

"CIVILIZING" THE CHEROKEES



"I WILL TELL YOU about the Cherokees. I think they improve," a young Cherokee girl wrote a New England clergyman in 1828. "They have a printing press and print a paper which is called the Cherokee Phoenix. They come to meeting on Sabbath days. They wear clothes which they made themselves. Some though rude, have shoes and stockings. They keep horses, cows, sheep, and swine. Some have oxen. They cultivate fields. . . . I hope this nation will soon become civilized and enlightened." The Cherokee Nation she described represented the fulfillment of one goal of the first United States Indian policy, and the hope she expressed for the future echoed the words of policymakers over a quarter century before.¹ Henry Knox was the primary architect of the "civilization" policy, the program that had enabled the cultural transformation of the Cherokees that Sally Reese described

so proudly. Secretary of war in the governments of both the Articles of Confederation and the first administration of President George Washington, his main concern was the security of the new United States. Congress had defined the Indian tribes as security problems and charged the War Department with the management of relations with them. In the early years of independence, conducting Indian affairs was the overriding national security challenge. Knox believed that "civilizing" the Indians would both bring and perpetuate peace with them.

The Treaty of Paris of 1783 recognized the independence of the United States and defined the boundaries of the new nation to include all the territory east of the Mississippi River between the Great Lakes and Spanish Florida. Indians were not present, nor were their interests represented, at the talks in Paris and thus played no role in shaping the treaty. The United States won the claims of sovereignty over its territory that England had asserted under the right of conquest. The United States also acquired from England a history of interactions with Indian tribes. England and the colonies had often negotiated treaties with Native nations that established peace, regulated trade, and purchased land. At least since the Proclamation of 1763, England had recognized the rights of tribes to their lands and appointed special officials to buy and pay for those rights. These relations were often tense, and the Cherokees, along with many other tribes, frequently found themselves pressured into selling lands they would have preferred to keep, but the system of purchase by treaty was a

well-established one that everyone understood, and the Indians, at least, expected to continue.

Some states owned enormous tracts of land that their colonial charters granted them. To appease states that did not have western territory, the United States began to acquire the lands of those that did. In 1784, Virginia granted to the United States its claim to the region west of the Appalachian Mountains and north of the Ohio River, thereby placing it under the authority of Congress. South of the Ohio River, Virginia retained present Kentucky, North Carolina claimed present Tennessee, and Georgia held present Alabama and Mississippi. Large numbers of Indians, including Cherokees, lived on these lands that the states were reluctant to surrender. According to the Articles of Confederation, under which the United States was governed until 1789, the states held the right to deal with the tribes within their borders while Congress had the responsibility for conducting relations with Indians who lived beyond the states. Both Congress and the states were eager to make the lands of western tribes available to American citizens, but none had the money to pay Indians for land. Believing that the recent victory over England made them invincible, they simultaneously developed Indian policies that ignored tribal land rights and dictated treaties that took without payment huge tracts of land. The treaties defined the tribes as defeated enemies, providing a justification of this policy. The United States insisted that the right of conquest doctrine, which had required England to surrender its claims to the United States, also applied to the tribes. By

this reasoning, the tribes had no rights to the land and could expect to receive no compensation for the country they had to relinquish.

The first treaty the Cherokees concluded with the United States after the Revolution, the 1785 Treaty of Hopewell, did not reflect this confiscatory policy. Embroiled in conflict in the Ohio valley with Indians fighting to defend themselves from its confiscation policy, Congress feared that similar demands on southern tribes would widen the war. Instead, the United States recognized Cherokee land rights and agreed to respect them. But Georgia and North Carolina confiscated large tracts from the Nation, and the breakaway state of Franklin, organized by secessionist Carolinians in present Tennessee, confiscated more. The tribes refused to tolerate such treatment. Except for the Cherokees, most had not been invaded during the Revolution by American armies, and even among the Cherokees, many warriors had sided with the colonists. None considered themselves to have been defeated, and they absolutely rejected the right-of-conquest pretensions of Congress and the states. They insisted that future relations must be conducted according to the well-established procedures: They must be treated with the respect due to sovereign nations, their legitimate claims to their territories must be recognized, and any arrangements to surrender lands must be accomplished through duly negotiated treaties with designated tribal leaders and paid for by money and goods.

This was the mess Henry Knox found waiting for him when he assumed office in 1785. The tribes from Ohio to

Georgia defended their rights by warfare, the frontier was aflame, and the secretary of war could not protect the lives and property of American citizens. He had neither an army nor the money to get one. He quickly concluded that the main cause of the trouble was the aggressive, confiscatory Indian policies of Congress and the states that encouraged their citizens to invade Indian country, take tribal land, kill Indians who got in their way, and then demand protection when the Indians acted to defend themselves and their homeland. Knox believed that the Indians were correct in their insistence that Americans must respect their sovereignty, recognize their territorial rights, and negotiate and pay for the land they wished to acquire. He also knew that the tribes would not surrender their lands without a long and bloody fight, which the United States could afford neither financially nor morally. Knox thought such a war would contravene the principles of justice, honor, and humanity for which he had fought in the Revolutionary War. Such a war would result in the destruction of the Indians, he believed, and give the United States a reputation for rapacity and dishonor that future historians would condemn.

The only way to achieve peace was to develop an Indian policy that the Indians would accept and that would ultimately achieve the aims of the states. That is why "civilization" was at the center of Knox's thinking. Like other educated men of the Revolutionary era, Knox was an adherent of the Enlightenment. This intellectual movement began in Europe and spread to North America in the eighteenth

century. Its ideas formed the basis of the Declaration of Independence, whose words "all men are created equal" were a basic tenet. Knox and his colleagues recognized differences in human beings, but they also believed that, with opportunity and education, all could be equal. Providing opportunity and education was the job of the "civilization" program. "Civilization" meant something very specific to Knox. Indians must give up their hunting and warring and become peaceful farmers. They must learn to read and write English, wear shirts and trousers or skirts, live in nuclear families on individual homesteads, govern themselves according to republican principles, and become Christians. By abandoning their cultures and embracing American ways of thinking, acting, and working, they would find places in American society and survive as individuals. If they did not, they would disappear, just as the Indians within the borders of the states had disappeared, because "uncivilized" people, he assumed, could not live among the civilized. The plan also promised to achieve the territory necessary for America's future growth. "Civilized" Indians, Knox believed, would realize that selling off their extensive hunting lands made sense for them because it would provide investment capital for their farms and businesses. "Civilization," therefore, was the perfect policy: It benefited both the Indians and the United States.

Knox had little impact on Indian policy under the Articles of Confederation. Although Congress moved to modify its confiscatory actions, the United States continued to acquire and sell to settlers the lands it claimed north of the

Ohio River. The southern states, despite the wars on their borders, were unmoved. As a result, Cherokee warriors, often in concert with allied Creeks, continued to defend their country with attacks on the settlements established illegally on their side of the border. Because the Articles of Confederation recognized the authority of the states over the Indians within their boundaries, there was nothing Knox or Congress could do to end the conflicts.

The Constitution, ratified in 1789, redesigned the federal government and gave it powers it had lacked under the Articles of Confederation. It defined congressional action as superior to state law and granted Congress the exclusive authority to regulate commerce with the tribes. The president, with the advice and consent of the Senate, had the power to make treaties. Knox acted quickly to define the federal role in Indian affairs. Broadly interpreting "commerce" to include all relations with the tribes, he looked to the treaty power, which denied states the right to negotiate treaties. The Senate shared Knox's opinion that agreements with the tribes were treaties according to the constitutional definition. Therefore, he was able to circumvent the states and their aggressive policies and develop treaty relations with the tribes that would keep the peace, secure the lives of frontier Americans, establish a system of orderly expansion, and benefit the Indians by preparing them through education and training for admission into American society.

President Washington embraced Knox's "civilization" policy, and it became official. The United States would

recognize tribal sovereignty and the right of Indians to their lands. The federal government would conduct relations with the tribes by treaty negotiation, pay for lands that tribes willingly sold, and define and defend boundaries to prevent illegal settlement by American citizens. The government also would provide livestock, agricultural implements, tools, and instruction so that the Indians could be transformed from hunters to farmers and herders. The administration rested its treaty system on these principles, and Congress incorporated them in the Trade and Intercourse Acts, first enacted in 1790 and expanded frequently in subsequent years.

The Treaty of Hopewell, which the Cherokees had signed in 1785 and which remained in effect after the ratification of the Constitution, had satisfied the demands of neither North Carolina nor Georgia, both of which vigorously protested its failure to acquire all the Cherokee lands they desired. Furthermore, the treaty described a boundary for the Cherokee Nation and proclaimed the lands within it off-limits to settlement. In violation of the treaty but with the approbation of the states, thousands of Americans crossed into the Cherokee Nation, fought off Cherokee efforts to exercise their treaty right to oust them, and called out to the United States for protection and annexation. Knox termed this state-supported encroachment "disgraceful."² Fearful that the troubles would explode into full-scale war and unwilling to expel the offending squatters, in 1791 the Washington administration negotiated the Treaty of Holston with the Cherokee Nation. The government induced the Cherokees to sell a large

tract on which most of the squatters lived, pledged to survey a new boundary, renewed the provision of the Hopewell treaty that authorized the Cherokees to "punish . . . as they please" any future squatters, and promised to pay an annuity, an annual cash sum, for the cession. Rewarding the squatters by purchasing from the Cherokees the land they had occupied illegally set a pernicious precedent.³ Intruders learned that they could get away with violating the boundaries that supposedly protected Indian lands. Continued encroachments and the consequent fear of violence led to additional treaties in 1794 and 1798. In each case, the Cherokee Nation surrendered tracts that had been occupied by American squatters who complained that their lives were threatened by Cherokee warriors and argued that only quick action by the United States could preclude a general war. The role of prominent politicians, such as Governor William Blount of Tennessee, in land speculation only exacerbated the situation.

In accord with Knox's plan, the Treaty of Holston included a provision that promised the "implements of husbandry" necessary for the Cherokees to become "herdsmen and cultivators."⁴ Under the terms of the treaty the Cherokees received hundreds of plows, hoes, axes, spinning wheels, looms, and other equipment considered essential to "civilized" life. They readily accepted these goods because they were in dire straits. In the second half of the eighteenth century, armies, militias, and finally squatters had invaded their country. Furthermore, the deerskin trade on which the colonial Cherokee economy had depended was in sharp decline.

Overhunting had depleted deer herds and free-range livestock owned by squatters destroyed the deer's habitat. The Cherokees realized that their future depended on adopting new ways of making a living as well as preserving an amicable relationship with the United States.

In 1792 President Washington appointed an agent to take up residence in the Cherokee Nation to provide instruction in "civilization." The agent acted as a liaison between the federal government and the Cherokees, and the president expected him to promote United States interests, including the cession of land. Some agents became closely aligned with the people they served: The Cherokees' first agent, for example, married a Cherokee woman, defended the Cherokees against Blount and other speculators, and lost his job. The next agent was loyal primarily to Blount. But other agents, especially Silas Dinsmoor and Return J. Meigs, were more conscientious in performance of their duties—even though their goal was the same. They employed blacksmiths, millers, and other Americans whose skills the Cherokees needed in their economic transformation, and they tried to protect Cherokee territory from encroachment, all the while looking for opportunities to promote the sale of land they considered to be unused and surplus.

The United States agency was located at Southwest Point until 1807 and then at Hiwassee Town; both were on the border of the Cherokee Nation and Tennessee and adjacent to the United States factory. The factory was a trading post operated by the government that sold goods to the Cherokees at

fair prices. Among some tribes, the factory used the extension of credit to entrap Indian customers in debt that only land cessions could erase, but the Cherokee factory sought primarily to turn Cherokees into consumers who valued material goods. Knox believed that the factory's inventory was a powerful inducement to cultural change. As individuals purchased goods at the factory, they gradually would come to regard their land as a commodity to be bought and sold. The factory, therefore, was a first step toward inculcating "a love for exclusive property," which Knox thought was essential to Cherokee "civilization" and peaceful land acquisition.⁵ The factory, however, was largely superfluous, for Cherokees had been trading with Europeans for a century, and a number of Cherokee traders operated their own stores at more accessible locations. By 1811 Cherokee merchants competed so successfully with the government factory that the United States decided to close it.

Thomas Jefferson, who became president in 1801, shared the Enlightenment beliefs of Knox, Washington, and others that Indians were capable of learning "civilization" and, with training, entering American society. He therefore supported Knox's "civilization" policy, and during his presidency he authorized the negotiation of many treaties that contained provisions for supplying the tribes with the same kinds of goods and services that marked the agreements of the 1790s. But Jefferson was also frustrated by the "civilization" policy. It had not convinced the Indians that selling land to the United States was good for them. Land had not become available to

American settlers as rapidly as they wished, so it had not kept the peace. Finally, the Indians, though eager to learn from Americans, were rarely willing to abandon their cultures completely in favor of the ways of Americans. Put simply, too many "uncivilized" Indians held too much land off the market.

Jefferson believed that the future of the republic depended on the speedy acquisition of land to supply its rapidly growing population, and the future of the Indians depended on their dispossession. In his scale of priorities, acquiring land ranked higher than "civilizing" Indians, but like Knox, he linked the two. Jefferson's "civilizing" and negotiating tactics, however, were far more aggressive than anything Knox had envisioned. Jefferson was convinced that depriving Indians of their hunting grounds was in their best interest because it would force them to become "civilized." He ordered his agents to intensify the pressure on the tribes to sell more and larger tracts of land, and he let it be known that threats, intimidation, and bribery were acceptable tactics to get the job done. The Cherokees were one of the targeted tribes because Tennessee, admitted to statehood in 1796, contained a great deal of Cherokee land within its borders, and many of its leading men were deeply involved in land speculation. In four treaties concluded between 1804 and 1806 the Cherokee Nation parted with huge blocks of land in the central and southwest parts of the state. Despite the new emphasis on land sales introduced by Jefferson, however, "civilization" remained an integral part of the Indian policy of the United States.⁶

On the eve of Jefferson's election, a new force for "civilizing" the Cherokees emerged—Christian missionaries. Two Moravians from Salem, North Carolina, had journeyed to the Nation in 1799 to request permission to open a mission, and the next year, the Cherokees consented. The chiefs made it clear, however, that they wanted education for their children, not Christianity, and when the missionaries were slow to start a school, the chiefs threatened expulsion. In the meantime, they permitted a Presbyterian minister in east Tennessee to open a school in 1804 (and a second in 1806), and later that year the Moravians began teaching a few children at Spring Place in what is today north Georgia. The Presbyterian effort endured for seven years; the Moravians remained until removal and then rejoined the Cherokees in the West. Neither had much success converting the Cherokees. The Moravians had been in the Nation for a decade before they baptized their first convert, their neighbor Peggy Scott, widow of the prominent headman James Vann. Four years later, they admitted Charles Hicks, who later became principal chief.

Following the War of 1812, Methodists and Baptists as well as the American Board of Commissioners for Foreign Missions entered the Cherokee mission field. The American Board was an interdenominational organization headquartered in Boston and composed mainly of Congregationalists and Presbyterians. Like the Methodists and Baptists, the American Board drew its spiritual energy from the wave of revivalism that swept the United States in the early nineteenth century. Sometimes called the Second Awakening (the

first had been in the 1740s), this evangelical movement sought the perfection of society through religion. Its adherents believed that the conversion of non-Christians around the world was not only desirable but possible, perhaps in as little as ten years. Evangelicalism linked spiritual and secular life, and influenced by the movement, Congress established the "civilization" fund in 1819 to support missionary efforts. Missionaries taught not merely reading, writing, and arithmetic but also farming, housekeeping, personal grooming, table manners, and other skills that they believed constituted "civilized" life. On one level, they were not very successful—by removal only about 10 percent of Cherokees had joined Christian churches—but in terms of "civilization," they made greater inroads.

Unlike the agent who lived at the edge of the Cherokee Nation, the missions were located throughout the Nation, and the missionaries provided daily lessons on how they believed Cherokees should live. They planted wheat, a "civilized" crop, in their fields in addition to corn, which they regarded with some disdain as "savage." Men cultivated the fields with horses and plows, unlike most Cherokee farming in which women hoed their crops of corn, beans, and squash. Women took care of the housekeeping, laundry, sewing, and cooking. Both men and women dressed modestly, without ostentatious displays of jewelry. Missionaries kept regular mealtimes, and, in a clear violation of the Cherokees' hospitality ethic, some did their best to avoid feeding Cherokees who dropped by uninvited. They disapproved of the Cherokee ball

game and other practices that they regarded as "heathen," and they tried to prevent the parents of their students from resorting to traditional medicine to treat their children's illnesses. Their ethnocentrism offends modern sensibilities, but most Cherokees recognized it for what it was. Comfortable with their own cultural orientation, Cherokees took full advantage of the lessons they found useful and ignored those that they did not. Usually Cherokees and missionaries forged a cooperative relationship.⁷ A good example is the printing press for their bilingual newspaper, the *Cherokee Phoenix*. The Cherokee Council provided the funds, and the American Board made arrangements for the purchase of the press and types in both English and the syllabary invented by Sequoyah. The Nation used the press to print the newspaper, and the missionaries used it to print Cherokee hymnals and translations of parts of the Bible.⁸

Cherokees had incorporated the deerskin trade into their culture in the eighteenth century, and now they moved to incorporate "civilization." By the end of the eighteenth century a number of Cherokees had accumulated substantial capital. Some had inherited trading posts from European fathers and grandfathers; others had been particularly successful hunters; and still others had acquired considerable wealth through raiding. Now they began to look for ways to invest that capital. They constructed toll roads and ferries, opened inns to serve the traveling public, and bought livestock and equipment. The one thing that they did not buy was land, because

the Cherokees continued to own their land in common. Each Cherokee could clear and cultivate as much land as he or she wished as long as that use did not infringe on the rights of others. For Cherokees who sought wealth, labor was the controlling factor, and, because land was available to all, few Cherokees were willing to work for wages. Consequently, some Cherokee planters brought in white families as sharecroppers until the agent put a stop to what he viewed as an unseemly racial inversion. Others purchased African-American slaves to work their fields.⁹

The acquisition of slave labor illustrates the complexity of cultural change. Traditionally women had farmed and men had hunted. Proponents of "civilization" sought to turn men into farmers and women into housewives, but they met solid resistance. Most men flatly refused to engage in farming between spring tilling with horse and plow and harvest. Instead, they engaged in commerce, herded livestock, and bought others to do their farming for them. In wealthy households, women did not cultivate the commercial fields, but most still kept kitchen gardens from which their family's food came. In more culturally conservative families, women did the farming while men herded the livestock that had replaced game. Any shift in gender roles before removal, therefore, was more apparent than real.¹⁰ Although proponents of "civilization" failed on this score, the expanding material culture of the wealthy should have been encouraging if indeed consumerism paved the way to land cession. Once again, the

result was unanticipated. Cherokee planters recognized that the practice of holding land in common freed capital for investment elsewhere. Therefore, they became even more committed to preserving the common title to land and resisted any attempt to allot the Cherokee domain to individuals. They also began to take steps to preserve their land base from sale by self-interested individuals.

Cherokees had begun to centralize their government in the eighteenth century in order to prevent young warriors from raiding the frontier and provoking retribution on innocent Cherokees. In the late 1790s the council began to take on responsibilities for internal order that once had rested with clans. A police force, later called the Light Horse Guard, was established to suppress horse-stealing. A law passed in 1808 empowered the Light Horse to defend the bequests of a few wealthy men to their wives and children against matrilineal relatives who sought to preserve more traditional patterns of inheritance. The vast majority of Cherokees followed old lines of descent and had little personal property for the Light Horse to guard, but they supported the centralization of Cherokee government because it seemed to be the best way to protect the common title to their homeland and their integrity as a nation.

Events in the first decade of the nineteenth century sorely tested the Cherokees' commitment to a unified nation. Old chiefs seemed not to grasp the dangers inherent in the cozy new relationship with the United States, and they tended to

think in terms of their towns rather than the Nation. Some appeared to be entirely too self-serving, a legacy perhaps of the individualistic ethos of warriors. At this time, the Cherokee Nation was informally divided into the Lower Towns, which included the region of Chickamauga resistance in northeastern Alabama, and the Upper Towns of east Tennessee that encompassed many people who had left their traditional towns in the aftermath of invasions and cessions to settle in northwest Georgia. The United States agent, Return J. Meigs, tended to manipulate the Lower Town chiefs with bribes and special considerations. In 1806, for example, a group of Lower Town chiefs led by Doublehead ceded the last Cherokee hunting grounds. A number of Cherokee chiefs received private reservations, that is, fee simple title, to land within the ceded area, which many leased to Americans and held for speculation. President Jefferson gave Doublehead, in addition to a reservation, one thousand dollars for his role in the cession. Several young chiefs, including Charles Hicks, The Ridge (later known as Major Ridge), and James Vann, demanded that such actions end and that future treaties be submitted to the Cherokee people for their approval. Doublehead and other Lower Town chiefs showed little evidence of mending their ways, so in August 1807, three Cherokees, including The Ridge, killed Doublehead as punishment for his nefarious dealings and as a warning to others.

Meigs then embarked on a campaign to convince the

Lower Towns to cede their entire territory and move to Arkansas. Meigs had developed serious misgivings about the "civilization" program and increasingly believed that the only way for the Cherokees "to preserve their national existence" was to surrender their homeland and move west.¹¹ In 1808 the National Council replaced Principal Chief Black Fox, who sided with the Lower Towns, with Second Chief Pathkiller, who opposed the exchange and removal. They also expelled three Lower Town chiefs and appointed additional members to a delegation that was already on its way to Washington to make a treaty. The new delegates arrived in time to thwart this effort, but President Jefferson promised those who wanted to emigrate that the United States would arrange an exchange of eastern Cherokee land for new lands in the West. Upon the delegation's return to the Cherokee Nation, a number of Lower Town Cherokees moved to Arkansas with Meigs's assistance, but the title to the land they settled was unclear. Their departure, however, eased the internal pressure for removal. In 1809 the National Council united in opposition to an exchange of land and wholesale removal and restored Black Fox to the office of principal chief.¹²

The Cherokees then restructured their government. The Council established a National Committee of thirteen members to manage the Nation's affairs and to report to the annual meeting of the National Council. The Committee soon insisted that the Nation's annuity, the United States' annual payment for lands that had been ceded, be paid to them in cash not goods so that they could be sure that they were not being

cheated or subsidizing emigration. The headmen denied the right of emigrants to sell their farms to Americans and reaffirmed the principle that the homeland belonged to the Nation. In 1810 the Council went further: It condemned those who had emigrated to the West and stripped them of their citizenship in the Cherokee Nation. They were guilty of "committing treason against the motherland."¹³

The Cherokees continued to strengthen their government in an effort to avoid land cessions. The independent actions of a group of elderly chiefs following the War of 1812 and Meigs's mishandling of their annuity led to further consolidation of power in the hands of the National Committee. In 1817 the Cherokees met "to deliberate and consider on the situation of the Nation, in the disposition of our common property of lands, without the consent of the members of the Council, in order to obviate the evil consequences resulting in such a course." They agreed to a written "Articles of Government," their first constitution, that provided for the election and terms of Committee members and asserted that "the acts of this body shall not be binding on the Nation in our common property and without the unanimous consent of the members and Chiefs of the Council." People who moved out of the Nation lost any claim to common property, and a woman retained her property in the East if her husband emigrated. The document affirmed the right of the Committee to receive the annuity and the requirement that it report to the Council.¹⁴ The Articles of Government failed to prevent additional land cessions in 1817 and 1819, which the United

States demanded in order to provide for an equivalent tract of land for those Cherokees who had emigrated to Arkansas. Following these cessions, however, the Cherokee Nation ceded no more land in the East.

Mindful of the threat to their homeland, the Cherokees confirmed their earlier principles of government in 1825 "for the better security of the common property of the Cherokee Nation, and for the rights and privileges of the Cherokee people."¹⁵ The next year the Council provided for the election of delegates to a constitutional convention, which met in July 1827 and drafted a much more elaborate constitution that strengthened the position of principal chief. The constitution also connected more clearly than ever polity and place. Unlike the constitution of the United States, which provided for expansion, the Cherokee constitution set forth in detail "the boundaries of this Nation, embracing the lands solemnly guarantied and reserved forever to the Cherokee Nation by the Treaties concluded with the United States." Within their Nation's boundaries, the Cherokees expected their government "to establish justice, promote our common welfare, and secure to ourselves and our posterity the blessings of liberty."¹⁶ These goals must have sounded familiar to other Americans.

For an Indian tribe to write a constitution with words echoing the United States Constitution should have marked the triumph of "civilization." But the Cherokees had not dissolved their separate political existence and melded into the

United States population. They had not ceded their land and moved west. They had preserved both their national identity and their homeland. "Civilized and enlightened," they were far better equipped to defend both than they had been when Knox designed the "civilization" program. "Civilization" had not solved the Indian problem after all.