

# 1

---

## THE LAND AND THE PEOPLE



IN THE BEGINNING there was no land, just water and sky. The animals lived above the solid rock vault that formed the sky, but they were very crowded. The little water beetle, beaver's grandchild, volunteered to see what was below the water. The little beetle found soft mud and brought it to the surface where it began to grow and form the island that became the earth. But the earth had to dry and become firm before the animals could make their homes there. The Great Buzzard went down to see if it was ready, and he flew low over the land. By the time he reached the Cherokee country, he was tired and his wings struck the ground making valleys and mountains. When the animals finally descended to their new home, it was dark. Therefore they placed the sun on a track to cross the island every day from east to west before slipping under the vault of the sky, and their conjurers, or

priests, raised it seven times until it was high enough to provide light and warmth without burning the earth's new inhabitants. This land of mountains and valleys and gentle sun was the home of the Cherokees. The first human beings to live in this land, a brother and a sister, came after the plants and animals. When the brother struck his sister with a fish, which the Cherokees associate with fertility, she began to give birth to a child every seven days until there were so many people, they feared, that the world could not hold them all. Consequently women began to bear no more than one child a year, and the Cherokees' world was safe, at least until the Europeans came.<sup>1</sup>

When Europeans first arrived in 1540, the Cherokees still lived in the mountains that the newcomers called the Appalachians after an unrelated tribe, the Apalachees, who lived to the south. Like the Cherokees, the Europeans believed that their ancestors, Adam and Eve, had lived in a paradise created for them, but their god had expelled them from the Garden of Eden for a flaw with which Cherokees would become all too familiar—they could not be content with what they had. The apple that Eve offered Adam promised more, and when Adam sank his teeth into it, they and their descendants got far more than they had bargained for—a life of toil, death, the pain of childbirth. Cast out of the Garden of Eden, they became wanderers, always seeking more.

The early Cherokees were not without their own problems. Like Adam and Eve, the first couple, Kana'ti and Selu, lived in a land of abundant resources. Kana'ti provided his

family with game from a cave that he covered with a large rock, and Selu got corn and beans by rubbing her stomach and armpits in the storehouse. When their son and Wild Boy, a mysterious child who had emerged from the river, discovered the secret of the game, they tried to imitate Kana'ti, but, lacking his skill, they let all the animals escape so that afterward Cherokees had to hunt for game. They killed Selu because they believed that she was a witch. Before she died, Selu instructed them to clear a circle and drag her body around it seven times, but they only prepared seven small patches and dragged her body around them twice. This is why corn does not grow everywhere and Cherokees hoe the crop twice. Other Cherokees came from distant places to get corn to plant for their villages. The boys gave them seven grains and told them to plant the kernels each evening of their seven-day journey. Following instructions, they stayed awake all night, and each morning they had seven ripe ears to take home to their people. But on the seventh night, they fell asleep, and ever since, Cherokees have had to tend their crops for half the year instead of just one night. Instead of being forced from their homeland like Adam and Eve, the Cherokees learned how to live in it.

The lessons of how to live in the world were not always easy ones. In the old days, plants, animals, and people had lived together peacefully, but people increased so rapidly that they began to crowd the animals. Even worse, humans invented weapons that they used to kill the larger animals, and they trampled the smaller animals underfoot without giving

any thought to the lives they were taking. The animals decided to make war on humans, but, when the bears tried to use the bows and arrows they had constructed, their claws hung on the bowstring. They gave up, leaving the deaths of their kin unpunished. The deer, however, decided to use their spiritual power and send rheumatism to afflict hunters who killed them without asking pardon of the deer's spirit. Other species followed the example of the deer and devised diseases to punish people who did not respect their right to inhabit the earth along with human beings. The plants overheard the animals and decided to help people by providing medicine to counteract disease. In this way, plants balanced animals. Cherokees began to perform rituals to avoid the illnesses brought by animal spirits and to learn from the spirits of plants how to cure sickness. Although they were rife with conflict, the creation stories of the Cherokees emphasized the importance of respect for other living things, not dominion over them.<sup>2</sup>

Spiritual forces shaped the world in which the Cherokees lived, and knowledge, ceremonies, and rules enabled them to call on those forces when they needed to do so. The Cherokees associated spiritual power not only with plants and animals but also with rivers, mountains, caves, and other land forms. These features served as mnemonic devices to remind them of the beginning of the world; the spiritual forces that inhabited it, and their responsibilities to it. Unlike the Garden of Eden, which had disappeared into the mists of time, the Cherokees could point to the mountains created by

the Great Buzzard and to one particular mountain, Kuwâ' hĩ, or Clingmans Dome, where the bears met in council to plot their revenge on humans. Land forms also called to mind important life lessons. For example, Cherokees knew that Spear-finger, a monster who took the shape of an old woman who had a stone finger that she used to kill people, had frequented the headwaters of the Nantahala River and had sought victims near villages in the valley below Chilhowee Mountain. When they saw these places, they remembered the trap that villagers had set for Spear-finger and the little chickadee that showed the warriors the location of Spear-finger's heart by alighting on her hand. If the people had not cooperated to dig a pit across the trail, conceal it with brush, and build a campfire to attract the monster to what she thought would be victims, the warriors would not have had an opportunity to attack her. If the warriors had not recognized that other creatures, even little chickadees, knew things that they did not know, they would not have aimed their arrows at Spear-finger's clenched fist. The lessons taught by the Cherokee landscape were central, not only to accounts of the distant past, but to the ways they lived their lives every day.<sup>3</sup>

The fundamental religious principles of the Cherokees were not recorded in a hefty tome and preached in a towering cathedral, but written on the land and lived in interaction with it. Cherokees knew that this was the land meant for them, and their cosmology located them in the center. The cardinal points converged in the Cherokees' homeland, and they associated each direction with certain colors and characteristics.

The North (blue) represented trouble and defeat, the South (white) peace and happiness, the East (red) success and victory, the West (black) death. Conjurors invoked the directions and the colors associated with them in their sacred formulas—the East or the South to help their clients and the North or the West to destroy their enemies—and rituals usually took place in relation to the cardinal points.<sup>4</sup>

The Cherokees' attachment to their homeland rested on far more than cosmology and the primordial past. "The land was given to us by the Great Spirit above as our common right," a council of Cherokee women asserted in 1818, "to raise our children upon and to make support for our rising generations."<sup>5</sup> Abandoning their homeland at the world's center, and moving west, the direction associated with death, was unthinkable. The land and its resources were theirs to use, as long as they showed proper respect, and they depended on it for their subsistence. Because of their dependence on the land, the Cherokees knew their environment intimately.

Game filled the forests, and the Cherokees, who had no domesticated animals, depended on it. The white-tailed deer was the most important game animal, followed by the bear. Cherokee men knew the habits and characteristics of their prey, so they hunted deer at dawn and dusk as the animals browsed on tender shrubs along the forest edge, and they sought bears in caves or hollow trees. They understood the spawning and feeding habits of fish, and they constructed stone weirs, still visible today in the rivers of western North Carolina, so that they could net, trap, shoot, or poison their catch more easily. They

hunted wild turkeys and other fowl as well as small mammals, such as squirrels and groundhogs, with traps and blowguns made from a native bamboo called river cane. Killing any animals (except bears, who had failed in their attempt at vengeance on humans) required special ceremonies, prayers, and songs. As a further show of respect, Cherokees used virtually all of the mammals, fish, and fowl that they killed. They ate the meat, tanned the hides, made tools of the bones and antlers, turned sinews into thread, and employed claws, teeth, and feathers as ceremonial items. Little went to waste.

The forests of the Cherokee homelands provided a far richer subsistence than just game. Giant poplar trees became dugout canoes. Large trees supported the roofs of Cherokee houses while woven saplings plastered with mud formed the walls. Women wove mats and baskets for their houses from river cane, which they dyed with a variety of substances such as bloodroot and walnuts. They coiled clay dug from river banks into pots, which they fired in their hearths. Women also gathered a host of wild foods—onions, mushrooms, greens, nuts, berries, grapes, and the roots, leaves, and seeds of scores of other plants. Cherokees used salt from springs and licks to preserve meat and flint and chert from outcroppings to make points and blades. They also claimed a pharmacopoeia of over eight hundred herbs. Nature's bounty, however, was not as easily accessible as this recounting suggests: Cherokees had learned over centuries how to use this abundance.<sup>6</sup>

Cherokees were conscious of being part of the natural world, and they did their best to conserve it. The rituals

associated with hunting required that men kill game, especially deer, only if they truly needed it. Similarly, Cherokees protected the flora of the homeland. In collecting ginseng, an important medicine, collectors passed the first three plants they found in the forest and took only the fourth one. As recently as the spring of 2005, a letter to the *Cherokee One Feather*, the newspaper of the Eastern Band of Cherokee Indians, complained that white people were pulling up ramps, or wild onions, by the roots rather than cutting them off, a practice that ensured the plant's survival.

Awareness and conservation, however, do not mean that Cherokees did not alter their environment: They did. They built villages on sites that they had cleared from the forest, and in the fall they burned the underbrush in the woods surrounding their villages to improve visibility, eliminate undesirable scrub oaks, and encourage forage for deer. Through constant use they created trails that linked villages and extended beyond the area of settlement to neighboring tribes and hunting grounds. And above all, the Cherokees opened fields where they grew large crops of corn, beans, squash, and sunflowers.

Except for the earthen mounds built by their Mississippian progenitors, enormous fields were the most visually impressive feature of southeastern Indian life. Farming in the Southeast probably began about 3000 B.C.E. when women, who were the gatherers of wild foods, began to cultivate some of the plants that they collected. Soon they began to grow squash. By c.E. 300, they were planting corn, and about

c.e. 1000, beans appeared on the scene. Cherokees were a part of this agricultural revolution in the Southeast. Although they speak an Iroquoian language that is very different from the Muskogean and Siouan languages spoken by most of their neighbors in the Southeast, linguists think that the Cherokees split off from northern Iroquois people at least thirty-five hundred years ago. By the time Europeans arrived, Cherokees had been in the region for a very long time and participated fully in the agricultural economy that had given rise to the Mississippian cultural tradition. This culture emerged about c.e. 800 in the Mississippi valley and by 1000 it had reached the ancestors of the Cherokees. The construction of flat-top mounds, hierarchical political systems called chiefdoms, and an elaborate religious life characterized Mississippian societies. Although Cherokees no longer built mounds when Europeans arrived, their villages often included these structures, their religious beliefs had roots in Mississippian culture, and their extensive fields connected them to the Mississippian past.<sup>7</sup>

In the Cherokees' gendered division of labor, women did most of the farming. Men helped clear the land and plant the crops, and they joined in the harvest, but primary responsibility for cultivation rested with women. Cherokees owned their land in common, and individuals had the right to clear and use land as long as they did not infringe on their neighbors. Households divided the large fields that surrounded villages into separate sections, but women worked together, moving from one household's section to another's hoeing their crops.

Each family usually also maintained a small kitchen garden near its dwelling. Cherokee families were matrilineal, that is, they lived in the household of the mother, not the father, and descent was matrilineal—kin ties passed through women, not men. Houses and fields, therefore, descended from mothers to daughters. Cherokees also received their clan affiliation from their mothers.<sup>8</sup>

Cherokees had seven clans, or large extended families, that traced their ancestry back to a common, mythical ancestor. Clan members were scattered throughout Cherokee villages, which reportedly numbered sixty-four in the mid-eighteenth century, and served to unite Cherokees. Until the late 1700s, Cherokees do not seem to have had a centralized government. Clans provided protection by seeking restitution and retribution for wrongs done to their members, and corporate decisions were made at the clan or town level. This political decentralization, however, does not mean that Cherokees did not think of themselves as a people—they did—but that identity rested on the ties of kinship, language, and shared beliefs, all of which connected them to their homeland.

The Cherokees inscribed their identity on the landscape. The land forms and rivers in the Cherokees' homeland had names that they had given them. Since Cherokees spoke a language distinct from that of their neighbors, the names of these land forms undeniably marked the country as Cherokee. Cherokee names for many of these places have persisted, and even for those Europeans renamed, some Cherokees still know them by their original designations. The land expressed

Cherokee identity in other ways. The specific sections of fields and the clusters of buildings that composed homesteads bespoke the kin ties that shaped Cherokee life. Other markers commemorated kin, especially those whose blood soaked the soil in wars with Europeans and other Indian tribes. In western North Carolina, for example, a rock pyramid that memorialized women and children murdered by an Iroquois war party in the late eighteenth century endured until the late twentieth century because Cherokees continued to add a stone when they passed it.

The first Europeans to arrive in the Cherokee homeland were members of the Hernando de Soto expedition of 1539–43, followed by the Juan Pardo expedition in 1566–68.<sup>9</sup> For the next century, Cherokees had little contact with Europeans, but they nevertheless felt their effect. Like other Native Americans, the Cherokees had little immunity to European diseases, and epidemics that Europeans sparked decimated their population. The first documented epidemic was in 1697, although earlier epidemics may well have struck, and wave after wave of disease pummeled the Cherokees. From a pre-epidemic population of approximately 30,000 to 35,000, the number of Cherokees had dropped to 11,210 people in 1715 and perhaps less than 7,000 by the mid-1760s. Although European imperial wars and conflicts with Indian neighbors took many lives, disease was the major factor in depopulation. Population decline sent a powerful message to Europeans—the Cherokees were in the process of disappearing and, consequently, they needed far less land than they once had.<sup>10</sup>

Europeans generally recognized that Indians had a right to the land. Their respect for that right varied widely, and the right of discovery, which Europeans claimed, took precedence over any rights accorded Indian people. Native Americans, Europeans believed, had deficiencies that compromised their title. First of all, they were not Christian, a major concern of the Spanish and later the French, both of whom sponsored widespread missionary efforts. Second, they were "uncivilized," an amorphous disability that included their lack of proper clothing and houses as well as their "heathen" rituals, government, military tactics, families, and economies. By the eighteenth century, the English, in particular, had come to rank human societies by their cultural complexity, which they tended to define in economic terms. They regarded hunting and gathering as the least complex economic basis for society, followed by livestock herding, farming, and finally their own mixed economies of commerce, manufacturing, and agriculture as the most complex. People who were "heathen" and "uncivilized" had no absolute title to their land. Instead, they had the right of occupancy, and when they vacated the land, it became the property of the discoverer. The discoverer who had the strongest claim to the Cherokees' homeland was England.

From the early English settlements along the Atlantic coast, the Cherokee country was remote and rugged, but it promised a lucrative trade in deerskins and other pelts for which there was considerable demand in Europe. By the end of the seventeenth century, traders were beginning to make

their way to Cherokee villages, and within a few years English traders had taken up residence in most Cherokee communities. They stocked a range of European manufactured goods including brass kettles, metal hatchets and hoes, scissors and knives, textiles, and trinkets. In addition, they sold guns and ammunition, which the Cherokees needed to protect themselves from their enemies, also armed by the English, who sought war captives to sell as slaves to work on English plantations alongside African Americans. Some Cherokees fell victim to slave-raiders; others captured and sold slaves themselves.<sup>11</sup>

Cherokees traded beeswax and river cane baskets as well as slaves, but the mainstay of commerce with the English was deerskins, which Europeans used to make a variety of leather goods including gloves and knee breeches. The centrality of deerskins to the early relationship between the English and the Cherokees gave the English a rather skewed impression of the Cherokee economy. Ignoring the Cherokees' reliance on agriculture, the English depicted them primarily as hunters. Some went so far as to suggest that the land was so rich that corn and beans practically sprouted on their own and required little labor. Thomas Jefferson, for example, wrote in the 1780s that "all the nations of Indians in North America lived in the hunter state and depended for subsistence on hunting, fishing, and the spontaneous fruits of the earth," adding as an afterthought that women planted corn.<sup>12</sup> The role of women as farmers contributed to the perception that farming played a secondary role in the Cherokee

economy: If it had been truly important, Englishmen reasoned, the Indians surely would not have put women in charge. The view that Indians were hunters and gatherers rather than farmers gained considerable currency in North America even as Englishmen adopted both Indian crops—corn, beans, and squash—and agricultural techniques, such as hilling rather than broadcasting seeds.

Colonization coincided with transformations in English agriculture and land tenure. In the Middle Ages, which were coming to a close just as England embarked on overseas empire-building, the English had employed an open field system in which peasants cultivated designated strips in large fields owned by their landlords. They grazed their livestock on common land, which also provided firewood and other resources. During the period of colonization, however, English landowners were in the process of consolidating crop land for sheep production, a move that dislocated many peasants and restricted the economic production of others. Indian land holding and use were remarkably similar to the system of open fields and common lands that the English were abandoning as inefficient. By comparison to England, with its displaced peasants crowding into cities, North America, which had been substantially depopulated, seemed empty as well as underused. Englishmen believed that Indian land fell far short of its potential productivity. The economic opportunism that led to enclosure also prompted small landowners, often called yeoman farmers, to acquire land from large landowners who had overextended themselves and to seek

their fortunes in the New World. This acquisitiveness meant that most Englishmen whom the Cherokees encountered considered Indian land and resources to be new opportunities to enrich themselves. Whatever designs the English had on Indian land, however, by the eighteenth century they recognized Indian tribal sovereignty in two ways: They negotiated treaties with them and they prohibited encroachment by colonists on Indian land.

Beginning perhaps as early as 1684 the English negotiated treaties with the Cherokees. Treaties implied sovereignty, that is, the right of a people to govern themselves. The early treaties the Cherokees signed with the English governed the relationship between the two people by establishing alliances and setting the prices of the goods they traded. In 1730 seven Cherokee headmen traveled to London where they entered into a treaty in which they acknowledged English sovereignty. The Cherokees agreed to refrain from trade, alliances, or friendship with other European powers and to deliver up African-American slaves who sought refuge among them. The Cherokees understood alliances, but in their decentralized political system, such agreements bound only the individuals who made them, not the entire people. The English, on the other hand, understood treaties to be binding and to subordinate the Cherokees to their imperial power.

Alliances with the Cherokees were useful to the English in a number of imperial conflicts. Over two hundred Cherokees, for example, joined other Indians and the Carolina

militia to defeat the Tuscaroras in 1711–13. In the 1750s the English secured permission to build forts in the Cherokee country to prevent the French from gaining a foothold, and in 1756 about a hundred Cherokees joined a Virginia expedition against the French-allied Shawnee in the Ohio River valley. On their way home, the warriors skirted the Virginia frontier where frontiersmen killed a number of them, setting off a chain of events that included the murder of Cherokee hostages by the English, the invasion and defeat of an English army, and the Cherokee capture of the English fort west of the mountains. The war ended in 1760 with an English invasion of the Cherokees' homeland and the destruction of Cherokee towns, cornfields, and granaries.<sup>13</sup>

The Cherokee War marked the beginning of a political transformation. The English had long pretended that a national government existed among the Cherokees and sought to make treaties signed by a few binding on all, but in reality, towns were independent and individuals often pursued courses that no government sanctioned. A nascent national council may have existed before the war, but in the years following Cherokee defeat, warriors began to take a more active role in uniting Cherokee towns and controlling any actions by individuals that might jeopardize the safety of the entire tribe.<sup>14</sup> By the end of the century, they had been joined by others whose skills were needed, especially those Cherokees who were literate in English. These political changes culminated nearly seven decades after the Cherokee War in the creation of the Cherokee constitutional republic that resisted removal.

The Cherokee War was one phase of a broader conflagration, the Seven Years War, also called the French and Indian War, that concluded with the British as the most powerful European empire in North America. But the war had strained British resources, and the Crown recognized that friction between colonists and Indians had contributed to its cause and had prompted most Indians to side with the French. Consequently, the king issued the Proclamation of 1763 that prohibited English settlement west of the Appalachians, a line that ran through Cherokee country. The Proclamation of 1763 formalized a demographic that already had emerged in the English colonies—Indians and English did not live together. Even in New England where Indians had converted to Christianity and established “praying towns,” Native communities existed apart from English ones. There was some intermarriage, but usually the non-Indian spouse and the children became a part of Indian society rather than vice versa. Although the English gave lip service to the notion of assimilation, the creation of an Indian country suggested that few believed it to be an attainable goal. A separate and distinct Indian country, however, also tacitly recognized the proprietary rights of Indian tribes. Treaties were the documents by which the English recognized those proprietary rights.

Between 1721 and 1777, the Cherokees entered into nine agreements, in which they ceded approximately half of their land to the English.<sup>15</sup> Most of this land was hunting grounds, which Cherokees often shared with other tribes, or land, like that in upcountry South Carolina, onto which English

colonists encroached. With one exception, the English regarded these treaties as agreements between governments, and even Richard Henderson's private purchase of 1775 ended up being claimed by North Carolina and Virginia. The precedent that the English established for the United States, therefore, was that individuals could not purchase Indian land; only the government could. That means that a backcountry farmer in South Carolina could not legally buy Cherokee land; only the agents of the Crown (and that included colonial officials) could do so. Colonists chafed at this restriction, especially after the Proclamation of 1763. Their resentment fanned the fires of revolution.

The Proclamation was of little practical benefit to the Cherokees. Colonial officials continued to demand land cessions, which the Cherokees resisted as best they could, but often the tract in question already had been overrun by colonists. Consequently, Cherokee headmen signed treaties and ceded land. But colonists did not confine their expansion to ceded territory. They illegally occupied Cherokee land and refused to move. When the American Revolution began, most Cherokees sided with the king, who had issued the Proclamation, rather than the colonists, who violated it with impunity. Once again the Cherokees became victims of invasion and destruction. One militiaman reported that his comrades had killed and scalped sixteen warriors and fired on a fleeing woman whom they wounded, interrogated, and then killed "to put her out of her pain." His company was ordered "to destroy, cut down, and burn all the vegetables belonging

to our heathen enemies." Another company took two women and a boy captive and threatened to kill and scalp them unless the officers permitted them to sell the captives as slaves. They brought twelve hundred dollars.<sup>16</sup> Although a group of Cherokees known as Chickamaugas continued to fight until 1794, most Cherokees laid down their weapons in 1781.

The American invasions devastated the Cherokee homeland, and a series of cessions had reduced their land base dramatically, but the heart of the Cherokee country remained theirs. In the valleys of the southern Appalachians, the Cherokees resolved to rebuild their towns, replant their fields and orchards, and rekindle the strong sense of identity that linked them to their homeland. When they did begin to rebuild, they exhibited all the ingenuity of the little water beetle, the Great Buzzard, and their own ancestors in transforming their country and their people to meet new challenges.