokees Present Second Pageant," *Asheville Citizen*, July 12, 1937, p. 7.

⁸² Kermit Hunter, *Unto These Hills* (Chapel Hill, 1951); John R. Finger, *Cherokee Americans: The Eastern Band of Cherokees in the Twentieth Century* (Lincoln, Neb., 1991), 100, 114–17. The composer was Jack F. Kilpatrick. For a study of the drama's controversial history, see Matthew D. Thompson, "Staging 'the Drama': The Continuing Importance of Cultural Tourism in the Gaming Era" (Ph.D. dissertation, University of North Carolina at Chapel Hill, 2009).

⁸³ "The Play Broke the Dam," *Cherokee One Feather*, August 18, 1967, p. 2.

⁸⁴ Paul Green, "The Last of the Lowries: A Play of the Croatan Outlaws of Robeson County, North Carolina," in Frederick H. Koch, ed., *Carolina Folk-Plays*, 1st ser. (New York, 1922),

Central to Lumbee history was Indian resistance to Confederate conscription that morphed into a Reconstruction alliance of Indians, blacks, and poor whites united against oppression by the planter elite.⁸⁵ Powerful white southerners whose patronage could make or break such public performances of historical events wanted nothing to do with the commemoration of this one. Willie French Lowery, the Lumbee musician who composed the score for the most recent iteration, *Strike at the Wind*, observed, “It raised awareness of things that people in [nearby] Lumberton didn’t even want to talk about.”⁸⁶

Dramatic interpretations of removal made it to the big screen as well. *Distant Drums*, released in 1951, starred none other than Gary Cooper and addressed race in ways that comforted white southerners. Cooper played Quincy Wyatt, an army captain living on a Florida island with his son, whose Indian mother had died. Wyatt leads a company of soldiers to capture a Seminole fort manned by Cubans (actually the stone bastion Castillo de San Marcos in St. Augustine) and rescue captives, who include a blonde beauty and her African American servant. Wyatt defeats the Seminole chief in a midriver, bare-chested fight, and the blonde decides to remain with Wyatt in his island paradise.⁸⁷ The Seminole War, therefore, was simply the backdrop for a classic Cooper western. But the implicit racial themes—the savagery of people of color, the dead dark-skinned mother, the mixed-race child who belongs to neither culture, the inability of the hero to live in white society after marrying a woman of color and fathering her child, the future that could belong only to the white couple—transcended the genre.

Six years later, another Seminole War movie was released. In *Naked in the Sun* (1957), a slave trader sets off the Seminole War by capturing the wife of Osceola and holding her in bondage.⁸⁸ This interpretation of the cause of the Second Seminole War dated to 1839, when the *American Anti-Slavery Almanac* made such an argument.⁸⁹ Filmed in Florida with a

113–48; William Norment Cox, “The Scuffletown Outlaws: A Tragedy of the Lowrie Gang,” in Koch, ed., *Carolina Folk-Plays*, 3rd ser. (New York, 1928), 1–42; Ella Deloria to C. M. Blair, November 27, 1940, Records of the Cherokee Indian Agency, General Records Correspondence, 1890–1952, RG 75 (NARA, Morrow, Ga.).

⁸⁵ W. McKee Evans, *To Die Game: The Story of the Lowry Band, Indian Guerrillas of Reconstruction* (Baton Rouge, 1971).

⁸⁶ Michael C. Taylor, interviewer, “Hello, America: The Life and Work of Willie French Lowery,” *Southern Cultures*, 16 (Fall 2010), 79–101 (quotation on 100).

⁸⁷ Raoul Walsh, director, *Distant Drums* (1951).

⁸⁸ R. John Hugh, director, *Naked in the Sun* (1957).

⁸⁹ “The Nation Robbing an Indian Chief of His Wife,” *American Anti-Slavery Almanac*, 1 (No. 4, 1839), 25. Joshua R. Giddings gave a similar account in *The Exiles of Florida: Or, The*

white cast, the film dealt explicitly with race, and its characterization of white southerners was not flattering. Declining to romanticize slavery, *Naked in the Sun* depicted Indians and Africans as victims of an immoral and brutal system. These factors, along with the absence of a star comparable to Gary Cooper, probably explain why it did not achieve the popularity of *Distant Drums*.

Racial considerations played a crucial role in white southern representations of removal. In 1952 the Georgia Historical Commission, created by the state legislature the previous year, began restoring the James Vann house, where the Cherokee vice chief had lived before removal. Several factors made this site attractive to elite white southerners. Built in 1804, it was old. Furthermore, the two-story brick house with white columns sitting on a ridge looked like a place where a white planter, not a Cherokee Indian, might live. Finally, the Cherokees who did live there were slaveholding planters, a fact that did not make them white in 1835 when the Georgia Guard evicted them but by the early 1950s made them close enough.⁹⁰ The Georgia Historical Commission also undertook the reconstruction of the Cherokee capital, New Echota. At the dedication of New Echota in 1962, Governor Ernest Vandiver Jr. referred to the restoration as an apology for “the unbridled avarice of our ancestors.”⁹¹ Such atonement played well in the South since it involved no reparations, had no impact on racial policies, and exhibited southern sensitivity to “real” racial injustice at the very moment that intransigence on the issue of civil rights for African Americans reached its height.

White southerners addressed the region’s native history only if they had firm control of staging. At the fourth annual Tri-Racial Festival in Leake County, Mississippi, in 1951, Choctaws played stickball and danced, and African Americans sang “Negro spirituals,” but whites owned the past. In a pageant portraying the negotiation of the Treaty of Doak’s Stand (1820), whereby Mississippi unscrupulously obtained “some of its richest and most populous land,” white men played the roles of Pushmataha and Mushulatubbee. Whites also constructed contemporary race relations to suit themselves. Organizers of the Tri-Racial

Crimes Committed by Our Government Against the Maroons, Who Fled from South Carolina and Other Slave States, Seeking Protection Under Spanish Laws (Columbus, Ohio, 1858) and attributed the Second Seminole War to slave-catching in *History of the Rebellion: Its Authors and Causes* (New York, 1864), 99–102. Also see Wickman, *Osceola’s Legacy*, 14–15.

⁹⁰“Chief Vann House Historic Site,” <http://ngeorgia.com/parks/chief.html>; Tiya Miles, *The House on Diamond Hill: A Cherokee Plantation Story* (Chapel Hill, 2010), esp. 6–7.

⁹¹Andrew Denson, “Remembering Cherokee Removal in Civil Rights–Era Georgia,” *Southern Cultures*, 14 (Winter 2008), 85–101 (quotation on 87–88).

Festival proclaimed, “Now is the time to show the world that though American democracy is not perfect, we are learning the lesson of the dignity of men and women regardless of class, race, or religion; and that justice, understanding and good will shall increase among us.”⁹² By this time approximately five hundred African Americans had been lynched in Mississippi. Four years later, a mob murdered Emmett Till, not in Leake County but in Leflore, named for the Choctaw chief who signed the removal treaty at Dancing Rabbit Creek. In 1964 during so-called Freedom Summer, members of the Ku Klux Klan murdered three civil rights workers in Neshoba County, where most Choctaws lived. An Indian man found the victims’ burned-out car on Choctaw land near the Bogue Chitto community, but he was so terrified that he reported his discovery to the Choctaw agency, which notified the FBI, rather than local authorities.⁹³ In 2004 Choctaw chief Phillip Martin, in paying tribute to the young men, described the racial climate in Mississippi: “Forty years ago, three communities, white, black, and Choctaw, lived in Neshoba County separated by fear, ignorance, and bigotry.”⁹⁴ It was hardly the version of race relations portrayed by the organizers of the Tri-Racial Festival, but it was the South that Indians remembered.

The hijacking of the history of removal by whites had a profound impact on native people that only compounded their sorrow over the event itself and the fear with which they lived. American Indian mental health professionals have begun to develop theories of and treatment for the profound grief, rooted in the past, that many native people experience. Studies of Holocaust survivors and their children have demonstrated that traumatic events can have transgenerational effects, effects also present among survivors of ethnic cleansing. It is not an exaggeration to suggest that removal was the American version of ethnic cleansing, and the consequences of that policy are evident not only among people who were removed in the first half of the nineteenth century but also among people who lived for generations under

⁹² Mississippi Choctaw Minutes, October 25, 1951, Mississippi Choctaw, Office of Tribal Operations, Records of the Five Civilized Tribes Indian Agency, RG 75 (NARA, Fort Worth).

⁹³ The Mississippi State Sovereignty Commission noted “that the Indian Agents were interested in protecting the Indian that found the car from any retaliation by local officials.” A. L. Hopkins, “Continued investigation of the disappearance of three civil rights workers after they were released from the Neshoba County jail at 10:30 p.m., Sunday, June 21, 1964,” report dated July 3, 1964, SCR# 1-8-0-18-4-1-1, Mississippi State Sovereignty Commission Records (Mississippi Department of Archives and History, Jackson), online at http://mdah.state.ms.us/arrec/digital_archives/sovcom/.

⁹⁴ Quoted in Charles W. “Chip” Pickering, “Recognizing the 40th Anniversary of the Chaney, Goodman, and Schwerner Killings,” *Congressional Record*, 108 Cong., 2 Sess., E1181 (June 18, 2004).

the threat of removal and other forms of oppression and dispossession. In 1917 S. G. Tubbie piteously described the Choctaws: "They have given up."⁹⁵ Despair had become a theme in their individual and communal lives.

Historical trauma helps explain why native people have high rates of depression, suicide, alcoholism, violence, and a host of antisocial behaviors.⁹⁶ The inability to express publicly grief and anger over what happened to their ancestors means that unresolved feelings are passed from generation to generation. One suggested approach to dealing with transgenerational grief is for tribes "to facilitate communal grief rituals, incorporating traditional practices."⁹⁷ Southern Indians have not sought to assuage their grief specifically through ritual, except in local and familial contexts, but the persistence of traditional ceremonies in many communities and the forging of communal rituals in others have had a healing effect. They provide evidence that these communities continue to exist. Equally cathartic, however, has been Indians' challenge to those who appropriated both their land and their past.

Because whites controlled public venues and events in the South, Indians had few chances to confront them openly about past injustice, but when native people had such an opportunity, they took it. In his graduation address to a white southern audience in 1883, a Choctaw from Indian Territory, whom Roanoke College hailed as the "the first Indian of full blood to take a degree at a Virginia College," spoke first in Choctaw and then in English. "Who could have thought that a superior race in every respect could take advantage of an ignorant people and rob them of their lands?" he asked his listeners. "I speak of times past but can their consequences be forgotten?" The dispossession

⁹⁵ *Condition of the Mississippi Choctaws*, 129.

⁹⁶ U.S. Department of Health and Human Services, *Mental Health: Culture, Race, and Ethnicity—A Supplement to Mental Health: A Report of the Surgeon General* (Rockville, Md., 2001), 79–97; U.S. Department of Health and Human Services, Office of Minority Health, "Mental Health and American Indians/Alaska Natives," 2009, <http://minorityhealth.hhs.gov/templates/content.aspx?ID=6475>. Also see Lenora M. Olson and Stéphanie Wahab, "American Indians and Suicide: A Neglected Area of Research," *Trauma, Violence, and Abuse*, 7 (January 2006), 19–33; and E. Jane Costello, Elizabeth M. Z. Farmer, Adrian Angold, Barbara J. Burns, and Alaattin Erkanli, "Psychiatric Disorders among American Indian and White Youth in Appalachia: The Great Smoky Mountains Study," *American Journal of Public Health*, 87 (May 1997), 827–32.

⁹⁷ For an introduction to this literature, see Eduardo Duran and Bonnie Duran, *Native American Postcolonial Psychology* (Albany, N.Y., 1995); Maria Yellow Horse Brave Heart and Lemyra M. DeBruyn, "The American Indian Holocaust: Healing Historical Unresolved Grief," *American Indian and Alaska Native Mental Health Research*, 8 (No. 2, 1998), 60–82 (quotation on 70); and Les B. Whitbeck, Gary W. Adams, Dan R. Hoyt, and Xiaojin Chen, "Conceptualizing and Measuring Historical Trauma Among American Indian People," *American Journal of Community Psychology*, 33 (June 2004), 119–30.

of native peoples remained “a dark shadow, nevertheless, which, like the ghost of Banquo, will not down at her bidding, but which will cross her onward march when least expected.”⁹⁸ Indians still living in the South also used public occasions to remind non-Indians of their loss. In the 1930s, for example, Catawba schoolchildren made a necklace for Eleanor Roosevelt, who visited a college near their South Carolina reservation. The colorful beads symbolized the 144,000 acres that the Catawbas had once owned: a single black bead represented what was left after the removal era.⁹⁹

Native southerners moved beyond rhetorical and symbolic expressions of loss to seek reparations that compensated them for lost land and conceded the injustice of past actions. Most efforts have not succeeded, but even failures mark a determination by Indian peoples to force non-Indians to confront removal. In the early twentieth century, Tuscaroras and Catawbas questioned treaties negotiated with states in violation of both the U.S. Constitution, which assigned Indian affairs to the national government, and the Act to Regulate Trade and Intercourse with the Indian Tribes of 1790, which mandated federal involvement in Indian land cessions. In the first decade of the twentieth century, the Catawbas appealed to the Office of Indian Affairs, engaged an attorney, and threatened to sue South Carolina for the recovery of the lands they had lost under the Treaty of Nations Ford (1840). The governor set up a commission to look into the Catawba complaints, which recommended the purchase of land for the Catawbas, but the legislature failed to act. Never tending to act precipitously in the interest of Indians, the Office of Indian Affairs just kept an eye on the situation until the 1940s, when federal land purchases began to expand tribal landholdings.¹⁰⁰ The Tuscaroras were even less fortunate in the pursuit of justice. In 1911 the Tuscaroras failed to recover their reservation, which their chiefs in New York had sold to North Carolina in 1831. The Washington attorney hired by the Tuscaroras apparently failed to note the constitutional and legal problems that the sale

⁹⁸ W. H. McKinney, “The Wrongs of the American Indian,” *Roanoke Collegian*, 9 (1883), 153–54. McKinney’s remarks reflect the sentiments of contemporary white reformers (although they predate by several months the first Conference of Friends of the Indian at Lake Mohonk, New York), but to have them spoken in the South by a descendant of people expelled from the region was a singular occurrence.

⁹⁹ Interview with Willard Haynes, August 20, 1973 (Samuel Proctor Oral History Program), transcript copy at Catawba archives (Cultural Center, Catawba Indian Nation, Rock Hill, S.C.).

¹⁰⁰ Chester Howe to Francis E. Leupp, December 28, 1905; D’Arcy McNickle, Memorandum to the Commissioner, [1937]; Charles L. Davis to Commissioner, January 5, 1911; and Frank Kyselka to Com., March 25, 1910, all in General Service, Central Classified Files, 1907–1939, RG 75 (NARA, Washington).

presented. Consequently, the Tuscaroras have not yet recovered their reservation or received compensation for its sale.¹⁰¹

In their struggle for justice, southern Indians only rarely turned to civil rights organizations or couched their efforts in terms of civil rights.¹⁰² In 1962 Phillip Martin expressed the view of many Indians: "When the white people came they brought with them the negroes as their slaves. So, in a nutshell, the white and Negro problem is one of their own making. In my opinion, the basis of the Indian problem is entirely different."¹⁰³ Tribes did not seek equal rights for individual Indians; instead they sought respect for their distinct status as sovereign nations.¹⁰⁴ Consequently, they looked to national Indian organizations, such as the National Congress of American Indians, the Association on American Indian Affairs, and the Native American Rights Fund to seek redress of grievances.¹⁰⁵ Southern Indians, however, had unique problems rooted in the history of the region. Therefore, in the late 1960s and early 1970s they formed two organizations that addressed their particular needs. The four federally recognized tribes organized the United Southeastern Tribes (USET), and unrecognized tribes established the Coalition of Eastern Native Americans (CENA).¹⁰⁶ Both originally focused on tribal relations with the federal government; neither was analogous to civil rights organizations.

These native organizations formed during the tenure of the Indian Claims Commission, which Congress established in 1946 to reach a

¹⁰¹ Pat Winston, "Last of the Tuscaroras," *Raleigh News and Observer*, May 23, 1948, p. 12; Grimes, *Letter Concerning the Lands Formerly Held by the Tuscarora Indians*; Fred Olds, "The Story of the Tuscarora Indians," Oxford (N.C.) *Orphans' Friend and Masonic Journal*, May 31, 1918.

¹⁰² Lumbees and North Carolina Tuscaroras were the Indians most likely to engage in the struggle for civil rights as well as the so-called Red Power movement. Oakley, *Keeping the Circle*, 91–93; Karen I. Blu, *The Lumbee Problem: The Making of an American Indian People* (New York, 1980), 91–133.

¹⁰³ "Report of the Special Called Meeting of the Mississippi Band of Choctaw Indians Held December 11, 1962, at Philadelphia, Mississippi," Mississippi Choctaw, Office of Tribal Operations, Records of the Five Civilized Tribes Indian Agency, RG 75 (NARA, Fort Worth).

¹⁰⁴ Vine Deloria Jr., *Custer Died for Your Sins: An Indian Manifesto* (1969; reprint, Norman, Okla., 1988), 168–96.

¹⁰⁵ Association on American Indian Affairs, http://www.indian-affairs.org/about/about_aaia.htm; National Congress of American Indians, <http://www.ncai.org/About.8.0.html>; Native American Rights Fund, http://www.narf.org/about/about_whatwedo.html.

¹⁰⁶ The founding tribes of USET in 1968 were the Eastern Band of Cherokees, the Mississippi Choctaws, the Miccosukees, and the Seminoles, which were the only federally recognized tribes at that time. Others joined as they acquired federal recognition. The Alabama-Coushattas, Catawbas, Chitimachas, and Coushattas had been terminated in the 1950s and were restored after 1970. The Poarch Creeks, Tunica-Biloxis, and Jena Choctaws were federally recognized under a process put in place in 1978, the year in which the name was changed to United South and Eastern Tribes to reflect the expansion of membership beyond the South. USET remains an important organization for southern Indians, but CENA did not survive. United South and Eastern Tribes, Inc., <http://www.usetinc.org/AboutUSET/USET-History.aspx>.

final settlement with tribes in preparation for terminating federal responsibility for them.¹⁰⁷ The vast majority of claims against the federal government concerned two broad issues, land cessions and the federal management of tribal funds. Congress charged the Indian Claims Commission to adjudicate these issues, determine the amount of awards for qualified claims, and refer them to the Treasury Department for inclusion in the next appropriation bill. Although the Indian Claims Commission formally acknowledged brazen dishonesty by the United States government, it could not always ensure justice. In 1954, for example, the commission awarded the Mississippi Choctaws their share of an 1888 Senate appropriation intended to compensate them for the reservations they never received, but the United States Court of Claims overturned the award two years later.¹⁰⁸

The Mississippi Choctaws were not alone in seeking their day in court before the commission, and others were more fortunate. In 1962 the Indian Claims Commission awarded the Creek Nation and the Creek Nation East of the Mississippi \$3,913,000 for land lost under the Treaty of Fort Jackson in 1814. In 1972, when the funds appropriated by Congress were disbursed, every eligible eastern Creek received \$112.13. The award did not amount to much financially, but it was recognition of the suffering their ancestors had endured and of their perseverance as Indian people. As one Creek man later put it, "I'll always say it was that Indian money that freed us from bondage . . . because so many of those who had been so down on the Indians had to face up to us over that money."¹⁰⁹

In 1972 the commission awarded the Eastern Band of Cherokees \$1,855,254.20, one-fifteenth of the total amount owed Cherokees for lands ceded between 1785 and 1835. The Cherokees voted to divide the

¹⁰⁷ Repeatedly renewed by Congress, the commission sat until 1978 and heard over five hundred claims; Indian nations won about 60 percent of these. The termination policy that prompted creation of the commission ended officially in 1975. For the commission's history, see Harvey D. Rosenthal, *Their Day in Court: A History of the Indian Claims Commission* (New York, 1990); and *United States Indian Claims Commission, August 13, 1946–September 30, 1978: Final Report* (Washington, D.C., 1979), 1–23.

¹⁰⁸ *United States Indian Claims Commission . . . Final Report*, 5–8; United States Indian Claims Commission, *Cases Decided by the Indian Claims Commission* (43 vols.; Washington, D.C., 1951–1978), III, 288–312; *Chitto v. United States*, 133 Ct. Cl. 643 (1956); Clara Sue Kidwell, *The Choctaws in Oklahoma: From Tribe to Nation, 1855–1970* (Norman, Okla., 2007), 121–36; Angie Debo, *The Rise and Fall of the Choctaw Republic* (1934; reprint, Norman, Okla., 1961), 203–11.

¹⁰⁹ United States Indian Claims Commission, *Cases Decided by the Indian Claims Commission*, XI, 53–130; J. Anthony Paredes, "Back from Disappearance: The Alabama Creek Indian Community," in Williams, ed., *Southeastern Indians Since the Removal Era*, 123–41, esp. 136; *Creek Nation East of the Mississippi: Yesterday, Today, Tomorrow* (Mobile, 1975), unpagged (quotation).

award per capita, but some Cherokees donated their shares to community projects. One couple who chose to split their portion between land purchases for the reservation and scholarships explained their decision: “[W]e feel that this money is not ours as individuals. It is a result of a great deal of blood shed on the part of our forefathers and should benefit the generations of Cherokees to come.”¹¹⁰ But most Cherokees were very poor and needed the money.¹¹¹

In 1976 the Seminoles won \$16 million for land lost under the 1823 Treaty of Moultrie Creek. When Congress appropriated funds for this award, it mandated that the majority go to the Seminole Nation in Oklahoma, but nearly 25 percent went to the people left in Florida, who by then made up three groups, the Seminole Tribe of Florida, the Miccosukee Tribe of Florida, and independent Seminoles who declined to enroll in either tribe. The Miccosukees and the independent Seminoles had not made the claim; indeed, they wanted as little to do with the federal government as possible. They sought land not money, which they have left untouched in an escrow account. The Miccosukees ultimately obtained land as well as cash in recompense for violations of the agreement reached with General Alexander Macomb in 1839 during the Seminole War. The Indian Claims Commission had dismissed this claim, but the Miccosukees filed suit against the state. Rather than cloud land titles in south Florida, the state agreed to the Florida Indian Land Claims Settlement Act, which became law in 1982 and provided a secure, permanent land base for the Miccosukees with title held in trust by the United States.¹¹²

More recently, Congress has intervened to end another land case from the removal era, this one originating in the Treaty of Nations Ford, negotiated in 1840 between the Catawbas and South Carolina. In 1980 the Catawbas filed suit in federal district court to regain the 144,000 acres they had lost, on the grounds that the treaty violated the U.S. Constitution and federal law. The lengthy and convoluted court battle

¹¹⁰ Bob and Laura Blankenship to Editor, *Cherokee One Feather*, March 20, 1974, p. 2.

¹¹¹ Although Cherokees experienced something of an economic boom in the 1960s, 70 percent still lived below the national poverty level in 1968. Finger, *Cherokee Americans*, 150.

¹¹² United States Indian Claims Commission, *Cases Decided by the Indian Claims Commission*, XXXVIII, 62–91, XIX, 40; “An Act to Provide for the Use and Distribution of Funds Awarded the Seminole Indians . . .,” Public Law 101–277, *U.S. Statutes at Large*, 104 (1990), 143; Interview with Buffalo Tiger, May 3, 1984, p. 12 (Samuel Proctor Oral History Program), <http://ufdc.ufl.edu/UF00008050/00001>; Covington, *Seminoles of Florida*, 271; Harry A. Kersey Jr., *An Assumption of Sovereignty: Social and Political Transformation among the Florida Seminoles, 1953–1979* (Lincoln, Neb., 1996), 156–58; Buffalo Tiger and Harry A. Kersey Jr., *Buffalo Tiger: A Life in the Everglades* (Lincoln, Neb., 2002), 82, 153, 198; author’s correspondence with Harry A. Kersey Jr., December 6, 2006.

concluded with the Catawbas receiving a cash settlement of \$50 million payable over five years and services from state and federal agencies that swelled the value of the award to between \$80 and \$90 million. The law established trust funds for land purchases, economic development, social services, education, and per-capita payments.¹¹³ The Catawbas had reclaimed their birthright.

Demanding legal redress represents an exercise of political sovereignty, but as Indian people became more confident, they began to assert cultural sovereignty in the public arena. No longer willing to permit white southerners to represent their history, Indians began to tell their own stories. In 1998 the Seminoles opened a modern, state-of-the-art museum at Big Cypress Reservation. Osceola as well as other warriors receive brief mention in the introductory film, but the theme of the museum is not Indian-white relations but Seminole cultural survival. From subsistence practices to their annual Green Corn Ceremony, the Seminoles celebrate their past by linking it to their present and to their existence as a people.¹¹⁴

Efforts to wrest control of the past from whites have not always been successful. In 2006 the Eastern Band of Cherokees contracted with Hanay Geiogamah, Kiowa founder of the renowned American Indian Dance Theater, to rewrite *Unto These Hills*. Cherokees generally applauded the results. Geiogamah banished Tsali, whose sappy depiction had enabled white audiences to experience both guilt and absolution. In the new production, Cherokee clan spirits formed a chorus, and Cherokee beliefs and values infused the historical account. The second act portrayed the diversity of modern Cherokee life in musical numbers that ranged from a hoop dance to a hoedown. Audience members left understanding that removal did not mark the end of the Cherokees; instead, they have persevered, adapted, survived, and even prospered. Tourists, on whom the Eastern Band economy largely depends, hated the new version, however, and subsequent revisions have brought the drama back in line with the original script. In the end, sovereignty means little in the absence of economic power.¹¹⁵

¹¹³ Lynn Loftis, "The Catawbas' Final Battle: A Bittersweet Victory," *American Indian Law Review*, 19 (No. 1, 1994), 183–215; "Catawba Indian Tribe of South Carolina Land Claims Settlement Act of 1993," Public Law 103–116, *U.S. Statutes at Large*, 107 (1993), 1118. The Catawbas paid a substantial price for this settlement: in a compromise of their sovereignty, the act excluded them from the provisions of the Indian Gaming Regulatory Act, which legitimates casinos on Indian reservations, and the nation's members must pay state tax on incomes from the reservation.

¹¹⁴ Ah-Tah-Thi-Ki Museum, <http://www.ahtahtiki.com/>.

¹¹⁵ Thompson, "Staging 'the Drama,'" 20, 149, 157, 284–321; "'Unto These Hills' Outdoor Drama," <http://www.cherokee-nc.com/index.php?page=9>.

Despite decades of abject poverty, federally recognized Indian tribes in the South, including those once slated for removal, are acquiring that economic power and becoming important to their region's economies. An entrepreneurial spirit preceded the development of casinos, but gaming has provided southern Indians with substantial capital as well as funding for education, housing, and social services.¹¹⁶ The legal right to operate casinos derives from federal recognition, which exempts tribes from the regulatory laws of the states. For Cherokees, Choctaws, Creeks, Seminoles, and Miccosukees, the path to recognition began at removal, so in one sense, the current prosperity of these tribes is a legacy, long delayed, of their dispossession by the United States. Southern Indians see the connection. The Mississippi Choctaws, for example, have appropriated "Dancing Rabbit," the name of the creek where their removal treaty was signed, in a way that commemorates the treaty ground, protects the natural beauty of their reservation, and produces income for the tribe: they have built the Dancing Rabbit Golf Club adjoining their casino in Neshoba County. The club's website explains what took place at Dancing Rabbit Creek and recounts the suffering that followed the treaty. Then it describes those who remained in Mississippi: "Clustered in small communities the spirit of the Choctaws suffered many dark years on the land that once was theirs. But the spirit was not dead. Gradually tribal members began to regain control of their lives."¹¹⁷ Some may find the idea of playing golf on a course named for such a tragic event offensive, but the club represents an opportunity for the Mississippi Choctaws, and by implication other southern Indians, to acknowledge removal not only as part of their past but also as a continuing presence in their existence as a people.

Surprisingly, the growing visibility of southern Indians has largely escaped the notice of those who professionally study the history of the South. The second volumes of popular texts do not mention Indians, and the August 2009 issue of the *Journal of Southern History*, which offered essays on the state of the field, barely countenanced their presence.¹¹⁸ But Indians are an intrinsic part of southern history, both remote and recent. Their removal in the 1830s permitted the expansion

¹¹⁶ Christopher Arris Oakley, "Indian Gaming and the Eastern Band of Cherokee Indians," *North Carolina Historical Review*, 78 (April 2001), 133–55; Jessica R. Cattelino, *High Stakes: Florida Seminole Gaming and Sovereignty* (Durham, N.C., 2008); Peter J. Ferrara, *The Choctaw Revolution: Lessons for Federal Indian Policy* (Washington, D.C., 1998), 63–85.

¹¹⁷ "The Legend," Dancing Rabbit Golf Club, <http://www.dancingrabbitgolf.com/legend.html>.

¹¹⁸ For example, see John B. Boles, *The South Through Time: A History of an American Region* (2 vols., 3rd ed.; Upper Saddle River, N.J., 2004); and William J. Cooper Jr. and Thomas E. Terrill, *The American South: A History* (2 vols., 4th ed.; Lanham, Md., 2009).

of the cotton kingdom, and subsequent efforts to remove them or deny their ethnicity served the interests of white supremacy. The continuing presence of Indians and the insistence of tribes that they remain distinct peoples challenged both Jim Crow and the assumptions that shaped the civil rights movement.

Perhaps Indians get left out of the story because they complicate the narrative of southern history. Their existence belies a southern racial binary in ways that are often uncomfortable. Indians made choices that sometimes were at odds with other people of color, and acknowledging those choices forces scholars to question the extent to which generalizations apply on either side of the color line. Many Indians, for example, supported segregation—as long as it made room for them as Indians—and used it to legally establish their identity as Indian. Most native people did not join the civil rights movement, although they often benefited from it. Instead, they demanded respect for the sovereign right of tribes to be separate, and they won reparations for some of the land they had lost unjustly. Do these deviations from the standard narrative of southern history mean that Indians can be removed thoughtlessly from southern history? Or included only when they buttress our narrative, like sentimentalizing Indian removal and fusing it to the religion of the Lost Cause? Is there any way that we can avoid removing Indians from southern history? African American history's dramatic transformation of southern history in the last half of the twentieth century may point the way: today no one can write southern history without taking race into account. Perhaps we merely need to think about race more broadly and avoid Jim Crow's penchant for putting all people of color into one category. Indians provide us with an opportunity to examine different experiences and perspectives in the history of the South, ones that do not follow the standard narrative but instead promise both to challenge and to enrich it. It is a legacy of Indian removal that I encourage all southern historians to acknowledge.