CHAPTER 5

Dispossession

TIYA MILES



WISCONSIN HISTORICAL SOCIETY

Two young Ho-Chunk women, Carrie Elk (ENooKah), left, and her cousin Annie Lowe Lincoln (Red Bird), c. 1904

On November 18, 1785, a contingent of Cherokee people arrived at Hopewell Plantation, on the bucolic banks of a South Carolina river, for a meeting that would help set the structure of the American racial hierarchy for centuries to come. It was the first in a set of negotiations between the United States and the Cherokee, Choctaw, and Chickasaw Nations. In the aftermath of the American Revolution, these negotiations would begin to lay the groundwork for the relationship between the United States and Native governments. If the United States was to consolidate and grow as a country, it had to contend with all of the Indigenous people, who, though devastated by over a century of imperial and colonial battles, were still populous and powerful, and who controlled most of the American continent.

Native people were critical to the American economy as the procurers of skins for the profitable fur trade, and they also posed a threat to American settler communities. In the years before the American Revolution, Cherokees and English colonists in South Carolina had carried out attacks against one another amid trade disputes and cultural misunderstandings, and in retribution for prior killings. These altercations led to the deaths of nearly two hundred Carolinians at Cherokee hands in the year 1760 alone and disrupted the racial power structure by giving some enslaved Black people the opportunity to flee their English captors. A year later, following what is known as the Anglo-Cherokee War, English troops crushed nearby Cherokee towns, pushing the Cherokees into a defensive posture that lasted through the cataclysmic war that broke out between the Patriots and the English in the 1770s.[1]

At the time of that war, the largest Indigenous societies south of the Ohio River in the eighteenth century—the Cherokees, Choctaws, Chickasaws, Creeks, and Seminoles—resided in hundreds of towns linked by kinship, language, religion, cultural practices, economic exchange, and governing structures across the present-day states of North Carolina, South Carolina, Georgia, Florida, Tennessee, Alabama, and Mississippi. When the colonists resisted the British and mounted an armed defense that evolved into full-scale war, Native people, squeezed by both sides, had to choose alliances. As the conflict intensified, many large and influential Native nations leaned toward Great Britain.[2] Once it was over, the Indigenous people knew that if they were to survive the encroachment of their land, the taking of natural resources, and the local violence that an ambitious new nation in their midst portended, they had to come to terms with the victor in that contest. And so the Cherokee contingent traveled to Hopewell.

The land on which discussions would unfold was a plantation—a place where enslaved people would be forced to labor against their will—owned by General Andrew Pickens, a formidable South Carolina militia leader during the American Revolution. Pickens had been a man of modest means from a South Carolina interior Scots-Irish family who gradually rose to prominence during the war years. By 1773, Pickens had managed to obtain two enslaved Black people, an essential first step in his climb up the Southern social and economic ladder. In July 1784, in recognition of his service in America's Revolutionary War, General George Washington awarded Pickens 573 acres on the Keowee River. This fertile land had previously belonged to the Cherokees, who had generally sided with the British in the conflict and had been badly beaten by Washington's army. For a low price, Pickens quickly acquired adjacent parcels totaling over a thousand acres, which he registered in the names of his children, including a future governor of the state, Andrew Pickens, Jr.[3] With his newfound wealth and status secured, Andrew Pickens, Sr., had a sizable house built near a majestic oak tree and began his career as a country gentleman.

Pickens was joined by three men from elite families who also enslaved people and whom Congress had appointed as treaty commissioners. Colonel Benjamin Hawkins, the son of a wealthy tobacco agriculturalist from North Carolina, would conduct the bulk of the negotiations. Joseph Martin, who hailed from a wealthy Virginia clan, and General Lachlan McIntosh, a Georgia rice agriculturalist, would participate as well.[4]

The commissioners had expected a small cadre of Indigenous representatives to appear when they invited the head men of the Cherokee nation to convene at Hopewell. They were shocked when five hundred Cherokees arrived, including women, and soon after several hundred more. These congregants may have expected the distribution of diplomatic gifts from their hosts, which was an Indigenous custom, picked up by the French and, to a lesser extent, the British. In addition, at the time, Native peoples of the South were deeply democratic and arrived at decisions by consensus. Ultimately, two individuals, Corn Tassel and the Beloved Woman Nanye-hi (or Nancy Ward), both of Chota town, emerged as chief spokespeople.[5] Under the branches of the large oak tree, in the shadow of a plantation house, the Cherokee leaders and the commissioners met to formalize a settlement.

Corn Tassel and the Beloved Woman Nanye-hi attempted to defend their claim to the Southern soil. These leaders complained about the thousands of white people who had encroached on their lands and made homes there, urging the treaty commissioners to remove them as a condition of the peace. The American officials asserted that they had no power to act, because the squatters were so numerous. There was nothing they could do.

The Cherokee negotiators suspected that Hawkins and the rest were being disingenuous. In many ways, these settlers were the advance guard of U.S. expansion into Indigenous territory. Corn Tassel responded with more than a hint of sarcasm. "Are Congress, who conquered the King of Great Britain, unable to remove the people?" he asked.[6]

But the commissioners made it clear that the Cherokees must sign agreements with the Americans in order to avoid the devastation of further conflict, and it would have been apparent to the Cherokee leaders that they had little choice. A grand cotton plantation owned by a military leader made the ideal setting to demonstrate American presence, authority, and expectations. Pickens was also known by Native leaders for his brutality; he had personally led violent incursions into the villages of the Cherokees during the war, and as Colin Calloway, a colonial historian, put it, his militia "hacked to death the defenseless occupants as they fled on foot."[7]

On November 28, 1785, ten days after the Cherokees had arrived, American and Cherokee negotiators agreed to the terms of the first Treaty of Hopewell. The Cherokees would accept the "protection of the United States of America, and of no other sovereign." They would return all U.S. prisoners as well as "restore all the Negroes, and all other property taken during the late war from the citizens." Some of these Black former captives were being held in unfree status among the Cherokees, and others had married into Native families. The treaty also stipulated that the Cherokees were to abide by a set of geographical boundary lines drawn between themselves and white Americans.[8]

In return, the United States agreed to prohibit its citizens from "settl[ing] on any of the lands westward or southward of the said boundary," excluding lands inside those boundaries that Corn Tassel had explicitly highlighted as an area where many white people were already illegally living. The United States also promised to regulate trade between Cherokee people and white people and to treat the Cherokees justly. If the Cherokees handed over the Black people and other "property" and respected the new boundaries and U.S. law, "the hatchet," the commissioners attested, "shall be forever buried."[9]

This first Treaty of Hopewell was followed by two others that winter, with the Choctaws and the Chickasaws, with nearly identical stipulations.[10] Hawkins, the principal negotiator, effectively hemmed in large populations of Native people with the establishment of explicit official borders. The American insistence on crafting treaties at the national level recognized Native political and territorial sovereignty, but the terms of the treaties subordinated Native nations to the American nation.

They also underscored a meaningful difference between Native and Black people.[11] Just as the colonies had formerly been under the "protection" of the British, Native nations would now be under the "protection" of the Americans. And while that protected status was arguably a less independent one than had previously existed, it was nevertheless a privileged one in relation to African Americans. Whereas members of the Native nations were citizens of their own countries, deserving, at least on paper, human and political rights, African Americans were citizens of nowhere and undeserving even of the rights of personhood.

During these three visits to Hopewell, the Native participants learned important lessons from the plantation scene splayed before them and from the language of the treaties: white people were citizens, Black people were possessions, and Indigenous people were now subject to national interference. In order to maintain the "protection" of the United States from its own citizens, Native leaders were being indirectly encouraged to participate in a form of racial hierarchy that was considered part and parcel of civilized American society—one that has distorted Native and Black relations ever since.

Today, African Americans and Native Americans share the highest incarceration and poverty rates in the country, as well as the lowest high school graduation numbers. Both groups appear at the bottom of a range of health and well-being indicators, and both have suffered high rates of serious illness during the Covid-19 pandemic.[12] And yet the two groups have often struggled to find solidarity, a painful legacy of the way they learned to regard each other in the nation's formative years.

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The leaders of the tribal nations, and subgroups within them, that supported Great Britain were choosing the devil they knew. Although English settlers had often taken advantage of Native people with dire effect, the British government exercised greater control over the actions of its subjects than American statesmen seemed inclined to do. This was in large part an economic, not a humanitarian, calculation. During the colonial era, the colonists' constant westward settlement financially strained the Crown, which was called upon to protect these incursions into Native territory with troops and forts. In 1763, King George III issued a royal proclamation asserting authority to oversee trade with Native Americans and forbidding the expansion of white settlement west of the Appalachian Mountains. Although there was no enforcement arm for this provision, its existence created a legal barrier that colonists resented, and Native leaders lauded.

In fact, this tension was a contributing factor to the American Revolution. The colonies were growing rapidly in population and running out of fertile Southern plantation ground that would support the sons of landholders, as well as open territory that would satisfy the desire for upward mobility among the swelling yeoman farmer ranks, whose contentment was necessary for political stability. In addition, as the historian Jeffrey Ostler has elucidated, eastern elites such as George Washington held financial interests in these westerly lands that could not be exploited while the Proclamation of 1763 prevented freewheeling land sales.[13] As Calloway succinctly put it in *The Indian World of George Washington:* "The Revolution was not only a war for independence and a new political order; it was also a war for the North American continent."[14]

It is little wonder, then, that Native people tended to side with the British. During the war American soldiers attacked hundreds of Native towns and British loyalist strongholds. Native soldiers also raided Patriot settlements. In 1777, a group of intransigent Cherokees called the Chickamauga warriors, led by Dragging Canoe, Doublehead, the Glass, Bloody Fellow, and others, began a series of guerrilla attacks on settlements. Sometimes Black people were taken captive, enslaved, or given to other Cherokees.

After the war, as American political leaders prepared to form a new national government, they knew that they had a significant problem. The British did not control most of the lands signed over in the 1783 Treaty of Paris, which ended the American Revolution—Native people did, and some of the aggrieved Cherokee men continued to fight against the Americans in the interior. The road map for living alongside unpredictable Native American nations and, furthermore, for accessing those coveted lands that Native peoples claimed and actively defended, was not clear-cut for the leaders of the infant republic.

The new American politicians and their British forebears believed that Native people should be treated simultaneously as citizens of nations and as members of lower-order societies. The Americans inherited a grab bag of strategies for dealing with Indigenous peoples from the English, who had generally viewed Native nations as separate political bodies with prior occupancy of the soil. But the British also saw Native people as unchristian "heathens" and as "savages" who had not actually developed the land in a civilized manner that would qualify them as rightful owners. The Doctrine of Discovery, a longstanding belief that Christian nations had the right to rule over non-Christian nations and their property, helped justify English imperialism despite prior Native presence. English officials as well as private buyers purchased Indigenous land by contract while also grabbing land through manipulation, coercion, and outright seizure in the aftermath of war. Because the English subscribed to the principles of the rule of law and the primacy of property rights, they used isolated crimes by Native men as rationalizations for large-scale attacks on Native communities.

Following the Revolution, American statesmen carried on with this mixed approach. They recognized Native nations, politically and geographically, as sovereign entities with the authority to govern themselves, define their citizenry, and occupy their territory. The United States made treaties with tribal nations as with foreign governments, even if these nations were not seen as fully equivalent to European states.[15] And among the most important treaties was the one set in place at Hopewell with the Cherokee Nation. This agreement was negotiated when the United States was just being shaped and it established the first geographical border to the west. But that was not the only reason it was so influential. It also established slavery as part of the American way.

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Slavery was not unknown to Native Southerners when they met with the American commissioners at Hopewell. Before the formation of the modern Cherokee, Choctaw, Chickasaw, and Creek Nations in the sixteenth and seventeenth centuries, ancient Indigenous civilizations had organized life around hierarchical governing structures now called Mississippian chiefdoms. A man or woman with inherited rank, the town chief or paramount chief with influence over multiple towns, customarily enjoyed privileged status and decision-making authority. Chiefdoms practiced a form of slavery in which people of a lower caste (seized from other Native societies) were forced to labor for the chiefs they served and were sometimes ritually killed and buried with them. With the arrival of European explorers and conquistadors in the 1500s, chiefdoms encountered deadly foreign diseases as well as another threat: European slavery. They would certainly have noticed that conquistadors often arrived with captive people of darker-hued skin.

When Hernando de Soto came ashore in present-day Tampa, Florida, in 1539, intent on finding riches for the Spanish Crown, in addition to a contingent of 625 soldiers and 250 horses, he brought enslaved people. He also carried iron restraints for locking up Indigenous people he hoped to seize. De Soto and his men marched from coastal Florida through the inner reaches of Georgia and Carolina, attacking Native villages, raiding their food supplies, ransacking their dwellings in search of gold and silver, and capturing some of the inhabitants. During their ruthless trek, de Soto and his men encountered sophisticated societies with intricate political and cultural systems and ample natural resources. In present-day South Carolina, de Soto's party met a woman chieftain of the domain of Cofitachequi. Struck by her stately appearance—she was borne aloft in a sedan chair carried by several men—de Soto seized two hundred pounds of pearls and deerskins from her temple and then kidnapped her. Just beyond the borders of her domain, this captive, known in the historical record as the Lady of Cofitachequi, escaped with a cache of her precious pearls. Later, Spanish deserters reported that they had seen the Lady of Cofitachequi living as a spouse with a "Spanish slave" who had also escaped. This person was almost certainly of African descent.[16]

In this dramatic instance, it seems that an Indigenous leader and an African captive found common cause and forged new lives together in a dangerous and changing political environment, but the space in which mutual support was possible would shrink in the coming decades. By 1680, the Cofitachequi chiefdom had disappeared. Disease, political instability, and slaving had ravaged Mississippian chiefdoms in the century and a half after Europeans arrived and led to a widespread societal collapse that left behind what the anthropologist Robbie Ethridge has termed a "shatter zone."[17]

Europeans in the Southeast established towns that thrived, in large part, on a virulent slave trade. These colonists, who possessed deadly weapons, traded manufactured English goods to Native hunters for deerskins. They also demanded to enslave Indigenous people in exchange for goods and as payment for debts that Native hunters had accrued in past transactions. As they sought to survive in a maelstrom of change set in motion by modern European capitalism, colonialism, and racial slavery, Native Americans began actively raiding and seizing people from other tribes in order to establish strong trade relations with the English, to service debts, and to avoid being hunted themselves. As the historian Alan Gallay has documented, at least thirty to fifty thousand Indigenous Southerners were enslaved by Anglo colonists before the year 1715. Many of these Native people were traded to enslavers in the Caribbean and Europe; a large number were transported to New England; and some were sold to operations in the Upper South, particularly Virginia. Even as an African diaspora was taking shape, as Africans were tracked down in their own regions and brought to others through the Middle Passage, an "American diaspora," writes the anthropologist Jack Forbes, was developing as Indigenous Americans were also violently relocated.[18]

Thrown together by European invasion, colonization, and slavery in the sixteenth, seventeenth, and early eighteenth centuries, Indigenous and African people came into intimate contact and forged relationships that changed their lives and bound their fates. In the colonial period, Charles Towne (now Charleston, South Carolina) was a major site for the sale of both African and Native people, as was New Amsterdam (New York City). These captives stood on the same auction blocks, traversed the Atlantic on the same ships, and finally ended up in the same Northern households or Southern or Caribbean plantations, where they lived, labored, suffered, and surely dreamed together.[19]

These shared circumstances of enslavement led to the merger of families, cultures, and fates. Indigenous American people intermarried with Africans and their American-born descendants.[20] Corn-based and leafy green–intensive Indigenous diets fused

with African American cooking that relied on sweet potatoes, black-eyed peas, and pork to form a fundamental part of Southern regional culinary culture. Black women became expert basket weavers, most notably along the Carolina and Georgia coasts, using Native American plant preferences, even as Black men likely learned to build dugout canoes from Indigenous men. Enslaved Black people used local plants as herbal medicines in accordance with Indigenous knowledge, and both groups developed a rich and perhaps mutually informed folklore centering on trickster rabbit stories. Enslaved Black and Native Americans produced a distinctive pottery style known by archaeologists as colonoware. Many of these earthen vessels, which have been discovered on Virginia, South Carolina, and Georgia estates, are marked with hybrid circle and cross symbols believed to be reflective of West African, Native American, and Christian religious beliefs.[21]

Black and Native people also ran away together and had families. Their mixed-race and bicultural children were both African and Indigenous American but were often recorded simply as "Negro" in private and colonial ledgers, rendering them virtually invisible to historical researchers. Black and Native people also enacted small-scale rebellions, such that British agents and colonial leaders expressed great concern about the probability of organized and effective political alliances between these groups. This fear continued, and when Seminole, Creek, and Black people waged a prolonged defensive war against American soldiers in the Seminole country of Florida in the early 1800s, American military commanders expressed particular consternation because of its interracial character.[22]

Yet all along free Indigenous Southerners could not have failed to notice that imported captive foreigners with dark skin were outnumbering Native people among the unfree population. They surely would have been alarmed, too, at how English colonial law deemed these African captives unfree for life, a status passed through the womb. While there were opportunities for some Native people, who were considered potentially redeemable and assimilable, to be converted to Christianity in regions like New England and the Great Lakes, the rules were different for African captives in the South. Even if they embraced Christianity, they would retain their unfree status, due to new English laws crafted to disallow an escape hatch from slavery by way of Christian conversion. Unlike older forms of Indigenous American slavery in the Southeast that involved the capture of people from different tribes whose status was often transitory, English captivity had become both racial and heritable.[23]

Native Southerners soon recognized the difference that race made and saw that Black people were being defined as a distinct and inferior group with no hope of incorporation into the new American nation as free and respected people. By 1793, some Native Americans in the South were making racial distinctions and displaying prejudices. That year, a Cherokee leader named Little Turkey was recorded as using the term "mulattoes" as a slur against the Spanish in a letter to the American governor of Tennessee, and by 1811 a Cherokee chief named Richard Brown, who disputed a white man's possession of a horse, protested the dismissal of his demands by asking the U.S. agent, "Are we considered as negroes who cannot support our claims?"[24] Slavery was no longer a bridge between Indigenous and African people struggling to survive in similar straits but a wall of division. As a color line hardened and Native people struggled to keep to the free side of it, they were able to leverage political standing as members of nations and economic players that Africans, stolen from their tribes and homelands, could not.

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Even so, in the years after the treaties were signed at Hopewell, the situation deteriorated for the tribal nations. Almost immediately, in clear violation of the agreements, American citizens expanded their footprint on Southern soil by crossing tribal borders and establishing homesteads and businesses that evolved into settlements and towns. The flood of settlers—many of them men with weapons—washed through the forests and mountains, threatening the safety, hunting grounds, and livelihood of Native peoples.[25] Furious about the injustice of white encroachment and the failure of the states and the national government to uphold the terms of the treaties, resistant Chickamauga Cherokees relocated to a Tennessee River stronghold and from there launched a series of guerrilla attacks.

Dealing with this grave situation was one of the most pressing matters during George Washington's first term as president. Together with his secretary of war Henry Knox, Washington devised a federal policy that would avoid "exterminating" Native people and focus instead on civilizing them, as this seemed the most humanitarian and effective way to bring them under U.S. authority and foster their eventual assimilation. The architects of the early American state were Age of Enlightenment thinkers who believed that Indigenous people had the intelligence and ability to assimilate into proper society, unlike Africans, whom they viewed as innately insufficient.

In an address to Congress in 1791, Washington outlined six principles for federal relations with Native people; these included delivering "impartial" justice, regulated methods of land sales and trade, the right of the government to distribute diplomatic presents, penalties for those who violated Natives' rights, and "rational experiments…for imparting to them the blessings of civilization." The following year, Washington urged Congress to create a plan for "promoting civilization among the friendly tribes."[26]

This view was reflected in the Treaty of Holston, signed in 1791, an update of the Hopewell Treaties, which compelled Cherokees to "be led to a greater degree of civilization, and to become herdsmen and cultivators, instead of remaining in a state of hunters."[27] Native people's ways of life necessitated broad swaths of land for growing corn, squash, and beans; for plants collected from diverse locations; for extensive hunting; and for ceremonial travel to far-off towns with spiritual significance. But the "civilization" program assumed that Indians would recognize the superiority of Western culture and be willing to change without being coerced by force. As civilized tribes, Washington reasoned, the Native people would neither need nor claim so much land. And in exchange for the Cherokees' consent to "civilizing" practices, the United States promised to prevent Americans from pushing past the new boundaries.

George Washington appointed Benjamin Hawkins superintendent to the Southern tribes in 1796 to translate this plan on the ground. When offering the post to Hawkins, Washington reportedly entreated him to conduct "the experiment which you have suggested, and try the effects of civilization among them," implying that Hawkins had influenced Washington's own ideas.[28]

The federal civilization plan was spare on specifics but transformative in practice. American officials intended to drive what the historians Theda Perdue and Michael Green have termed "comprehensive cultural change," converting a communal lifestyle rooted in sustainable farming and hunting into an individualistic lifestyle punctuated by private property and male authority. The policy demanded that Native men give up the bow for the plow, and that Native women cease farming corn and turn their attention to the domestic work of spinning thread, weaving cloth, and other "properly" feminine activities. Native people were advised to adopt Christianity and begin producing "civilized crops" like cotton.[29] And Native tribes, which held lands in common, were expected to embrace, as Henry Knox put it, "a love for exclusive property."[30] To aid in this reinvention of Indigenous society, the United States would provide tools, fund the establishment of Christian missions and schools, and commission blacksmiths. If Native people did not prove that they could rise above savagery and assimilate, Hawkins and others believed, they would be crowded out or killed.[31]

And there was yet one more thing. Native communities were encouraged to adopt what had emerged as a defining characteristic of civilized Euro-American society in the South: the enslavement of Black people.

Because the federal civilization policy was conceived, developed, and enforced by enslavers who felt their way of life was advanced and ideal, it included the tacit expectation that the most progressive among Native Americans, those who would lead their people into the future, should also enslave Black people. Although this was not explicitly written into the plan, Natives who enslaved people found favor with the U.S. government, garnering positive reviews in the federal agents' reports and earning government contracts and military honors.

This lesson was also clear on Benjamin Hawkins's model farm in the Creek Nation, where he resided and had relocated many of his enslaved Black people from North Carolina. Here he provided not only an agricultural demonstration for Native people he viewed as pupils but also what the colonial historian James Merrell has called a "racial education." Well-positioned mixed-race Native families of Indigenous and European ancestry began to follow Hawkins's example first, and soon their large farms became models for others in how to maintain a racial order with the Black population at the bottom.[32]

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Over the next two decades, until his death in 1816, Hawkins was the chief civilian enforcer of this plan, a role that saw him traveling frequently to the nations under his charge to survey their progress toward cultural change. His notes on these visits indicate that while Native people were experimenting with Black slavery, many were not yet doing so precisely as he had intended. The agent recorded these failings, including Native women who were marrying Black captives and Native men who were working in fields alongside the people they were enslaving.[33] While Hawkins found a number of Creek and Cherokee people exhibiting "no economy or management" during his visits, he did find one person deemed "industrious" as early as 1796. That man, Hawkins recorded, was worthy of such praise for having sixty-one enslaved people, more than two hundred horses, four hundred cattle, and three hundred hogs.[34]

Even so, within the nations that had signed treaties at Hopewell Plantation, slavery gradually took root. Among the Indigenous nations, Cherokees enslaved the largest number of people, but Creeks, Choctaws, and Chickasaws also developed entrenched systems of Black enslavement tethered to racial prejudice.[35] And although it is the case that enslavers in Native nations were always a small minority of their populations (approximately 2.3 percent by the 1860s, in comparison with approximately 20 percent in the white South), they were also elite members of their rapidly changing societies. These were the men who formed new centralized governing bodies, wrote the laws, and negotiated treaties.[36]

One such individual was James Vann, the son of a Scottish trader and Cherokee woman. Vann had defended collective Cherokee landholdings in negotiations with American officials. But by the early 1800s, he had established a large wheat, corn, and cotton estate in Cherokee territory, becoming the Cherokee Nation's best example of a Native proponent of American-style race slavery. Vann controlled nearly eight hundred acres of rich agricultural land bordered by a prominent waterway. A wily strategist and smart entrepreneur, he did business with the federal government, invited Christian missionaries to his grounds, lobbied for a federal road to pass by his home, and then established a string of hospitality and transport businesses.[37]

He also owned nearly seventy women, men, and children of African descent; they cleared land, farmed crops, constructed buildings, prepared meals, cleaned and maintained his living quarters, wove textiles, watched over the cattle, delivered goods, and tended to the physical and emotional needs of his family. Vann employed a violent overseer, had once burned down enslaved people's cabins in a fit of rage, and personally carried out or oversaw the chaining and hanging of enslaved men. By the time of his death in 1809, James Vann lived in an impressive home with his Cherokee wife (also of mixed European and Cherokee parentage) and had enslaved more than one hundred Black people.[38]

James's son "Rich Joe" Vann inherited the estate and many of the enslaved Black residents. The younger Vann replaced the existing family home with an imposing brick manor house festooned with white columns and intricate hand-carved wooden interiors, as well as an architecturally noteworthy "floating" staircase. Joe Vann's Georgia mansion, in which his Cherokee family ate off imported European china and drank from expensive glassware, was meant to symbolize civilizational progress and to showcase his affluence to the planners, like Benjamin Hawkins, of the new American nation-state.[39]

But adopting a republican form of government and operating plantations worked by slave labor would not be enough to protect Native Southerners. White citizens craved more land, and they would have it.

In 1828, Andrew Jackson surged to the presidency on a wave of populist enthusiasm. In his inaugural address, he expressed his understanding that Native nations were subject to U.S. authority and referred to "Indian tribes within our limits," instead of using the language of sovereign nationhood.[40] Jackson's second State of the Union address, in December 1830, advocated for the expulsion of Native people from their homes, towns, houses of worship, and seats of government. He urged Congress to effect Native "removal" through legislation. This would be a national policy of expulsion with limited financial support, affecting not only the Cherokees and other Southeastern nations but also nations in the Midwest. Arguing that American progress was to be commended, not lamented, Jackson insisted: "Philanthropy could not wish to see this continent restored to the condition in which it was found by our forefathers. What good man would prefer a country covered with forests and ranged by a few thousand savages to our extensive Republic?"[41]

In Jackson's view, the removal of Native people in the East to a region west of the Mississippi River was "not only liberal, but generous."[42] There they would be isolated and protected from the white man's influence, and their cultures better preserved. In the end, Jackson reasoned, this relocation would benefit Native Americans. Using the excuse of the government's inability to control white settlers, as had been claimed in the Hopewell Treaty negotiations nearly forty-five years prior, Jackson asked, "Can it be cruel in this Government when, by events which it cannot control, the Indian is made discontented in his ancient home to purchase his lands, to give him a new and extensive territory, to pay the expense of his removal, and support him a year in his new abode? How many thousands of our own people would gladly embrace the opportunity of removing West on such conditions!"[43]

Jackson's rhetoric emboldened state leaders who already felt that Indigenous lands of the South should be occupied by their citizens instead of by Native Americans. Some advocates for white occupation and Native expulsion used explicit racial arguments, challenging the unique status of Native people as citizens of tribal nations. The editor of one Georgia newspaper, for instance, insisted that Cherokees were "a *colored* people" and therefore not due the respect of legal protections accorded to sovereign tribes. When it came to differentiating between Native Americans and people of color, he contended, "Abstractly, there is no difference."[44] Despite vociferous protest by Native leaders and white allies, the U.S. Congress passed the Indian Removal Act, which authorized the president to remove tribes from their homes and lands east of the Mississippi and relocate them on land west of the river. On May 28, 1830, Jackson signed the bill into law.[45]

Shortly afterward, in June 1830, Georgia put into effect a law the state had passed two years earlier, asserting jurisdiction over Cherokee territory; the idea of taking over that land had become even more enticing after gold was discovered. The Georgia Guard, an armed force created to patrol the Cherokee Nation, violated Cherokee borders, destroyed the nation's printing press, harassed Native women, and arrested national leaders. In 1832, Georgia established a lottery for the redistribution of all Cherokee land to white Georgians. Cherokees had no say as their homes, outbuildings, and fields were surveyed and assigned to white owners. Mayhem followed.[46]

The Vann family was not spared. In 1833, Rich Joe and more than a dozen family members were powerless as they huddled together in a single room of their brick manor house while two white men who both claimed ownership of the estate through the lottery fought over who would get it. One of the men was a Georgia Guard commander, accompanied by soldiers. He ordered them to fire on his rival for the property. Gunshots ignited the wood of the showstopper stairway, which burst into flames.[47] The Vann family escaped the fire, relinquishing their land and house but not the enslaved people, whom they brought along when they took refuge in their second home in Tennessee. This respite for the Vanns would be short-lived, however, as they and other Cherokees, rich and poor, would be expelled again within five years.

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With Andrew Jackson in the presidency, federal and state proponents of Native expulsion worked in tandem to pressure the Cherokees into leaving the South for Indian Territory, western lands acquired through the Louisiana Purchase in 1803. Convinced that exile was inevitable, a small cohort of elite Cherokee men (mostly enslavers) signed the Treaty of New Echota in 1835, relinquishing the people's claim to their remaining land in the Southeast. The treaty was deemed fraudulent by the Cherokees' elected principal chief, John Ross (also an enslaver), who had not authorized these men to represent the nation. Cherokees organized a campaign of legal and political resistance as hundreds of white Northerners flooded Congress with petitions rejecting the idea of removing Native people from their lands. Nevertheless, the Senate ratified the treaty. The first Cherokees to move in accordance with the Treaty of New Echota were the elite men who had signed the agreement. Other wealthy families, including the Vanns, also emigrated early, selecting the most fertile locations on which to rebuild their homes and enterprises. Upon arrival in Indian Territory, the Vanns ordered their enslaved workforce to clear land, plant crops, and construct a replica of the family's stately manor house back in Georgia.[48]

For those Cherokees who had not quickly accepted removal, the federal government made the consequences clear. On May 10, 1838, General Winfield Scott, the officer in charge of the removal campaign, threatened Cherokees in unveiled language:

> My troops already occupy many positions…and thousands and thousands are approaching from every quarter to render assistance and escape alike hopeless…. Will you, then by resistance compel us to resort to arms…or will you by flight seek to hide yourself in the mountains and forests and thus oblige us to hunt you down?[49]

Scott and his men and the local Georgia militia followed through on this ultimatum, ordering women, men, children, and the elderly from their homes and fields at gunpoint and bayonet tip and setting in motion the Trail of Tears. Forced to abandon most of their possessions, the Cherokees witnessed white Georgians taking ownership of their cabins and all within them. Daniel Butrick, a missionary to the Cherokees, described what he witnessed: "Women absent from their families on visits, or for other purposes, were seized, and men far from their wives and children were not allowed to return, and also children being forced from home, were dragged off among strangers. Cattle, horses, hogs, household furniture, clothing and money not with them were taken and left."[50] In the words of one Georgia militiaman who was also present: "I fought through the civil war and have seen men shot to pieces and slaughtered by thousands, but the Cherokee removal was the cruelest work I ever knew."[51]

After being ousted from their homes that spring and summer, Cherokee people were placed in temporary shelters. Crowded close together in the stifling heat, many fell ill.[52] In the fall, those who remained traveled in groups across Tennessee, Kentucky, Illinois, Missouri, and Arkansas with insufficient supplies. Among these groups were African Americans and Cherokees of African descent, both enslaved and free. They all walked through the fall and into the harsh winter months, many dying from cold, disease, and accident.[53]

In addition to bearing the physical and emotional hardships of the journey, enslaved Black people in the nation hunted game, nursed the sick, prepared meals, guarded the camps, and removed obstructions from roads.[54] Daniel Butrick, who accompanied the Cherokees to whom he evangelized, recorded details about the work and deaths of a handful of Black people in his detachment. One elderly Black woman whose children had recently purchased her freedom "died in the camps," Butrick wrote. Her son and daughter-in-law were then sold to speculators. One Black man "cut some wood for the night," and a woman Butrick referred to as "our kind Nancy" was "employed…to wash and [dry] our clothes in the evening by the fire."[55] Approximately one thousand Cherokees died during the eviction, and the decline in the birthrate meant a total population loss of more than thirty-four hundred people.[56] The death toll of Black people on the trail has yet to be determined.

The historian Mary Hershberger has observed that slavery played a role in the successful passage of the Indian Removal Act, since the Three-fifths Clause of the U.S. Constitution (which apportioned additional representation in Congress for numbers of enslaved people owned) increased the voting power of Southern white residents who sought Native land.[57] And after the Indian Removal Act had been enforced, white Southerners benefited yet again. The expulsion of Cherokees and other tribal nations cleared the way for Southerners to move with the people they enslaved onto former Native lands, an expansion of a kind of slavery that far surpassed Cherokee slavery in intensity and extent. As the historians David and Jeanne Heidler have put it in their book *Indian Removal,* the institution of American slavery and the event of Indian Removal were, in both cause and effect, "twin evils."[58]

Brought together and then ripped apart by slavery and racism, the futures of Native and Black people would be again entwined in the exodus of the tribes from their lands. Some eighty thousand Indigenous people were driven out of the South and the Midwest in the mid-nineteenth century. As the historian Claudio Saunt has poignantly pointed out in *Unworthy Republic,* the movement of Indian removal followed the same routes as the domestic trade of Black people into the Cotton Belt, which had "served to make plausible the forced migration of other nonwhite peoples." Native expulsion was, he writes, "the war the slaveholders won."[59]

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Nearly two hundred years later, around ninety registrants attended a virtual conference organized by the Descendants of Freedmen of the Five Civilized Tribes Association, a group that most Americans have never heard of. The association is composed of members whose ancestors were enslaved by five nations—Cherokees, Creeks, Choctaws, Chickasaws, and Seminoles—prior to the American Civil War. The members had inherited a legacy of Blackness in the United States, of Indigeneity on the North American continent, and of marginalization within their own tribes.

The intention of the organizers of this gathering, held in the midst of the Covid-19 pandemic in November 2020, was to offer education about the "history and culture" of the "African-Indian freedmen and their descendants" and to fight "against ongoing racial discrimination against the freedmen descendants."[60]

The concerns of the Descendants of Freedmen of the Five Civilized Tribes Association relate to the outcome of the Civil War in Indian Territory. After the expulsion of the slaveholding Native nations from the South, the wealthiest among them reestablished estates in present-day Oklahoma and used enslaved Black people to rebuild their homes, towns, and fortunes. When the Civil War erupted in South Carolina, it had an impact far beyond the American Southeast. Native leaders to the West in Indian Territory faced a dire decision. Their governments and towns stood within a unique territory on the margins of the United States and the Confederate states. Like the slave states in the South, they might choose to secede and ally with the Confederacy, which would include political representation in the Confederate Congress, or they could elect to remain "loyal" to the Union. Would these Native nations support the United States, with which they had forged many (violated) treaties in the past and by whom they had been abandoned at the start of the war as violence broke out in Indian Territory, or would they join with the Southern Confederacy, the government with which they shared certain principles of custom and racial ideology but had no history of treaty relations?[61] After decades of participation in Southern plantation culture, Native leaders in Indian Territory identified as slaveholders and referred to their people as slaveholding nations. Though the political picture was complex, in many of these nations significant factions chose to support the Confederate states.[62]

In the aftermath of the war, the United States initiated a new set of treaty negotiations with the slaveholding Native nations, which collectively held captive approximately eight thousand Black people.[63] The series of Reconstruction agreements that resulted, known as the 1866 treaties, compelled these nations to free the enslaved among them, to accept freedpeople as citizens with political rights in these nations, and to allow railroad development in their territories. Not every nation agreed, and even those who did promise equal rights to the formerly enslaved and their descendants did not fully live up to that vow.

In 1907, Oklahoma became a state, subsuming the majority of the former Indian Territory within it, even as tribal nations retained discrete borders and governments. A celebration of statehood held in Guthrie before twenty-five thousand people included a staged ceremony that dramatized how the new Oklahoma citizenry would be configured. In it, a woman of Cherokee descent, "Miss Indian Territory," mock-wed a white man, "Mr. Oklahoma Territory," symbolizing the union of the two peoples and places and excluding the African American and Afro-Native presence altogether. Among the first acts taken up by the new state legislature in Senate Bill No. 1 was the passage of Jim Crow laws that categorized Native Americans with white people and segregated Black people based on a one-drop racial rule.[64] As in the United States, where the rights and protections of citizenship came slowly, haltingly, or not at all, in the Indigenous nations of Oklahoma, Black and mixed-race Afro-Native people would strive for decades to achieve full inclusion.

It is this struggle that the Descendants of Freedmen of the Five Civilized Tribes Association was founded to advance. And it is an indication of this complicated racial and political history that the association's founder and current president is Marilyn Vann, a descendent of the extended family of "Rich Joe" and James Vann. Marilyn Vann is Cherokee "by blood" as well as the descendant of Black people owned by Cherokees. She and others among the conference organizers and speakers bear the surnames of influential plantation-owning nineteenth-century Native American families. Some of these families had been formed, in part, through sexual intimacies across the color line, both freely chosen and forced. Other Native Americans in these tribal nations did not share blood ties with Africans but did share a history of cultural exchange.[65]

A retired engineer, Vann has been organizing freedmen and freedwomen descendants for decades. When I first attended a descendants' conference, a couple of decades ago, the event was held in a post office and had the informal mood of a warm family reunion with a few scholars mixed in. In 2020, the conference had major sponsors and influential Native speakers, including the principal chief of the Cherokee Nation, a sitting tribal court judge, and attorneys with expertise in federal Indian law. In her opening remarks, Vann asserted, "We fight for enforcement of 1866 treaty rights to freedom descendants" before she introduced "a word of prayer."

Vann's words about the political fight reflected a long history. Descendants of freedpeople in the Five Tribes have been organizing for political inclusion, for cultural recognition, and for economic parity with tribal citizens since the late 1800s. Decades of meeting, fundraising, political campaigning, and vocal speech are now yielding major results, at least in one of the nations in question. Members of the Descendants of Freedmen of the Five Civilized Tribes Association were party to a decisive legal suit that ended in a 2017 federal court ruling requiring the Cherokee Nation to extend civil rights to descendants of formerly enslaved people after decades of resistance on the part of the tribe.[66]

At the 2020 virtual gathering, African-descended attendees spoke passionately about their family histories, about ties to the land, about racial violence, and about the need to remember the past.[67] Vanessa Adams Harris, the host and emcee, set the tone by openly acknowledging the reality of the racial rift. She made a pointed remark about the ways in which tribal nations had resisted bestowing equal rights upon Black people descended from the formerly enslaved and about the pain of color prejudice. "Part of claiming your history is claiming your citizenship," she said. "And when you are a sovereign nation like we have here, [a] sovereign nation within sovereign nations, then citizenship is really important…. These descendants have every right."[68]

But there was also talk of connection. Joe Deere, a non-Black member of the Cherokee Nation Tribal Council, titled his presentation "From Reconciliation to Solidarity: A Discussion of Common Ground," and highlighted the shared history of dispossession and oppression. As the Chicana feminist theorist Cherríe Moraga once poetically observed, Native and Black people were "the first and the forced" Americans.[69] These populations share a distinctive history, but at the same time they have faced each other across what has often been a deep divide.

In the last decade, though, Indigenous, Black, and Afro-Native activists have joined forces in notable ways. In 2015–16, when thousands of Indigenous people and allies from around the world gathered in South Dakota to protest the construction of the Dakota Access Pipeline through Sioux homelands, Black Lives Matter activists joined them there and staged a rally in Chicago. In the Black Lives Matter wave of national protests in the pandemic summer of 2020, Native activists and tribal leaders marched, painted murals, and issued statements of solidarity.[70]

When Deere spoke, he emphasized this spirit of allegiance and showed photographs of Native people marching, holding eye-catching signs, and packaging supplies during those protests. His remarks and those of his co-panelists garnered thanks in the conference chat, expressed in both English and Cherokee. "Spoken very well," one audience member typed, adding a thank-you in Cherokee: "*Wado.*" Deere concluded his presentation with a slide that showed a drawing of two brown arms, one dark, one light, grasping hands against a vivid blue background. The tan arm had written across it, in artful lettering reminiscent of a tattoo, INDIGENOUS SOVEREIGNTY; the dark arm, a near–mirror image, answered with the inscription BLACK LIBERATION.[71]