

THE PLASTICITY OF PLACE:  
THE LIVES OF CHEROKEE SACRED PLACES AND THE STRUGGLES TO  
PROTECT THEM

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## ABSTRACT

### THE PLASTICITY OF PLACE: THE LIVES OF CHEROKEE SACRED PLACES AND THE STRUGGLES TO PROTECT THEM

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Through an analysis of a variety of primary and secondary sources, this thesis outlines the malleability of “sacredness” and the importance of specific places to individual and collective identities. The first section of the thesis introduces the reader to the concept of “sacred” as a means to establish a theoretical foundation for the remainder of the analysis. After defining “sacred,” biographies of three places sacred to Cherokees – Chota, Nikwasi, and Kituwah – are created. Each of the chapters follows a similar formula: after rooting each place in the Cherokee sacred geography and analyzing each place’s historical importance, the chapters conclude with an examination of the complex struggles to protect each sacred place. The first chapter centers on Chota, an ancient white, or peace, town located near Vonore, Tennessee on the Little Tennessee River. The second chapter focuses on Nikwasi, home to the mythical Nunnehi, located in modern day Franklin, North Carolina along the Little Tennessee River. The final chapter is devoted to Kituwah, the ancient Mother Town of all Cherokee people, located near Bryson City, North Carolina along the Tuckasegee River. In the end, by comparing each of these chapters, this thesis argues that ideas of sacredness are malleable and that certain places are integral to the identity of Cherokees and non-Cherokees alike.

## INTRODUCTION: DEFINING “SACRED”

All that we do, and are, is our religion.  
— Jack D. Forbes

Indian tribes combine history and geography so that they have created a “sacred geography,” that is to say, every location within their original homeland has a multitude of stories...that produced the tribe in its current condition.

— Vine Deloria, Jr.

In a study devoted to the examination of Cherokee sacred places, it is important to define what “sacred” means for Cherokee people generally. Although there cannot be one single definition of “sacred” for all Cherokee people, as this thesis will reveal, by establishing a foundational understanding of traditional Cherokee religion and Cherokee “sacred geography” the non-Cherokee will be better equipped to digest the complexity of Cherokee sacred places and the struggles to protect them. According to historian Joshua Piker, there are two problems with writing this sort of history, “The first...is the one separating a twenty-first-century scholar (particularly one of non-Native descent) from the colonial-era peoples s/he writes about; the second is the one that divided Natives and non-Natives in early America and that continues to segregate our narratives about this period. Ignoring either does a disservice to both the people we write about and the broader project of understanding early American history.”<sup>1</sup> In other words, bridging the

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<sup>1</sup> Joshua Piker, “Crossing Frontiers: Early American and Native American Histories,” *Common-Place* 5 (April, 2005) <http://www.common-place.org/vol-05/no-03/author> (accessed September 25, 2010). For further discussion on the issues facing current ethnohistory see Shepherd Krech III, “The State of Ethnohistory,” *Annual Review of Anthropology* 20 (1991): 345-375.

gulf of misunderstanding between native and non-native peoples is important to any ethnohistorical study.

This study will examine the lives of three separate Cherokee sacred places, including the nature of sacredness at those places and the struggles to protect them. The first, Chota, was a town located in the Overhill region that served as a center for diplomatic relations between Cherokee people and Europeans. The second, Nikwasi, was a town located in the Middle Town region that had tremendous importance in the tumultuous eighteenth-century. The last, Kituwah, which was purchased by the Eastern Band in 1996, was and is the most ancient of the Cherokee Mother Towns. Before delving into an in-depth examination of Chota, Nikwasi, and Kituwah, however, we must first answer the question, “What is Sacred?”<sup>2</sup>

In order to understand sacredness, one must first come to terms with Cherokee conceptions of religion. Again, as with any people over time, Cherokee ideas about religion have changed from the pre-colonial era through the present. That said, certain ideological and practical strands common to traditional Cherokee religion and the particular brand of Christianity many Cherokees continue to practice exist. Two of those threads – the inextricable nature of religion from other aspects of Cherokee life and the importance of myth to the creation and maintenance of sacred places – will be examined at length below.

Religion for the Cherokee (especially pre-colonial) and for the European had drastically different manifestations. For the Cherokee there was no separation of church

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<sup>2</sup> A similar approach is taken in a number of other studies that deal with Native American sacred places. For example, see Winona LaDuke, *Recovering the Sacred: The Power of Naming and Claiming* (Cambridge, MA: South End Press, 2005) and Peggy V. Beck, Nia Francisco and Anna Lee Walters, *The Sacred: Ways of Knowledge, Sources of Life* (Tsaile, AZ: Navajo Community College Press, 1996).

and state. In fact, there was no distinct church or state. There was no separation of religion from economics, or religion from politics. It is important to understand that “the Cherokee had never developed the radical separation between sacred and secular spheres which characterizes Euro-American Christianity.”<sup>3</sup> For the traditional Cherokee, there was no religion per se. All actions were simultaneously sacred and secular. As ethnologist James Mooney observed, even well after colonialism had drastically altered Cherokee society,

The Indian is essentially religious and contemplative, and it might almost be said that every act of his life is regulated and determined by his religious belief. It matters not that some may call this superstition. The difference is only relative... When we are willing to admit that the Indian has a religion which he holds sacred, even though it be different from our own, we can then admire the consistency of the theory, the particularity of the ceremonial and the beauty of the expression.<sup>4</sup>

There are two important ideas to take from Mooney’s quote. First, there was a fundamental difference between dominant, western ideas of religion and Native ideas of religion. Secondly, even at the tail end of the nineteenth-century, the religion of the Eastern Band of Cherokee Indians remained inseparable from their everyday lives.

The gulf between Cherokee religious understandings and non-Indian religious understandings has, for centuries, been a virtually constant source of friction between American Indians and Euro-Americans. During congressional hearings held prior to the passage of the American Indian Religious Freedom Act in 1978, Barney Old Coyote was quoted as saying:

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<sup>3</sup> Catherine L. Albanese, “Exploring Regional Religion: A Case Study of the Eastern Cherokee,” *History of Religions* 23 (1984), 362.

<sup>4</sup> James Mooney, “Sacred Formulas of the Cherokees,” in *James Mooney’s History, Myths and Sacred Formulas of the Cherokees*, James Mooney (Fairview, NC: Bright Mountain Books, Inc., 1992), 318-319.

The area of worship cannot be delineated from social, political, culture, and other areas of Indian lifestyle, including his general outlook upon economic and resource development...[W]orship is...an integral part of the Indian way of life and culture which cannot be separated from the whole. This oneness of Indian life seems to be the basic difference between the Indian and non-Indians of a dominant society.<sup>5</sup>

While this quote is from a member of the Crow Tribe in Montana, it can certainly be applied to the majority of other indigenous peoples, including many Cherokees.<sup>6</sup>

This sentiment is echoed by a number of contemporary Native authors. In his *Columbus and Other Cannibals*, Native American philosopher Jack D. Forbes provides another fitting description of native religion. “Religion is, in reality, living. Our religion is not what we profess, or what we say, or what we proclaim; our religion is what we do, what we desire, what we seek, what we dream about, what we fantasize, what we think—all of these things—twenty-four hours a day. *One’s religion, then, is one’s life, not merely the ideal life but the life as it is actually lived.*”<sup>7</sup> Although there is general agreement amongst Native peoples about the differences in their religions and non-Native religions, they smack of a sort of “ethnographic present.”

Although anthropologists have dissected the idea of “ethnographic present” for decades, for our purposes “ethnographic present” means discussing anthropological or ethnographical evidence without temporal boundaries. In other words, as articulated by anthropologist Johannes Fabian, the “ethnographic present” should be taken to mean,

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<sup>5</sup> This is the statement of Barney Old Coyote of the Crow Tribe as recorded in Senate Select Committee on Indian Affairs, *American Indian Religious Freedom: Hearings on S.J. Res. 102*, 95<sup>th</sup> Cong., 2d Sess., 1978, 86-87.

<sup>6</sup> This difference in ideology between distinct groups of Cherokee people (and within those groups) is fleshed out in the Chota and Kituwah chapters.

<sup>7</sup> Jack D. Forbes, *Columbus and Other Cannibals* (New York: Seven Stories Press, 2008), 15. For similar sentiments and a discussion regarding the differences between western religion and native religion see Vine Deloria, Jr., *God is Red: A Native View of Religion*, 30<sup>th</sup> Anniversary Edition (Golden, CO: Fulcrum Publishing, 2003).



“the practice of giving accounts of other cultures and societies in the present tense.”<sup>8</sup>

While the religion of Cherokees has certainly been changed over time – first by colonialism and missionaries and then by the effects of culture change in general – commonalities, as discussed earlier, between pre-colonial Cherokees, the Cherokees encountered by James Mooney, and contemporary Cherokees exist.

Religious historian Catherine Albanese has documented how Eastern Cherokees molded Christianity to fit many of their traditional religious ideas. For Albanese, “even as Christianity gained near-total public acceptance as religion, the old religion – weakened but not extinct – continued under the guise of social-recreational and medical practices as well as various customs and behavioral norms.”<sup>9</sup> So, as much as Christianity changed Cherokee identity, the manner in which the Cherokee molded Christianity to fit in their landscape (literally) made it a distinctly Cherokee form of Christianity.<sup>10</sup>

It is also important to note that even as many Cherokees became Christian, Cherokee culture and understandings of religion remained distinctly “Cherokee.” In addition to “remythologizing” their landscape, many of the Cherokees who were identified as Christian “preachers” were those that continued to practice and lead traditional ceremonies and methods of healing. While this may seem like an inconsistency, it reveals an important difference between Euro-American Christianity and Cherokee Christianity. Again, Albanese makes the connection asserting:

Furthermore, because the Cherokee had never developed the radical separation between sacred and secular spheres which characterizes Euro-American

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<sup>8</sup> Johannes Fabian, *Time and the Other: how anthropology makes its object* (New York, NY: Columbia University Press, 1983), 80. See also Roger Sanjek, “The Ethnographic Present,” *Man, New Series* 26 (December, 1991): 609-628 and Joao de Pina-Cabral, “The Ethnographic Present Revisited,” *Social Anthropology* 8 (2000): 341-348.

<sup>9</sup> Albanese, “Eastern Cherokee Religion,” 358.

<sup>10</sup> *Ibid.*, 360-361.

Christianity, the shift in the social location of part of their ritual life (from being considered “religious” to being thought of as “non-religious”) was probably not so profound a move as we might think. The distinction in which the extraordinary became religion while the ordinary remained nonreligious culture was a relatively new one for them, and so the old forms could function comfortably in the social place to which they had been consigned.<sup>11</sup>

This lack of separation did not disappear as the twentieth-century progressed. In fact, it became normalized.<sup>12</sup> As with any culture a sort of “continuum” or spectrum, which ranged from traditional Cherokee to fully Christian, emerged. No matter where one fell on that spectrum, however, myths and storytelling created and maintained a sacred geography that has persisted, albeit in a different form, into the twenty-first century.

Storytelling is a cross-cultural phenomenon. In virtually every human society, myths, stories and legends play a prominent role in the creation and support of cultural and societal norms. For indigenous peoples, oral culture is an important way to orient oneself in the world. For most of the western world, these stories are preserved in writing. As such, western audiences view the written preservation of cultural knowledge as superior to non-western oral traditions. While this divide raises a plethora of interesting questions, the remainder of this chapter will focus on the role of storytelling and oral culture in the creation and preservation of Cherokee sacred geography. The analysis includes a general examination of Cherokee storytelling as well as detailed examinations of the Cherokee creation myth, the Selu and Kanati cycle, and the story of Tsu’l’kalu, better known as Judaculla, the slant-eyed giant, in order to demonstrate how the Cherokee and their distinct cultural practices are bound to the southern Appalachians.

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<sup>11</sup> Ibid., 361-362.

<sup>12</sup> The conjuror, an integral part of Cherokee religious and therefore cultural life, did not cease to exist, but modified his craft to fit Cherokee Christianity. For more see Raymond D. Fogelson, “The Conjuror in Eastern Cherokee Society,” *Journal of Cherokee Studies* 5 (1980): 60-87.

As with the majority of indigenous ways-of-life, there is a discernible gap in how the Cherokee and the non-Indian understand and use stories. It is important that these divergent approaches be analyzed so that the non-Indian reader can approach Cherokee stories through a sympathetic (if not understanding) mindset. While significant differences in understanding are to be expected, there is an important similarity. The work of Vine Deloria is especially useful in illuminating this commonality. Deloria sees similarities in the beginnings of western culture and contemporary indigenous cultures. “Every human society maintains its sense of identity with a set of stories which explain, at least to its satisfaction, how things came to be.”<sup>13</sup> For Deloria, this is evidenced in the creation story of the Hebrews, which at one time was certainly preserved through an oral tradition. Interestingly, while the Hebrew origin story is widely accepted, Indian creation theories are still often dismissed as superstition. Although Indian and non-Indian ways-of-life have at least some common ground, the differences far outweigh the similarities.<sup>14</sup>

In the western world, storytelling is a task accomplished through writing. More importantly perhaps, it is an individual action. One person writes the story for another person to read, alone. The native method of storytelling stands in stark contrast. Indians tell stories through an oral tradition and the story is told in a social setting. The story is community property. While the differences are clear, it is important that no value

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<sup>13</sup> Vine Deloria, *Red Earth, White Lies: Native Americans and the Myth of Scientific Fact* (New York, NY: Scribner, 1995), 37, 19.

<sup>14</sup> This chapter integrates a significant number of quotes in order to let the Cherokee and American Indians speak for themselves. In this way these quotations support the assertions of this non-native author while simultaneously maintaining cultural integrity. For more information pertaining to the applicability of non-Cherokee (other American Indians) thoughts to the Cherokee see Joseph Epes Brown, *Teaching Spirits: Understanding Native American Religious Traditions* (New York, NY: Oxford University Press, 2001), 8-14.

judgment be extended: “One is no better than the other—they are simply different.”<sup>15</sup>

That said, a concerted effort must be made on the part of non-Indians to empathize with the Indian way of seeing things and accept the native way of constructing history as valid.<sup>16</sup> Anthropologist Keith Basso addresses this issue asserting, “Even in societies which lack the services of revisionary historians ... interpreting the past can be readily accomplished.”<sup>17</sup>

Unfortunately, Cherokee myths are sometimes characterized as fallacy.<sup>18</sup> They are interesting stories, but little more. While this sort of narrow-minded approach is especially resistant to cross-cultural understanding, an effort must be made to demonstrate that, for the Cherokee, these stories are valid epistemological sources. In order for a non-Indian to understand the truth in Cherokee stories, “the logic and instructional role of Native legends” must be accepted.<sup>19</sup> The truth contained in Cherokee stories may seem far-fetched to the western mind, but to the Cherokee, “the truth is neither so elusive nor so painfully literal.”<sup>20</sup> There are several reasons for this. Cherokee ideas about time are especially important in understanding the power and validity of

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<sup>15</sup> Leslie D. Hannah, “We Still Tell Stories: An Examination of Cherokee Oral Literature,” PhD diss., University of Oklahoma, 2002, 3.

<sup>16</sup> Leslie Hannah says that the gap can only be bridged when one side makes a full effort. In her opinion, Native Americans have already made this effort, but have been rebuked by non-Indians. It is now the western world’s turn to make the full effort. Hannah, “We Still Tell Stories,” 5-6.

<sup>17</sup> Keith Basso, *Wisdom Sits in Places: Landscape and Language Among the Western Apache* (Albuquerque, NM: University of New Mexico Press, 1996), 7.

<sup>18</sup> Interestingly, non-Indians have many myths (inevitable progress for example), but rarely call them that. The term myth seems to be reserved for the ideas and stories of cultural outsiders. See G. Keith Parker, *Seven Cherokee Myths: Creation, Fire, the Primordial Parents, the Nature of Evil, the Family, Universal Suffering, and Communal Obligation* (Jefferson, NC: McFarland & Company, 2006), 22.

<sup>19</sup> Ian David Chambers, “Space: The Final Frontier? Spatial Understandings in the 18th-Century American Southeast,” PhD diss., University of California Riverside, 2006, 118.

<sup>20</sup> Joseph Bruchac, *Our Stories Remember: American Indian History, Culture, and Values Through Storytelling* (Golden, CO: Fulcrum Publishing, 2003), 51.

stories. In fact, most of the stories took place in a mythic time where humans, animals, and plants conversed. This sort of time is the source of another stumbling block to non-Indian understandings of Cherokee mythology and storytelling.

For some Cherokees, time is not a measured, linear phenomenon. Instead, it is a continuous experience. As such, “People live in the present moment, knowing that the present is intimately connected with the mythic past.”<sup>21</sup> The religions and histories of indigenous peoples rely on spatially constructed history rather than the chronological, event driven history of non-Indian peoples. For Vine Deloria, this divide plays an important role in ideologies of sacred places:

But it would seem likely that whereas religions that are spatially determined can create a sense of sacred time that originates in the specific location, it is exceedingly difficult for a religion, once bound to history, to incorporate sacred places in its doctrines. Space generates time, but time has little relationship to space.<sup>22</sup>

Western, chronological histories are abstractions connected to a specific point in time. Indigenous histories, anchored to their landscape, are more concrete and grounded. While mythic time and space are different from ordinary experience, Indian understanding integrates them. Mythic time can, and is, experienced in the present. This integration is accomplished through ceremonies and storytelling. Cherokee history is kept alive in the oral tradition. As historian Ian Chambers notes, “Mythic people exist as fully in the present as they did in the past and they will continue to exist in the future.”<sup>23</sup> Their continued existence depends on their place in the landscape. For the Cherokee people, chronological history is enmeshed in the flesh of the land.

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<sup>21</sup> Brown, *Teaching Spirits*, 18.

<sup>22</sup> Deloria, *God is Red*, 70.

<sup>23</sup> Chambers, “Space,” 110. See also Arthur Amiotte, “Our Other Selves,” in *I Become Part of It: Sacred Dimensions in Native American Life*, ed. D.M. Dooling and Paul Jordan-Smith (New York, NY: Parabola Books, 1989), 163.

The differing conceptions of land between Indians and non-Indians are often-cited points of contention. Non-Indians struggle to understand the idea of sacred land, while Indians struggle to comprehend the idea of commoditizing, owning and selling land.<sup>24</sup> This gap in understanding can be traced to Indian ideas about the world in general. As N. Scott Momaday observes, American Indians are deeply connected to the natural world through language, custom, tradition and ceremony:

From the time the Indian first set foot upon this continent, he centered his life in the natural world. He is deeply invested in the earth, committed to it both in his consciousness and in his instinct. The sense of place is paramount. Only in reference to the earth can he persist in his identity.<sup>25</sup>

Indians recognize that they are a part of the natural world; they are a part of the land. The world of the American Indian is alive. “The whole idea of selling real estate was unreal to our First Peoples. Their land was sacred earth, not just acreage.”<sup>26</sup> This view stands in direct opposition to non-Indian ideologies. Western societies view the world as a resource. Its primary value is as a raw material. In this way of looking at the world, humans are superior to, and apart from nature. This attitude is evident in many facets of western ways-of-life, especially science. Objective science is seen as the pinnacle of western knowledge. In order to be objective, however, the scientist must divorce themselves from their subjects. For the Cherokee, this practice stands in direct opposition to their epistemological framework. In order to understand the world it must be directly, subjectively experienced.<sup>27</sup> In order to preserve and pass on this experience stories are

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<sup>24</sup> Brown, *Teaching Spirits*, 32.

<sup>25</sup> N. Scott Momaday, “Values,” in *Words of Power: Voices from Indian America*, ed. N. Hill, Jr. (Golden, CO: Fulcrum, 1994), 1.

<sup>26</sup> Bruchac, *Our Stories Remember*, 29.

<sup>27</sup> This point is a major assertion in the philosophy of Maurice Merleau-Ponty, who also devotes a significant portion of his work to the importance of place to how people choose to live. See Maurice Merleau-Ponty, *Phenomenology of Perception* (New York, NY: Routledge, 1962).

needed. As the Abenaki storyteller Joseph Bruchac notes, “Whereas in the Western mind everything has a theory, in the American Indian mind everything has a story.”<sup>28</sup> For the Cherokee, stories explain the nature of the physical world (through direct experience), important historical events, precise knowledge of flora and fauna, and religious experiences. In this way, stories are the most accessible way into the Cherokee mind.

As with any study that is devoted to the beliefs of a people, there are important considerations that must be addressed. As discussed earlier, those problems center on the temporal gap between the scholar and their colonial era subject, and a gap in understanding that divided and continues to divide the Native from the non-Native. There are several ways to approach these issues. For the non-Indian academic Joseph Epes Brown, “It is a perilous undertaking and a heavy responsibility to presume to speak of the sacred traditions of another people.”<sup>29</sup> The best a non-Indian can do in this situation is to acknowledge the shortfalls of such an approach and work to maintain the integrity of the culture in question. While, in the view of Brown, “One has to be brought up in these cultures and live the languages in order to truly identify with the ethos of a Native American people,” storytelling provides a unique window into the culture of a people with a living oral tradition.<sup>30</sup> In other words, by grounding the discussion of Cherokee sacred geography in their oral culture, certain Cherokee views will become apparent because storytelling was – and to some extent still is – how many Cherokees oriented themselves in the world. Instead of attempting to speak for the Cherokee (especially as it pertains to sacred places), this analysis will utilize the “living stories” of the Cherokee to

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<sup>28</sup> Ibid., 52. See also Deloria, *Red Earth, White Lies*, 51.

<sup>29</sup> Brown, *Teaching Spirits*, 6.

<sup>30</sup> Ibid., 5.

allow the Cherokee to speak for themselves.<sup>31</sup> In fact, former Cherokee principal chief Joyce Dugan credits stories with this exact ability: “it gives those outside the realm of the Cherokee an opportunity to experience our culture through our stories.”<sup>32</sup>

This idea merits further analysis. In a culture with an oral tradition, one of the only ways to approach the basis of cultural and societal norms is through storytelling. There are problems with this approach however. “To tell the stories in English is to change them somewhat simply because Cherokee and English are different in many ways.”<sup>33</sup> While this issue may seem obvious, its importance cannot be overstated. Meaning is commonly lost in translation, even between western languages. That said, the cultural and linguistic chasm is much wider between Cherokee and English than between Spanish and English. The world-view of the Cherokee is contained within, and has evolved alongside, their language. As such, “...non-Natives...are therefore not aware of the remarkable range of sacred values imbedded in such languages.”<sup>34</sup> So, to extract Cherokee stories from their intended linguistic vehicle can contribute to the mutation of Cherokee stories. Although this is a significant issue, storytelling is one of the few reliable methods for a cultural outsider to experience and understand Cherokee ways-of-life.

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<sup>31</sup> The description of Cherokee stories as “living” can be attributed to Barbara R. Duncan, Ed., *Living Stories of the Cherokee* (Chapel Hill, NC: The University of North Carolina Press, 1998).

<sup>32</sup> Joyce Conseen Dugan, foreword to *Seven Cherokee Myths: Creation, Fire, the Primordial Parents, the Nature of Evil, the Family, Universal Suffering, and Communal Obligation*, by G. Keith Parker (Jefferson, NC: McFarland & Company, 2006), 3. See also Elaine Jahner, “The Spiritual Landscape,” in Dooling, 194; and On page 35 of his *Our Stories Remember*, Bruchac offers a similar quote: “Perhaps then, in the long run, it is only through our own stories that people—Indian and non-Indian alike—can begin to understand the true American Indian heritage.”

<sup>33</sup> Duncan, *Living Stories*, 17.

<sup>34</sup> Brown, *Teaching Spirits*, 41.



Additionally, the chief source of this oral tradition, James Mooney's ethnographic report, is written. As such, the "living" nature of the stories has been frozen by Mooney's work. Therefore, Mooney's collection of stories can hardly be called "oral tradition." Mooney's collection is the result of a very specific set of circumstances. Although academics have collected more current versions of the stories preserved by Mooney, one cannot discount the effect that Mooney's collection has had on modern day tellings of Cherokee myths. Unfortunately, historians, anthropologists and Cherokees alike must all (for the most part) rely on Mooney's efforts. As long as the shortcomings of Mooney's report are taken into account, much can still be learned about Cherokee storytelling.

What purposes do Cherokee stories serve? Why are they told? First of all, it is important to understand that the term "myth" in this case should not be read in the pejorative sense.<sup>35</sup> By employing western terminology and categories to explain a decidedly non-western phenomenon, the analysis of western scholars does a disservice to American Indian culture. Cherokee myths, legends, and stories are not "lifeless narratives" but "a vital entity with the power to create the world."<sup>36</sup> In addition to "creating" the world, myths play a multitude of roles in the Cherokee culture. In the words of Freeman Owle, "Each and every story had a real reason for it. The Cherokees did not have schools, so they had to tell stories to teach their children."<sup>37</sup> Some stories are histories (in both the "mythic" sense and the chronological sense), others dictate and reinforce specific behavioral norms, while still others promote and pass on Cherokee societal and cultural practices.

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<sup>35</sup> Parker, *Seven Cherokee Myths*, 21. See also Deloria, *Red Earth, White Lies*, 185.

<sup>36</sup> Brown, *Teaching Spirits*, 56.

<sup>37</sup> Freeman Owle as quoted in Duncan, *Living Stories*, 12.

In many cases, stories are responsible for fostering a collective identity. Leslie Hannah, a professor of Native literature, contends, “It is part of who we are, whether we are full-bloods living in a big city or mixed-bloods on a reservation or something somewhere in between.”<sup>38</sup> In other words, the Cherokee identity is informed through oral culture. Stories teach what it means to be Cherokee. They are “the seeds of history, culture, and identity.”<sup>39</sup> As the Cherokee identity begins to take shape, certain overarching, spiritual themes become apparent. Additionally, “In learning all these lessons, we also learn the place of the Cherokee person in relationship to the rest of the world.”<sup>40</sup> For this analysis, the myths that create and reinforce Cherokee spiritual understandings take on special importance.<sup>41</sup>

One of the central tenets of the Cherokee way-of-life is the necessity to live a life of balance. The oral traditions of the Cherokee play a significant part in helping the Cherokee to stay in balance, to adhere to *duyukta*.<sup>42</sup> This means that the importance of the whole must be placed above the needs of the individual. As Chambers notes, “It is the existence and interaction of all forms of life with no domination or controlling of one over the other, which encourages and allows Cherokee existence.”<sup>43</sup> Found in numerous Cherokee stories, this lesson is especially prevalent in the Cherokee attitude towards land. As previously discussed, for the Cherokee, land is not a commodity to be exploited. It is a living entity whose health is necessary to Cherokee existence: “Rather than fixing and

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<sup>38</sup> Hannah, “We Still Tell Stories,” 8.

<sup>39</sup> Duncan, *Living Stories*, 13.

<sup>40</sup> *Ibid.*

<sup>41</sup> Brown, *Teaching Spirits*, 57; see also, Chambers, “Space,” 109; and Duncan, *Living Stories*, 24.

<sup>42</sup> *Duyukta* can be translated as “the right way,” “the right path,” or “the path of being in balance.” See Duncan, *Living Stories*, 25.

<sup>43</sup> Chambers, “Space,” 106.

controlling the land, a process of reciprocity existed whereby people ‘honored the land by treating it with respect, performing ceremonies, and singing songs of thanks.’<sup>44</sup> In order to create and reinforce this reverence for the land, American Indian stories are always tied to a location. Passing by a place encourages remembrance and consequently, that land actively protects cultural values. They are “mnemonic pegs on which to hang the moral teachings of their history.”<sup>45</sup> For the Cherokee, ideas about place and land are inextricably bound to their oral culture.

While there are certainly places more sacred than others, for the Cherokee, all land has special importance. Many stories reinforce this idea. If balance is to be attained, then everything must be revered and protected. The question is how do stories do this? For historian Tiya Miles, the answer lies in their inextricable ties to the land: “For native peoples across a range of tribes, epistemologies and moral codes are tied to landscapes and places.”<sup>46</sup> For the Cherokee, the southern Appalachians form that distinctive environment. The Cherokee and their ancestral homeland are mutually reinforcing entities. The history of the Cherokee is contained in the southern Appalachians, “it is tangible in the terrain.”<sup>47</sup> Without a specific landscape, Cherokee stories, and subsequently its culture, would be different. As Miles notes, “Land, specifically homeland, sustains native identities and values, not just because it is the place where the people eat and sleep, but because it is a repository of the people’s cultural ways, beliefs

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<sup>44</sup> Brown, *Teaching Spirits*, 24.

<sup>45</sup> Basso, *Wisdom Sits in Places*, 62; see also Tiya Miles, *Ties that Bind: The Story of an Afro-Cherokee Family in Slavery and Freedom* (Berkeley, CA: University of California Press, 2005), 159.

<sup>46</sup> Miles, *Ties that Bind*, 159. Miles’ conclusion is based on Keith Basso, “Stalking with Stories,” in *Western Apache Language and Culture* (Tucson, AZ: University of Arizona Press, 1990), 99-137.

<sup>47</sup> Miles, *Ties that Bind*, 158. See also David Lowenthal, “Past Time, Present Place: Landscape and Memory,” *Geographical Review* 65 (January 1975): 1-36.

and histories.”<sup>48</sup> As such, the Cherokee ancestral homeland is a container for behavioral, cultural and societal lessons.

The places spoken of in Cherokee stories are actual places. This means that specific places take on an added importance. Because “the Native landscape is both a cultural and moral space, a place where mythical beings, ancestral spirits, daily life, and geopolitical concerns coexisted and interplayed,” stories become reality and oral tradition gains respectability that is often unique to non-western peoples.<sup>49</sup> If a certain landmark is included in a myth, it takes on special significance. The specific landmark now serves to reinforce certain moral, spiritual, or cultural teachings. The power of the story is contained in and amplified by the landmark. Religious historian Joseph Epes Brown notes this phenomenon asserting, “While all land is alive, mythic events can layer places with additional spiritual significance.”<sup>50</sup> With this “layering” the southern Appalachians become more than just a possible home. It becomes the only place that can be home. Without the specific, place-based containers of cultural knowledge, the Cherokee way-of-life would no longer make sense. As the Jungian psychologist and historian G. Keith Parker notes, “Most of those stories are also tied to local geographic settings, giving credence to [otherwise] unexplainable phenomenon, giving respect and awe to the beauty and mystery of their surroundings to life itself.”<sup>51</sup> It is clear that there can be no Cherokee without a Cherokee ancestral homeland to create and constantly reinforce cultural and

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<sup>48</sup> Miles, *Ties that Bind*, 158. See also Kenneth Foote, *Shadowed Ground: America's Landscape of Violence and Tragedy* (Austin, TX: University of Texas Press, 1997), 33.

<sup>49</sup> James Carson, “Ethnogeography and the Native American Past,” *Ethnohistory*, 49:4 (fall 2002), 783. See Also Brown, *Teaching Spirits*, 17-18; and Chambers, “Space,” 18, 111.

<sup>50</sup> Brown, *Teaching Spirits*, 24.

<sup>51</sup> Parker, *Seven Cherokee Myths*, 11. See also Miles, *Ties that Bind*, 158; Leslie Marmon Silko, *Yellow Woman and a Beauty of the Spirit: Essays on Native American Life Today* (New York, NY: Simon and Schuster, 1996), 25-47.; and Vine Deloria, “Out of Chaos” in Dooling, 261.

societal norms. In fact, Cherokee ethnographer James Mooney took special note of the pervasiveness of “special” places:

As with other tribes and countries, almost every prominent rock and mountain, every deep bend in the river, in the old Cherokee country has its accompanying legend. It may be a little story that can be told in a paragraph, to account for some natural feature, or it may be one chapter of a myth that has its sequel in a mountain a hundred miles away. As is usual when a people have lived for a long time in the same country, nearly every important myth is localized, thus assuming more definite character.<sup>52</sup>

The Cherokee identity and the stories that constantly create it are rooted in the southern Appalachians. As such, it becomes important to examine Cherokee ideas about how their ancestral homeland came to be.

The Cherokee creation story provides the cultural outsider with unique insight into the genesis of some of the Cherokee’s most deeply held beliefs. In order to really grasp the reverence the Cherokee have for the southern Appalachians, the non-Indian must look at the landscape through the eyes of the Cherokee. According to Parker, “As one experiences the Cherokee creation story, one can get a sense of their inner world, the deeper awareness of their place not only in the mountains of Appalachia and the world itself, but also of their rightful individual existence.”<sup>53</sup> The story of creation is the story that anticipates and informs all others. Without knowing how and why their homeland was created, stories that follow would be groundless, placeless, and lose their efficacy to create and sustain cultural and societal norms. Essentially, “Knowledge has meaning and value only when placed within a particular view of the world.”<sup>54</sup> Without the creation story, the Cherokee would orient themselves in the world in a much different manner.

Cherokee origin stories and creation myths create and inform Cherokee ways-of-life by

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<sup>52</sup> Mooney, “Myths of the Cherokee,” 231.

<sup>53</sup> Parker, *Seven Cherokee Myths*, 37.

<sup>54</sup> Sam Gill, “The Trees Stood Deep Rooted,” in Dooling, 21.

preserving knowledge central to Cherokee culture. It is important to understand however that analyzing and interpreting the Cherokee creation story is an individual experience. Former Cultural Resources Director for the Eastern Band of Cherokee Indians, Lynne Harlan, talks about this issue contending, “Interpretations are as varied as individuals, and each person hears what is important to them at each hearing of the myth.”<sup>55</sup> The Cherokee creation story, like many of the Cherokee myths, is still “alive.” It is constantly being re-interpreted and still informs important Cherokee beliefs. Therefore, there are a number of different published interpretations, each of which emphasizes different aspects of the creation.

This means that we cannot know everything about Cherokee origins. In the words of Robert Conley, “no one of the origin stories can be proved.”<sup>56</sup> Although there are countless interpretations, there are common elements that can be found in even the most divergent tellings. In the Cherokee creation story several themes rise to the surface. The earth and its water and mountains are established as integral to the Cherokee way-of life; overcrowding and balance are cemented as important issues that shape Cherokee behaviors; and a reverence for animals is created. In order to flesh these ideas out, this paper will analyze certain parts of the Cherokee creation story.<sup>57</sup>

Before the Cherokee ancestral homeland was molded into its present form, all of the animals lived in Galun’lati, which was located above the earth. What made the Animals look for a new place to live?

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<sup>55</sup> B. Lynne Harlan as quoted in Parker, *Seven Cherokee Myths*, 37.

<sup>56</sup> Robert Conley, *The Cherokee Nation: A History* (Albuquerque, NM: University of New Mexico Press, 2005), 6.

<sup>57</sup> There are several different version of the Cherokee creation story. For a discussion of those different tellings of the story see Chambers, “Space,” 111-113.

When all was water, the animals were above in Galun'lati, beyond the arch; but it was very much crowded and they were wanting more room. They wondered what was below the water, and at last Dayuni'si, "Beaver's Grandchild," the little Water-beetle, offered to go and see if it could learn. It darted in every direction over the surface of the water, but could find no firm place to rest. Then it dived to the bottom and came up with some soft mud, which began to grow and spread on every side until it became the island which we call the earth. It was afterward fastened to the sky with four cords, but no one remembers who did this.<sup>58</sup>

Even in this brief section, there are several important themes that continue to flesh-out Cherokee ways-of-life. First of all, there is the fear of overpopulation.<sup>59</sup> The reason animals are looking for a new place to live is because Galun'lati is crowded. In order for this type of situation to be avoided in the future, balance, or *duyukta*, must be achieved and sustained. For the Cherokee, their world was the result of an out-of-balance lifestyle. To avoid the reoccurrence of this situation again, balance must be a perpetual priority.

The Cherokee belief in the earth as a living, malleable entity also finds its genesis here. The "island which we call the earth" was made from the "real earth" retrieved by the water beetle. "It [the water beetle] not only learns, but acts and brings forth substance from the bottom, real earth that not only forms an island but grows and grows. The reality of the earth as a living changing being is shown."<sup>60</sup> The earth is not the stagnant commodity of the non-Indian; it is a living being that commands respect. This theme is also evident as the mountains were created.

Now that there was land, the animals were anxious to move to their new home. The land was still wet, however, and was not ready for the animals. How would the land be prepared for the animal's arrival?

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<sup>58</sup> Mooney, "Myths of the Cherokee," 239.

<sup>59</sup> This fear is also evident in the eighth and final paragraph of Mooney's telling. See Mooney, "Myths of the Cherokee," 240.

<sup>60</sup> Parker, *Seven Cherokee Myths*, 45.

At last it seemed to be time, and they sent out the Buzzard and told him to make ready for them...He flew all over the earth, low down near the ground and it was still soft. When he reached the Cherokee country, he was very tired, and his wings began to flap and strike the ground, and wherever they struck the earth there was a valley, and when they turned up again there was a mountain...the Cherokee country remains full of mountains to this day.<sup>61</sup>

The presence of mountains and valleys is explained. There is a direct connection between the Cherokee and their ancestral homeland. Mountains are established as central to the Cherokee way-of-life. The reverence the Cherokee have for mountains is even recorded by John Payne and Daniel Butrick: “Mountains were more sacred than low ground...On Mountains the Na-ne-hi’s live.”<sup>62</sup> Although Butrick, as a missionary, changes the Great Buzzard to a turtle dove and concludes that the early status of the earth is due to a great flood, the sacredness of mountains still carries through.<sup>63</sup>

Another important aspect of this part of the creation story is the actual creation. This is not the creation of an overarching spirit, but a conglomeration of animals.<sup>64</sup> The water beetle is responsible for finding the land, the buzzard for drying the land and creating the mountains and valleys, and eventually the water spider is responsible for bringing the first fire.<sup>65</sup> One creature is not superior to any other. All beings are equal. Each has their role in the creation. Again, the theme of balance is clear. The Cherokee must live as a part of nature, as an equal to the animals if they wish to be able to remain

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<sup>61</sup> Mooney, “Myths of the Cherokee,” 239.

<sup>62</sup> William L. Anderson, Jane L. Brown and Anne F. Rogers, eds., *The Payne-Butrick Papers: Volumes One, Two, Three* (Lincoln, NE: University of Nebraska Press, 2010), 237.

<sup>63</sup> The Cherokee concerns regarding overpopulation and the necessity for high places also carries through in the analysis of Payne and Butrick. See Anderson, *Payne-Butrick Papers*, 206-7.

<sup>64</sup> Chambers, “Space,” 117. Parker disagrees with this, casting the Father of all Buzzards as a stand-in for the Great Spirit. See Parker, *Seven Cherokee Myths*, 40.

<sup>65</sup> The myth concerning the first fire can be found in Mooney, “Myths of the Cherokee,” 240-42; as told by Kathi Smith Littlejohn in Duncan, *Living Stories*, 53-55; and in Corydon Bell, *John Rattling Gourd of Big Cove* (New York, NY: MacMillan Company, 1955), 15-18.

Interestingly, Payne and Butrick record the continued importance of fire to the Cherokee people: “Fire is an active and intelligent being.” See Anderson, *Payne-Butrick Papers*, 20, 214, 237-38.



in their homeland. And because the Cherokee associate mountains with this theme, just the sight of the mountains reminds them that a life in accordance with *duyukta* is paramount for the survival of all creatures.<sup>66</sup>

Evidenced by the animal's initial position in Galun'lati, the created earth is not the only world. Can one visit these other worlds? How?

There is another world under this, and it is like ours in everything—animals, plants, and people—save that the seasons are different. The streams that come down from the mountains are the trails by which we reach this underworld, and the springs at their heads are the doorways by which we enter it, but to do this one must fast and go to water and have one of the underground people for a guide.<sup>67</sup>

Although water plays an integral role from the outset of the creation story, its importance is highlighted here. Aside from water's role as a pathway to another world, the importance of fasting and going to water is made evident. Going to water is one of the most important rituals for the Cherokee. It is performed before hunting, before ballgames, before war, and before seasonal ceremonies.<sup>68</sup> Its presence in the creation story works to cement the importance of water in the Cherokee way-of-life. During their stay with the Cherokee, Payne and Butrick were able to observe the continued significance of water for the Cherokee: "The ground on the banks of rivers and on the sea shore was more holy that that back from the water...The Indians always had their houses of worship, council

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<sup>66</sup> The idea of balance is also evident in the calling back of the buzzard before the whole country is turned into mountains. There must be a balance between mountainous land and flat land. See Parker, *Seven Cherokee Myths*, 40.

<sup>67</sup> Mooney, "Myths of the Cherokee," 240.

<sup>68</sup> For more on the Cherokee ritual of "going to water" see James Mooney, "The Cherokee River Cult" *Journal of American Folk-Lore* 13 (1900): 1-10. See also Catherine Albanese "Exploring Regional Religion: A Case Study of the Eastern Cherokee" *History of Religions* 23 (1984): 344-371 and the next chapter.

houses &c near water.”<sup>69</sup> The centrality of water to the Cherokee culture is, if not established, reinforced in the creation story.

In the end, it is clear that the Cherokee origin story is integral in the process of creating and sustaining Cherokee cultural and societal norms. Cherokee ideas regarding overpopulation, balance, the earth, mountains and water are all found in this story. The caveat is that this story and its lessons are rooted in the ancestral landscape. As Parker notes, “The truths are...grounded in the very soil one tills, the mountains that one climbs, the rivers that one rides, the air that one breaths.”<sup>70</sup> This story only makes sense in the southern Appalachians. The places created by the animals contain ideas and lessons necessary for the Cherokee way-of-life. This story does more than just answer “how” questions about creation, it informs the continued creation of Cherokee identity and culture and illuminates the divine relationship between people and places.

In addition to the creation myth, the story of Selu and Kanati serves to inform many important areas of traditional Cherokee life. Although some observers are quick to compare Kanati and Selu to Adam and Eve, the knowledge preserved by the Selu and Kanati story was, and is, contained by the Southern Appalachians. In fact, the story does much to establish boundaries (both geographic and social) and explain the significance of cardinal directions. Again, we are forced to rely on the findings of James Mooney as a means to explore this myth. While Mooney’s retelling of “Kanati and Selu: The Origin of Game and Corn,” must be looked at in the context of late-nineteenth century Eastern Cherokee society, for the purposes of this examination, the story will be taken at face value.

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<sup>69</sup> Anderson, *Payne-Butrick Papers*, 237.

<sup>70</sup> Parker, *Seven Cherokee Myths*, 16.

Interestingly, from the start, a specific, identifiable place in the southern Appalachians acts as the setting for the myth:

Long years ago, soon after the world was made, a hunter and his wife lived at Pilot knob with their only child, a little boy. The father's name was Kana'ti (The Lucky Hunter), and his wife was called Selu (Corn). No matter when Kana'ti went into the wood, he never failed to bring back a load of game, which his wife would cut up and prepare, washing off the blood from the meat in the river near the house. The little boy used to play down by the river every day, and one morning the old people thought they heard laughing and talking in the bushes as though there were two children there. When the boy came home at night his parents asked him who had been playing with him all day. "He comes out of the water," said the boy, "and he calls himself my elder brother. He says his mother was cruel to him and threw him into the river." Then they knew that the strange boy had sprung from the blood of the game which Selu had washed off at the river's edge.<sup>71</sup>

This first paragraph discusses several aspects of traditional Cherokee culture of great importance. In addition to reinforcing the sacred importance of water to life and prosperity, this myth also establishes a basis for the power of blood. As discussed by a number of Cherokee historians, blood played a tremendous role in everyday Cherokee life. As will be discussed in the analysis of the Tsu'l'kalu myth menstruating women were perceived as having tremendous power, so much so that they were forced to live separately from the rest of the group while they were menstruating.<sup>72</sup> In this case, the power of blood combined with the power of moving water created life, a "wild boy." Although water and blood play a significant role in this myth and traditional Cherokee life, the specific setting for this myth adds importance to its assertions.

While Pilot Knob, located in modern day Transylvania County, North Carolina, served as the home of Kanati and Selu, it also was home to some Nunne'hi (who will be

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<sup>71</sup> Mooney, "Myths of the Cherokee," 242.

<sup>72</sup> For more on this see Theda Perdue, *Cherokee Women: Gender and Culture Change, 1700-1835* (Lincoln, NE: University of Nebraska Press, 1998), 29-31, 34-37 and Sarah H. Hill, *Weaving New Worlds: Southeastern Cherokee Women and Their Basketry* (Chapel Hill, NC: University of North Carolina Press, 1997), 76-80.

discussed in the Nikwasi chapter) and served as the setting for several myths including “Kana’sta, The Lost Settlement” and “Tsuwe’nahi: A Legend of Pilot Knob.”<sup>73</sup> In other words, Pilot Knob was an especially sacred place. Not only was it home to Kanati and Selu, it also housed Nunne’hi and possessed other supernatural characteristics. Each time this story was told, images of Pilot Knob and its importance to the Cherokee people would be recalled. Also, each time a Cherokee encountered Pilot Knob the stories grounded there would be brought to mind. So, combining the myths of Kanati and Selu with each of the other myths associated with Pilot Knob, added that place to the Cherokee sacred geography. To remove the story of Selu and Kanati from Pilot Knob – or to remove the Cherokee people from the land where the story lives – would change its intent and effectiveness dramatically.

After the central setting for this myth is established, the narrative then moves throughout the Cherokee ancestral homeland. This first part of the story describes how the “wild boy” and his brother followed their father Kanati to a secret place where all of the game was kept:

One day the Wild Boy said to his brother, "I wonder where our father gets all that game; let's follow him next time and find out." A few days afterward Kana'ti took a bow and some feathers in his hand and started off toward the west. The boys waited a little while and then went after him, keeping out of sight until they saw him go into a swamp where there were a great many of the small reeds that hunters use to make arrowshafts ... Keeping out of sight of their father, they followed him up the mountain until he stopped at a certain place and lifted a large rock. At once there ran out a buck, which Kana'ti shot, and then lifting it upon his back he started for home again. "Oho!" exclaimed the boys, "he keeps all the deer shut up in that hole, and whenever he wants meat he just lets one out and kills it with those things he made in the swamp." They hurried and reached home before their father, who had the heavy deer to carry, and he never knew that they had followed.<sup>74</sup>

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<sup>73</sup> Mooney, “Myths of the Cherokee,” 330, 341-342, 343-345.

<sup>74</sup> *Ibid.*, 242-243.

Again, there are several important things to take from this section including the male gender role of hunting. For our purposes, however, two aspects stand out. First, in order to procure the game, Kanati travels westward, a direction the Cherokee associate with death and the “darkening land.” As we shall see this westward travel has an entirely different purpose than eastward travel. We also see that specific places have more importance than others. The swamp, which served a variety of purposes, provides Kanati’s ammunition. In this way, the swamp takes on added importance. Additionally, many of the wild animals, including pests, were kept in a “specific place.” While one non-Cherokee author decided that the game preserve was located in the side of Mount Mitchell, the highest peak east of the Mississippi River, in North Carolina, the myth as recorded by Mooney is not that specific.<sup>75</sup> There are several explanations for this absence of specificity, however. Perhaps Mooney’s informant kept that information from the ethnologist on purpose; perhaps the informant did not know the cave’s location at all. Either way, it is fair to assume that earlier iterations of this myth could have included the specific location of the “game preserve” adding to the importance of this myth to Cherokee sacred geography.

As the myth continues, the wild boy teams up with his brother in releasing all of the game from Kanati’s cave. The brothers also witness their mother, Selu, creating corn from her stomach and beans from her armpits. As a result of this observation, the brothers conclude that their mother is a witch and kill her. During that section of the myth, female gender roles are described and the spiritual nature of corn is also established. After the brothers killed their mother, Kanati traveled to the townhouse of the Wolf people for

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<sup>75</sup> Lanman as quoted in *Ibid.*, 431-432.

help. After the wolves failed in their mission to kill the brothers, Kanati did not return to Pilot Knob. So, the brothers set out to find him.

Once they determined that Kanati had traveled east, toward the “Sunland,” the brothers set out after him:

So the two brothers set off toward the east, and after traveling a long time they came upon Kana'ti walking along with a little dog by his side. "You bad boys," said their father, "have you come here? "Yes," they answered, "we always accomplish what we start out to do--we are men." ... "Well," said Kana'ti, "as you have found me, we may as well travel together, but I shall take the lead." Soon they came to a swamp, and Kana'ti told them there was something dangerous there and they must keep away from it. He went on ahead, but as soon as he was out of sight the Wild Boy said to his brother, "Come and let us see what is in the swamp." They went in together, and in the middle of the swamp they found a large panther asleep.<sup>76</sup>

In direct opposition to Kanati's earlier westward travels, the boys' father now travels eastward, towards the sun; a direction associated with war and blood. The brothers' previous actions bear these associations out. After killing their mother and slaughtering the wolf people, they go after their father as a means to seek revenge. After they meet up with Kanati, the Lucky Hunter establishes a number of boundaries that the brothers should not pierce.

The first warning, embodied by the panther's swamp, goes unheeded by the brothers and, surprisingly, their actions are without consequences. The brothers also ignore the second boundary established by Kanati, a settlement of cannibals. Although the boys are captured, they escape death and again catch up to Kanati:

He soon got out of sight of the boys, but they kept on until they came to the end of the world, where the sun comes out. The sky was just coming down when they got there, but they waited until it went up again, and then they went through and climbed up on the other side. There they found Kana'ti and Selu sitting together. The old folk received them kindly and were glad to see them, telling them they might stay there a while, but then they must go to live where the sun goes down.

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<sup>76</sup> Ibid., 246-247.

The boys stayed with their parents seven days and then went on toward the Darkening land, where they are now. We call them Anisga'ya Tsunsi' (The Little Men), and when they talk to each other we hear low rolling thunder in the west.<sup>77</sup>

Kanati and Selu, now gone from the Cherokee world, instruct their sons, known in other myths as the “Little Thunders,” to do the same, but in the opposite direction. In order to preserve harmony, the geographic separation of Selu, Kanati and their sons is necessary.<sup>78</sup> Borders – whether they lie between Cherokees and the non-human world, Cherokees and other peoples or even between families – must be respected if there is to be harmony. Each time traditional Cherokees encountered Pilot Knob, Kanati’s game preserve, the darkening land or the Sunland, they would be reminded of this lesson. Although some of these lessons can transcend place, their grounding in the southern Appalachians significantly adds to their efficacy. The sacred geography established by the Selu and Kanati myth is not only expansive (east, west, Pilot Knob) but also tremendously important to traditional Cherokee ways-of-life. Without this myth, and its setting, much of Cherokee culture makes little sense.

There are other, less significant, but still important myths that the Cherokee rely on to sustain cultural and societal norms. These are stories that deal with a specific mountain, river, clearing, or cove.<sup>79</sup> There are also those stories that involve a certain animal or other non-human entity. Non-human people play a significant role in the lives of Cherokee people and the culture as a whole. There are several varieties of spirit people that live in the southern Appalachians and interact with the Cherokee people. “These are the Nunne’hi or immortals, the ‘people who live anywhere’; the Yunwi Tsunsi, the

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<sup>77</sup> Ibid., 247-248.

<sup>78</sup> Parker, *Seven Cherokee Myths*, 84-85.

<sup>79</sup> Douglas Rossman, *Where Legends Live: A Pictorial Guide to Cherokee Mythic Places* (Cherokee, NC: Cherokee Publications, 1988), 6. See also Sam Gray, *Mythic Maps: An Exhibition of Cherokee Legends in the Appalachian Landscape* (Franklin, NC, 1979).

‘Little People’; the Yunwi Amai’yine’hi, or Water-dwellers, Tsawa’si and Tsaga’si, who are mischievous hunter’s helpers; De’tsata, a child who plays in the woods; and Atsil’dihye’gi, ‘The Fire-carrier.’”<sup>80</sup> Aside from these “spirit people” there are several other, non-human creatures that roam the southern Appalachians, U’tlun’ta, the Spear-Finger for example. These other-than-human people are still prevalent during the stay of John Payne and Daniel Butrick: “There is, furthermore, a belief among the Cherokee in various superhuman existences.”<sup>81</sup> In addition, there are lessons contained in these stories, and the places they describe, that are central to the Cherokee way-of-life. In many cases, the stories of fearsome creatures create boundaries (both geographic and psychological) for Cherokee people. One such myth is that of the slant-eyed giant, Tsu’l’kalu or Judaculla. The story of Tsu’l’kalu contains many layers that inform a number of Cherokee cultural practices, but for this study, the parts of the story that establish the importance of place will be singled out.<sup>82</sup>

Although Tsu’l’kalu is known in contemporary southern Appalachia for the strangely marked rock that was named after him, the lesser-known location of his home is of greater importance. Tsu’l’kalu keeps his home in a place called Tsunegun’yi, a mountain known to the Cherokee and described to James Mooney as Jutaculla Old Fields

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<sup>80</sup> Chambers, “Space,” 118. See also Mooney, “Myths of the Cherokee,” 330-335; and Jeannie Reed, ed. *Stories of the Yunwi Tsunsdi, the Cherokee Little People* (Cherokee, NC: Cherokee Communications, 1991).

<sup>81</sup> Anderson, *Payne-Butrick Papers*, 23. The belief in giants is not unique to the Cherokee. In fact, the cultural behavior of the giants is often the same as the indigenous people in question. It is their stature that is important. For more on this see Deloria, *Red Earth, White Lies*, 116, 156.

<sup>82</sup> For an in-depth analysis of the Tsu’l’kalu myth and all of its moral ramifications, see Parker, *Seven Cherokee Myths*, 108-140. Again, the full text of Tsu’l’kalu is attached in Appendix ?? and it would serve the reader to read the myth in its entirety before approaching the analysis. For an alternative theory regarding Judaculla Rock see T. Walter Middleton, *Qualla: Home of the Middle Cherokee Settlement* (Alexander, NC: Worldcomm, 1999), 75-82.



(or “Tanasee Old Fields mountain farm”).<sup>83</sup> It is to this place that a Cherokee girl runs with her new family:

The girl wanted to be with her husband, so, after telling her mother good-bye, she took up with the child and they went off together to Tsunegun’yi...He [the girl’s brother] went on until he came where they had rested again, and there were tracks of one child running and another walking. Still he followed the trail along the stream into the mountains, and came to the place where they had rested again, and this time there were footprints of two children running all about, and the footprints can still be seen in the rock at that place. Twice again he found where they had rested, and then the trail led up the slope of Tsunegun’yi, and he heard the sound of a drum and voices, as if people were dancing inside the mountain.<sup>84</sup>

The mountain that the girl’s brother tracks the family to is the home of Tsu’l’kalu and it is a tangible place, still in the mountains today. This place is described by Mooney as “A bald spot of perhaps a hundred acres on the slope of Tennessee bald (Tsu’l’kalu Tsunegun’yi), at the extreme head of the Tuckasegee River, in Jackson County, on the ridge from which the lines of Haywood, Jackson, and Transylvania counties diverge.”<sup>85</sup> This actual place is home to Tsu’l’kalu’s farm and myth. The lessons learned in this story were, and continue to be, rooted in that place.

Because the game belongs to Tsu’l’kalu, the giant’s home must be respected.<sup>86</sup> If Tsu’l’kalu is angered, Cherokee hunting is sure to suffer. As Mooney notes, Cherokee hunters invoke Tsu’l’kalu in their pre-hunting prayers and rituals: “The hunter prays to the fire, from which he draws his omens; to the reed, from which he makes into arrows; to Tsu’l’kalu, the great lord of the game, and finally he addresses in the songs the very

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<sup>83</sup> Mooney, “Myths of the Cherokee,” 407 and Parker, *Seven Cherokee Myths*, 180.

<sup>84</sup> Mooney, “Myths of the Cherokee,” 339.

<sup>85</sup> *Ibid.*, 407. It is interesting to note that the home of Tsu’l’kalu is located at the headwaters of a river, which adds even more significance to the location. The river also seems to be a gateway into the mountain, which reinforces some of the teachings of the creation story. See Parker, *Seven Cherokee Myths*, 112-113, 180.

<sup>86</sup> This information is actually gleaned from the myth entitled, “Kana’sta, The Lost Settlement.” See Mooney, “Myths of the Cherokee,” 341-342.

animals which he intends to kill.”<sup>87</sup> It is apparent that Tsu’l’kalu is integral to the Cherokee way-of-life. Besides establishing a physical and mental boundary between the Cherokee and the “great lord of the game” the moral teachings in this myth are contained in Tsu’l’kalu’s home Tsunegun’yi, the rock where the children’s footprints can be seen, and the rock called Judaculla rock.<sup>88</sup> Every time the Cherokee encounter one of these places they are reminded of Tsu’l’kalu’s importance and the moral teachings of his myth.

Because these stories, and many others, infuse the Cherokee’s ancestral homeland with special and sacred meaning, sacred places were created and maintained by those stories. In addition to maintaining a distinctly Cherokee moral code, these stories elevated the importance of certain places. According to Native American philosopher Vine Deloria, there were, and are, three distinct types of sacred places, each of which depend upon storytelling to achieve and preserve their sacredness.

Deloria describes the first type as “where, within our own history, something of great importance has taken place.”<sup>89</sup> So, for the Cherokees living in the contact period, this included places classified as “peace towns,” places where important diplomatic occurrences took place, and places of ceremonial importance. This type of sacred place is the most easily translatable to those of a western mindset who view places like Gettysburg or Washington, D.C. as sacred for similar reasons. The difference between these American “sacred” places and the Cherokee sacred places is that the Cherokee do not separate diplomacy, economics or war from their religion (as evidenced by Henry

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<sup>87</sup> Ibid., 342.

<sup>88</sup> See Rossman, *Where Legends Live*, 16, 28. It is important to note that Judaculla rock is one of the few Cherokee mythic sites that are formally protected.

<sup>89</sup> Deloria, *God is Red*, 275.

Timberlake's observation of the Eagle Feather Dance)<sup>90</sup>, even into the present day. This means that places perceived as sacred by Cherokees are classified as secular and important to cultural heritage by the majority of non-Cherokees.

While the sacred places contained within Deloria's first category can be found in both Cherokee and American contexts, his second category draws a clearer line between Cherokees and non-Cherokees. Deloria defines his second category as "a location where we have perceived that something specifically other than ourselves is present, something mysteriously religious in the proper meaning of those words has happened or been made manifest."<sup>91</sup> Similar to the way those with a Judeo-Christian belief system can find places in the Middle East where something "other than ourselves" has made its presence known, the Cherokee's ancestral homeland is populated with places deemed sacred because of their obvious role in the dialogue between the human and the non-human. This is why many Cherokees view springs as sacred, because they act as a portal to another world. Each of the Cherokee myths that connect certain places to the other-than-human fit into this category. In this way, even though an Uktena had not been encountered for many generations, the place of that encounter would still be viewed as sacred and necessary to the fabric of Cherokee identity.<sup>92</sup>

Deloria's describes his final category of sacred places as "places of unquestionable, inherent sacredness on this earth. Sites that are holy in and of themselves... where the Higher Powers, on their own initiative, have revealed Themselves

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<sup>90</sup> Henry Timberlake, *The Memoirs of Lt. Henry Timberlake: The Story of a Soldier, Adventurer, and Emissary to the Cherokees, 1756-1765*, ed. Duane King (Cherokee, NC: Museum of the Cherokee Indian Press, 2007), 15-21.

<sup>91</sup> Deloria, *God is Red*, 277.

<sup>92</sup> Mooney's reports to the Bureau of Ethnology are littered with these sort of myths. For the Uktena myths see Mooney, "Myths of the Cherokee," 297-301, 410-458.

to human beings.”<sup>93</sup> As Deloria admits, these places are difficult to define, but easy to spot. For the Cherokee, one of these places, Kituwah, is said to be the place where the Cherokees were given their laws and the sacred fire, cementing their Cherokeeeness. As such, that place always has been, and always will be sacred.

Deloria is not alone in attempting to categorize sacred places – ironically a rather western practice. In fact, ancient Romans divided sacred places into two distinct categories, *loca sacra* and *loca religiosa*. The first of the Roman categories, similar to Deloria’s first category, described places that had been made sacred by human action. The second spoke of places that were “intrinsically holy or endowed with invisible powers through the miraculous events that took place there.”<sup>94</sup> Again, the similarities between Roman and Delorian categories of sacredness are obvious. That said, even the action of categorizing sacred places does not fit within the framework of traditional Cherokee religion. The overlap between Deloria’s categories betrays this fact. Many of the places sacred to Cherokees could fit into one, two or three of Deloria’s categories. Although Cherokee sacred places are difficult to classify, one would be hard pressed to find a sacred place that does not exist within the Cherokee oral tradition. Without storytelling, Cherokee people could not have remembered and interacted with their sacred places.

The fluid nature of oral culture also means that the sacredness of certain places can change or be reinforced throughout time. As will be discussed in the Kituwah chapter, the mound’s sacredness was reinforced during the civil war, but as time passed,

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<sup>93</sup> Deloria, *God is Red*, 278-279.

<sup>94</sup> Peter Nabokov, *Where the Lightning Strikes: The Lives of American Indian Sacred Places* (New York, NY: Viking, 2006), 52. See also Belden C. Lane, *Landscapes of the Sacred: Geography and Narrative in American Spirituality* (Baltimore, MD: Johns Hopkins University Press, 2002), 15-29.

its sacredness, at least for some Cherokees, had diminished. As the title of Barbara Duncan's collection of modern tellings of Cherokee stories reveals, Cherokee stories are a *living* entity, which change to reflect and inform current and future generations of Cherokees. The same must have been true for the Cherokees before contact, during contact, before Mooney and after Mooney. This means that the stories recorded by Mooney were not timeless. Those stories revealed the sacred geography of late nineteenth-century Cherokees living in western North Carolina. Certainly, the seeds of those stories likely lie in the distant past; yet, to assume that they were unchanged by contact, missionaries and removal would be naïve.

One must take the “living” nature of Cherokee religion and culture into account when digesting Cherokee myths. If the stories change, then so do the sacred places. Aside from its proximity to the Little Tennessee River, Chota did not become sacred in the contemporary sense until it became a peace town and the center of Cherokee-European diplomatic relations in the eighteenth-century. Places like Nikwasi and Kituwah certainly had a more ancient claim to sacredness (proximity to rivers, home to sacred fire), but after the Cherokee people were removed from those places, the nature of their sacredness changed. Nikwasi assumed a sort of sacredness for mid-twentieth-century white people and the sacredness of Kituwah was heavily negotiated until burials were found there early in the twenty-first century. As this study moves to examine these sacred places, keep in mind the importance of place to Cherokee religion, Cherokee storytelling, and Cherokee sacred geography. In many cases, the sacredness of Chota, Nikwasi, and Kituwah depend upon the stories told (or not told) about them. If it is “these stories that make us Cherokee,” then the sacred geography created by those stories is equally important to the

Cherokee way-of-life.<sup>95</sup> In the end, aside from making an effort to preserve the Cherokee language and Cherokee stories, Cherokee land, especially sacred land, must be protected if a distinctly Cherokee identity and culture are to persevere.

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<sup>95</sup> Duncan, *Living Stories*, 10

CHAPTER ONE: “THE METROPOLIS OF THE COUNTRY”  
THE CHANGING SACREDNESS OF CHOTA

If it were not for the Tellico Project, much of this knowledge might never have been recovered. The village sites in the lower Little Tennessee River are important to the cultural history of the Cherokee Nation, but are not a part of its religion.

— Ross Swimmer, Cherokee Nation

If the water covers Chota and the other sacred places of the Cherokee along the River, I will lose my knowledge of medicine. If the lands are flooded, the medicine that comes from Chota will be ended because the spiritual power of the Cherokee will be destroyed...If this land is flooded and these sacred places are destroyed, the knowledge and beliefs of my people who are in the ground will be destroyed.

— Ammoneta Sequoyah

In August 1978, the United States Congress passed the American Indian Religious Freedom Act with the express purpose of protecting and preserving the “inherent right” of American Indians to practice their traditional religions “including but not limited to access to sites, use and possession of sacred objects, and the freedom to worship through ceremonials and traditional rites.”<sup>1</sup> One of the earliest tests of this Act dealt specifically with the “access to sites” portion of the law and involved a group of Cherokee Indians. The Tellico Dam controversy, most often recalled for its place in the history of environmental conservation and the drive to protect the snail darter from extinction, also included the efforts of Cherokee Indians to protect one of their most sacred places,

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<sup>1</sup> American Indian Religious Freedom Act, Public Law No. 95-341, 92 Stat. 469 (42 U.S.C. § 1996).

Chota.<sup>2</sup> The Cherokee peace town not only held religious significance for many contemporary Cherokees, it was also home to a tremendous amount of Cherokee and American history. Therefore, in the late 1970s, arguments regarding Chota's sacredness operated on several levels.

Not only was the Little Tennessee the setting for a number of Cherokee myths, the towns of Chota and Tanasi played an integral role in the arc of early American history. While both the physical and psychological nature of Chota changed over time, it always retained some sort of sacredness. As the Tellico controversy erupted in the middle of the twentieth-century, the sacred nature of Chota re-emerged. The Tellico controversy, in many ways, acted as crucible for later Cherokee assertions of sacredness and preservation efforts at places like Cowee and Kituwah. The controversy forced Cherokees of all persuasions to confront several issues integral to the preservation of sacred places. As a result, Cherokees developed ideas about archaeology, cultural heritage, religion, and sacredness that allowed for more cogent and effective future defenses. Although the

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<sup>2</sup> The recent doctoral dissertation of Rob Gilmer looks to remedy this situation by looking at the Tellico controversy through a lens of removal and examining the complex nature of Cherokee involvement. See Robert Gilmer, "In the Shadow of Removal: Historical Memory, Indianness, and the Tellico Dam Project," (PhD diss., University of Minnesota, 2011). Works dealing with the controversy generally include, William Bruce Wheeler and Michael J. McDonald, *TVA and the Tellico Dam, 1936-1979* (Knoxville, TN: University of Tennessee Press, 1986); Walter L. Creese, *TVA's Public Planning: The Vision, The Reality* (Knoxville, TN: University of Tennessee Press, 1990); North Callahan, *TVA: Bridge Over Troubled Waters* (New York, NY: A.S. Barnes and Company, 1980); Zygmunt J.B. Plater, "The Legacy of the Snail Darter: An Environmental Law Paradigm and its Consequences," *University of Michigan Journal of Law Reform* 19 (1986): 805-862; Zygmunt J.B. Plater, "The Legacy of the Snail Darter: A Small Fish in a Pork Barrel," *Environmental Law* 34 (2004): 290-308; Zygmunt J.B. Plater, "Reflected in a River: Agency Accountability and the TVA-Tellico Dam Case," *Tennessee Law Review* 49 (1982): 747-787; and Kenneth M. Murchison, *The Snail Darter Case: TVA versus the Endangered Species Act* (Lawrence, KS: University of Kansas Press, 2007). Works which view the controversy through a Cherokee lens include Peter Nabokov, *Where the Lightning Strikes: The Lives of American Indian Sacred Places* (New York, NY: Viking, 2006), 52-69; Peter Matthiessen, *Indian Country* (New York, NY: Viking, 1984); and Marilou Awiakta, *Selu: Seeking the Corn-Mother's Wisdom* (Golden, CO: Fulcrum Publishing, 1993), 42-65.



attempt by a number of Cherokees to prove the sacred importance of Chota failed to prevent the flooding of the Little Tennessee valley, the story of Chota – from its mythic beginnings to its controversial flooding – and the Cherokee efforts to preserve it reveals much about the malleability of sacredness and future efforts to preserve Cherokee sacred places.

The geography of the Cherokee’s ancestral homeland divided the Cherokee people into distinct regions: The Lower Towns, Middle Towns, Out Towns, and the Overhill Towns. Prior to the latter half of the eighteenth-century, each region operated with virtual autonomy. The Lower and Middle Towns were the first to experience the consequences of sustained European trade because of their proximity to the Carolina colony in Charleston. The Overhill towns, however, did not rise to prominence until decades after sustained European contact. As discussed in the previous chapter, the sacred geography established and sustained by myths acted to unite these disparate regions.<sup>3</sup> The Overhill region, where Chota, Tanasi, Tellico, Citico, Chilhowee, Tomotley, and Milaquo (among many others) were located contained a number of places of integral importance to the Cherokee sacred geography.<sup>4</sup>

Fortunately, in his reports to the American Bureau of Ethnography, James Mooney recorded a number of these myths. One of the best-known Cherokee myths, that

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<sup>3</sup> Of course, many other factors contributed to the “unity” of Cherokee peoples including language and clans. For more see Ian Chambers, “The Movement of Great Tellico: The Role of Town and Clan in Cherokee Spatial Understanding,” *Native South* 3 (2010): 89-102 and Ian David Chambers, “Space: The Final Frontier? Spatial Understandings in the 18th-Century American Southeast,” PhD diss., University of California Riverside, 2006, 87-103.

<sup>4</sup> A full list of Overhill towns can be found in Gerald F. Schroedl, *Overhill Cherokee Archaeology at Chota-Tanasee* (Knoxville, TN: University of Tennessee Department of Anthropology, Report of Investigations 38, 1986), 6, 7. See also Gary C. Goodwin, *Cherokees in Transition: A Study of Changing Culture and Environment Prior to 1775* (Chicago: University of Chicago Department of Geography, 1977), 118-122.

of Utlunta, or the Spear-Finger, incorporates the Little Tennessee River. Although Utlunta could be found eating Cherokee livers throughout Cherokee ancestral homeland, she favored some places over others. One of her “favored haunts” along the Little Tennessee was even named “Sharp-finger place” by the Cherokee.<sup>5</sup> Just across the river, the home of another mythic creature could be found. The Tlanuwa, or the great mythic hawk, was said to have lived in a cave that seemed “impossible to reach...from above or below.” Some Cherokees said that this cave, whose stones were streaked with white from Tlanuwa droppings, was home to “a pair of Tla’nuwas...in the old time, away back soon after the creation.” Although those mythic Tlanuwas had not been seen for some time, the place where they lived still held importance some Cherokees.<sup>6</sup>

The Little Tennessee itself was also home to a number of mythic creatures including the Dakwa, a “great fish...so large that it could easily swallow a man.”<sup>7</sup> Interestingly, those of a Christian persuasion often compared the story of “The Hunter in the Dakwa,” where a Cherokee hunter was swallowed whole and was forced to cut himself out of the great fish, to the Biblical story of Jonah and the Whale.<sup>8</sup> The Little Tennessee itself also played a role in Cherokee sacred geography as a portion of it, “about 8 miles below Chattanooga,” was the subject of the Cherokee myth, “The Haunted Whirlpool.” In addition to describing whirlpools as “intermittent in character,” and

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<sup>5</sup> James Mooney, “Myths of the Cherokee,” in *James Mooney’s History, Myths and Sacred Formulas of the Cherokees*, James Mooney (Fairview, NC: Bright Mountain Books, Inc., 1992), 316-319, 466-467. The spearfinger myth is a popular one, still told today. For an example of a contemporary telling see Barbara R. Duncan, Ed., *Living Stories of the Cherokee* (Chapel Hill, NC: The University of North Carolina Press, 1998), 62-66.

<sup>6</sup> Mooney, “Myths of the Cherokee,” 315-316, 466.

<sup>7</sup> *Ibid.*, 320-321.

<sup>8</sup> *Ibid.*, 469. See also John Haywood, *The Natural and Aboriginal History of Tennessee: Up to the First Settlements therein by the White People in the Year 1768* (Kingsport, TN: F.M. Hill Books, 1973), 228.

ascribing the place with special importance as the ancient home of Untsayi, “the gambler,” the story also furthers some of the sacred importance of water, especially moving water.<sup>9</sup> The end of the story recounts the recollections of one of the Cherokees sucked to the bottom of the whirlpool:

He told afterwards that when he reached the narrowest circle of the maelstrom the water seemed to open below him and he could look down as through the roof beams of a house, and there on the bottom of the river he had seen a great company of people, who looked up and beckoned to him to join them, but as they put up their hands to seize him the swift current caught him and took him out of their reach.<sup>10</sup>

As described in the Cherokee Creation myth, water acted as a portal to a different world. The importance of water – established in the creation story and the Selu and Kanati cycle – is perpetuated in “The Haunted Whirlpool.” Each time the Cherokee people encountered that spot, in addition to being reminded of the gambler and the capricious nature of whirlpools, the sacred nature of water, and rivers specifically, would be reinforced. The central role of the Little Tennessee, and all of the rivers throughout Cherokee country (Nantahala, Oconaluftee, Tuckasegee, among others), contributes much to the sacredness of those towns settled along rivers, Chota included.

Water, in all of its forms, played an integral role in Cherokee religion and, therefore, their everyday lives.<sup>11</sup> The Cherokee people referred to the Little Tennessee, as the Yunwi Gunahita, or the “Long Man.” According to Mooney, this name emerged from the belief that the river was “a giant with his head in the foothills of the mountains and his foot far down in the lowland, pressing always, and resistless and without stop, to a

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<sup>9</sup> Mooney, “Myths of the Cherokee,” 347. The myth in which “the gambler” plays a prominent role, entitled “Untsayi, the Gambler,” can be found in Mooney, 311-315.

<sup>10</sup> *Ibid.*, 347.

<sup>11</sup> The importance of fire is discussed in the fourth chapter, which deals with Kituwah.

certain goal, and speaking ever in murmurs which only the priest may interpret.”<sup>12</sup> For Mooney, the importance of the Long Man was revealed in the sacred formulas of the Cherokee: “but every important ceremony – whether connected with medicine, love, hunting, or the ball play – contains a prayer to the ‘Long Person.’”<sup>13</sup> Clearly, water – and especially rivers – was central to Cherokee ceremonial life.

In addition to addressing the Long Man in ceremonial prayers, the Cherokee people also employed rivers as a means of purification. This action, referred to as “going to water,” permeated Cherokee life. According to Mooney, it was performed on a variety of occasions including prior to eating the “new food” at the green corn ceremony, before a number of ceremonial dances, before and after the ball play, in prayers for longevity, as part of regular treatments for the majority of diseases, and at “each new moon.”<sup>14</sup> The “going to water” ceremony was one of considerable complexity that was adapted to meet the needs of its various uses. This is clear in a variety of specific instances. For example, Mooney described the ceremony for newborn babies as follows:

When the new-born child is four days old, the mother brings it to the priest, who carries it in his arms to the river, and there, standing close to the water’s edge and facing the rising sun, bends seven times toward the water as though to plunge the child into it. He is careful, however, not to let the infant’s body touch the cold water, as the sudden shock might be too much for it, but holds his breath the while he recites a prayer for the health, long life, and future prosperity of the child. The prayer finist, he hands the infant back to the mother, who then lightly rubs its face and breast with water dipt up from the stream. If for any reason the ceremony cannot be performed on the fourth day, it is postponed to the seventh.<sup>15</sup>

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<sup>12</sup> James Mooney, “The Cherokee River-Cult,” *The Journal of American Folklore* 13 (Jan-March 1900), 1.

<sup>13</sup> James Mooney, “The Sacred Formulas of the Cherokee,” in *James Mooney’s History, Myths, and Sacred Formulas of the Cherokees* (Asheville, NC: Bright Mountain Books, 1992), 341.

<sup>14</sup> *Ibid.*, 335.

<sup>15</sup> Mooney, “Cherokee River-Cult,” 2.

In this simple ceremony several things are made evident: the numbers four and seven, in addition to the eastward direction, were of tremendous importance; the time of year was irrelevant; and, most importantly, the river was viewed as necessary to a long and prosperous life. Without the purifying effects of the river, an infant was doomed to a short and difficult life.

Furthermore, the importance of water to Cherokee culture was evidenced by the continuous need to “go to water.” In addition to the necessity of water for healing and purification, its role in prosperity is made clear by the manner in which Cherokees “go to water” before and after ballgames. At daybreak, after the priest and the player have fasted the previous night, the bather dipped “completely under the water four or seven times” while the players’ sticks were simultaneously submerged and the priest was “going through with his part of the performance on the bank.”<sup>16</sup> Again, the river was integral to the tangible successes of the Cherokee people. The Long Man retains his importance even after death wherein a Cherokee family calls on the river to assist in the fate of the deceased’s soul and the grieving process.<sup>17</sup>

For the Cherokees who resided along the Little Tennessee River, the Long Man was a necessary component to their distinct way-of-life. In addition to its place in the Cherokee sacred geography, without the Little Tennessee, a Cherokee’s prosperity and longevity could not have been assured. In other words, without the Long Man, the Cherokee would lose some of their Cherokeeness, at least in the traditional sense. To

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<sup>16</sup> Mooney, “Sacred Formulas of the Cherokee,” 335-336. Mooney notes that the importance of going to water before a ballgame has not been neglected into the late nineteenth-century as many other traditional rituals have.

<sup>17</sup> Mooney, “Cherokee River-Cult,” 4-6. For more see Catherine L. Albanese, “Exploring Regional Religion: A Case Study of the Eastern Cherokee,” *History of Religions* 23 (1984): 344-371; see also Gilmer, “In the Shadow of Removal,” 35-40.

separate the Cherokees who resided in Chota (or in any town along a river) from the Little Tennessee would strip them of their identity. In many ways, to be Cherokee was to have access to the Long Man. But, if almost all Cherokee towns were located along rivers, why was Chota referred to as “the eldest brother in the nation?”<sup>18</sup>

Prior to the eighteenth-century and prolonged contact with Europeans, not much is known about the Cherokee people in general, including those who lived in the Overhill Towns. Although the exact routes of the mid sixteenth-century Spanish expeditions of DeSoto and Pardo have been the subject of rich debates, the current consensus asserts that those expeditions did influence the indigenous peoples who populated the Overhills region at that time.<sup>19</sup> In fact, DeSoto’s expedition camped in the Tellico area from July 9 to July 12, 1540 before heading south.<sup>20</sup> After the DeSoto and Pardo expeditions the Overhill Cherokee rarely encountered Europeans. There is evidence, however, that European traders, especially from the Virginia colony could be found amongst the Cherokees as early as 1612.<sup>21</sup> While trade between the Cherokee people and Europeans was a sporadic occurrence for most of the seventeenth-century, the journey of James Needham and Gabriel Arthur in 1673 ushered in an era of virtually continuous contact.

On April 10, 1673 Needham and Arthur set out on a journey to “end in the first discovery of the Valley of the Tennessee and the domain of the Over Hill Cherokees by

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<sup>18</sup> Haywood, *Natural and Aboriginal History*, 222.

<sup>19</sup> Jefferson Chapman, *Tellico Archaeology: 12,000 Years of Native American History, Revised Edition* (Knoxville, TN: University of Tennessee Press, 2001), 97; Gilmer, “In the Shadow of Removal,” 37; and Schroedl, *Overhill Cherokee Archaeology*, 7.

<sup>20</sup> Gilmer, “In the Shadow of Removal,” 37.

<sup>21</sup> Samuel C. Williams, *Early Travels in the Tennessee Country, 1540-1800* (Johnson City, TN: The Watauga Press, 1928), 18. The date of 1612 refers to traders in the Middle Towns, but others have placed trade in the Overhill Town early in the seventeenth-century as well. For example, see W. Neil Franklin, “Virginia and the Cherokee Indian Trade, 1673-1752,” *East Tennessee Historical Society Publications* 4 (1932), 8.

Englishmen.”<sup>22</sup> While Needham died during the expedition, Arthur chose to remain among the Overhill Cherokees. During his time with the Cherokee, Arthur escaped death at the stake and accompanied Cherokees on their journeys around the Appalachians possibly entering Chota and Tanasee during his travels. Eventually, the Englishman arrived at Fort Henry in June 1764 ready to relate his findings to his superiors.<sup>23</sup> One of Arthur’s most important observations was the presence of European trade goods amongst the Cherokee people, including guns. According to Arthur the Cherokees acquired those goods through an exchange of beaver pelts with the Spanish in Florida.<sup>24</sup> After that first direct and official English contact the British colonies of Carolina and Virginia – in addition to the French located in New Orleans and Detroit – looked to establish sustainable trade with the Cherokee people.

Although the expedition of Needham and Arthur was certainly among the first to directly contact the Overhill Cherokee, it by no means cemented the British as the pre-eminent traders to the Overhill region. Because of that region’s location along the Little Tennessee, French traders also fought for a stake in the Cherokee trade.<sup>25</sup> While much of the trade between Cherokees and the English took place in the Middle and Lower Towns, the Overhill region also saw its share of sustained, direct trade. During the earliest years of sustained trade, the Overhill town of Tanasee was much more important than Chota. Therefore, the earliest resident trader to the Overhills, Eleazar Wiggan, called “Old

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<sup>22</sup> Williams, *Early Travels*, 21. See also Franklin, “Cherokee Indian Trade,” 6.

<sup>23</sup> Williams, *Early Travels*, 22-23, 27n13.

<sup>24</sup> *Ibid.*, 28-29.

<sup>25</sup> Schroedl, *Overhill Cherokee Archaeology*, 7-8. For a more thorough examination the trade between Europeans and the Cherokees see Tom Hatley, *The Dividing Paths: Cherokees and South Carolinians through the Revolutionary Era* (New York, NY: Oxford University Press, 1995), 32-51.

Rabbit” by the Cherokee, began living in Tanasee rather than Chota in 1711.<sup>26</sup> In addition to Wiggan, the towns of Chota and Tanasee also traded with at least ten other traders over the next forty years.

In 1715 the Carolina colony dispatched Colonel Chicken to the Overhill region on a diplomatic mission. Accompanied by trader Eleazer Wiggan, Colonel John Herbert and a group of soldiers, Chicken, using the promise of guns, ammunition, and one hundred and fifty white soldiers, was able to secure the trust and allegiance of the Overhill Cherokee against the French and the tribes allied with them.<sup>27</sup> While Chicken’s 1715 mission did not enter Chota or Tanasee, it most certainly negotiated with Cherokees from both of those settlements.<sup>28</sup> As a result of his diplomatic successes, the Carolina Colony named Chicken “Superintendent of Indian Trade” in 1716 and Chicken spent a significant amount of time in the Overhill Towns maintaining Carolina’s trade interests and convincing the Cherokees to maintain peace with the Creeks.

During this time virtually all of the diplomatic negotiations to the Overhills, later led by Colonel John Herbert, took place in Tanasee rather than Chota. It is also important to note that when Sir Alexander Cuming traveled to Cherokee country in 1730, he first went to Keowee (Lower Towns) and then held the final council at Nikwasi (Middle Towns).<sup>29</sup> Although Overhill Cherokees, including Attakullakulla, were present and

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<sup>26</sup> Williams, *Early Travels*, 123; Samuel Williams, *Dawn of Tennessee Valley and Tennessee History* (Johnson City, TN: Watauga Press, 1937), 70, 89; and Schroedl, *Overhill Cherokee Archaeology*, 8. It is important to understand that much of the trade in Chota did not occur until after 1730 when Chota began its rise to political prominence.

<sup>27</sup> Mooney, “Myths of the Cherokee,” 33.

<sup>28</sup> Schroedl, *Overhill Cherokee Archaeology*, 8-9

<sup>29</sup> This council, which resulted in the Treaty of 1730, will be discussed in more length in the next chapter. It is also interesting to note that the utopian-minded Christian Priber spent a significant amount of time in the Overhill region. For more see Williams, *Early Travels*, 153-156 and Mooney, “Myths of the Cherokee,” 26.



played a prominent role in those negotiations, the Overhill Towns were still perceived as less important to trade by the British. It was not until a smallpox outbreak in 1738 and the death of the great Cherokee leader Moytoy in 1741 that Chota began its rise to regional, and eventually national, prominence.<sup>30</sup>

In the years between Moytoy's death and the eventual emergence of Old Hop as a prominent Overhill leader, the Cherokee people, especially in the Overhill Towns, experienced over a decade of tremendous political instability.<sup>31</sup> After the brief ascendance of Moytoy's son, Ammoussocsittee, to power, Old Hop continued to amass influence and finally came to be recognized as the pre-eminent Overhill leader in 1753. Because Old Hop lived in Chota, the regional centers of power shifted from Great Tellico and Tanasee to Chota.<sup>32</sup> While historian John Phillip Reid champions this theory of political "ascendance by default," citing the lack of viable leaders in other settlements as the main factor for Chota's political rise, other historians, like Colin Calloway and Tyler Boulware assign more agency to Chota's political leaders Old Hop, Attakullakulla, and Oconostota. According to Calloway, those three leaders "matched wits with rival leaders in other towns; dealt with Virginia, South Carolina, Britain, and France, as well as other Indian nations; and pursued a series of diplomatic maneuvers intent on securing Overhill trade and security while keeping free of entangling alliances."<sup>33</sup> The atmosphere in which

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<sup>30</sup> Mooney, "Myths of the Cherokee," 36 and Schroedl, *Overhill Cherokee Archaeology*, 9-10. Schroedl's ethnohistorical work confirms the appearance and subsequent rise of Chota through a detailed cartographic analysis combined with archaeological data.

<sup>31</sup> David H. Corkran, *The Carolina Indian Frontier* (Columbia, SC: University of South Carolina Press, 1970), 16.

<sup>32</sup> Schroedl, *Overhill Cherokee Archaeology*, 9.

<sup>33</sup> John Phillip Reid, *A Law of Blood: The Primitive Law of the Cherokee Nation* (New York: New York University Press, 1970), 17-27; Colin Calloway, *The American Revolution in Indian Country* (London: Cambridge University Press, 1995), 186 and Tyler Boulware,

those three leaders consolidated their power was one of tremendous political and economic unrest. The conflict between British and French trade interests in the Overhill region escalated as the French and Indian War (or the Seven Years War) formalized hostilities.

During the Seven Years War Cherokee leaders, including those who claimed Chota as their home, played a significant role. As outlined earlier, the English had already established a healthy trade relationship with the Overhill Cherokees. As hostilities escalated, the French looked to court the Overhill Cherokees into an alliance. At the same time, several prominent Cherokees, dissatisfied with the English, looked to align themselves with the French. The leaders of Great Tellico – specifically The Mankiller of Tellico and Kenotet – actively pursued French trade during the 1750s. It was even rumored that Old Hop was under the influence of the French by way of his slave, French John.<sup>34</sup>

While some in the Overhills actively courted French trade, many others, including Attakullakulla remained ardent allies of the British. For their part, the British took pains to maintain their trade and martial alliances with the Overhill Cherokee. While a British fort, Ft. Prince George, had already been built in the Lower Towns, the Overhill Cherokees sought the construction of a permanent British presence in their region. In June 1756, Governor Dinwiddie of Virginia commissioned the construction of a fort in

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*Deconstructing the Cherokee Nation: Town, Region, and Nation among Eighteenth-Century Cherokees* (Gainesville, FL: University Press of Florida, 2011), 28.

<sup>34</sup> Schroedl, *Overhill Cherokee Archaeology*, 10-11. For more on Tellico's drive to align the Overhills with the French see Boulware, *Deconstructing the Cherokee Nation*, 75-93 and Ian Chambers, "The Movement of Great Tellico: The Role of Town and Clan in Cherokee Spatial Understanding," *Native South* 3 (2010): 89-102.

the Overhill region “just opposite Chota on the Little Tennessee River.”<sup>35</sup> Although that fort, the “Virginia Fort,” was completed, it was never garrisoned. The British interests in Carolina – led by Governor Glen and later Governor Lyttleton – also promised the Overhill Cherokees a fort in September of 1756. This fort, dubbed Fort Loudon, was completed about six months later and garrisoned with regular British troops. Apparently this gesture by the British, combined with the failure of Tellico leaders to secure a regular French presence, ensured the allegiance of the Overhill Cherokee as they fought alongside the English against the French and their Indian allies for the remainder of the war.<sup>36</sup>

As the conflict between the French and British wound to a close, however, the relationship between the British in Charleston and the Cherokees became strained. While the construction of Fort Loudon certainly assuaged some of the Overhill Cherokee fears, the fact remained that the trade Overhill Cherokees had become accustomed to suffered as a result of British war efforts. Therefore, the Overhill Cherokee continued to look for trade outside of the Charleston, specifically in Virginia. As Boulware explains, this plan did not work out well for the Cherokee or British: “The plan backfired, however, following repeated hostilities between warriors from other regions and backcountry settlers. Headmen from these towns sought to limit revenge killings to Virginia, thereby preserving the ‘antient Friendship’ they had established with South Carolina. These attempts failed.”<sup>37</sup> In addition to the failed efforts to secure a trade alliance with Virginia, many Cherokee warriors were dissatisfied with their wartime experience; the Cherokees

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<sup>35</sup> Schroedl, *Overhill Cherokee Archaeology*, 11 and Corkran, *Carolina Indian Frontier*, 82.

<sup>36</sup> Schroedl, *Overhill Cherokee Archaeology*, 11.

<sup>37</sup> Boulware, *Deconstructing the Cherokee Nation*, 109.

felt they were not adequately compensated for their efforts.<sup>38</sup> No matter the cause, Cherokee leaders actively sought a peace with South Carolina, which had restricted trade with the Cherokee and had ordered a military campaign against the Cherokee people.

A peace delegation led by Oconostota (Warrior of Chota) was captured by Governor Lyttleton's forces and imprisoned at Fort Prince George in 1759. Attakullakulla, an ardent friend of the British and a Chota resident, secured the release of Oconostota and two of his fellow hostages (not all of them) in exchange for an agreement to attack any French who entered Cherokee territory. Soon after that agreement, smallpox washed over each of the Cherokee regions. Oconostota, angered by his treatment and the continued imprisonment of his people, led an attack on the Fort. As a result of the ambush, the British killed the remaining hostages, further enraging Oconostota. Soon after the attack on Fort Prince George, Oconostota led an attack against the British stationed at Fort Loudon. After virtually continuous fighting for over a year, the Cherokees, led by Attakullakulla, sought a peace with the British and signed a treaty in November 1761.<sup>39</sup>

Even though Old Hop died in 1760, due to the efforts of Cherokees like Oconostota and Attakullakulla the status of Chota as "the metropolis of the country," and

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<sup>38</sup> For more on this theory see Gregory Evans Dowd, "Insidious Friends: Gift Giving and the Cherokee-British Alliance in the Seven Years' War," in *Contact Points: American Frontiers from the Mohawk Valley to the Mississippi, 1750-1830*, ed. Andrew R.L. Clayton and Fredrika J. Teute (Chapel Hill, NC: University of North Carolina Press, 1998), 114-150.

<sup>39</sup> Mooney, "History and Myths of the Cherokee," 42-44; Boulware, *Deconstructing the Cherokee Nation*, 110-129; Schroedl, *Overhill Cherokee Archaeology*, 11-12; and Gilmer, "In the Shadow of Removal," 42-43. For a complete history of the Anglo-Cherokee War see John Oliphant, *Peace and War on the Cherokee Frontier, 1756-63* (Baton Rouge, LA: Louisiana State University Press, 2001) and Barbara R. Duncan and Anne F. Rogers, eds., *Culture, Crisis & Conflict: Cherokee British Relations, 1756-1765* (Cherokee, NC: Museum of the Cherokee Indian Press, 2009).

“the Mother Town of that Nation,” was cemented.<sup>40</sup> The fact that Virginia, in an attempt to re-establish trade with the Overhill Cherokees, sent Lt. Henry Timberlake to Chota also confirms the regional, and burgeoning national, importance of Chota. Upon arriving in Chota, Timberlake read the terms of the peace agreement and remained among the Overhill Cherokees from 1761-1762. During his stay Timberlake recorded his observations in a journal. Not only did that journal provide remarkable insight into eighteenth-century Cherokee culture, it also confirmed the importance of Chota. Many of Timberlake’s observations relate directly to Chota, including a description of the townhouse, which was of central importance the Chota’s national prominence:

The town-house, in which are transacted all public business and diversions, is raised with wood, and covered over with earth, and has all the appearance of a small mountain at a little distance. It is built in the form of a sugar loaf, and large enough to contain 500 persons, but extremely dark, having, besides the door, which is so narrow that but one at a time can pass, and that after much winding and turning, but one small aperture to let the smoak out, which is so ill contrived, that most of it settles in the roof of the house. Within it has the appearance of an ancient amphitheatre, the seats being raised one above another, leaving an area in the middle, in the center of which stands the fire; the seats of the head warriors are nearest it.<sup>41</sup>

The presence of such a structure attests to the central importance of Chota. Without the ability to hold national councils, Chota could not have become the political capital of the Cherokee “nation,” at least as perceived by the English.<sup>42</sup> The rise of Chota as a prominent diplomatic center of Cherokee-British relations may have also depended on Chota’s role as a “white” or “peace” town. James Adair, a prominent trader, referred to

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<sup>40</sup> Henry Timberlake, *The Memoirs of Lt. Henry Timberlake: The Story of a Soldier, Adventurer, and Emissary to the Cherokees, 1756-1765*, ed. Duane King (Cherokee, NC: Museum of the Cherokee Indian Press, 2007), 15. Boulware, *Deconstructing the Cherokee Nation*, 27

<sup>41</sup> Timberlake, *Memoirs*, 17.

<sup>42</sup> Boulware, *Deconstructing the Cherokee Nation*, 28.

Chota as the Cherokee's "only town of refuge."<sup>43</sup> While Chota and the Overhill region experienced a boom in population from refugees fleeing British destruction in other Cherokee regions, "the period 1764 to 1775 saw a reduction in Chota's military, economic, and political power."<sup>44</sup>

Although Standing Turkey had risen to power after the death of Old Hop, the leadership of the Overhills region was "poorly defined" until Oconostota became "chief" in 1768.<sup>45</sup> As the Virginia and Carolina colonies continued to grow, the Cherokee people were pressured into ceding more and more of their ancestral homeland. While treaties signed in 1768, 1770, and 1772 stripped the Cherokees of hunting territory in Kentucky, Virginia and West Virginia, the 1775 Treaty of Sycamore Shoals played an important role in cementing Cherokee distrust of the colonists. Although both Attakullakulla and Oconostota signed the treaty with North Carolina land speculators Richard Henderson and Nathaniel Hart, they, along with many other prominent Cherokees, later expressed outrage towards the deceptive nature of the negotiations. Attakullakulla's son and Chief of Milaquo, Dragging Canoe, was so outraged that he promised to make the land "dark and bloody."<sup>46</sup>

The outbreak of the American Revolution allowed Dragging Canoe and a number of other young Cherokees, including Doublehead, Bloody Fellow, and Young Tassel, to

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<sup>43</sup> James Adair, *The History of the American Indians*, ed. Samuel Cole Williams (Johnson City, TN: Watauga Press, 1930), 166; Calloway, *Revolution in Indian Country*, 187; and Reid, *Law of Blood*, 110-111

<sup>44</sup> Schroedl, *Overhill Cherokee Archaeology*, 13 and Boulware, *Deconstructing the Cherokee Nation*, 125. For more on the 1760 expeditions, see Christopher French, "Journal of an Expedition to South Carolina," *Journal of Cherokee Studies* 2 (Summer, 1977): 275-301.

<sup>45</sup> Schroedl, *Overhill Cherokee Archaeology*, 13.

<sup>46</sup> Calloway, *Revolution in Indian Country*, 189-190. For more on Dragging Canoe see Raymond E. Evans, "Notable Persons in Cherokee History: Dragging Canoe," *Journal of Cherokee Studies* 2 (1977): 176-189.

take military action against the Americans. Although established leaders like Oconostota and Attakullakulla did not explicitly sanction or participate in these early actions, they did not attempt to stop them. At the same time the British – who were having trouble keeping up with Cherokee trade demands – sent Henry Stuart to Chota to assuage their concerns. Eventually, the majority of the Cherokee people either chose to align themselves with the British or did not voice opposition to fighting the Americans. As a result, the newly independent Americans launched a series of attacks against the Cherokee people.<sup>47</sup>

Colonel William Christian and General Griffith Rutherford led one of the first expeditions against the Cherokee in 1776. While Rutherford destroyed most of the Middle and Out Towns, in the Overhill region Christian burned Settico, Chilhowee, Big Island Town (Milaquo), and Tellico, but spared Chota.<sup>48</sup> Historian Norma Tucker claimed that Chota was spared out of respect for Beloved Woman Nancy Ward<sup>49</sup>, but Calloway argues that Christian spared Chota for other reasons:

Christian believed the old men and women were averse to the war and blamed...Dragging Canoe for leading the others into it. He sent word to the Raven of Chota that 'I did not come to War with women and children but to fight with men.' Attakullakulla [and] Oconostota ...sued for peace. Christian demanded they hand over Dragging Canoe...but the peace faction could not compel [his] surrender.<sup>50</sup>

Obviously Chota remained of the utmost importance. Christian knew that if he destroyed Chota then there would be no hope of reaching a peace with the Cherokee. As the

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<sup>47</sup> Calloway, *Revolution in Indian Country*, 190, 195; Hatley, *Dividing Paths*, 220; Schroedl, *Overhill Cherokee Archaeology*, 13; and Gilmer, "In the Shadow of Removal," 45-46.

<sup>48</sup> Schroedl, *Overhill Cherokee Archaeology*, 13 and Mooney, "Myths of the Cherokee," 51.

<sup>49</sup> Norma Tucker, "Nancy Ward, Ghigau of the Cherokees," *Georgia Historical Quarterly* 53 (1969), 196.

<sup>50</sup> Calloway, *Revolution in Indian Country*, 198.

younger Cherokees, led by Dragging Canoe, moved south and west to establish new towns under the Chickamauga banner and continued to actively fight the Americans, many of the older Cherokees continued to seek peace with the Americans. In 1777, the Cherokees and Americans agreed to the Treaty of Long Island, which “ceded all land east of the Blue Ridge to the Americans” and called for an agent from Virginia to reside in Chota “to watch their movements, recover any captured property, and prevent their correspondence with persons unfriendly to the American cause.”<sup>51</sup>

Unfortunately for the Cherokee, Americans had trouble distinguishing between the Chickamauga Cherokees and those who sought peace.<sup>52</sup> As a result, John Sevier and Arthur Campbell, under orders from Thomas Jefferson, led an expedition against the Overhill Cherokees in 1780, which destroyed ten Overhill settlements including the “beloved town” Chota.<sup>53</sup> Although the Cherokees signed The Treaty of Hopewell in 1785 with the newly formed United States, the Chickamauga Cherokees continued to fight until 1794. In addition to the continued martial activities of the Chickamaugas, the longtime Cherokee leader Oconostota, died in either 1782 or 1783, and was buried at Chota (which would prove to be of tremendous importance in the 1970s). As a result of Oconostota’s death, Old Tassel assumed the leadership role and was succeeded shortly after by Hanging Maw.<sup>54</sup> Under the leadership of Old Tassel and Hanging Maw, Chota was rebuilt, but “the usual pressures on Cherokee lands continued.”<sup>55</sup>

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<sup>51</sup> Schroedl, *Overhill Cherokee Archaeology*, 13; Mooney, “Myths of the Cherokee,” 53.

<sup>52</sup> Calloway, *Revolution in Indian Country*, 201-202. See also Boulware, *Deconstructing the Cherokee Nation*, 152-176.

<sup>53</sup> Mooney, “Myths of the Cherokee,” 58.

<sup>54</sup> Schroedl, *Overhill Cherokee Archaeology*, 10, 13.

<sup>55</sup> Calloway, *Revolution in Indian Country*, 207-208; and Schroedl, *Overhill Cherokee Archaeology*, 13-14.



Negotiations between the Cherokees at Chota and the Americans continued for several years. In 1788, John Kirk, seeking revenge for his murdered family, murdered Old Tassel and Old Abraham at Chilhowee. The murder of Old Tassel caused many more Cherokees to join the cause of the Chickamaugas. Shortly after the death of Old Tassel the Cherokee capital was moved from Chota to Ustanali in northern Georgia.<sup>56</sup> While the political center of the nascent Cherokee nation had relocated, several Cherokees remained in and around Chota. As a number of treaties continued to hack away at Cherokee land fewer and fewer Cherokee remained in Chota. After the First Treaty of Tellico in 1798, Chota was “almost on the edge of white settlements.”<sup>57</sup> By the time the Moravian Missionaries Abraham Steiner and Frederick DeSchweinitz visited Chota in 1799, they observed:

We came to Chota, where we could discover only five houses, which were well scattered over the plain. Besides some women and children, we met only one old man, in front of his house, Arcowee by name, who was the beloved man of Chota.<sup>58</sup>

After the turn of the century, nine major treaties between 1804 and 1819 stripped the Cherokees of their entire ancestral homeland, except for a small amount in north Georgia.<sup>59</sup> The treaties negotiated in 1817 and 1819 allowed Cherokees to claim reservations of 640 acres as a means to remain on the ceded territory. A man named Old Bark claimed, and was granted, a reserve at Chota “presumably to protect the sacred

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<sup>56</sup> Calloway, *Revolution in Indian Country*, 208-211, Mooney; “Myths of the Cherokee,” 70-71, 80; Schroedl, *Overhill Cherokee Archaeology*, 14; and Gilmer, “In the Shadow of Removal,” 46-47.

<sup>57</sup> Mooney, “Myths of the Cherokee,” 80.

<sup>58</sup> Williams, *Early Travels*, 472.

<sup>59</sup> Treaty of Tellico, 1804; Treaty of Tellico, October 25, 1805; Treaty of Tellico, October 27, 1805; Treaty of Washington 1806; Treaty of Fort Jackson, 1814; Treaty of Washington, March 22, 1816; Treaty of Chickasaw Council House, September 14, 1816; Treaty of Cherokee Agency 1817; and Treaty of Washington, 1819.

townsite.”<sup>60</sup> Surveyors appointed to parcel out the newly acquired territory largely disregarded the Cherokee reserves and the lands were sold out from underneath the claimants. Aside from those who made claims under the 1817 and 1819 treaties and those who settled at Quallatown under the leadership of Yonaguska, Chota essentially “ceased to exist” as a distinct Cherokee settlement, especially as non-Cherokees transformed the landscape into a distinct part of the United States.<sup>61</sup> As a result, Chota’s sacredness – which was largely derived from its role as a peace town and diplomatic center – must have been dimmed, or, at the very least, altered.

Over the next century, as many settlers turned the fertile land into farms, the Little Tennessee River valley was incorporated into the larger fabric of America. At the same time, the Cherokee Indians – some of whom remained on a small portion of their ancestral homeland and most of whom were removed to what is now Oklahoma – had also been transformed in many ways. However, as much as Cherokees adhered to Christianity as defined and practiced by Europeans, they molded their Christianity to fit their distinctive way-of-life (i.e. baptism equated with going to water). At the same time, as discussed in the previous chapter, many Cherokees continued their traditional culture and religion. This meant that parts of the landscape previously associated with the Spearfinger, Tlanuwa, or other fearsome creatures, became synonymous with the “devil.” Certain places still housed “mysterious and awesome powers,” but those powers came to be described in Christian terms rather than traditionally Cherokee ones.<sup>62</sup> As with any

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<sup>60</sup> Gilmer, “In the Shadow of Removal,” 48-49; Schroedl, *Overhill Cherokee Archaeology*, 14; and Chapman, *Tellico Archaeology*, 120-121. Please see the following two chapters for a more in-depth discussion of the reservations that resulted from the 1817 and 1819 treaties.

<sup>61</sup> Schroedl, *Overhill Cherokee Archaeology*, 14.

<sup>62</sup> Albanese, “Eastern Cherokee Religion,” 360-361.

culture a sort of “continuum” or spectrum, which ranged from traditional Cherokee religion to fully Christian, emerged. No matter where one fell on that spectrum, however, the region, the land, continued to occupy a central position for the majority of Eastern Cherokees. And, as the twentieth-century progressed, an important, even sacred, part of that land came under attack.

While the southern Appalachians had been the setting for controversial economic development in the early twentieth-century (the Great Smoky Mountains National Park), portions of the Little Tennessee had been dammed previously, and at least two Cherokee Mother Towns had been flooded by the construction of a lake (Tugaloo by Lake Hartwell and Keowee by Lake Keowee), the official proposal to build the “Tellico Dam” in 1963 allowed for the emergence of a multi-faceted debate that had both local and national consequences. Although the Tellico Dam was not officially proposed until 1963, the project had its roots in the Tennessee Valley Authority’s initial master plan in 1936 as an extension to the Fort Loudon Dam. It was hoped that the reservoir created by the Fort Loudon Dam and the reservoir created by the Tellico dam could be connected to each other and be part of a “navigable waterway” that stretched from the southern Appalachians to the Gulf of Mexico. As the Fort Loudon project neared completion, the Tellico Dam received funding in the TVA’s 1942 congressional appropriation. As World War II approached, however, funding for many domestic projects, including Tellico, was diverted to the wartime effort.<sup>63</sup>

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<sup>63</sup> Michael R. Fitzgerald and Stephen J. Rechichar, “Administrative Decision and Economic Development: TVA’s Tellico Dam Controversy,” *Public Administration Quarterly* 8 (Summer, 1984), 223-225; McDonald and Wheeler, *TVA and the Tellico Dam*, 24; and Gilmer, “In the Shadow of Removal,” 72-74.

In the climate of prosperity created by World War II, the Tellico Dam project was officially resurrected in the early 1960s. By 1961, the Tellico project appeared at the top of the TVA's "Future Multiple Use Projects" list. With a push from President Kennedy, the plan for the Tellico Dam was revisited and by 1963 "the revised Tellico project moved beyond dam building to a comprehensive plan with the goal of promoting industrial, commercial, and residential growth in the public interest."<sup>64</sup> Although the TVA secured funding for the project by employing the rhetoric of "public interest," the Tellico project was, almost immediately, opposed on several fronts.

Initially the Tellico project predictably drew the ire of local residents and landowners. Soon thereafter, the local citizens were joined in their opposition by a diverse group, which included historic preservationists, economic conservatives, environmentalists, trout fisherman and Cherokee Indians from North Carolina and Oklahoma.<sup>65</sup> As one might guess, the proponents of the Tellico project trumpeted its purported economic benefits for an infamously poverty-stricken region. The line between supporters and opposition was not so clearly drawn however. Some of those in favor of preserving the Tellico stretch of the Little Tennessee called on the potential economic benefits of recreation while those who supported the dam highlighted the economic benefits of industrial development and its resulting economic revitalization.<sup>66</sup>

There were also those who opposed the Dam and the TVA for its perceived relationship to socialism. According to one editorialist, the Tellico project was just "one

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<sup>64</sup> Fitzgerald and Rechichar, "TVA's Tellico Dam Controversy," 226.

<sup>65</sup> Gilmer, "In the Shadow of Removal," 76-77 and Fitzgerald and Rechichar, "TVA's Tellico Dam Controversy," 226-230.

<sup>66</sup> Fitzgerald and Rechichar, "TVA's Tellico Dam Controversy," 227.

more example of government in business – and in socialism.”<sup>67</sup> For some, the Tellico project emerged as another Cold War battleground. While conservatives played a small role in opposing the dam, environmental groups led the charge against the TVA project. The legacy of early twentieth-century debates between conservationists and preservationists – framed by the ideologies of Gifford Pinchot and John Muir – the Tellico project was opposed by conservation groups like the Tennessee Game and Fish Commission and Trout Unlimited, and preservationists like the Sierra Club, the Wilderness Society and the Environmental Defense Fund.<sup>68</sup>

Even as the opposition became national, local groups continued to provide most of the early opposition to the Tellico project. To those who resided along the condemned portion of the Little Tennessee, losing their homes and farms would be akin to losing their identity. According to one local farmer who was discussing the possible loss of his farm, “If anybody decided to look at this from the standpoint of culture, it took a lot away that will never be replaced...People say that its progress to build and develop, but it depends on how you look at it.”<sup>69</sup> The deep connection to the river and land felt by local farmers was rivaled only by the indigenous population who had lived along the Little Tennessee for thousands of years. Indeed, the Cherokee people voiced their opposition to the Tellico project as early as 1965. In April of that year a group of Eastern Band Cherokees hosted a United States Supreme Court Justice as a means to publicize their opposition to the project.

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<sup>67</sup> “Guest Editorial: CREEPING SOCIALISM,” *Chicago Tribune*, February 1, 1965. See also, Gilmer, “In the Shadow of Removal,” 88-90.

<sup>68</sup> Nabokov, *Where the Lightning Strikes*, 65; and Gilmer, “In the Shadow of Removal,” 83-88.

<sup>69</sup> James “Hank” McGee as quoted in Gilmer, “In the Shadow of Removal,” 92.

This early participation by a group of Cherokees provides an important insight into the divergent Cherokee and non-Cherokee perceptions of this portion of the Little Tennessee River valley. In April of 1965, the principal Chief of the Eastern Band of Cherokee Indians, Jarrett B. Blythe, prepared a petition for Justice Douglas to consider and pass on to the powers that be. In that petition, Blythe called the Tellico project a “desecration of [our] ancient homeland” and “petition[ed] the Great Powers” to:

Refrain from any further annihilation, destruction, loss or desecration of the ancient land of the Cherokees; and that the United States declare null and void any further plans to bury forever any beloved town places such as the sacred city of Choto, Tuskegee (birthplace of Sequoyah, inventor of the Cherokee alphabet), and Tennessee Town, which gave its name to the Volunteer State... That perfidy shall not become a common word between us, we ask also that this place of our ancestors be preserved forever as a part of our rightful heritage.<sup>70</sup>

On its face, the petition submitted by Chief Blythe was focused on the historical importance of the area to be flooded. In addition to citing the presence of several historically and culturally important towns, Blythe chose to use the phrase “heritage” to justify the Cherokee defense of the Little Tennessee. Blythe most likely chose to frame his defense in terms of historical importance to appeal to the powers of the United States. The intent to bend the discourse to fit the audience was also apparent as Richard Crowe, an Eastern Band member, spoke with Justice Douglas while wearing a Plains Indian headdress.<sup>71</sup> While Crowe was outwardly appealing to Americans broadly, Blythe was appealing to Americans rhetorically. It is also possible that for Blythe, “heritage” took on distinctly Cherokee connotations. As discussed earlier, many Cherokees were still

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<sup>70</sup> Edward T. Folliard, “Cherokees Oppose TVA Dam Plan,” *The Washington Post*, April 11, 1965. See also Walter Amman, Jr., “Cherokee Indians Appeal to Douglas to Save Homeland,” *Knoxville Journal*, April 5, 1965; and “Justice Douglas Cherokee Envoy,” *The Miami News*, April 5, 1965.

<sup>71</sup> For more on the meeting between Eastern Band Cherokees and Justice Douglas see Gilmer, “In the Shadow of Removal,” 95-100.

reluctant to separate politics and culture from religion. Regardless of his intent, however, Blythe's rhetoric was digested by those who viewed "heritage" as a strictly historical term.

In the same article that quoted portions of Blythe's petition, the position of the TVA was memorialized. As Justice Douglas came away from the meeting comparing the town sites to Mount Vernon, the home of George Washington – obviously drawing a parallel between Washington and Sequoyah – the TVA proclaimed Douglas' argument to be inherently flawed.<sup>72</sup> For the Chairman of the TVA, Aubrey Wagner, Douglas' argument suffered because "If you went there [Tuskegee] without a map, you would never find it. It is now a corn field."<sup>73</sup> While Douglas' comparison was less than ideal, Wagner's interpretation of the situation had its own flaws. The reason that Cherokee people no longer lived at or maintained Sequoyah's birthplace was because they were forcibly removed from that place. In his attempt to equate occupation or maintenance with importance Wagner revealed his fundamental misunderstanding of history and insensitivity towards Cherokee concerns. Certainly the lack of Cherokee occupation probably altered the sacredness of places like Chota and Tanasee, but the sacredness created by years of occupation and burials never completely disappeared. Ironically, this early dialogue between some Eastern Band members and Justice Douglas demonstrates that the controversy actually worked to enhance the sacredness of Chota. That said, while there was a divide between the Eastern Cherokees and Douglas, the gulf between the

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<sup>72</sup> It turned out that Douglas' concerns turned largely on the "outstanding trout fishing" that would be lost. Justice Douglas, initially tasked with writing a piece for *National Geographic* published his article in *True Magazine*. See William O. Douglas, "This Valley Waits to Die," *True Magazine*, May, 1969. For press coverage on that article see Spencer Rich, "Justice Douglas Denounces TVA Dam Plans," *The Washington Post*, April 14, 1969 and "Construction of Tellico Dam Scored by Justice Douglas," *The New York Times*, April 15, 1969.

<sup>73</sup> Folliard, "Cherokees Oppose TVA Dam Plan," *The Washington Post*, April 11, 1965.

leadership of the TVA and the Eastern Cherokees was, even from this early stage, virtually unbridgeable.

As the Eastern Band opposed the construction of the Tellico Dam and the resulting destruction of sacred townsites, the Cherokee Nation in Oklahoma also opposed the Tellico project in its own way. The principal Chief of the Cherokee Nation, W.W. Keeler, appealed to those in power by highlighting the importance of the valley to American history. In a tribal resolution passed in May of 1965, Keeler asserted that by voicing their opposition to the project the Cherokee Nation was “joining hands with the patriotic persons and firms...and trust that an acceptable program can be adopted and followed which will preserve for posterity Sequoyah’s birth place, as well as the other important historical sites and monuments.”<sup>74</sup> Instead of stressing the Cherokee history or culture that would be lost, Keeler focuses on the American history at stake. According to historian Rob Gilmer, “By positioning their own historical sites within the narrative of American history, Cherokee officials not only argued that preserving their sites was compatible with patriotic aims, but that refusing to protect them would be anti-American.”<sup>75</sup>

As the TVA pushed forward with their plans for the Tellico Dam by securing land from residents, opposition also grew. By 1971 it seemed that the best hope for preventing the completion of the Tellico project lay with environmentalists. The environmentalists did not isolate themselves, however, and drew on support from as many fellow groups, including eastern and western Cherokees, as possible. After six years of opposition, the

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<sup>74</sup> “Resolution,” Executive Committee of the Cherokee Nation or Tribe of Oklahoma, May 8, 1965, as quoted in Gilmer, “In the Shadow of Removal,” 106.

<sup>75</sup> Gilmer, “In the Shadow of Removal,” 107. Gilmer argues that the differing perspectives between the Cherokee Nation and the Eastern Band were shaped by the different experiences of removal.



Environmental Defense Fund filed the first lawsuit against the TVA on August 11, 1971. Additional plaintiffs in that lawsuit included Trout Unlimited, the Association for the Preservation of the Little Five, Thomas Burel Moser, a landowner and resident, and Earl Boyd Pierce, the general counsel to the Cherokee Nation in Oklahoma. In addition to addressing the environmental consequences of the dam – including alleged violations of the National Environmental Policy Act of 1969 and the possibility that “three species of fish and a unique waterfowl habitat might be destroyed” – the suit also addressed Cherokee concerns.<sup>76</sup>

The EDF suit claimed that the Tellico Dam “would destroy...’historic and sacred’ Cherokee Indian village sites.”<sup>77</sup> The complaint, whose “most vigorous argument... was based on the Cherokee Indian heritage in that part of Tennessee,” focused on the “birthplace of Chief Sequoyah” and “Chota, the capital of the Cherokee nation before the tribe was driven west.”<sup>78</sup> The attorneys for the EDF were quoted comparing the ancestral Cherokee lands to be flooded to the Lincoln Memorial and Plymouth Rock. The opinions of Pierce, general counsel to the Cherokee Nation in Oklahoma, were also made clear in the complaint. In addition to listing the towns that would be destroyed by the dam, the suit asserted the Tellico project, “would destroy not only the historic homeland of the Cherokee tribe but also a portion of the heritage of each citizen of the United States.”<sup>79</sup> Not only does this language parallel the Tribal Resolution issued by Keeler in 1965, it

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<sup>76</sup> Sanford J. Ungar, “Cherokees’ Ancestral Home Threatened With Flooding,” *The Washington Post*, August 12, 1971.

<sup>77</sup> William N. Blair, “Suit Says Dam Would Flood Sacred Sites,” *New York Times*, August 12, 1971; *Environmental Defense Fund, et al. v. Tennessee Valley Authority*, 339 F. Supp. 806.

<sup>78</sup> Ungar, “Cherokees’ Ancestral Home Threatened,” and Blair, “Suit Says Dam Would Flood Sacred Sites.”

<sup>79</sup> Blair, “Suit Says Dam Would Flood Sacred Sites.”

also reveals what would become a larger problem for the many Cherokees who opposed the dam moving forward: the “Cherokees” were portrayed as a single, monolithic “tribe” when, in fact, many important differences between the Eastern Band, the UKB, and the Cherokee Nation colored their opinions about the Tellico project.

This first suit filed by the EDF was dismissed because of jurisdictional issues, but the EDF continued its push to stop the Tellico project.<sup>80</sup> The EDF’s next case succeeded in securing a “preliminary injunction” against “every aspect of the Tellico project except the building of a road.”<sup>81</sup> Over a year later, however, the same Judge who issued the injunction ruled, “that T.V.A.’s environmental impact statement on the project met the requirements of the National Environmental Policy Act and concluded that the authority’s decision to proceed with the dam was not arbitrary.”<sup>82</sup> Interestingly, the second case filed by the EDF did not include Earl Boyd Pierce, who withdrew his support soon after the first case was dismissed. Pierce’s change-of-heart went even further according to Gilmer who contends, “Pierce not only failed to support the Environmental Defense Fund’s case, but eventually he actively worked with the Tennessee Valley Authority.”<sup>83</sup> Now that the leadership of the Cherokee Nation actively aligned itself with the TVA, it found itself in direct opposition to the Eastern Band. Both the Cherokee Nation and the Eastern Band now claimed to speak for the entirety of the Cherokee people with drastically different interpretations of the controversy. This divide between Cherokee peoples would go largely unrecognized by those covering the controversy and

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<sup>80</sup> “Court Rejects A Bid to Block T.V.A. Dam,” *New York Times*, August 17, 1971.

<sup>81</sup> Sanford J. Ungar, “Judge Halts TVA Dam on Environmental Plea,” *The Washington Post*, January 13, 1972 and *Environmental Defense Fund, et al. v. Tennessee Valley Authority*, 468 F.2d 1164.

<sup>82</sup> “Judge Backs Completing T.V.A. Dam,” *New York Times*, October 26, 1973.

<sup>83</sup> Gilmer, “In the Shadow of Removal,” 135.

would play an important role in later Cherokee attempts to prevent the completion of Tellico.<sup>84</sup>

After the Tellico project was approved in the mid-1960s the TVA commissioned an in-depth archaeological study of the sites that would be affected by the dam. Again, the Cherokee Nation and Eastern Band viewed these digs differently. The Cherokee Nation adopted a decidedly “western” position arguing that the benefits of archaeological work outweighed the consequences. In fact, during a meeting with the TVA in 1972, Cherokee Nation officials reached an agreement wherein the TVA would loan some of the artifacts found on the digs to the Cherokee Nation.<sup>85</sup> Initially, the Eastern Band expressed tenuous support for the digs for many of the same reasons as the Cherokee Nation. Additionally, the TVA had offered its assistance in revitalizing downtown Cherokee. This revitalization, dubbed “Operation Townlift,” included the construction of a new museum, shopping center, and high school. Although the Tribal Council of the Eastern Band passed a resolution (#206) supporting the revitalization efforts unanimously on December 16, 1969, by 1972 the Eastern Band withdrew their support for the digs and began a vocal campaign of opposition.<sup>86</sup>

By the end of 1972 the concerns of the Eastern Band were laid bare. The archaeological work that had begun in 1967 had “uncovered more than 500,000 Indian

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<sup>84</sup> For a more complete history on the emergence and growth of this ideological gulf see *Ibid.*, 132-149.

<sup>85</sup> “Care for Sites Praised: Cherokees Avoid Fight Over Tellico,” *Knoxville News-Sentinel*, May 5, 1972,

<sup>86</sup> Eastern Band of Cherokee Indians Council Records, November 6, 1969, December 15, 1969, and December 16, 1969, Western Carolina University microfilm #496, reel 2; TVA Officials Unveil Cherokee Townlift Plans,” *Cherokee One Feather*, August 19, 1970; and Gilmer, “In the Shadow of Removal,” 150-151.

artifacts” including the “bones of Indians buried in the village called Chota.”<sup>87</sup> In 1972 alone, the archaeologists had unearthed the remains of at least twenty-two separate Indians. When a group of Eastern Band Cherokees visited the site in late 1972, they were angered “...when they saw the bodies being exhumed.”<sup>88</sup> As a result of this sort of discovery, the position of the Eastern Band shifted from one of apathy to one of vociferous objection.<sup>89</sup> A petition circulated among the Eastern Band in 1972 enjoyed the support of “more than half” the Eastern Band.

An Associated Press article, which outlined the debate, was sympathetic to the Eastern Band’s cause. The article describes the “anger” felt “over what some Cherokee Indian leaders say is the plundering of ancestral graves by artifact-hunting archaeologists.”<sup>90</sup> The TVA funded archaeologists expressed their belief that they were only working to “preserve Indian relics and heritage” that soon would be flooded by the Tellico Dam. In addition to examining the immediate desires of the Eastern Band, the article also outlined the Eastern Band’s concerns about possible future situations. Tribal Councilman Jonathan Taylor admitted there was “little chance...of succeeding in halting the project.” Instead, his concern lay with probable similar future situations where hopefully “we are consulted and that our wishes are given some weight.”<sup>91</sup>

The Eastern Band even sought and received a meeting with Governor Winfield Dunn of Tennessee about the desecration of sacred Cherokee burial sites. The Governor

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<sup>87</sup> “Fight Archaeologists: Grave Robbing Irks Cherokees,” *Chicago Tribune*, October 8, 1972.

<sup>88</sup> *Ibid.*

<sup>89</sup> “Cherokees Fight Tellico,” *Knoxville Journal*, August 29, 1972. Hawk Littlejohn, a man who claimed Cherokee ancestry, played a large role in voicing the concerns of Cherokees. For more on Littlejohn see Gilmer, “In the Shadow of Removal,” 152-166.

<sup>90</sup> “Fight Archaeologists: Grave Robbing Irks Cherokees,” *Chicago Tribune*, October 8, 1972.

<sup>91</sup> *Ibid.*

pledged his support to the Eastern Band and to the environmental groups opposing the project. Unfortunately for the Eastern Band, Governor Dunn's position was open to pointed and effective criticism from the TVA. The general manager of the TVA, Lynn Seeber, pointed out the discrepancy in the positions of environmental groups, like the EDF and the Eastern Band:

I understand the Eastern Bank [sic] of the Cherokee wish to stop the scientific investigators. This is contrary to the position taken by the Fund. EDF says it is against the project because it should not be built so all the villages and sites could be excavated. It looks like the people opposed to the project are taking diametrically opposed points of view. I wish those fellows would fight over that one.<sup>92</sup>

This was an astute observation by the TVA. The Eastern Band's position differed from both environmental groups and the Cherokee Nation with respect to the sites. This division centered on the Eastern Band's claims to sacredness rather than cultural heritage.

While the AP article did an commendable job of presenting the position of the Eastern Band, it also continued to promulgate the TVA's position that the Cherokee had been consulted before the project began and they were *all* "pleased with TVA's efforts to uncover artifacts that would help preserve their heritage."<sup>93</sup> Although the TVA subscribed to that position, which was championed by the leadership of the Cherokee Nation, clearly the Eastern Band was dissatisfied with the desecration of burials they believed to be sacred. While there had been previous references to the "sacredness" of Chota and the Cherokee's ancestral homelands, the discovery of burials and the practice of storing those burials in a University of Tennessee basement gave those Cherokees

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<sup>92</sup> "Dunn, Indians Confer on Tellico," *The Daily News*, October 4, 1972.

<sup>93</sup> "Fight Archaeologists: Grave Robbing Irks Cherokees," *Chicago Tribune*, October 8, 1972. See also "Cherokee Indians Claim Ancestral Graves Are Being Plundered," *The Spartanburg Herald*, October 2, 1972; and Michael Willard, "Tenn. Indian Mounds in Peril," *The Washington Post*, February 18, 1973.

opposed to the Tellico project new, more powerful language with which to fight the TVA. Now it was not only about protecting history and cultural heritage, but a sacred place.

Soon after the death of the Eastern Band's Principal Chief, Noah Powell, a delegation from Eastern Band, represented by Worth Greene, the University of Tennessee archaeologist leading the Tellico digs, attended a meeting where TVA officials outlined plans to protect Chota.<sup>94</sup> After outlining the historical importance of Chota to the Cherokee people, Greene advocated for the return of Cherokee remains to the Eastern Band: "And when, if there are graves uncovered, at a suitable time, a suitable place, after all studies have been completed, we would like to ask that the bones of our people be reinterred. Now we make this request in humble submission."<sup>95</sup> Although Greene supposedly represented the interests of the Eastern Band, his request betrays his allegiance to archaeology and western science ahead of Cherokee ideas of sacredness.

After the EDF lost its final appeal in 1974, the Eastern Band "endorsed TVA's plans for building a reconstruction of Chota on the shores of the proposed reservoir, and requested that artifacts 'which have historical and cultural significance' be returned to the EBCI to be used in its Cherokee Museum and Cultural Center."<sup>96</sup> For the next several years after that agreement, the leadership of the Eastern Band "remained relatively silent" regarding the Tellico project.<sup>97</sup> Even while the Eastern Band remained silent, the Tellico

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<sup>94</sup> According to Rob Gilmer, the death of Greene had an adverse effect on the oppositional efforts of the Eastern Band.

<sup>95</sup> Worth Greene on behalf of the Eastern Band of Cherokee Indians as quoted in Gilmer, "In the Shadow of Removal," 162.

<sup>96</sup> Gilmer, "In the Shadow of Removal," 167.

<sup>97</sup> *Ibid.*, 178.

controversy would reach national prominence, as it became a testing ground for the recently enacted Endangered Species Act.

By the time the United States Court of District Court ordered a halt to the construction of the Tellico Dam on July 31, 1976, because of the snail darter – and then reversed that decision on August 3, 1976 – many individuals in the Eastern Band had expressed their desire to get the Band re-involved in the controversy.<sup>98</sup> For example, Ammoneta Sequoyah wrote a letter to Eastern Band leadership in the Cherokee syllabary strongly urging the Eastern Band to actively participate in opposing the controversy.<sup>99</sup> Even with the urging of one of the Eastern Band’s most influential ”medicine men,” it was not until the United States Court of Appeals ordered an official halt to the project – until “Congress exempts the project from compliance with the Endangered Species Act or the fish is taken off the endangered list” – that the Eastern Band began to re-assert their interest in preventing the completion of the Tellico project.<sup>100</sup>

In the middle of 1977, the Eastern Band’s Tribal Council passed three resolutions that dealt directly with the Tellico project. The first two, passed on April 7, 1977, essentially reaffirmed the Eastern Band’s opposition to the Tellico project by requesting “direct involvement in the [dam’s] proposed alternatives” while “wholeheartedly endor[s]” any plans to return the lands “in whole or in part to the Cherokee people.”<sup>101</sup> The last resolution – passed on June 20, 1977 under the assumption that the sacred lands

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<sup>98</sup> *Hiram G. Hill, et al. v. Tennessee Valley Authority*, 419 F. Supp. 753 (1976). See also “Court Halts Construction of \$116 Million Dam to Protect Small Fish,” *New York Times*, August 1, 1976 and “Court, in Reversal, Gives T.V.A. Right to Go on With Dam,” *New York Times*, August 4, 1976.

<sup>99</sup> Gilmer, “In the Shadow of Removal,” 179.

<sup>100</sup> *Hill v. Tennessee Valley Authority*, 549 F.2d 1064 (1977). See also “Tennessee Dam Halted To Await Action on Fish,” *New York Times*, February 1, 1977. See also “Opinion...Cherokees Should Get Involved,” *The Sylva Herald & Ruralite*, May 26, 1977.

<sup>101</sup> Resolution #82, April 7, 1977 as quoted in Gilmer, “In the Shadow of Removal,” 181.

would be spared – officially allied the Eastern Band with the Little Tennessee River Alliance in developing plans for the future of the Tellico valley.

As the opponents of the dam were forming an alliance to determine the future of the lands behind the partially constructed Tellico Dam, the TVA took their case to the United States Supreme Court arguing, “that too much weight had been given to the Endangered Species Act.”<sup>102</sup> To the chagrin of the TVA, the Supreme Court ruled in favor of the snail darter and the Endangered Species Act.<sup>103</sup> While it appeared that the dam’s opponents had won, Congress acted quickly to circumvent the court’s rulings. Initially, Senator Howard Baker of Tennessee introduced a bill amending the Endangered Species Act, which created a committee that would decide the fate of the Tellico project. Unfortunately for Baker, in January 1979 the committee he created determined that the dam “was ill-conceived and uneconomical,” and should not be completed.<sup>104</sup> Unfortunately for the projects’ opponents, that ruling did not stop Senator Baker or his congressional counterpart, Representative John J. Duncan, each of whom used rather nefarious tactics to push through an amendment to a public works appropriation bill essentially exempting the Tellico project from any laws.<sup>105</sup> Although the amendment had passed both the House and Senate it still had one more hurdle to clear, President Jimmy Carter. Much to the dismay of dam opponents and self-proclaimed “defenders of

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<sup>102</sup> “Supreme Court to rule on dam vs. rare fish,” *Chicago Tribune*, November 15, 1977.

<sup>103</sup> *Tennessee Valley Authority v. Hill, et al.*, 437 U.S. 153. See also “Court Favors Tiny Fish Over Mighty Dam,” *Los Angeles Times*, June 15, 1978 and Morton Mintz, “Court: Dam Must Yield to Snail Darter,” *The Washington Post*, June 16, 1978.

<sup>104</sup> Cecil Andrus as quoted in Wheeler and McDonald, *TVA and the Tellico Dam*, 211.

<sup>105</sup> *Ibid.*, 212-213. See also “House Votes to Complete Dam Periling Darter,” *Los Angeles Times*, June 17, 1978; “Dollars, Darters and No Dam,” *The Washington Post*, January 27, 1979; “House Approves Funds to Finish Tellico Dam,” *New York Times*, June 19, 1979; Michael Kilian, “Was it right to dam this river?” *Chicago Tribune*, June 27, 1979; Mary Russell, “House Saves Tellico Dam, Senate Office Building,” *The Washington Post*, August 2, 1979; and “Senate Reverses Self, Votes Completion of Tellico Dam,” September 11, 1979.



democracy” the President signed the bill into law on September 25, 1979.<sup>106</sup> The Tellico project, which was an estimated 97% completed, was now allowed to move forward. Just as it seemed as if the cause was lost, the Eastern Band of Cherokee Indians joined forces with the United Keetoowah Band to make one last stand.

Although the Eastern Band had remained largely a background supporter of the environmentalists for the latter part of the 1970s, the recent passage of the American Indian Religious Freedom Act in 1978 allowed the Eastern Band and the UKB to fight the Tellico project from an entirely new direction. AIRFA shaped the policy of the United States to “protect and preserve for the American Indians their inherent right of freedom to believe, express and exercise the traditional religions of the American Indian, Eskimo, Aleut, and Native Hawaiians.”<sup>107</sup> The passage of AIRFA was a testament to the previous oppression of indigenous peoples throughout America. If an “inherent right” had to be protected by legislation, then a vast divide in understanding between the power structure of the United States and American Indians must have existed.

In theory, the first amendment of the U.S. Constitution should have guaranteed protection to *all* religions, traditional American Indian ones included. As American Indians knew all too well, however, the Federal government and various state governments had passed laws that “seriously restricted” the religious rights of American Indians.<sup>108</sup> For historian Robin Rannow the reason for the blatant disregard for Native

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<sup>106</sup> “Tellico: A Dam Waste,” *Los Angeles Times*, September 20, 1979; “Carter Signs Legislation Approving Completion of a Dam in Tennessee,” *New York Times*, September 26, 1979; and Margot Hornblower, “Carter Signs Bill Forcing Tellico Dam Completion,” *The Washington Post*, September 26, 1979. See also Gilmer, “In the Shadow of Removal,” 188-194.

<sup>107</sup> *American Indian Religious Freedom Act*, Public Law 95-341, 92 Stat. 469 (42 U.S.C. § 1996). Also see, John Dart, “Indian Religions Finally Gain U.S. Protection Under New Act,” *Los Angeles Times*, February 18, 1979.

<sup>108</sup> See for example the Bald Eagle Protection Act, 16 U.S.C §§ 668-668d (1940).

American protection under the first amendment arose not from a sort of malice but from a crucial misunderstanding:

Whether intended or not, infringements often resulted from beliefs and attitudes of non-Indians who questioned whether traditional Native American religions were truly “religious.” Ignorance, suspicion, insensitivity, and neglect have been translated into attitudes effectively granting Native American religions less than equal consideration and protection under the first amendment.<sup>109</sup>

While Congress sought to remedy this misunderstanding with AIRFA, the lack of “teeth” attached to the new legislation allowed those in power to continue their oppression (intended or not) of traditional Native American religious practices even in the face of direct challenge.<sup>110</sup>

In the congressional hearings regarding AIRFA, a Cherokee named Jimmie Durham alluded to applicability of the proposed legislation to the Tellico project testifying that the TVA’s Tellico Dam would “flood lands sacred to the Cherokee nation and cover their graves.” Although at the time of Durham’s testimony the Tellico project was still on hold as a result of the Supreme Court’s ruling, he still expressed hope that his “holy land” could be saved.<sup>111</sup>

As discussed at the beginning of this chapter, the most important part of AIRFA for those Cherokees who opposed the Tellico project was that it specifically addressed

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<sup>109</sup> Robin K. Rannow, “Religion: The First Amendment and the American Indian Religious Freedom Act of 1978,” *American Indian Law Review* 10 (1982), 153. See also Martin C. Loesch, “The First Americans and the ‘Free’ Exercise of Religion,” *American Indian Law Review* 18 (1993): 313-377. For more on the divide between non-Indian and traditional American Indian understandings of religion, see the preceding chapter.

<sup>110</sup> Robert S. Michaelsen, “American Indian Religious Freedom Litigation: Promise and Perils,” *Journal of Law and Religion*, 3 (1985), 52.

<sup>111</sup> “Around the Nation: Cherokee in Appeal Against Tellico Dam,” *New York Times*, June 26, 1978.

“access to sites” important to traditional religious practices.<sup>112</sup> That legislation, combined with President Carter’s approval of the Act allowing the Tellico project to be completed, pushed the Eastern Band to issue another resolution condemning the Tellico project. This time, the Tribal Council claimed, “the Cherokee peoples’ rights were being violated under the newly enacted American Indian Religious Freedom Act.” The Resolution also expressly advocated for the Eastern Band’s counsel to file suit against the TVA.<sup>113</sup>

As the Eastern Band leadership seriously explored the possibility of seeking a legal remedy, many individuals, from both the Eastern Band and the United Keetoowah Band, organized a rally to be held near the site of Chota protesting the dam. That rally, held the weekend of October 20, 1979, was met with tremendous opposition. In addition to scattering the road leading to the protest with nails, those opposed to Cherokee involvement also hung an effigy of an Indian from a nearby telephone pole. The Cherokee and their supporters who gathered to protest the dam that weekend also were face with a bomb scare. Law enforcement, acting on an anonymous tip, arrived at the rally and found 16 sticks of dynamite. Interestingly, a bomb expert made it clear “there was little chance of it exploding, because there was no timer or other detonating device.”<sup>114</sup> The rally, which consisted of a number of speakers, also signaled an alliance between the Eastern Band and the UKB, who stood in seeming opposition to the Cherokee Nation. Although the divide amongst the three bands of Cherokees were

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<sup>112</sup> *American Indian Religious Freedom Act*, Public Law 95-341, 92 Stat. 469 (42 U.S.C. § 1996).

<sup>113</sup> Eastern Band of Cherokee Indians Resolution #427, October 9, 1979 as quoted in Gilmer, “In the Shadow of Removal,” 194.

<sup>114</sup> “Dynamite Is Found At Anti-Tellico Rally,” *The Washington Post*, October 21, 1979. See also “Bomb Discovered at Tellico Rally,” *Asheville Citizen-Times*, October 24, 1979; “US Agents Begin Rally Bomb Probe,” *Asheville Citizen-Times*, October 24, 1979; “Indians and Demonstrators Rally Over Construction of Tellico Dam,” *New York Times*, October 22, 1979; and Gilmer, “In the Shadow of Removal,” 195-197.

certainly understood by some, the failure of mainstream America to grasp that difference would help to doom the legal efforts of the Eastern Band and UKB to prevent the completion of the Tellico project.

On October 9, 1979, the Eastern Band of Cherokee Indians voted to actively pursue a legal remedy and file a suit that sought to prevent the completion of the Tellico project. The Eastern Band justified their decision by asserting “that the controversial dam violates the First Amendment and the 1978 American Indian Religious Freedom Act, which gives Indians access to sacred grounds.”<sup>115</sup> The initial suit, styled *Ammoneta Sequoyah, et al. v. Tennessee Valley Authority*, was summarily dismissed by the Eastern District of Tennessee less than a month after its initial filing. The court, headed by Judge Robert L. Taylor, first addressed all of the plaintiffs’ statutory claims (including AIRFA) concluding, “Congress exempted the reservoir project from any law repugnant to its completion when it passed the Energy and Water Development Appropriation Claim.”<sup>116</sup> While Congress had “exempted” the Tellico project from all laws, it did not have the power to exempt the project from First Amendment protection.

By citing eight separate Supreme Court cases that dealt with the free-exercise clause, Taylor concluded that in order for the Tellico project to have violated the first amendment it had to involve some sort of “governmental coercion of actions which are contrary to religious belief” which may take the form of “pressuring or forcing individuals not to participate in religious practices.”<sup>117</sup> The court found that the Tellico project would have no “coercive effect” on the plaintiffs. Then, instead of thoroughly

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<sup>115</sup> “Cherokees Will Try To Stop Tellico Dam, Save Burial Grounds,” *The Washington Post*, October 10, 1979. See also “Cherokees to Sue to Halt Tellico Dam, Citing Sacred Burial Area,” *Los Angeles Times*, October 10, 1979.

<sup>116</sup> *Ammoneta Sequoyah, et al. v. Tennessee Valley Authority*, 480 F. Supp. 608 (1979).

<sup>117</sup> *Ibid.*

examining the plaintiffs' claims to the "pressuring or forcing" actions of the government, the court concluded:

Other than preventing access to certain land, the impoundment of the reservoir had no coercive effect on the Native American's religious beliefs or practices, and the denial of access to government-owned land considered sacred and necessary to the Native American's religious beliefs did not infringe the free exercise clause.<sup>118</sup>

Not only did this ruling belie the court's misunderstanding of the importance of land to many Cherokee people, it echoed the sentiments of the former TVA Chairman Aubrey Wagner, concluding that the lack of a "property interest" meant that the Cherokees had no rightful claim to the land. The question of why the Cherokee people no longer had a legal interest in the property went unasked. For historian Howard Stambor, "The court's reliance on this lack of a property interest is an insensitive, inequitable, and irresponsible evasion of the more difficult constitutional claim that the Indians raised."<sup>119</sup>

In dismissing the case, however, the District Court hardly considered the twenty-five affidavits submitted by the plaintiffs. This lack of examination was betrayed by the copious use of the term "assume" in describing Cherokee religious practices. For example, in describing the sacred importance of the land to the Cherokee people, Judge Taylor asserted, "The Court assumes that the land to be flooded is considered sacred to the Cherokee religion and that active practitioners of that religion would want to make pilgrimages to this land as a precept of their religion."<sup>120</sup> The court made no effort to confirm their suspicions. Not long after the dismissal, the Eastern Band, the UKB and the

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<sup>118</sup> Ibid.

<sup>119</sup> Howard Stambor, "Manifest Destiny and American Indian Religious Freedom: Sequoyah, Badoni, and the Drowned Gods," *American Indian Law Review* 10 (1982), 65.

<sup>120</sup> *Ammoneta Sequoyah, et al. v. Tennessee Valley Authority*, 480 F. Supp. 608 (1979).

individual plaintiffs appealed the ruling to the Sixth Circuit Court of Appeals who would examine the constitutional question in considerable depth.<sup>121</sup>

Before analyzing the finding of the Appeals Court, it is important to first understand how the plaintiffs understood the importance of the land to be flooded. As previously mentioned, the plaintiffs submitted twenty-five affidavits describing the sacred importance of the land to themselves or the Cherokee people generally. One of the named plaintiffs, Ammoneta Sequoyah, who was “a practicing Cherokee medicine man,” submitted a powerful affidavit describing his attachment to the imperiled lands. For Ammoneta, the ancient site of Chota and its surrounding lands were important for his medicine and its reliance on the collective knowledge of buried ancestors:

If the water covers Chota and the other sacred places of the Cherokee along the River, I will lose my knowledge of medicine. If the lands are flooded, the medicine that comes from Chota will be ended because the strength and spiritual power of the Cherokee will be destroyed...If this land is flooded and these sacred places are destroyed, the knowledge and beliefs of my people who are in the ground will be destroyed.<sup>122</sup>

For Sequoyah, the sacredness of Chota and its surrounding lands came from the ancestors buried there. That assertion dovetailed with those put forth by the Cherokees who earlier opposed the archaeological work. Without Chota, without the ancestors who were buried there, Sequoyah’s ability to practice traditional medicine would be drastically diminished. The issue of property ownership, while important to the collection of traditional plants

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<sup>121</sup> “Indian Suit Against Tellico Dam Dismissed,” *Los Angeles Times*, November 2, 1979; “Indians Lose Suit Against Tellico Dam,” *Los Angeles Times*, November 3, 1979; and “Indians’ bid to halt Tellico Dam denied,” *Chicago Tribune*, November 3, 1979.

<sup>122</sup> *Ammoneta Sequoyah, et al. v. Tennessee Valley Authority*, 480 F. Supp. 608 (1979), Affidavit of Ammoneta Sequoyah. Many of the Cherokee affiants, including Sequoyah, wrote their affidavits in the Cherokee syllabary despite being fluent in English. For more see Gilmer, “In the Shadow of Removal,” 200-201.

and herbal remedies, was not necessary for Cherokees to benefit from the land in this manner.

A critical part of the plaintiffs' case was to prove that Cherokees still made pilgrimages to the lands in question. Lloyd Sequoyah, brother of Ammoneta, testified that he had traveled to the ancient site of Chota to gather medicinal herbs and "play stickball on the fields of his ancestors." Ammoneta also testified that he had lived on the land surrounding Chota from 1945 to 1950 and still ventured there to collect important medicinal herbs.<sup>123</sup>

Many Cherokees also attested to the central importance of Chota to the origins of – and even the continuation of – the Cherokee as a distinct people. Emmaline Driver asserted that if the land flooded it would strip the Cherokee people of their "origin of our organized religion." Similarly, Richard Crowe testified that his parents taught him that these lands were called "*dig a ta le no hr*" which meant, "This is where WE began."<sup>124</sup> Perhaps the most powerful image of Chota's importance came from the affidavit of Goliath George who told of a prophecy made by a Cherokee medicine man in the late nineteenth-century:

He said that an adelohosgi, or Cherokee spiritual leader spoke from a stump on Long Ridge, overlooking the Little Tennessee River valley. He told the group that was with him that in four or five generations, the valley would be covered with water and their ancestors "would be looking up through a wall of glass."<sup>125</sup>

With this sort of testimony, the Cherokees hoped to demonstrate that Chota and the Little Tennessee valley were of tremendous importance to the Cherokee as a people. Without

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<sup>123</sup> Ibid., Affidavits of Lloyd Sequoyah and Ammoneta Sequoyah.

<sup>124</sup> Ibid., Affidavits of Emmaline Driver and Richard Crowe.

<sup>125</sup> Ibid., Affidavit of Goliath George as quoted in Gilmer, "In the Shadow of Removal," 198-199.

those lands, the Cherokees would cease to be “Cherokee” as the Eastern Band and UKB conceived of it.

In addition to Cherokee voices, the plaintiffs’ also enlisted the efforts of an anthropologist to explain the difference between indigenous religions and Judeo-Christian religions. Albert L. Wahrhaftig, the Chairman of the Department of Anthropology at Sonoma State University testified:

In short, to attempt to understand or maintain Cherokee religion without access to known and significant sites in the “old country” would be like attempting to understand and practice Judaism or Christianity without the Book of Genesis. These sites represent the ultimate foundation of Cherokee belief and practice, now, and for the future.<sup>126</sup>

What was obvious to the many Cherokees involved and articulated by Wahraftig was that one could not remove land from Cherokee religion, which could not be separated from Cherokee culture. As discussed in the previous chapter, Cherokees did not separate religion from culture or heritage. Even after the Cherokee began to convert to Christianity, there was little, if any, separation between Cherokee culture and the Cherokees’ distinct brand of Christianity.

While the Eastern Band and United Keetoowah Band asserted that Chota and the surrounding land never stopped being important and sacred to the Cherokee people, the Cherokee Nation, who was allied with the TVA, submitted an affidavit that stood in direct opposition to the plaintiffs. In his affidavit the Principal Chief of the Cherokee Nation, Ross Swimmer, testified:

Although few of us have visited the Tellico area, we are grateful to TVA, because when it acquired the land for the Tellico project, it caused extensive work to be performed in the area. The importance of this area to the Cherokee people lies in the increased knowledge of Cherokee culture and history that has been made available to all Cherokees through TVA’s efforts. If it were not for the Tellico

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<sup>126</sup> Ibid., Affidavit of Albert L. Wahrhaftig.



Project, much of this knowledge might never have been recovered. The village sites in the lower Little Tennessee River are important to the cultural history of the Cherokee Nation, but are not a part of its religion.<sup>127</sup>

For Swimmer, and the Cherokees he represented, not only were the lands only important historically, but without the Tellico project there would be no knowledge of the Cherokee towns located there. This position, which stood in direct opposition to that of the plaintiffs, would play an integral role in the ruling of the Appeals Court.

Not long after the plaintiffs filed their appeal, the gates of the Tellico Dam were closed and the Little Tennessee River began to back-up and flood the lands sacred to many Cherokees.<sup>128</sup> The Eastern Band and UKB still held out hope that the Sixth Circuit Court of Appeals would issue an injunction and the damage caused by the flood could be mitigated. Unfortunately, on April 15, 1980, almost six months after the dam's gates had been closed, the Court of Appeals ruled:

Although the complaint asserted an irreversible loss to the Cherokee Indians' culture and history, which were vitally important, these were not interests protected by the Free Exercise Clause of the First Amendment. The Cherokee Indians failed to demonstrate that worship at the particular geographic location was inseparable from their way of life, the cornerstone of their religious observance, or played the central role in their religious ceremonies or practices.<sup>129</sup>

Aside from the dissent of a single Judge, the court ruled that although the land in question was important because of its place in Cherokee cultural heritage and history, it was not *central* to Cherokee religious practices. So, while the Appeals Court eventually

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<sup>127</sup> Ibid., Affidavit of Ross Swimmer.

<sup>128</sup> Matthiessen, *Indian Country*, 105, 124.

<sup>129</sup> *Ammoneta Sequoyah, Richard Crowe, Gilliam Jackson, the Eastern Band of Cherokee Indians, and the United Katooh Band of Cherokee Indians v. Tennessee Valley Authority*, 620 F.2d 1159 (1980). See also "Appeal by Indians to Prevent Filling of Lake Rejected," *Los Angeles Times*, April 16, 1980 and "Cherokees Lose Appeal Against The Tellico Dam," *The Washington Post*, April 16, 1980.

confirmed the ruling of the District Court, it reached its conclusion in a much different manner, focusing on the First Amendment and the protections it offered.

Similar to the District Court, the Sixth Circuit dismissed all of the plaintiffs' claims to relief under statutory law, including AIRFA and the National Historic Preservation Act. The Appeals Court disagreed with the lower court's ruling that a lack of property interest precluded protection under the First Amendment and moved to examine the importance of the imperiled lands to Cherokee religion. The Court was quick to point out that although there had been almost constant objection from "the Cherokee" from 1965 and copious amounts of litigation for almost a decade, "the Cherokee objections to the Tellico Dam were based primarily on a fear that their cultural heritage, rather than their religious rights, would be affected by flooding the Little Tennessee Valley."<sup>130</sup> With that assertion, the Court made it clear that the key to the plaintiffs' appeal would be proving that their concern was a religious one.

After a close reading of each of the affidavits submitted by the plaintiffs, the court had trouble proving that the land in question held value only for its importance to cultural heritage. In fact, the court admitted, "The Cherokees have a religion within the meaning of the Constitution" and "particular geographic locations figure more prominently in Indian religion and culture than in those of most other people."<sup>131</sup> As a result, the court then moved<sup>130</sup> to analyze how Cherokee claims fit into a "test" derived from legal precedent.

By using two cases, *Sherbert v. Verner* and *Wisconsin v. Yoder*, the court determined that the lands in question must be "central" or "indispensable" to Cherokee

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<sup>130</sup> *Sequoyah v. Tennessee Valley Authority*, 620 F.2d 1159 (1980).

<sup>131</sup> *Ibid.*

religion.<sup>132</sup> In *Wisconsin v. Yoder*, adherents of the Old Order Amish religion were convicted of violating Wisconsin's compulsory school attendance law. On appeal, however, the United States Supreme Court ruled that forcing Amish children to attend public school violated the free exercise clause of the first amendment. While Amish religion certainly differs from mainstream Christianity, the gulf between the Cherokee brand of Christianity and traditional Cherokee religion is much larger. In other words, it was much easier for the court to comprehend the centrality of "schooling" to the Amish religion than for the court to understand the centrality of place to Cherokee religion.<sup>133</sup> Because the court chose to apply western understandings of centrality to a decidedly non-western religion, the Cherokee plaintiffs were doomed from the start.

This was laid bare in the courts' treatment of the affidavits submitted by the plaintiffs and defendants. As discussed above, the affidavits submitted by the plaintiffs revealed that the imperiled lands were connected to certain "gods," were central to the practice of Cherokee medicine men, and were even the place where the Cherokee began as a people. Even with all of that stacked up in favor of the plaintiffs, the court focused on the affidavit submitted by Ross Swimmer on behalf of the TVA stating:

It is the flooding of a particular place which is claimed to deny the right freely to exercise the plaintiffs' religion. It is clear, even from the plaintiffs' affidavits, that the exact location of Chota and the other village sites was unknown to the Cherokees until TVA undertook archaeological explorations with the University of Tennessee...At most, plaintiffs showed that a few Cherokees had made expeditions to the area, prompted for the most part by an understandable desire to learn more about their cultural heritage.<sup>134</sup>

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<sup>132</sup> Ibid. See also *Sherbert v. Verner*, 374 U.S. 398 (1963) and *Wisconsin v. Yoder*, 406 U.S. 205 (1972).

<sup>133</sup> *Wisconsin v. Yoder*, 406 U.S. 205 (1972).

<sup>134</sup> *Sequoyah v. Tennessee Valley Authority*, 620 F.2d 1159 (1980).

So, because the plaintiffs were supposedly unaware of the location of this sacred place, its centrality and indispensability to Cherokee religion was called into question. Again, the nature of Chota's sacredness had certainly changed after the Cherokee removal. In addition, the controversy seemed to enhance Chota's sacredness. In other words, while Chota remained sacred for some Cherokees, the controversy created Chota's sacredness for others. That said, the controversy did not make Chota sacred for all Cherokee people. By equating the testimony of the Cherokee Nation to the religious beliefs and practices of the Eastern Band and the UKB, the court made a fundamental mistake. Although the Eastern Band, the UKB and the Cherokee Nation shared a common heritage, their ideas of Cherokeeness were drastically different. Either the court failed to discern that distinction or ignored it; either way, the consequences were severe.

After examining all of the affidavits, submitted by both the plaintiffs and the defendant, the court reached its verdict, affirming the decision of the lower court. The language of that decision reveals a fundamental misunderstanding about what constituted Cherokee religion. On April 15, 1980, the Sixth Circuit Appeals Court ruled:

The claim of centrality of the Valley to the practice of traditional Cherokee religion...is missing from this case. The overwhelming concern of the affiants appears to be related to the historical beginnings of the Cherokees and their cultural development. It is damage to tribal and family folklore and traditions, more than particular religious observances, which appears to be at stake. The complaint asserts an "irreversible loss to the culture and history of the plaintiffs." Though cultural history and tradition are vitally important to any group of people, these are not interest protected by the Free Exercise Clause of the First Amendment.<sup>135</sup>

There are a couple of things to take from this ruling. First, the court perceived a divide between traditional Cherokee culture, heritage, history and religion that simply was not there. As discussed in the previous chapter and earlier in this chapter, to separate

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<sup>135</sup> Ibid.

Cherokee religion from Cherokee politics, economics, history or culture is to create a false division. Although the Cherokees had adopted decidedly un-Cherokee tendencies by that point (Christianity, elected Tribal Council for example) to assert that the Eastern Band and the UKB had entirely forgotten their traditional ways, including the importance of land to Cherokee culture, and therefore religion, was a mistake.<sup>136</sup>

Additionally, the court pointed out that the plaintiffs' complaint alluded to the potential loss of "culture and history." It appears that even the plaintiffs' own attorneys misunderstood the case as much as the courts and "may have inadvertently fashioned a peg upon which the court could subsequently hang an adverse decision."<sup>137</sup> Unfortunately for the Cherokee plaintiffs, the gulf between western understandings of religion and sacredness, and indigenous understandings was too broad to bridge.

After losing their appeal to the Sixth Circuit, the Cherokee plaintiffs quickly attempted to have the Supreme Court hear the case, but the Supreme Court declined to consider the appeal. Although the legal battle was over and lands sacred to many Cherokees had been flooded, concerns over the hundreds of remains stored in a University of Tennessee basement fueled a lingering dispute between many Cherokees, archaeologists generally, and the TVA. The TVA looked to smooth things over with the Cherokee by building a museum to honor the memory and achievements of Sequoyah.

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<sup>136</sup> There has been much written about the gulf between western understandings of religion and native understandings as they manifest in the courts. See Martin C. Loesch, "The First Americans and the 'Free' Exercise of Religion," *American Indian Law Review*, 18 (1993), 346-348, 364; Brian Edward Brown, "Native American Religions, the First Amendment, and the Judicial Interpretation of Public Land," *Environmental History Review*, 15 (Winter, 1991), 19-22; Robert S. Michaelsen, "The Significance of the American Indian Religious Freedom Act of 1978," *Journal of the American Academy of Religion* 52 (March, 1984), 93, 104-105; and Robert S. Michaelsen, "'We Also Have a Religion' The Free Exercise of Religion among Native Americans," *American Indian Quarterly* 7 (Summer, 1983), 111-116, 131-132.

<sup>137</sup> Michaelsen, "American Indian Religious Freedom Litigation," 61.

The TVA made the promise in 1981, and by 1987 the Sequoyah Birthplace Museum was completed.<sup>138</sup> Although the TVA had made this promise to the Eastern Band, disputes over archaeological remains kept the relationship between the Eastern Band and the TVA contentious.

The University of Tennessee promised to return the 187 burials, which they had positively identified as Cherokee, to the Eastern Band, but the remains of almost one thousand others would be kept for further study.<sup>139</sup> After lengthy negotiations between the Eastern Band, the UKB, the TVA, and the University of Tennessee, 192 remains were returned to the Eastern Band. All but one of those remains was reinterred at burial mound at the Sequoyah museum. The final set of remains, which had been identified as the eighteenth-century Cherokee leader Oconostota, was reburied separately at a memorial constructed over the site of Chota.<sup>140</sup>

Just upstream from the Sequoyah Birthplace Museum, the TVA constructed a peninsula directly over the flooded Chota townhouse. On this peninsula, there is a memorial to the Cherokees' ancient Mother Town that replicates the townhouse with eight concrete pillars surrounded by a concrete circle. In addition to the pillars, which memorialize the seven Cherokee clans and the "Cherokees in the Little Tenn. Valley," at the center of the circle there is a concrete reproduction of the sacred hearth. Author Peter Nabokov describes the "effect" of the memorial as "invasive and industrial, more fitting

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<sup>138</sup> Wilma Dykeman, "Honoring a Cherokee: A Tennessee museum commemorates Sequoyah, who devised a written language for his people," *New York Times*, August 2, 1987.

<sup>139</sup> "TVA Won't Rebury Indian Remains," *The Washington Post*, August 23, 1981.

<sup>140</sup> For a more in-depth telling of the Eastern Band's post-Tellico struggle with archaeologists see Gilmer, "In the Shadow of Removal," 214-218. The controversy also probably contribute to the passage of the Native American Graves and Repatriation Act in 1990. For more see Kathleen S. Fine-Dare, *Grave Injustice: The American Indian Repatriation Movement and NAGPRA* (Lincoln, NE: University of Nebraska Press, 2002), 78-79, 118.

as self-congratulation for the destruction of the Cherokee capital, the banishment of its people and the Construction of Tellico Dam than as homage to a banished Cherokee presence.”<sup>141</sup>

In the end, while environmentalists, conservationists, a tiny three-inch fish and Cherokee Indians failed to halt the destruction of sacred Cherokee lands, the lessons learned from the experience would inform future efforts to preserve Cherokee sacred places. The gulf between Cherokees and non-Cherokees, as well as the divide between Cherokee people themselves would continue to play a large role in the repeated struggles to protect sacred burial grounds and places of religious importance. Although non-Cherokees played a large role in desecrating sacred Cherokee lands during the Tellico struggle, in Franklin, North Carolina, non-Cherokee people led a successful drive to protect a different sacred townsite.

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<sup>141</sup> Nabokov, *Where the Lightning Strikes*, 69. For a more through description of the memorials see Gilmer, “In the Shadow of Removal,” 252-265.

CHAPTER TWO: “IT IS VERY PRETTIE AND SET IN GRASS”  
 APPROPRIATING THE SACREDNESS OF NIKWASI

Hurry up, Nun-ne-hi, and bring the government and the state to help save this age-old monument to a people that are scattered and torn.

— Margaret R. Siler

A monument to the early history of Macon County, the Nikwasi Indian Mound is to be preserved for posterity.

— *Franklin Press*, Oct. 10, 1946

On May 21, 2008, the people of Franklin, North Carolina and the Eastern Band of Cherokee Indians came together in a mutual celebration of Cherokee culture and history. The celebration included performances by the Warriors of Ani-Kituwah and the Cherokee Elementary School Singers, and a variety of exhibitions including a live demonstration of the construction of river cane blowguns, a stickball game, and Cherokee foods. Principal Chief Michell Hicks also addressed the crowd, calling Nikwasi, “a very important place for our tribe,” and urging those present not “...to forget what your responsibilities are...to be protectors of this land.”<sup>1</sup> Franklin Mayor Joe Collins, Macon County Historical Society president Heather Shields, and State Representative Phil Haire also spoke at the gathering expressing their desire that the people of Franklin learn more about their “Cherokee brothers and sisters.”<sup>2</sup> Ironically, this celebration commemorated

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<sup>1</sup> “Tribe joins Franklin for Nikwasi Mound Celebration,” *Cherokee One Feather*, May 21, 2008.

<sup>2</sup> *Ibid.*



the preservation of Nikwasi mound, which was saved in 1946 by a large group of non-Cherokee western North Carolinians.<sup>3</sup>

The landscape of western North Carolina houses an immense amount of Cherokee history. Unfortunately, much of that landscape, and therefore much of that history, has been transformed into something distinctly non-Cherokee. In order to create Franklin, North Carolina, early nineteenth-century Americans first had to dispatch with any remnants of the culture that previously populated the town's footprint. Interestingly, this cultural purge left the most important part of Nikwasi behind, its mound. But how did Nikwasi survive? The answer lies in the malleability of Nikwasi's sacredness.

Most attribute Nikwasi's survival to the dedicated efforts of Franklin's white school children. As is often the case, the truth is far more complicated. That 1946 struggle, while well publicized, was merely the most recent effort to protect Nikwasi. The history of Nikwasi is, in many ways, a history of protection. Instead of examining the many struggles to protect Nikwasi in isolation, this chapter contextualizes the struggles, both mythological and historical, and examines how twentieth-century non-Cherokees transformed the sacredness of Nikwasi to meet their preservation needs. In an era marked by mass movements to conserve and preserve "wild places" and natural resources in the face of seemingly perpetual commercial growth, the people of Franklin, North Carolina, rallied together and transformed Nikwasi from a place of Cherokee sacredness to "a monument to the early history of Macon County."<sup>4</sup> By examining the 1940s struggle to protect Nikwasi in a broad historical context, this chapter will demonstrate that the

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<sup>3</sup> Marla Dalrymple, "Nikwasi Celebration Brings a Taste of Cherokee Culture to Franklin," *Macon County News*, May 22, 2008; Barbara McRae, "Nikwasi Celebration Draws Thousands to Experience the Cherokee Culture," *Franklin Press*, May 21, 2008; and "Nikwasi: Learning about our Neighbors," *Franklin Press*, May 21, 2008.

<sup>4</sup> "Mound is Bought Deed Given Town," *Franklin Press*, October 10, 1946.

preservation of a Cherokee sacred place depended on the psychological transformation of the mound into a relic of early non-Cherokee settler heritage. Before analyzing the transformative movement to protect Nikwasi in the 1940s, however, a biography of Nikwasi must be created.

Similar to many places in the ancestral homeland of the Cherokees, Nikwasi holds a unique position in the Cherokee sacred geography. Similar to Chota, Nikwasi, just down-river from Cowee, was located on a bend of the Little Tennessee River and derived much of its sacredness from the *Yunwi Gunahita*. Additionally, Nikwasi was (and still is) a repository of knowledge and a home to a specific set of myths that allowed for a dialogue between the land and the Cherokee people. In other words, when one approached Nikwasi or spoke of Nikwasi, certain myths and cultural teachings came to mind. Nikwasi was not just the name of a sacred “mother town”, it acted as a “mnemonic peg on which to hang the moral teachings of their history.”<sup>5</sup> All of this begs the question, what was Nikwasi’s place in the Cherokee sacred geography?<sup>6</sup>

In the journal of his 1730 expedition to Cherokee country, Sir Alexander Cuming noted the phenomenon of “mother towns” among the Cherokee people. According to Cuming, “The whole Cherrokee Nation is govern’d by seven Mother Towns.”<sup>7</sup> Most historians agree that Nikwasi was a mother town, which exercised significant political

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<sup>5</sup> Keith Basso, *Wisdom Sits in Places: Landscape and Language Among the Western Apache* (Albuquerque, NM: University of New Mexico Press, 1996), 62.

<sup>6</sup> Please see the introductory chapter for more on the construction and maintenance of Cherokee sacred geography.

<sup>7</sup> Journal of Sir Alexander Cuming in *Early Travels in the Tennessee Country, 1540-1800* by Samuel Cole Williams (Johnson City, TN: The Watauga Press, 1928), 122. See also Tyler Boulware, *Deconstructing the Cherokee Nation: Town, Region and Nation among Eighteenth-Century Cherokees* (Gainesville, FL: University Press of Florida, 2011), 24.

and cultural influence over a group of Cherokee towns called the “Middle Settlements.”<sup>8</sup> That said, Nikwasi held even further significance for the Cherokee people. In his ethnological study commissioned by the Smithsonian Institution, James Mooney recorded that the “sacred fire” of the Cherokees was only housed in a few places “...in the larger mounds at Nikwasi, Kituhwa, and a few other towns.”<sup>9</sup> One myth recorded by Mooney, “The Mounds and the Constant Fire: The Old Sacred Things” outlines the importance of fire for the Cherokee people. When fire was needed, for a ceremony or otherwise, anywhere in the regional vicinity of one of these mounds, it was taken from the sacred fire. In fact, during the Green Corn Ceremony, a ritual of purification, regeneration and forgiveness, all personal fires were extinguished and replaced with a flame started from the sacred fire in the townhouse.<sup>10</sup> For the Cherokee, fire was of the utmost importance. Council houses were built around it, success in war depended upon it, and its place in certain Cherokee towns held regional significance. Although Nikwasi was one of the few homes of the sacred fire, the town held further mythical significance. The mound itself served as a home for a race of immortals, the Nunne’hi.<sup>11</sup>

A variety of spirit peoples populate Cherokee myths. Some are benevolent, like the Nunne’hi, and some seem to exist only to create mischief. Mooney describes the

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<sup>8</sup> For a complete history of the role of town and region in Cherokee life see Boulware, *Deconstructing the Cherokee Nation*.

<sup>9</sup> James Mooney, “Myths of the Cherokee,” in *James Mooney’s History, Myths and Sacred Formulas of the Cherokees*, James Mooney (Fairview, NC: Bright Mountain Books, Inc., 1992), 396.

<sup>10</sup> *Ibid.*, 395-396. For more on the Green Corn Ceremony please see Ruth Y. Wetmore, “The Green Corn Ceremony of the Eastern Cherokees,” *Journal of Cherokee Studies* 8 (Spring 1983): 46-56.

<sup>11</sup> For more on the importance of fire for the Cherokees please see David. H. Corkran, “Sacred Fire of the Cherokees,” *Southern Indian Studies* 5 (October 1953): 21-26; Catherine L. Albanese, “Exploring Regional Religion: A Case Study of the Eastern Cherokee,” *History of Religions* 23 (1984): 344-371; and William L. Anderson, Jane L. Brown and Anne F. Rogers, eds., *The Payne Butrick Papers: Volumes One, Two, Three* (Lincoln, NE: University of Nebraska Press, 2010), 20, 237-238.

Nunne'hi as "...a race of spirit people who lived in the highlands of the old Cherokee country and had...large townhouses in Pilot knob and under the old Nikwasi mound in North Carolina."<sup>12</sup> Some even attribute the balds on many of the southern Appalachian Mountains to the Nunne'hi, claiming that the little people maintained the balds so eagles could hunt rabbits.<sup>13</sup> These immortals looked like the Cherokees, but could turn invisible at any time. Most of the stories about the Nunne'hi talk about their kindness and love of music and dancing. In fact, many stories tell of how the Nunne'hi "often brought lost wanderers to their townhouses under the mountains and cared for them there until they were rested and guided them back to their homes."<sup>14</sup> The role of the Nunne'hi as protectors seems to be a common theme throughout Cherokee mythology. Although the Nunne'hi are often painted as passive protectors, at least one myth tells of the Nunne'hi actively protecting a group of Cherokee people and their sacred mound.

Like many myths, "The Spirit Defenders of Nikwasi" takes place in a time outside of chronological history. While readers cannot be sure of the exact historical circumstances of the myth, they can be sure that many Cherokees believed the events described in the myth took place at some point in the past and that those events occurred at a distinct place in the Cherokee homeland. Even before written history, the Cherokee had to fight to protect the sacred mound at Nikwasi from invaders. At some point in their history, the Cherokee people who lived at Nikwasi were faced with a powerful enemy who were

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<sup>12</sup> Mooney, "Myths of the Cherokee," 330, 475.

<sup>13</sup> Barbara R. Duncan and Brett H. Riggs, *Cherokee Heritage Trails Guidebook* (Chapel Hill, NC: University of North Carolina Press, 2003), 93, 160.

<sup>14</sup> *Ibid.*, 331. Some modern commentators even look to equate the Nunnehi with Christian ideas about angels. For more on this see G. Keith Parker, *Seven Cherokee Myths: Creation, Fire, the Primordial Parents, the Nature of Evil, the Family, Universal Suffering, and Communal Obligation* (Jefferson, NC: McFarland & Company, 2006), 24.

...killing people and destroying settlements wherever they went. No leader could stand against them, and in a little while they had wasted all the lower settlements and advanced into the mountains. The warriors of the old town of Nikwasi, on the head of Little Tennessee, gathered their wives and children into the townhouse and kept scouts constantly on the lookout for the presence of danger.<sup>15</sup>

Clearly, the town of Nikwasi was faced with imminent attack by a powerful invading force. The Cherokees at Nikwasi knew of the coming danger and looked to actively protect their town and mound.

Eventually, the invading force reached Nikwasi and the Cherokees were forced to fight. As happened with the lower settlements, the Nikwasi Cherokees struggled to overpower the invaders. Just as the Cherokees began to retreat, an unfamiliar Indian appeared beside a headman from Nikwasi and told the headman to take his men to safety as he would fight the invaders. As soon as the Nikwasi headman ordered the retreat, the Nikwasi Cherokees,

...fell back along the trail, and as they came near the townhouse they saw a great company of warriors coming out from the side of the mound as through an open doorway. Then they knew that their friends were the Nunne'hi the Immortals, although no one had ever heard before that they lived under Nikwasi mound.<sup>16</sup>

As soon as the Nunne'hi emerged from the side of Nikwasi, the tide of the battle began to turn. The invaders could not hide because the Nunne'hi possessed the ability to shoot their arrows around rocks and trees. After a short time, it became clear that the Nunne'hi had successfully defended Nikwasi from the invaders. Before the remainder of the invaders could escape, however,

...the Nunne'hi chief told them they had deserved their punishment for attacking a peaceful tribe, and he spared their lives and told them to go home and take the news to their people. This was the Indian custom, always to spare a few to carry

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<sup>15</sup> Mooney, "Myths of the Cherokee," 336.

<sup>16</sup> Ibid.

back the news of defeat. They went home toward the north and the Nunne'hi went back to the mound.<sup>17</sup>

In addition to physically defending Nikwasi from foreign invaders, the Nunne'hi employed a bit of psychological warfare in an attempt to protect Nikwasi from future invaders.

From ideas about parallel worlds to the safety of the homeland to ideas of benevolent spirit folk, the themes contained in this myth are numerous.<sup>18</sup> For our purposes, the themes of protection and safety should be elevated. In addition to all of their other benevolent characteristics, the Nunne'hi provide both physical and psychological protection for the Cherokee people generally and the people at Nikwasi specifically. This myth makes it clear that, even from time immemorial, Nikwasi has been under some sort of attack. The Cherokee defended Nikwasi because of its importance politically and culturally. The Nunne'hi protected Nikwasi for seemingly similar reasons: Nikwasi contained one of the Nunnehi's townhouses and acted as a portal to the Cherokee world. So, Nikwasi was deemed sacred by two distinct races of people and its protection depended on this importance. As a place of safety, home to the sacred flame and a portal to the world of the Nunne'hi, Nikwasi exuded sacredness and demanded protection. Nikwasi's early sacredness was drawn, in large part, from this myth and its themes of protection and safety.

Interestingly, modern tellings of this same story carry the interconnected themes of protection and safety through the modern era. In Barbara Duncan's collection of

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<sup>17</sup> *Ibid.*, 337.

<sup>18</sup> For more on these themes and the role of Nikwasi in the Cherokee "spatial persona" see Ian David Chambers, "Space: The Final Frontier? Spatial Understandings in the 18th-Century American Southeast," PhD diss., University of California Riverside, 2006, 104-129.

Cherokee stories, storyteller Freeman Owle tells of how the town of Franklin and Nikwasi mound was spared during the Civil War:

It was during the Civil War time that the Yankee soldiers came down from the north, and they were camped out and ready to come down and burn the little town of Franklin, North Carolina, and the scouts went back to their commanding officer, ‘You can’t attack Franklin, North Carolina. It is heavily guarded, there’s soldiers on every corner.’ And the soldiers went around, toward Atlanta, Georgia, and burned everything in the path. But Franklin, Carolina was not touched. And then the history and reality was that every able fighting person left Franklin to fight in the Civil War. There were no men here. The Old Cherokees say it was the Nunne’hi, the Little People, who again protected Franklin, North Carolina.<sup>19</sup>

Again, Nikwasi persisted in the face of seemingly insurmountable odds. Although the Cherokee had already been removed from Nikwasi, somehow the mound remained virtually untouched. This, and other, modifications to “The Spirit Defenders of Nikwasi” continue to reinforce the place of Nikwasi in the Cherokee sacred geography.<sup>20</sup> While the Nunne’hi and the Cherokee worked together to protect Nikwasi from foreign invaders at some point in the distant past, new, more sophisticated invaders approached. Nikwasi found itself in the midst of a new, multi-faceted struggle, this time between the Cherokee and the British.

Before the British arrived on the shores of America in the seventeenth-century, the Spanish, on at least two separate expeditions led by Hernando de Soto and Juan Pardo, traveled through Cherokee territory. During those travels, the Spanish recorded the

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<sup>19</sup> This story is found in the work of both Barbara Duncan and James Mooney. See Barbara R. Duncan, Ed., *Living Stories of the Cherokee* (Chapel Hill, NC: The University of North Carolina Press, 1998), 201-202. See also Barbara R. Duncan, Ed., *The Origin of the Milk Way and Other Living Stories of the Cherokee* (Chapel, Hill, NC: The University of North Carolina Press, 2008), 70-71; and Mooney, “Myths of the Cherokee,” 337. Again, the dependence of contemporary story-tellers on Mooney is evident here. This dependence raises questions about the nature of modern Cherokee “oral tradition.” Can it even be called that?

<sup>20</sup> Another author, Margaret Siler, tells of how the Nunnehi prevented the Tallulah Falls Railroad from destroying the mound. See Margaret R. Siler, *Cherokee Indian Lore & Smoky Mountain Stories* (Franklin, NC: Teresita Press, 1938, 2008), 30-32.

names of several towns, “Nequase” being one of them. So, even as early as 1540, Nikwasi was a recognizable settlement of Cherokee people, important enough for de Soto to record.<sup>21</sup> Following the Spanish expeditions, the Cherokee at Nikwasi rarely encountered Europeans on a consistent basis until the British at the Carolina Colony in Charleston established a regular trade between themselves and the Cherokee. While the proximity of the Lower Towns to Charleston allowed towns like Keowee and Tugaloo to rise to prominence, several Middle Towns played an active role in fostering a trade alliance with the British. In fact, Nikwasi played host to a council that led directly to the 1730 trade agreement between the British and the Cherokees.<sup>22</sup>

Nikwasi’s status as a Cherokee “Mother Town” meant that the town and its leaders held significant influence over the Middle Town region. In this way, Nikwasi and its townhouse often hosted important conferences between Cherokees from the Middle Towns (along with leaders from other regions) and the British. In fact, in 1727, in the midst of the long Cherokee-Creek War, British Colonel John Herbert held a meeting at Nikwasi in an attempt to negotiate a peace between the Cherokee and the Upper Creek.<sup>23</sup> While Herbert held similar meetings at several other Cherokee towns in each of the Cherokee regions, his choice to hold one of the councils at Nikwasi demonstrates the

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<sup>21</sup> Theodore H. Lewis, Ed., “The Narrative of the Expedition of Hernando de Soto by the Gentleman of Elvas,” In *Original Narratives of Early American History: Spanish Explorers in the Southern United States, 1528-1543*, ed. J. Franklin Jameson (New York, NY: Charles Scribner’s Sons, 1907), 127-272; and Boulware, *Deconstructing*, 11.

<sup>22</sup> For more on the early trade between the Cherokee and the British, please see Tom Hatley, *The Dividing Paths: Cherokees and South Carolinians through the Revolutionary Era* (New York, NY: Oxford University Press, 1995); and John Phillip Reid, *A Better Kind of Hatchet: Law, Trade, and Diplomacy in the Cherokee Nation during the Early Years of European Contact* (University Park, PA: The Pennsylvania State University Press, 1976).

<sup>23</sup> A.S. Salley, Ed., *Journal of Colonel John Herbert, Commissioner of Indian Affairs for the Province of South Carolina, October 17, 1727, to March 19, 1727/8* (Columbia: Historical Commission of South Carolina, 1936), 13; and Boulware, *Deconstructing*, 45.



town's regional political importance. If any doubt remains, however, the council called by Sir Alexander Cuming at Nikwasi in 1730 definitively proves Nikwasi's importance for the Cherokee people as a whole.

Cuming, a Scottish Baronet and an "elected fellow of the Royal Society of London for Improving Natural Knowledge," claimed to have traveled to Cherokee country because of a dream his wife had.<sup>24</sup> While that dream may have foretold of great success, it could hardly have compared with the reality. In 1730, Cuming, by his own admission, held no official authorization from the Crown for his journey to America.<sup>25</sup> Once Cuming arrived in Charleston, he enlisted the services of George Chicken, Jr. and George Hunter, each of whom had their own business to attend to among the Cherokee.<sup>26</sup> Cuming's first stop in Cherokee country came at Keowee in the Lower Towns. In the townhouse at Keowee, Cuming asked for and received the allegiance of the Cherokee to King George II. Not satisfied with his accomplishments to that point, Cuming "caused them to dispatch Expresses through the whole Towns of their Nation, for the head Men of every Town, both in the Upper, Middle, and Lower Settlements, to meet him at Nequassie, the 3d of April."<sup>27</sup> It is difficult to surmise why Cuming chose Nikwasi as his meeting place. Perhaps its geographical centrality played an important role and perhaps Cuming had heard of Nikwasi's role as a "Town of Refuge" and history of protection.<sup>28</sup>

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<sup>24</sup> Barbara McRae, *Franklin's Ancient Mound: Myth & History of Old Nikwasi, Franklin, North Carolina* (Franklin, NC: Teresita Press, 1993), 29.

<sup>25</sup> Williams, *Early Travels*, 117.

<sup>26</sup> Chicken traveled as a representative for the Indian Commissioner and Hunter was commissioned to create a map of the Cherokee country.

<sup>27</sup> Williams, *Early Travels*, 125.

<sup>28</sup> Barbara R. Duncan, "Facts about Nikwasi impressive enough," *Macon County News*, February 28, 2008.

Maybe Cuming, knowing he was about to make a bold request, desired the relative safety of Nikwasi.

According to his journal, at the council held at Nikwasi on the third of April, 1730, Cuming intended to secure the allegiance of the Cherokee “Nation” to King George for both military and trade purposes. After partaking in an array of ceremonies, Cuming made a speech, requesting the loyalty of the Cherokee people as a whole. Cuming said to the gathered Cherokee headmen and warriors that he

Represented the great Power and Goodness of his Majesty King George...that himself and all his Subjects were to him as Children, and they all would do whatever the great King ordered them...He required Moytoy and all the head Warriors to acknowledge themselves dutiful Subjects and Sons to King George, and promise that they would do whatever Sir Alexander would require of them, that he might be the better able to answer for the Conduct; all which they did on their Knees, calling upon every Thing that was terrible to them to destroy them, and that they might become no People, if they violated their Promise and Obedience.<sup>29</sup>

After securing the Cherokees’ loyalty verbally, Cuming requested that a party of Cherokee headmen and warriors accompany him to London as a means of demonstrating their loyalty and to sign an agreement to that effect. While the Crown hesitated to give Cuming any credit for his exploits, the trade between the British and the Cherokees that the Treaty of 1730 solidified effectively bound the two parties together and acted as “the foundation of their ‘antient Friendship and Union.’”<sup>30</sup> Like many colonial agreements, however, the loyalty secured at Nikwasi would be tested on several occasions in the years to come.<sup>31</sup>

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<sup>29</sup> Ibid., 126.

<sup>30</sup> Boulware, *Deconstructing*, 48 and Hatley, *Dividing Paths*, 27.

<sup>31</sup> For more on Cuming’s travels please see Williams, *Early Travels*, 113-143; and McRae, *Franklin’s Ancient Mound*, 29-36.

Towards the end of the Seven Years War, the alliance between the Cherokees and the British came crashing down and a war between the two broke out in late 1759. At the outset of the war, Colonel Archibald Montgomery led a force of 1,300 British regulars from Fort Prince George (near Keowee in the Lower Towns) on a mission to destroy the Middle Towns. Fortunately for Nikwasi and other Middle Towns, Cherokee warriors ambushed Montgomery on June 27, 1760, forcing the Colonel to order a retreat.<sup>32</sup> Although the Cherokees won several of the initial battles, as the Anglo-Cherokee War continued the British began to overpower the Cherokee. As the British invaded Cherokee territory, they destroyed crops and entire towns, Nikwasi included. On June 10, 1761, Lieutenant Colonel James Grant again led British troops into the Middle Towns. After destroying “Echoy” and “Tasse,” Grant’s force “then march’d with Intentions to surprise Noucassih (Necuasee) but found it deserted also.”<sup>33</sup> Apparently, the Cherokees living at Nikwasi were made aware of the British approach and left the town unattended, perhaps trusting the Nunne’hi to protect it once again. Because of Nikwasi’s geographical location, the British did not immediately destroy the settlement. In fact, according to the journal of Captain Christopher French:

It was about four when we reach’d this last place. We went into their Town House which is a large Dome, surrounded with resting places made of Kane & pretty enough. This we converted in an [sic] Hospital.<sup>34</sup>

In addition to repurposing the town house into a field hospital, the British buried at least one of their dead under the floor of a house and then burnt that house to the ground in an attempt to protect the grave from plundering. After remaining at Nikwasi for three days,

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<sup>32</sup> McRae, *Franklin’s Ancient Mound*, 37-39.

<sup>33</sup> Christopher French, “Journal of an Expedition to South Carolina,” *Journal of Cherokee Studies* 2 (Summer, 1977), 284.

<sup>34</sup> *Ibid.*

on June 12, 1761, Grant received intelligence regarding a nearby party of Cherokees. Before leaving however, "...all the Troops off Duty were sent with their Arms to destroy the Corn about the Town" and burn several of the houses and "a Pow-wow House."<sup>35</sup> With Nikwasi destroyed, Grant's forces destroyed several of the Out Towns before returning to Fort Prince George in mid-August. In November, the Cherokee finally signed a peace treaty with the British colonies of Virginia and South Carolina.<sup>36</sup> With peace declared, the Cherokee worked to rebuild a number of the destroyed towns, Nikwasi included.<sup>37</sup>

As fate would have it, botanical curiosity led the Quaker naturalist William Bartram through Cherokee country on the eve of the American Revolution. In addition to recording a plethora of botanical information, Bartram's journal provides a number of observations regarding the post Anglo-Cherokee War persistence of Cherokee culture. For our purposes the most important piece of information Bartram provides deals with his travels through the Middle Towns. Although this section of Bartram's journal deals significantly with the Middle Town of Cowee, Bartram did write about his journey through "Nucasse." Interestingly, at least one contemporary archaeologist, Christopher Rodning, has assigned Bartram's observations about "Whatoga" to Nikwasi, claiming "that the place to which Bartram referred to as Whatoga is actually the mound and village

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<sup>35</sup> Ibid.

<sup>36</sup> Lt. Henry Timberlake was placed in charge of securing a peace with the Cherokee, especially in the Overhill region. For more see Duane H. King, Ed., *The Memoirs of Lt. Henry Timberlake: The Story of a Soldier, Adventurer, and Emissary to the Cherokees, 1756-1765* (Cherokee, NC: Museum of the Cherokee Indian Press, 2007).

<sup>37</sup> For more on the Anglo-Cherokee war, please see Hatley, *Dividing Paths*, 119-178; Boulware, *Deconstructing*, 110-129; and John Oliphant, *Peace and War on the Cherokee Frontier, 1756-63* (Baton Rouge, LA: Louisiana State University Press, 2001). For more on the war's specific role in Nikwasi, please see McRae, *Franklin's Ancient Mound*, 41-44.

known to archaeologists today as Nikwasi.”<sup>38</sup> The site modern archaeologists attribute to Whatoga does not match Bartram’s descriptions. So, if we subscribe to Rodning’s assertions about Bartram’s journal, the botanist described Nikwasi as a “large town” with a “...road...winding about through their little plantations of Corn, Beans, &c. up to the council-house, which was a very large dome or rotunda, situated on top of an ancient artificial mount.”<sup>39</sup> Aside from the contemporary debate about Bartram’s journal, the fact remains that even after Grant razed Nikwasi, Cherokees moved back to the sacred town and rebuilt it.

The arrival of yet another war on the Cherokee’s doorstep further confirms that assertion. The American Revolution forced the Cherokees to align themselves with either the British or the Americans. With concerns about trade at the forefront of Cherokee minds, the Cherokee declared their allegiance to the British cause.<sup>40</sup> Because the Cherokee aligned themselves with the British, they became immediate enemies of the Americans. As such, General Griffith Rutherford initiated his infamous march through Cherokee country on September 1, 1776. On this march, Rutherford’s troops “...set to work destroying crops and burning villages, among them, Nikwasi, Etchoe, Cowee, Cullasaja and Watoga.”<sup>41</sup> Even after Rutherford destroyed Nikwasi, the forces of Colonel Andrew Williamson fought a small contingent of Cherokees just north of the modern day

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<sup>38</sup> Christopher B. Rodning, “Bartram and the Archaeology of the Appalachian Summit,” in *Between Contacts and Colonies: Archaeological Perspectives on the Protohistoric Southeast* edited by Mark A. Rees and Cameron B. Wesson (Tuscaloosa, AL: University of Alabama Press, 2002), 74.

<sup>39</sup> William Bartram, *Travels and Other Writings* (New York, NY: The Library of America, 1996), 286.

<sup>40</sup> One cannot discount the role the Proclamation Line of 1763 played in the Cherokee decision either. If the Cherokee felt the British were sincere in establishing a line for their expansion, then there was even more reason to continue their alliance with the British.

<sup>41</sup> McRae, *Franklin’s Ancient Mound*, 45.

Franklin.<sup>42</sup> After a long, drawn-out war, some of the Cherokees signed the Treaty of Hopewell with the newly formed United States in 1785. Still, many Cherokees, known commonly as the Chickamauga Cherokees, continued to fight, only signing a treaty in 1794. As the nineteenth-century approached, the Cherokees who remained in the Middle Towns and Out Towns negotiated several treaties ceding more and more land to the young republic. With the Treaty of Cherokee Agency in 1817 and the Treaty of Washington in 1819, some of the Cherokees who remained at Nikwasi continued the fight to protect the mound, which still housed the sacred fire and the Nunne'hi.

Instead of illegally wrangling land away from the Cherokee through pure force on a largely individual level, white expansion assumed a different tenor. In 1817 and 1819, the United States government and the loose confederation of regions that comprised the Cherokee nation, negotiated two treaties, each of which ceded a significant portion of Cherokee ancestral homeland to the United States. The lands ceded to the United States in the Treaty of 1819 included Nikwasi (the mound and the surrounding village). According to Article 2 of the Treaty of 1819, Cherokee "heads-of-household" living within the ceded territory were allowed to claim a reservation of six hundred and forty acres. Furthermore, in order to claim a reservation, a Cherokee person had to renounce their citizenship in the Cherokee nation.<sup>43</sup> While the treaty does imply that North Carolina citizenship would be necessary to solidify the claim, the Cherokees who took advantage of this opportunity became a separate legal entity, "citizen Cherokees." They were no longer formally Cherokee and were not North Carolinian or American. This

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<sup>42</sup> For a more detailed account of Rutherford's expedition see Roy S. Dickens, "The Route of Rutherford's Expedition against the North Carolina Cherokees," *Southern Indian Studies* 19 (October, 1967): 3-24.

<sup>43</sup> U.S. Department of War, "Treaty of Washington," February 27, 1819, 7 Stat. 195.

distinction probably did not have an effect on the Cherokees who most likely continued to identify as Cherokee. Although the legal status of these Cherokees remained in flux, they retained formal possession of specific ancestral lands. Unfortunately for the citizen Cherokees, the State of North Carolina continued to fight for possession of the Cherokee reservations.<sup>44</sup>

Interestingly, the reservations claimed by citizen Cherokees were often clustered together. Instead of simply claiming random sections of land, Cherokees seemed to focus on reserving places of importance. In the case of Nikwasi, citizen Cherokees claimed four separate tracts, which encompassed the actual mound and a vast area of Nikwasi village land.<sup>45</sup> This collective action of preservation clearly demonstrates the importance that (at least some) Cherokees still held for Nikwasi. A white man, Gideon F. Morris, who married a Cherokee woman, claimed the 640-acre reservation that contained Nikwasi mound. Interestingly, Morris' wife, Rebecca (Nana) Morris, was the sister of a tremendously influential and famous Cherokee, Junaluska.<sup>46</sup> While Morris claimed a reservation in the name of his Cherokee wife, the struggle to protect the mound was far from over.

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<sup>44</sup> See Brett H. Riggs, *An Historical and Archaeological Reconnaissance of Citizen Cherokee Reservations in Macon, Swain, and Jackson Counties, North Carolina* (Knoxville, TN: University of Tennessee, Department of Anthropology, 1988), 13-15. For more please see John R. Finger, *The Eastern Band of Cherokees, 1819-1900* (Knoxville, TN: University of Tennessee Press, 1984); and John R. Finger, "The North Carolina Cherokees, 1838-1866: Traditionalism, Progressivism, and the Affirmation of State Citizenship," *Journal of Cherokee Studies* 5 (Spring, 1980): 17-29.

<sup>45</sup> Riggs, *Citizen Cherokee Reservations*, 205-209.

<sup>46</sup> Duncan, *Cherokee Heritage Trails Guidebook*, 153. At least one other source calls Nana (Rebecca) Morris Yonaguska's daughter: McRae, *Franklin's Ancient Mound*, 47.

Shortly after North Carolina received the influx of reservation claims, the North Carolina General Assembly passed a statute ordering the recently acquired lands to be surveyed. The law read in part:

[T]he lands lately acquired by treaty from the Cherokee Indians shall be surveyed and laid off into sections containing from fifty to three hundred acres...the said lands shall be exposed at public sale to the highest bidder...Each and every purchaser of any section...shall have full power and authority to institute an action of ejectment in the name of the state of North Carolina, against any person or persons, who may be in possession of such section of land.<sup>47</sup>

Robert Love and Robert Armstrong began to survey to claimed lands as prescribed by the aforementioned law. According to historian and archaeologist Brett Riggs, Love and Armstrong were instructed to ignore “the life estate claims and included those tracts in his survey of land liable to state sale.”<sup>48</sup> So, in addition to preparing the unclaimed lands acquired in the treaties of 1817 and 1819 for sale, the surveyors prepared the citizen Cherokee reservations for sale.

The lands claimed by citizen Cherokees like Gideon Morris, The Cat, Wallee, and The Clubb were often situated along river bottoms, prime agricultural land which would fetch a relatively high price in the auctions. Ironically, although Armstrong and Love were preparing the citizen Cherokee reservations for auction, Gideon Morris’ claim included, Morris participated in a number of the surveys as a chain carrier. According to Robert Armstrong’s survey book, Morris carried the chain on twenty-eight separate surveys of citizen Cherokee reservations.<sup>49</sup> In fact, on October 4, 1820, Morris carried the

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<sup>47</sup> As quoted in Brett H. Riggs, *An Historical and Archaeological Reconnaissance of Citizen Cherokee Reservations in Macon, Swain, and Jackson Counties, North Carolina* (Knoxville, TN: University of Tennessee, Department of Anthropology, 1988), 3.30.

<sup>48</sup> Riggs, *Citizen Cherokee Reservations*, 15-16.

<sup>49</sup> James L. Douthat, ed. *Robert Armstrong’s Survey Book of Cherokee Lands* (Signal Mountain, TN: Institute of Historic Research, 1993). See also Riggs, *Citizen Cherokee Reservations*, 97.



chain on the survey of his own reservation, which effectively destined the land for auction to the highest bidder.<sup>50</sup> When the lands were sold out from underneath the citizen Cherokees, however, several of those who held reservations took their fight to the courts, Gideon Morris included.

While a number of citizen Cherokees exploited legal loopholes that allowed them to file cases in the North Carolina courts, because Morris was a white man, his legal standing added legitimacy to Cherokee claims. While Morris fought for his own claim, he also used his whiteness to represent the claims of other Cherokees.<sup>51</sup> That said, even when a citizen Cherokee filed their own case, the courts often ruled in their favor. For example, in *Eu-che-lah v. Welsh*, filed in Buncombe County in 1824, the court ruled in favor of the Cherokee plaintiff:

The court determined that...the Cherokees had acquired the land, to which the Indian was entitled, and that the land had not been abandoned to North Carolina. The court held that the treaties of the United States were binding upon North Carolina and that North Carolina was without authority to pass a law that deprived the Cherokees of the rights to the land provide in Treaties, 1817 and 1819...The court concluded that the commissioners who sold the land to the trustees for the university had exceeded their authority under the Treaties.<sup>52</sup>

While the court ruled in favor of citizen Cherokees – in this case and several others – many of the white defendants filed appeals in higher courts.

Morris and the citizen Cherokees continued the legal fight, however, pushing the state of North Carolina to create a commission to deal with the claims. That commission, which consisted of two commissioners, Benjamin Robinson and William Robards, worked to obtain title for the state of North Carolina, either through direct purchase or

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<sup>50</sup> *Ibid.*, 53.

<sup>51</sup> Riggs, *Citizen Cherokee Reservations*, 97.

<sup>52</sup> *Eu-Che-Lah v. Welsh*, 10 N.C. 155. See also *Yon-na-gus-kee v. Coleman*, 10 N.C. 174.

legal action.<sup>53</sup> In an examination of citizen Cherokee reservations, historian and archaeologist Brett Riggs asserts that “It was principally through Morris’s [sic] efforts that the state of North Carolina initiated the commission to extinguish Cherokee claims through individual compensation.”<sup>54</sup> Now, instead of fighting for possession of Nikwasi, Morris fought for monetary satisfaction. In exchange for his 640-acre reservation, Morris and his wife received \$3,000 on March 13, 1830, two years after a state act officially created Macon County.<sup>55</sup>

Morris’ actions combined with his non-Cherokee identity signaled a change in the importance of Nikwasi. Although much of Nikwasi’s previously established sacredness probably remained for many Cherokees, some of the same troubles that altered the sacredness of Chota affected Nikwasi. Now the ancient Mother Town, occupied by non-Cherokees, began to assume a different variety of importance. As evidenced by Morris’ participation in surveying his own lands and his willing acceptance of monetary compensation for a priceless place, Nikwasi became valuable because of its fertile soil and proximity to the Little Tennessee River. That said, even as the town of Franklin sprouted up around Nikwasi, the mound remained virtually undisturbed. Thus, something other than economic considerations must have continued to inform non-Cherokee attitudes towards Nikwasi. Otherwise, what kept Franklinites from grading the mound down to create more arable land?

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<sup>53</sup> For more on the legal struggles of the citizen Cherokees see Ben Oshel Bridgers, “A Legal Digest of the North Carolina Cherokees,” *Journal of Cherokee Studies* 4 (Winter, 1979): 29-43.

<sup>54</sup> Riggs, *Citizen Cherokee Reservations*, 98.

<sup>55</sup> *Ibid.*; and McRae, *Franklin’s Ancient Mound*, 48; and Jessie Sutton, ed., *The Heritage of Macon County, North Carolina, 1987* (Winston-Salem, NC: Hunter Publishing Company, 1987), 4.

Eventually, Jessie R. Siler, “the richest man in Macon County,” acquired a 30-acre portion of the Morris reservation, which encompassed Nikwasi mound.<sup>56</sup> According to Barbara McRae, Siler and his wife commissioned the construction of “...a summer house or gazebo on the mound.”<sup>57</sup> The Silers kept the property in the family, selling the tract to James L. Robinson, a grandson-in-law, for \$1,500 in 1869. When James Mooney arrived in Cherokee country in 1889, he requested permission from the mound owner, H.G. Trotter, to excavate. Trotter responded in the affirmative replying, “You can cut into the mound for 25 dollars if you will fill up the cut agane [sic]. It is very prettie & set in grass.”<sup>58</sup> As time passed, the town of Franklin, incorporated in 1855 as the county seat, began to encroach on Nikwasi mound.

Even as the ancient village site began to succumb to development, the mound continued to contribute to an understanding of colonial American history. In 1887 a group of boys playing near the mound discovered three skeletons and an assortment of personal artifacts that had been unearthed by a recent storm. Among those artifacts was a silver gorget, often worn around the necks of British officers as a sign of rank. After some research, interested citizens discovered that the gorget belonged to Daniel Cryn, a Second Lieutenant in Colonel Montgomery’s fighting force, who was captured by Cherokees, taken to Nikwasi and never heard from again. Unfortunately, it is difficult to ascertain how this discovery influenced Franklin residents’ ideas about the mound. Yet,

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<sup>56</sup> Sutton, *Heritage of Macon County*, 466.

<sup>57</sup> McRae, *Franklin’s Ancient Mound*, 48.

<sup>58</sup> James Mooney, “Letters from the Field,” *Journal of Cherokee Studies* 7 (Spring 1982), 41; McRae, *Franklin’s Ancient Mound*, 48-49; and Mooney, “Myths of the Cherokee,” 337.

the allusion to the brutality of American Indians may have helped to transform the mound from a repository of Cherokee history to a container for American colonial history.<sup>59</sup>

By the time W. Roy Carpenter came into possession of the mound, commercial interests expressed a desire to purchase the prime property on which the mound stood. While ideas of economic growth permeated the American mindset and motivated American businessmen and landholders, a spirit of conservation and preservation – manifested most clearly, perhaps, by the creation of the Great Smoky Mountains National Park in 1934 – allowed a new sort of sacredness to become attached to Nikwasi.<sup>60</sup>

While the National Park Service claims June 15, 1934 as the official creation of the Great Smoky Mountains National Park, the ideas and attitudes that led to the creation of the Park begin much earlier.<sup>61</sup> In fact, at least one park historian credits a Franklin resident, Rev. C. D. Smith, with making the first suggestion in the early 1880s.<sup>62</sup> Perhaps as a result of that suggestion, in February of 1893, the North Carolina legislature passed a bill encouraging an effort to lobby for a national park in the southern Appalachians. Additionally, in 1899, an early movement formed in Asheville, North Carolina, that pushed for the creation of an Appalachian national park.<sup>63</sup> Although the history of the conservation and preservation movements can be traced far back into American history, the real crystallization of attitudes of conservation and preservation can be found in two

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<sup>59</sup> McRae, *Franklin's Ancient Mound*, 40-41.

<sup>60</sup> Carlos C. Campbell, *Birth of a National Park in the Great Smoky Mountains* (Knoxville, TN: University of Tennessee Press, 1960), 8.

<sup>61</sup> 48 Stat. 964.

<sup>62</sup> Michael Frome, *Strangers in High Places: The Story of the Great Smoky Mountains* (Knoxville, TN: University of Tennessee Press, 1980), 165.

<sup>63</sup> Daniel S. Pierce, *The Great Smokies: From Natural Habitat to National Park* (Knoxville, TN: University of Tennessee Press, 2000), 37-38. For more on the early movements for a National Park in the Appalachians please see Charles Dennis Smith, "The Appalachian Park Movement, 1885-1901," *North Carolina Historical Review* 37 (January 1960): 38-65.

places: the debate between preservationists and “utilitarian” conservationists and the rhetoric and strategies employed in local fundraising campaigns. By examining the rhetoric of both the debate and fundraising campaign, we can show how certain places assumed a different sort of importance and demonstrate how a spirit of preservation became cemented among the people of western North Carolina.<sup>64</sup>

The passage of two major pieces of legislation in the early twentieth century memorialized the debate over the “right” type of conservation. For the advocates of “utilitarian” conservation, embodied by Gifford Pinchot, the Weeks Act of 1911, which called for “...conserving the forests and water supply,” ushered in an era of “wise-use” conservation.<sup>65</sup> For Pinchot and other champions of “conservation-with-an-axe,” the Weeks act allowed the federal government to purchase large tracts of forest and employ conservative methods of logging. Instead of clear cutting entire mountainsides – the preferred methodology of the recent past – lumbering interests would utilize new progressive, scientific methods of logging. Instead of logging with only short-term economic interests in mind, “wise-use” logging extended the economic benefits of southern Appalachian forests indefinitely, at least in theory. According to historian Michael Frome, lumbering grew – and National Forests were championed – because

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<sup>64</sup> For more on the debate please see the works of Campbell, Pierce and Frome cited throughout the paper. Also, please see H. Duane Hampton, “Opposition to National Parks,” *Journal of Forest History* 25 (Jan., 1981): 36-45; and Will Sarvis, “An Appalachian Forest: Creation of the Jefferson National Forest and Its Effects on the Local Community,” *Forest & Conservation History* 37 (Oct. 1993): 169-178.

<sup>65</sup> 36 Stat. 961. Gifford Pinchot actually played a significant role in the history of western North Carolina Forestry working towards conservation on the Biltmore Estate in Asheville, NC. For more on Pinchot at the Biltmore, please see Harold T. Pinkett, “Gifford Pinchot at Biltmore,” *North Carolina Historical Review* 34 (July, 1957): 352. For more on Gifford Pinchot generally please see Char Miller, *Gifford Pinchot and the Making of Modern Environmentalism* (Washington, DC: Island Press, 2001); and M. Nelson McGeary, *Gifford Pinchot, forester-politician* (Princeton, NJ: Princeton University Press, 1960).

“...the man who did most to exploit the land for his own profit became the most successful and admired; for by our standards he was contributing to national growth and progress.”<sup>66</sup>

While a significant portion of the population of western North Carolina championed the ideals of utilitarian conservation – mostly for its tangible, job-creating benefits – a new, seemingly more idealistic movement continued to gain ground. On August 25, 1916, President Woodrow Wilson signed a law, which officially created the National Park Service and codified the purpose of National Parks:

[T]o conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such a manner and by such means as will leave them unimpaired for the enjoyment of future generations.<sup>67</sup>

Instead of conserving forests and streams for future exploitation by logging interests, it seemed as if National Parks would conserve the “wild” parts of America for education and posterity. According to an assistant superintendent in the Great Smokies, the National Parks were to be “outdoor museums,” which worked to preserve values “so fleeting and intangible that we can never assess their true value or meaning.”<sup>68</sup> While many park supporters and preservationists spoke in similar platitudes, in order to convince the people of North Carolina and Tennessee to support a park in the Smokies, leaders of the movement championed the economic benefits of a National Park.

The people of western North Carolina and eastern Tennessee experienced the benefits of “wise-use” conservation first-hand. Because conservationists told them that the forests, once protected, could be logged in perpetuity, the people found their

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<sup>66</sup> Frome, *Strangers in High Places*, 165.

<sup>67</sup> 39 Stat. 535.

<sup>68</sup> David deL. Condon as quoted in Campbell, *Birth of a National Park*, 57-58.

economic fears assuaged. But how, in the face of this tremendous progress, could advocates of preservation convince the people of the Smoky Mountains to embrace a National Park? The answer, not unexpectedly, was money. National Park apologists claimed that economic benefits of logging, even according to the progressive methods of Pinchot, was, at best, a short term solution. Instead, the tourism created by a National Park would provide a long-term solution to the region's economic woes. From the beginning, those in favor of a National Park in the southern Appalachians used tourism and its economic benefits as a hook.<sup>69</sup>

By couching the benefits of a National Park in economic rhetoric, park supporters scored a substantial victory. The passage of two separate laws – one on February 21, 1925 and the other on May 22, 1926 – allowed for the securing of lands and eventual creation of a National Park in the Great Smoky Mountains of Tennessee and North Carolina for “the benefit and enjoyment of the people.”<sup>70</sup> While park supporters had enough converts to secure the passage of the aforementioned bills, they now had to raise the funds required to purchase the lands that would comprise the park.

In October of 1925, leaders in the Tennessee movement pledged to raise \$415,000 for the express purpose of securing lands.<sup>71</sup> In order to collect this astronomical amount, an “army” of fundraisers blanketed eastern Tennessee and western North Carolina. In addition to championing the economic benefits of a park in the Smokies – that the money donated should be viewed as an investment rather than a gift – fundraisers stressed more romantic views of conservation.<sup>72</sup> While acknowledging the obvious economic benefit of

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<sup>69</sup> Pierce, *Great Smokies*, 33, 45; and Frome, *Strangers*, 177.

<sup>70</sup> 43 Stat. 958 and 44 Stat. 616.

<sup>71</sup> Campbell, *Birth of a National Park*, 37.

<sup>72</sup> *Ibid.*

the park, North Carolina Senator Mark Squires asserted, "...this park would be even more important as the means of saving virgin forests for the education and inspiration of future generations."<sup>73</sup>

According to an editorial in the *Knoxville Sentinel*, the Smoky Mountains were "Sacred Ground," not a place for profit taking.<sup>74</sup> Here we see the use of the word "sacred" to describe the lands in need of preservation. Although the editorialist almost certainly did not intend "sacred" to call on indigenous feelings towards the place, he did use the term to convey the tremendous importance of the lands to be preserved. As with most words throughout history, definitions carry the weight of their historical context. In this case, "sacred" was employed as a means to convey the gravity of the situation. While the lands to be protected were almost certainly sacred to their indigenous inhabitants, their sacredness was molded into a decidedly non-Cherokee framework.

This new sort of importance was conveyed by a combination of newspaper editorials and political cartoons, both of which used an idealistic rhetoric of preservation and played an integral role in raising both support and funds for the park.<sup>75</sup> That said, fundraisers still canvassed both large towns, like Knoxville and Asheville, and small towns throughout the southern Appalachians pushing for donations.<sup>76</sup>

Although large donors, both corporate and individual, comprised a significant portion of the donations, fundraisers left no stones unturned. Even school children of all grade levels participated in the drive to secure a National Park in the Great Smokies. Students from Carson-Newman College (\$610) and Knoxville High School (\$2,490)

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<sup>73</sup> *Ibid.*, 37, 136.

<sup>74</sup> *Ibid.*, 45.

<sup>75</sup> For a sampling of the political cartoons, please see Appendix C. On the integral role of newspapers see Campbell, *Birth of a National Park*, 139-140.

<sup>76</sup> Pierce, *Great Smokies*, 95; *Knoxville Journal*, November 22, 23, 24, 1925.



contributed to the effort.<sup>77</sup> According to Campbell, "...more than 4,500 school children in Knox, Blount, Cocke and Sevier counties..." gathered their nickels, dimes and quarters and gave a total of \$1,391.72 to help purchase land.<sup>78</sup> In addition to raising funds in area schools, essay competitions on the topic of "Why I Would Like a National Park in the Great Smoky Mountains" were sanctioned, fostering a spirit of preservation among southern Appalachian children.<sup>79</sup>

As North Carolina and Tennessee approached their fundraising goals, it seemed as if a palpable spirit of conservation and preservation had permeated the southern Appalachians. Additionally, rather than supporting the park for simply economic reasons, romantic ideas about preservation for posterity, the education of future generations, and even sacredness had taken hold. Smoky Mountain historian Daniel Pierce commented on this phenomenon asserting, "...the promotion and fundraising campaign had created thousands of passionate converts to the Smokies project and, to some extent at least, to the cause of scenic preservation."<sup>80</sup> By the time Franklin Delano Roosevelt traveled to the border of North Carolina and Tennessee on September 2, 1940 to dedicate the Great Smoky Mountains National Park, the people of western North Carolina had passionately subscribed to an ethos of preservation. So, when a monument to the early history of Franklin and Macon County came under fire from commercial interests, the people of Franklin rallied together to preserve Nikwasi using the progressive rhetoric and techniques learned during the fight for an Appalachian National Park.

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<sup>77</sup> Pierce, *Great Smokies*, 105; *Knoxville Journal*, March 24, 1926.

<sup>78</sup> Campbell, *Birth of a National Park*, 38; and Frome, *Strangers*, 189.

<sup>79</sup> Frome, *Strangers*, 189.

<sup>80</sup> Pierce, *Great Smokies*, 106. See also Campbell, *Birth of a National Park*, 38.

For at least eight-years prior to the formal movement to save Nikwasi Mound from commercial development, prominent Franklin residents voiced their desire to preserve the mound. Throughout the 1930s, Franklin resident Margaret Siler wrote columns for the *Franklin Press* and the *Asheville Citizen* that talked about the original inhabitants of western North Carolina.<sup>81</sup> In 1938, Siler published *Cherokee Indian Lore & Smoky Mountain Stories*, a collection of her newspaper articles. One of the stories included in that collection, entitled “Nikwasi Mound,” tells a modified version of “The Spirit Defenders of Nikwasi.” While Siler asserts that the Nunne’hi were responsible for protecting Nikwasi from a railroad and commercial development, the most intriguing part of Siler’s story is her call to action. The final sentence of her story invokes memories of the Nunne’hi and the idea of the “disappearing Indian,” calling on those Cherokee “spirit defenders” to help protect the mound: “Hurry up, Nun-ne-hi, and bring the government and the state to help save this age-old monument to a people that are scattered and torn.”<sup>82</sup>

In addition to Siler’s passive preservation tactics, Franklin attorney Gilmer A. Jones jumpstarted an aggressive campaign to save Nikwasi Mound. Jones, the one-time mayor of Franklin (1919-1920), was heavily involved in the Franklin community, acting as a charter member of both the Franklin Rotary Club and Franklin’s American Legion Post.<sup>83</sup> In addition to offering his services to the local community, Jones also acted as a voluntary legal advisor to the Eastern Band of Cherokee Indians, often appearing in tribal

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<sup>81</sup> It is likely that Margaret Siler was a member of the same Siler family as Macon County patriarch Jessie Siler. If so, that adds an intriguing air of synchronicity to this story.

<sup>82</sup> Siler, *Smoky Mountain Stories*, 32. For more on the “disappearing Indian” see Alice Nash and Christopher Strobel, *Daily Life of Native Americans From Post-Columbian Through Nineteenth-Century America* (Westport, CT: Greenwood Press, 2006), 231-254.

<sup>83</sup> Sutton, *Heritage of Macon County*, 298.

councils.<sup>84</sup> While efforts to preserve Nikwasi Mound had been largely informal throughout the twentieth-century, in July 1946 the mound's owner, W. Roy Carpenter, made it known that he had received a bona-fide offer to level the mound and sell the lot to commercial interests. Upon hearing this news, Gilmer Jones sprang into action.<sup>85</sup>

On July 25, 1946, the *Franklin Press* printed an article, entitled "Move Launched to Buy, Preserve Indian Mound," that signaled the beginning of a formal effort to preserve Nikwasi Mound. The mound, described as "...a distinguishing physical characteristic of Franklin..." which "...has great historical and traditional interest." Reacting to the possibility of losing this repository of history, Gilmer Jones proposed that the mound be "...acquired by the public and preserved as a perpetual monument to the Charokee [sic] Indians." Interestingly, this article illustrates a dialogue between different manifestations of sacredness. The author located the importance of the mound in its role as a part of Franklin's history. Instead of emphasizing the importance of the mound to Macon County, Jones, who had a history of empathizing with Cherokees, determined that the mound's importance was derived from its Cherokee heritage. As the push to preserve Nikwasi progressed, much of the rhetoric came to focus on the mound's importance to Macon County, not Cherokee Indians.<sup>86</sup>

Although Jones was at least indirectly connected with the Eastern Band of Cherokee Indians, a review of the Eastern Band's Tribal Council records reveals that the Eastern Band was not directly involved in the preservation effort. Even if they were aware of Jones' newly minted drive to preserve Nikwasi, the records indicate that issues

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<sup>84</sup> McRae, *Franklin's Ancient Mound*, 50.

<sup>85</sup> *Ibid.*, 51; "Move Launched to Buy, Preserve Indian Mound," *Franklin Press*, July 25, 1946.

<sup>86</sup> "Move Launched to Buy, Preserve Indian Mound," *Franklin Press*, July 25, 1946.

surrounding the Boundary Tree tract and ideas for economic development dominated the discourse of the 1946 meetings. This lack of Cherokee participation could mean several things. Perhaps Jones thought their participation would be a detriment to the overall effort. More likely, however, the sacredness assigned to Nikwasi by Cherokees before the Treaty of 1819 had waned. By 1946, the mound seemed to mean more to the non-Cherokee residents of Macon County than the Eastern Band. That said, as the 2008 celebration demonstrated, Nikwasi eventually regained much of its sacredness for Cherokee people.<sup>87</sup>

Looking to play a direct role in the preservation of Nikwasi, Gilmer Jones approached the mound's owner, W. Roy Carpenter, to inquire as to a purchase price. Carpenter claimed that he had received a "bona-fide" offer of \$3,000 from commercial interests, but he was willing to offer the mound to "a commission or board of trustees" for the bargain price of \$1,500. While Carpenter made it clear that his interests lay with preservation, his offer was only good until September 1 of that year.<sup>88</sup>

In response to Carpenter's offer, Jones and several other concerned Franklin citizens formed the Nikwasi Indian Mound Association to "set in motion a program for the preservation of Nikwasi Mound." Because public funds were not available to assist in the purchase of the mound, the Mound Association decided upon a fundraising campaign similar to that employed in the effort to create an Appalachian National Park. Concerned citizens could donate money to the cause through a dedicated account at the Bank of Franklin.<sup>89</sup>

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<sup>87</sup> Eastern Band of Cherokee Indians Council Records, February 18, 1946, October 8, 1946, October 9, 1946, Western Carolina University microfilm #496, reel 1.

<sup>88</sup> "Move Launched to Buy, Preserve Indian Mound," *Franklin Press*, July 25, 1946.

<sup>89</sup> "Nikwasi Mound Body Is Formed," *Franklin Press*, August 1, 1946.

A letter to the editor published in the *Franklin Press* on August 1 called for the immediate preservation of the mound. In the words of the concerned citizen, the Mound “is rich in historical and sentimental associations, and deserves preserving for that reason even if there were no other.” While the writer of the editorial advocated for the preservation of the mound, they simultaneously called for the addition of a white picket fence, flowers and “a statue of an Indian atop the little hill” so the mound could be developed into a park or playground.<sup>90</sup> By showing how Nikwasi, even if not developed commercially, could be utilized by the people of Franklin, the author calls on the previous tactics of park fundraisers. Because only a small portion of the population would support preservation for its own sake, fundraisers had to demonstrate the mound’s probable utility, thus broadening the mound’s appeal. In this way, the mound’s sacredness continued its metamorphosis. Now, all references to the Cherokee history of Nikwasi disappeared and were replaced with ideas about Nikwasi’s importance for non-Cherokee history and contemporary economic benefit. Even the *Asheville Times* jumped on the preservation bandwagon, publishing an editorial in the *Franklin Press* on August 8 calling for the “Citizens of Macon” to come “forward in the support of the campaign to preserve this relic of the Stone-Age.”<sup>91</sup> Similar to the initial wave of park fundraising, these public calls for support produced immediate dividends.

By August 15, the fund to preserve Nikwasi contained \$273. While the Nikwasi Indian Mound Association’s treasurer, J.C. Jacobs, had received thirty separate donations, two donations of \$50 made up the bulk of the fund. Don S. Elias, vice-president of the Asheville Citizen-Times Company donated \$50 and the company itself

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<sup>90</sup> “The Mound,” *Franklin Press*, August 1, 1946.

<sup>91</sup> “Nikwasi Mound Should Be Preserved,” *Franklin Press*, August 8, 1946.

donated an additional \$50. Letters accompanying those donations expressed support for the preservation movement, calling the “general historical significance attached to the mound” worthy of preservation. One of the letters even suggested the possibility of creating a Cherokee Indian museum near the mound.<sup>92</sup>

Although fundraising started off quickly, donations soon leveled off. A week after trumpeting the news of the two large donations, the *Franklin Press* called for “every man, woman, and child in the county who is interested in the Mound to make their contributions immediately.”<sup>93</sup> In addition the aforementioned call to arms, two editorials published in the same edition offered an intriguing solution to the fundraising problem. While one editorial simply called on the pride of Franklin’s citizenry, another borrowed directly from the national park campaign.<sup>94</sup> As Carpenter’s September 1 deadline quickly approached, another important date loomed, the start of the school year. Instead of simply relying on the goodwill of Macon County’s adults, this editorial called for the participation of Franklin’s school children, asking the teachers to “...call the attention of the children to the movement to preserve the Nikwasi Indian Mound, and suggest that they bring their contributions the following morning.” Unfortunately, this call for Franklin’s school children to “take part in the preservation of something of historic value” did not have an immediate impact.<sup>95</sup>

By August 29, days before the deadline, only \$435 had been donated to the cause.<sup>96</sup> A week later, the designated account at the Bank of Franklin had reached \$735. Luckily for the mound’s advocates, Carpenter extended the deadline to create a

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<sup>92</sup> “\$273 Donated To Fund To Buy Indian Mound,” *Franklin Press*, August 15, 1946.

<sup>93</sup> “8 More Donors Boost Mound Fund to \$328,” *Franklin Press*, August 22, 1946.

<sup>94</sup> “Simple Arithmetic,” *Franklin Press*, August 22, 1946.

<sup>95</sup> “History in Action,” *Franklin Press*, August 22, 1946.

<sup>96</sup> “Indian Mound Drive Lagging: \$435 Donated,” *Franklin Press*, August 29, 1946.

“permanent memorial of this historic site” until September 20.<sup>97</sup> On September 19, a day before the new deadline would expire, \$1,039 had been raised. While a little over \$300 was raised in three weeks, \$100 came from a single donation and it seemed as if the mound was destined for destruction. Officials pleaded for “fast and generous giving” to meet the deadline, but their pleas went largely unanswered.<sup>98</sup>

Fortunately for the Nikwasi Indian Mound Association, W. Roy Carpenter “agreed to give a reasonable additional amount of time” for more funds to be raised. As Carpenter generously extended the deadline indefinitely, the pleas of editorialists finally paid dividends. The September 26 edition of the *Franklin Press* reported a unique \$5 donation “from Mrs. Virginia D. Ramsey’s seventh-grade room of the Franklin School, made up of nickels, dimes and quarters brought by the children.”<sup>99</sup> This small, but symbolic, donation created a momentum that carried the campaign through to its eventual success. Another \$26.56 “from the children and teachers of the Franklin School” added to the positive direction of the drive to preserve Nikwasi and by October 10, the Nikwasi Indian Mound Association purchased the mound.<sup>100</sup>

According to the campaign’s treasurer, about 200 donors, school children included, contributed to the preservation of the mound. The October 10 edition of the *Franklin Press* trumpeted the movement’s success:

A monument to the early history of Macon County, the Nikwasi Indian Mound is to be preserved for posterity.

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<sup>97</sup> “Indian Mound Contributions Reach 734.00,” *Franklin Press*, September 5, 1946.

<sup>98</sup> “34 Donations From Dozen States Donate To Mound Fund,” *Franklin Press*, September 19, 1946.

<sup>99</sup> “New Donations Push Fund For Mound To \$1,178,” *Franklin Press*, September 26, 1946.

<sup>100</sup> “Nearing \$1,500 Goal In Drive To Save Mound,” *Franklin Press*, October 3, 1946.

Although the newspaper only explicitly lauded the success of preserving the mound, the language employed reveals another sort of success. Finally, the mound was transformed from a sacred Cherokee place to a kind of sacred place for the residents of Franklin and Macon County. Its non-Cherokee sacredness was memorialized. Without that transformation, Nikwasi mound could have never been deeded to the Town of Franklin for perpetual preservation.<sup>101</sup>

In addition to the debt owed the environmental preservation and conservation movements, Nikwasi's preservation owed much to the fledgling historic preservation movement. By the 1940s, the seemingly omni-present threat to American "heritage" pushed a diversity of people to fight commercial development that endangered historic sites.<sup>102</sup> Much of the language of the deed stands as a testament to the spirit of the movement launched to preserve Nikwasi Mound. While the movement to create an Appalachian National Park championed the economic benefits of a park, it also employed rhetoric of preservation – for posterity, for future generations, and for education. The movement to save Nikwasi differed only in scale. Instead of preserving hundreds of thousands of acres, the people of Franklin saved three-quarters of an acre of history. The cause of a national park was directly translatable to the cause of a local historical monument. Jones' progressive strategies of organization and fundraising found their genesis in the National Park movement. That spirit of preservation and conservation – "for the permanent enjoyment of the people" – is forever preserved in the language of the deed:

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<sup>101</sup> "Mound Is Bought Deed Given Town," *Franklin Press*, October 10, 1946.

<sup>102</sup> For more on the history of the historic preservation movement see Mike Wallace, *Mickey Mouse History and Other Essays on American Memory* (Philadelphia, PA: Temple University Press, 1996), 177-221.



The mound situated upon the property above described shall be preserved for the citizens of Macon County and for posterity, and the same shall be kept as it now stands and shall not be excavated, explored, altered, or impaired in any way or used for any commercial purpose, and shall be kept as a monument to the early history of Macon County...and should the Town of Franklin at any time fail to carry out the provisions of this instrument, then any citizen of Macon County shall have the right to apply to the court for injunctive relief and to prosecute said action in their own behalf and in behalf of all other citizens of Macon County.<sup>103</sup>

That language clearly demonstrated the intentions of those who fought to preserve Nikwasi Mound. The mound stands preserved for the people, the citizens of Macon County. While the sacredness of the mound was initially derived from Cherokee interactions with the place, after the mound was preserved as a piece of Macon County history, its importance had migrated to the decidedly non-Cherokee citizens of Macon County.

So, Nikwasi mound, a place steeped in Cherokee mythological history was transformed into, and preserved as, a container for American heritage. Ironically, without this psychological plasticity, Nikwasi would probably have succumbed to the bulldozer and commercial development. From the mythological exploits of the Nunne'hi, to the actions of the Cherokee people throughout the early contact period to the efforts of white Maconians in the twentieth century, the history of Nikwasi mound is, in many ways, a history of protection that reflects changing ideas about the importance of Nikwasi. The Nunne'hi protected Nikwasi from the attempted invasion of an unknown ancient enemy. The Cherokees living at Nikwasi fought against the British in 1760 and the Americans in 1776 in order to protect (and rebuild) the town and mound, the sacredness of which lay in its mythic, social, cultural, and historical importance. In the early nineteenth-century, those Cherokees who remained fought American expansion in the courts; this time

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<sup>103</sup> Macon County Register of Deeds, Book O-5, Pages 203-204, October 7, 1946.

focusing on the economic benefits of the fertile land along the Little Tennessee. And finally, in the twentieth-century, non-Cherokees fought against commercial growth by employing a rhetoric of preservation. If the people of Macon County had not transformed the sacredness of Nikwasi to fit the environmental and historical preservation efforts, the 1946 movement may have been drastically different.

Even today, the sacredness of Nikwasi is constantly being negotiated. From a proposal to cover Nikwasi with Astroturf to a proposal to turn Nikwasi into a park, the people of western North Carolina, Cherokee and non-Cherokee alike, continue the dialogue about the importance and sacredness of Nikwasi.<sup>104</sup> While the mid twentieth-century non-Cherokee citizens of Macon County had appropriated the sacredness of Nikwasi in their struggle to preserve it, by 2008 the Eastern Band had reasserted its claims to the sacredness of the mound. This “new” awareness of the sacredness of Nikwasi not only owed much to the Tellico controversy, but to a late twentieth-century movement to re-acquire and preserve one of the most important places in the Cherokees ancestral homeland, Kituwah.

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<sup>104</sup> “Coalition builds momentum for Nikwasi Park,” *Smoky Mountain News*, August 26, 2009; Marla Dalrymple, “Nikwasi Mound deed could be transferred to create park,” *Macon County News*, September 3, 2009; “Nikwasi Mound Debate Continues,” *Macon County News*, June 30, 2011; “Town of Franklin will not use Astroturf on Nikwasi Mound,” *Macon County News*, July 7, 2011; and “Nikwasi Mound now on Heritage Trails list,” *Smoky Mountain News*, May 14, 2008.

CHAPTER THREE: “THE FIRE BURNS YET”  
 CHEROKEE IDENTITY AND THE PRESERVATION OF KITUWAH

This, the site of our very first town is so indelibly intrinsic to our culture that it designated our tribal identity... We possess an afferent cultural affinity for this place that is innate and unique... we are still Kituwah.

— Tom Belt and Gloriette Mills

At the October 1997 dedication of Kituwah, United Keetoowah Band of Cherokee Indians Vice Chief Jim Henson spoke of a Cherokee prophecy that said the Cherokee could only be truly Cherokee if they were in possession of Kituwah. And, if the sacred Mother Town were lost again, the Cherokee would cease to exist as a distinct people.<sup>1</sup> In addition to that prophecy, Cherokee Nation member Tom Belt spoke of how his grandmother kept the memory of Kituwah alive through oral culture. She told her grandson that Kituwah was the place, “where God had given the Cherokee their laws and first fire, establishing them as a people.”<sup>2</sup> As that ceremony made clear, Kituwah held a special importance for many contemporary Cherokee people.

Nestled along the Tuckasegee River in modern day Swain County, North Carolina, the ancient “Mother Town” of Kituwah continues to inform modern manifestations of Cherokee identity. Despite losing control of the ancient village-site in the early nineteenth-century, many Cherokees maintained their cultural ties to Kituwah through oral tradition. Finally, on November 25, 1996, in their first major land purchase, the Eastern Band of Cherokee Indians purchased Kituwah (the mound and the 309 acres

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<sup>1</sup> Andrew Curry, “Cherokee Holy of Holies,” *Archaeology* 55 (Sep/Oct 2002), 70.

<sup>2</sup> *Ibid.*

that surround it), which fulfilled Henson's prophecy.<sup>3</sup> Instead of uniting the Cherokee people, however, this purchase led to vociferous debate among the Cherokee about what Kituwah means to modern Cherokees and what should be done with the land. That debate, and a recent controversy between Duke Energy and members of the Eastern Band, offers an intriguing glimpse into the role of preservation in the construction of modern Cherokee identity and the transformation of Cherokee ideas of sacredness.<sup>4</sup>

Before we can explore that debate we must first answer a plethora of questions about the mythical and historical significance of Kituwah. What did Kituwah mean to Cherokees before contact with Europeans? What was the significance of Kituwah and the Out Town region to Cherokees after sustained contact with Euro-Americans? How did the Cherokee lose "ownership" of this sacred place? And, most importantly perhaps, how did the Cherokee regain possession of Kituwah?

While ethnologist James Mooney recorded a number of Cherokee myths, legends and stories, few reference Kituwah by name. Yet the few that do demonstrate the importance that Kituwah may have held for pre-contact Cherokees.<sup>5</sup> The myth entitled "The Mounds and the Constant Fire: The Old Sacred Things" is perhaps the most important of these myths. Mooney's retelling discusses how and why Cherokee mounds, including the one at Kituwah, were created. In the center of these mounds, careful attention was paid to the construction of the hearth where the sacred flame would live. The hearth began with a circle of stones and a collection of sacred objects, blessed (or cursed, depending on one's perspective) by a priest so that anyone who attempts to

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<sup>3</sup> Swain County Register of Deeds. 1996. Book 201, p. 204.

<sup>4</sup> "Proposed Development of Kituhwa 'Mother Town' of the Cherokee, Debated," *Cherokee Nations News*, April 20, 2000.

<sup>5</sup> As discussed in the introduction, because Mooney conducted his study in the late nineteenth-century, it is difficult to know the true meaning of Kituhwa to pre-contact Cherokee.

destroy the village or townhouse would be struck down by disease. As the people built-up the mound with baskets of dirt,

[T]hey left an open place at the fire in the center and let down a hollow cedar trunk, with the bark on, which fitted around the fire and protected it from the earth. This cedar log was cut long enough to reach nearly to the surface inside the townhouse when everything was done. The earth was piled up around it, and the whole mound was finished off smoothly, and then the townhouse was built upon it.<sup>6</sup>

This construction method reveals the importance of fire (especially sacred fire) for the Cherokee. Not only was the hearth placed at the village's center, it was protected by a cedar trunk encased by earth. That way, the "fire keeper" could protect the sacred flame and keep it burning in perpetuity.

Historian David Corkran offers further analysis of the cultural significance of fire for the Cherokee. In examining the journals of a trader, Alexander Long, and a missionary, William Richardson, Corkran reaches several interesting conclusions about the sacredness of fire: "...the Cherokees had dances in which reverence was paid to the fire; fire was held to be at least equal in mystical potency to water; fire had a spirit; the spirit of fire was a giver of good things; fire bore prayers 'to the great man above.'"<sup>7</sup> Corkran carries his analysis further by concluding that the "spirit of fire [was] the first of spirits that lived among them [the Cherokee]."<sup>8</sup> Along this same vein, both John Payne and Daniel Butrick comment on the spiritual importance and power of fire. Payne

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<sup>6</sup> James Mooney, "Myths of the Cherokee," in *James Mooney's History, Myths and Sacred Formulas of the Cherokees*, James Mooney (Fairview, NC: Bright Mountain Books, Inc., 1992), 396.

<sup>7</sup> David H. Corkran, "Sacred Fire of the Cherokees," *Southern Indian Studies* 5 (October 1953), 22. Corkran's analysis also outlines a number of taboos associated with the sacred fire itself as well as its ashes, including its relevance to Cherokee war efforts. For more on the religious significance of fire see Catherine L. Albanese, "Exploring Regional Religion: A Case Study of the Eastern Cherokee," *History of Religions* 23 (1984): 344-371.

<sup>8</sup> Corkran, "Sacred Fire," 26.

describes how some of the older Cherokee “...speak of it [fire] as an active and intelligent being” that was protected in the “national heptagon.”<sup>9</sup> So, for the Cherokee, fire was of the utmost importance. Council houses were built around it, success in war depended upon it, and its place in certain Cherokee towns held regional significance.

Mooney’s recording of this myth also touches on the regional importance of that sacred fire. Towards the end of the story, Mooney makes it clear that this sort of fire was not present in each Cherokee town. In fact, Mooney’s sources “...say this everlasting fire was only in the larger mounds at Nikwäsī', Kītu'hwa, and a few other towns.”<sup>10</sup> These larger mounds often served as “mother towns” for an entire region. So, because the sacred flame was kept at Kituwah, it is apparent that Kituwah was of the utmost importance for the Cherokee, especially in the region immediately surrounding Kituwah. When fire was needed, for a ceremony or otherwise, anywhere in the regional vicinity of one of these mounds, it was lit from the sacred fire. In fact, during the Green Corn Ceremony, a ritual of purification, regeneration and forgiveness, all personal fires were extinguished and replaced with a flame started from the sacred fire in the townhouse. Although these sacred fires were kept at places like Nikwasi, Kituwah, Chota, And Tugaloo, the fire at Kituwah held even more importance for the Cherokee people.

According to Tom Belt, the people who would become Cherokee, “were directed by God to come here [Kituwah], and the very first fire was given to the people here. This

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<sup>9</sup> William L. Anderson, Jane L. Brown and Anne F. Rogers, eds., *The Payne Butrick Papers: Volumes One, Two, Three* (Lincoln, NE: University of Nebraska Press, 2010), 20, 237-238.

<sup>10</sup> Mooney, “Myths of the Cherokee,” 396.

place wasn't just a town—this was like the Vatican. This was the holiest of holies.”<sup>11</sup> Kituwah is where the Cherokee began as a people, their “mythical birthplace.”<sup>12</sup> While Kituwah may have been the first Cherokee town established in the southern Appalachians, its sacredness emerged because it was the place where the Cherokee people became Cherokee. It was there that the Cherokees received their sacred fire and their sacred laws. Without those two divine gifts, the Cherokee people would not have been able to create a distinctly Cherokee identity. Additionally, because Kituwah was probably one of the earliest Cherokee settlements, it became a place of tremendous importance. In fact, at the close of the nineteenth-century, Mooney asserted that many Cherokee people viewed Kituwah as “the Mother Town of all Cherokees.”<sup>13</sup> In addition to this oral tradition, the historical and archaeological records contain evidence that reveals the regional (and perhaps cultural) importance of Kituwah.

Although the most common name that the Cherokees use to identify themselves is Ani-yunwiya, or the “principal people,” some Cherokees (both contemporary and historical) and some of their indigenous neighbors often used the term Ani-Kituwah-gi, or “people of Kituwah” as a means of identification.<sup>14</sup> Mooney’s historical sketch of the Cherokee does an excellent job of capturing the regional and cultural importance of the term Ani-Kituwah-gi. While the Cherokee living in Kituwah self-identified as Ani-

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<sup>11</sup> Curry, “Holy of Holies,” 70. See also The Pluralism Project at Harvard University, “Research Report,” Harvard University. <http://www.pluralism.org/reports/view/174> (accessed October 12, 2010).

<sup>12</sup> Pluralism Project, “Research Report.”

<sup>13</sup> Mooney also calls Kituhwa “the original nucleus of the tribe.” See Mooney, “Myths of the Cherokee,” 15. Many other historians support this assertion. For example, see Tyler Boulware, *Deconstructing the Cherokee Nation: Town, Region, and Nation among Eighteenth-Century Cherokees* (Gainesville, FL: University Press of Florida, 2011), 26; and John Phillip Reid, *A Law of Blood: The Primitive Law of the Cherokee Nation* (New York, NY: New York University Press, 1970), 14.

<sup>14</sup> Mooney, “Myths of the Cherokee,” 15.

Kituwah-gi, Mooney notes that because the town of Kituwah exerted regional influence “over those of all the towns on the waters of Tuckasegee and the upper part of Little Tennessee, the whole body being frequently classed together as Ani-Kituwahgi.”<sup>15</sup> Additionally, and perhaps more telling, is the fact that many of the Kituwah’s tribal neighbors identified the people living in and around Kituwah as Ani-Kituwah-gi. Mooney also comments on this phenomenon asserting: “in various forms the word was adopted by the Delawares, Shawano, and other northern Algonquian tribes as a synonym for Cherokee, probably from the fact that the Kituwah people guarded the Cherokee northern frontier.”<sup>16</sup> Because these northern tribes, or “northwards,” visited the Cherokee people through the Balsam and Soco gaps, the first Cherokees they encountered were people of Kituwah – the Ani-Kituwah-gi.<sup>17</sup> It is important to understand, however, that while Kituwah may be the original “Mother Town” of the tribe, after European contact, Kituwah was one mother town (out of at least seven), in one region of the larger Cherokee geopolitical universe. The rise and fall of Kituwah’s political influence was the result of a variety of factors. Perhaps the most important of these was geography.

At the height of Cherokee and British interaction, Kituwah was in the midst of a region (or “quasi-region”) dubbed the “back settlements or outside towns” by the British.<sup>18</sup> By the middle of the eighteenth-century, Cherokee power had migrated to locations more geographically conducive to trade between the Cherokees and the British in the Carolina Colony. While the Lower Towns, Middle Towns, and Overhill Towns were located in relatively geographically friendly areas, the Out Towns were “protected”

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<sup>15</sup> *Ibid.*, 182.

<sup>16</sup> *Ibid.*, 182, 186.

<sup>17</sup> David H. Corkran, “The Unpleasantness at Stecoe,” *North Carolina Historical Review* 32 (July 1955), 363.

<sup>18</sup> Boulware, *Deconstructing*, 111.



by rough, mountainous terrain. Captain Christopher French, part of Grant's expedition against the Cherokees in 1760, commented on the road to "Kittoweh" calling it "very Mountainous & bad."<sup>19</sup> By pure geographical happenstance, the locus of British power in the southern colonies, Charleston, was closest to the lower Cherokee towns. Thus, lower towns like Tugaloo (also a mother town) and Keowee became powerful enough for the British to build Fort Prince George in 1753. Later in the century, the peace town of Chota assumed monumental diplomatic and economic power. While geography played an integral role in shaping the cartography of power among the Cherokee people, other factors contributed to the rise of power in certain regions, even in the Out Towns.

For the most part, Cherokee political power (at least as perceived by Europeans) in the eighteenth-century followed trails blazed by influential leaders like Skiagusta of Keowee and Old Hop of Chota. While Cherokee men like Skiagusta and Old Hop were classified as "chiefs" or "kings" by the British, they often admitted to "ruling" only by the consent of their followers. In other words, influential Cherokee leaders led by consent, not coercion, a foreign concept to most Europeans in the colonial southeast. That said, once a Cherokee leader gained influence among his people, he became the figurehead that colonial Europeans dealt with in negotiating trade agreements, peace treaties and wartime alliances. Again, as the Lower Towns became synonymous with trade, leaders from Keowee and Tugaloo gained favor with their followers. This mutually reinforcing paradigm allowed the Lower Towns to remain powerful until the proximity to

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<sup>19</sup> Christopher French, "Journal of an Expedition to South Carolina," *Journal of Cherokee Studies* 2 (Summer, 1977), 298, 300. Historian John Reid also assigns significance to Kituwah's geography as a reason for its isolation. Unfortunately for the people of Kituwah, the mountains did not prevent Grant's expedition from razing the Mother Town and its surrounding "brother towns."

the British became a liability.<sup>20</sup> As discussed in the first chapter, during and after the Anglo-Cherokee war the Overhill region (and Chota specifically) became the locus of Cherokee power. Leaders like Old Hop, Oconostota, and Attakullakulla rose to power during the conflict with the Carolina Colony, which led to the emergence of Chota as the diplomatic metropolis (as far as the British were concerned) for the Cherokee.<sup>21</sup>

That said, headmen in other regions also exercised influence with the British. As described in the previous chapter, Nikwasi was the meeting-place for a grand council between the Cherokee and British in 1730 when the groundwork for a seemingly exclusive trade agreement was established. Power negotiations between Cherokee regions were constant. Even though certain regions rose to political prominence and maintained loose alliances with each other, each region maintained its own political and martial identity. In fact, Alexander Cuming addressed the role of mother towns, Kituwah included, for the Cherokee.

The whole Cherrokee Nation is govern'd by seven Mother Towns, each of these Towns chuse a King to preside over them and their Dependants; he is elected out of certain Families, and they regard only the Descent by the Mother's side. The Towns which chuse Kings, are Tannassie, Kettooah, Ustenary, Telliquo, Estootowie, Keyowee, Noyhee.<sup>22</sup>

Although Cuming's analysis is less complicated than the reality, the Scot made it clear that Kituwah (or "Kettooah") and a number of other towns maintained at least some influence in the Cherokee geopolitical world. While Kituwah's larger political influence had waned as towns like Keowee, Tugaloo and Chota rose to prominence, the emergence

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<sup>20</sup> For more on the emergence of trade between the Cherokees and the Carolina colony see Tom Hatley, *The Dividing Paths: Cherokees and South Carolinians through the Revolutionary Era* (New York, NY: Oxford University Press, 1995).

<sup>21</sup> For more on the influence of headmen and the rise of regional power see Boulware's *Deconstructing the Cherokee Nation*.

<sup>22</sup> Samuel Cole Williams, *Early Travels in the Tennessee Country, 1540-1800* (Johnson City, TN: The Watauga Press, 1928), 122.

of an influential headman and the rise of a common enemy allowed for the temporary political reemergence of the Out Town region.

In describing the influence of the Out Town region, historian John Reid claimed that "...the Out Cherokees had little impact on eighteenth-century history, too removed from the warpaths and too separated from the other regions to assume a leadership role."<sup>23</sup> While Reid's nod to the geographical isolation of the Out Towns certainly has merit, during the Seven Years War and at the outbreak of the Anglo-Cherokee War in 1759, a headman from Stecoe assumed substantial political power. Stecoe, located immediately downstream from Kituwah, was home to a Cherokee headman named Round O. Perhaps the biggest reason for Round O's ascendance, especially for the British and their colonists, was that he spoke English. By speaking the language of trade and diplomacy, Round O was able to convince his fellow Cherokee in the Out Towns (and even in some of the Middle Settlements) that he was the right choice as a leader. Nevertheless, it is important to understand that Round O was only one of many Cherokee leaders during this period; headmen from the Lower Towns and the Overhill region (especially Attakullakulla), exercised significant diplomatic influence during the Seven Years War and the Anglo-Cherokee War.

Unfortunately for Round O and the Out Towns, the influential Stecoe headman was killed by smallpox. In addition to Round O, at least two other influential headmen died during the war. The Warrior of Stecoe also died of smallpox and Grant's forces

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<sup>23</sup> John Phillip Reid, *A Better Kind of Hatchet: Law, Trade, and Diplomacy in the Cherokee Nation during the Early Years of European Contact* (University Park, PA: The Pennsylvania State University Press, 1976), 2.

killed the “King of Kettowih” in 1761.<sup>24</sup> If Round O’s death signaled the slow decline of the Out Towns’ political influence, James Grant’s 1761 expedition provided a swift end to the geopolitical importance of Kituwah and the Out Towns. After Grant destroyed the Out Towns of Tuckarechee, Tesantah, Kituwah and Stecoe, many of the Cherokees who lived in that area were “...driven from their homes to seek shelter in the Valley and Overhill towns.”<sup>25</sup> In fact, according to Major John Norton many of the Cherokee displaced from Kituwah traveled to the Overhills and created a new town called Milaquo, which eventually fell under the influence of Attakullakulla.<sup>26</sup> Although Kituwah and its brother towns were not rebuilt like the Lower and Middle Towns, its ancestral and spiritual significance hardly waned.

As previously discussed, Kituwah was, at the very least, an “original town” of a certain grouping of Cherokee settlements.<sup>27</sup> In fact, Kituwah may have been the “original town” for all of the Cherokee people. In discussing the ancestral significance of mother towns, Boulware asserts, “Kituhwa is generally accepted as the original nucleus not only of the Out Towns but for all Cherokee peoples.”<sup>28</sup> As *the* mother town of the Cherokee people, when the population of Kituwah “...grew beyond a critical threshold, based on ecological adjustment and institutional interpersonal efficiency, groups would hive off to

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<sup>24</sup> French, “Journal of an Expedition,” 286-288. For more on the rise of the Out Towns, Round O, and his cross-regional influence, see Boulware, *Deconstructing*, 111-116.

<sup>25</sup> Boulware, *Deconstructing*, 125.

<sup>26</sup> Carl F. Klinck and James J. Talman, eds., *The Journal of Major John Norton* (Toronto: Champlain Society, 1970), 62.

<sup>27</sup> David H. Corkran, *The Carolina Indian Frontier* (Columbia, SC: University of South Carolina Press, 1970), 14.

<sup>28</sup> Boulware, *Deconstructing*, 26; Mooney, “Myths of the Cherokee,” 15, 395-397; Klinck, *Journal of Major John Norton*, 62, 198; and Raymond Fogelson, “The Cherokee Ballgame: A Study in Southeastern Ethnology,” (PhD. diss., University of Pennsylvania, 1962), 199.

form satellite settlements.”<sup>29</sup> While this was true for many Cherokee settlements and mother towns, special emphasis is often placed on the primacy of Kituwah. Even after Grant destroyed Kituwah, and despite (or perhaps because of) its geographical isolation, the mother town “...maintained its distinction as ‘the Council Fire Place of all the Nation.’”<sup>30</sup> After the newly formed United States and the nascent Cherokee nation negotiated treaties ceding land in 1817 and 1819, however, the Cherokee people struggled to maintain a presence at Kituwah.

Although Kituwah seemingly disappeared from the American historical record, there is strong evidence that points to the continued inhabitation of Kituwah by Cherokees through at least 1820. In an October 17, 1816 letter sent to Indian Agent Return J. Meigs from the “Council House Kittawah” some Cherokees voice their displeasure with illegal white encroachment. The letter calls for the assistance of Meigs and the President of the United States in enforcing the provisions of the Treaty of Tellico in 1798:

You have always wrote to the settlers to remove. This we plainly see will not do, as they pay no regards to your letters. You must come yourself in person and see how affairs stand and take measures on the spot for having the removal of those people put in execution...If you do nothing in this...We must from that conclude that we are left to do the best we can for ourselves and must act accordingly...Those who have settled on our lands have their firearms and threatens death to any of our people who will offer to put a stop to their intrusions. This we call loudly for your presence and makes us write in the manner we do. Done in council by us.<sup>31</sup>

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<sup>29</sup> Raymond Fogelson, “The Cherokee Ballgame Cycle: An Ethnographer’s View,” *Ethnomusicology* 15 (Sep. 1971), 328.

<sup>30</sup> Boulware, *Deconstructing*, 26. Perhaps Kituhwa’s disappearance from the European historical record is a testament to the significance the Cherokee placed on it. Why would the Cherokee openly discuss a place of such sacred importance?

<sup>31</sup> Letter from Kituwah council to Return J. Meigs, October 17, 1816. As quoted in Brett H. Riggs, M. Scott Shumate, Patti Evans-Shumate and Brad Bowden, *An Archaeological Survey of the Ferguson Farm, Swain County, North Carolina* (Boone, NC: Blue Ridge Cultural Resources, 1998), 3.26.

This letter, which was signed by eleven different Cherokees (including “Junaluske”, Big Bear, “Yona Giskah”, and Big Tom), seems to speak for an entire region affected by the intrusions of whites. Although Grant’s 1761 expedition claimed to have destroyed Kituwah and several other Out Towns, some Cherokees clearly re-established the Mother Town as a viable cultural and political center (at least regionally). Even after the formal creation of the Cherokee National Council in 1808, Kituwah retained its regional importance. Instead of submitting a letter from a centralized council, regional concerns were relayed to the United States by a regional authority; Kituwah in this case. It is also important to note that the Cherokee sought a peaceful resolution, but were not averse to defending their land as they deemed fit. However, with the twin treaties of 1817 and 1819, the Cherokees who resided at Kituwah were faced with a more sophisticated enemy.

Instead of illegally wrangling land away from the Cherokee through pure force, the United States government and the loose confederation of the Cherokee nation negotiated two treaties, which ceded a significant portion of land to the United States, and created a unique category of Cherokee people with unique rights. As discussed in the previous chapter, those who wished to claim reservations were no longer formally Cherokee (at least in the eyes of the U.S.) and were not North Carolinian; they were citizen Cherokees.<sup>32</sup>

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<sup>32</sup> See Brett H. Riggs, *An Historical and Archaeological Reconnaissance of Citizen Cherokee Reservations in Macon, Swain, and Jackson Counties, North Carolina* (Knoxville, TN: University of Tennessee, Department of Anthropology, 1988), 13-15. See also Lance K. Greene, *Volumes in Historical Archaeology: The Archaeology and History of the Cherokee Out Towns* (Columbia, SC: The South Carolina Institute of Archaeology and Anthropology, 1999).

Similar to the reservations claimed by Gideon Morris, Wallee, The Cat, and The Clubb, many citizen Cherokees claimed reservations clustered on and around Kituwah. In fact, eleven separate reservations were claimed that encompassed the virtual entirety of Kituwah. This collective action of preservation clearly demonstrates the importance that at least some Cherokees still held for Kituwah. It is also important to note that two of the signatories of the aforementioned 1816 letter claimed the lands that included, and were immediately adjacent to Kituwah's mound. Big Tom and Yonaguska were clearly influential among the Cherokees who remained in the Out Town region. Perhaps because of their influence, they were chosen to protect one of the most sacred portions of Cherokee land. Although it seemed as if the Cherokee had secured the original Mother Town, home to the sacred flame, the struggle was not yet over.<sup>33</sup>

After the North Carolina General Assembly passed a statute ordering the recently acquired lands to be surveyed, both the unclaimed lands acquired in the treaties of 1817 and 1819 and the citizen Cherokee claims were prepared for sale. The lands claimed by Cherokees like Yonaguska and Big Tom were often situated along river bottoms, prime agricultural land which would fetch a relatively high price in the auctions. In fact, according to the field journals of Robert Love, several white squatters had already entered the Kituwah area before the initial survey of both Yonaguska's and Big Tom's reservations took place on May 18, 1820.<sup>34</sup> Only months after Love's initial survey, "On September 20<sup>th</sup>, 1820 (two days after the Kituwah reservations were confirmed) at the Haywood County courthouse in Waynesville, the opening bids were made for tracts in

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<sup>33</sup> See Riggs, *Ferguson Farm*, 3.27.

<sup>34</sup> Journal entry mentioned in Riggs, *Ferguson Farm*, 3.34.

the territory acquired by the Treaties of 1817 and 1819.”<sup>35</sup> As the sale progressed, each of the reservations claimed on and around Kituwah was sold at auction. While the land was sold out from underneath those citizen Cherokees, Yonaguska sought redress from an unusual source, a non-Cherokee court of law.

Mark Coleman, the man who had purchased a major portion of Yonaguska’s reservation, utilized the “ejectment clause,” memorialized in the 1819 statute, to force Yonaguska off his reserve. Coleman may have thought he was in the clear for a couple of reasons. First, his actions had been sanctioned by the state of North Carolina. Second, because the citizen Cherokees had not been officially recognized as citizens of North Carolina, they could not sue in state courts. The wily Yonaguska and his Anglo-American attorney utilized a loophole to file a case in the Superior Court of Haywood County. Styled *John Doe v. Mark Coleman*, the case was filed on October 1, 1821 seeking damages for the ejectment actions of Coleman. The case was eventually moved to the Superior Court of Buncombe County where Coleman was found “guilty of the trespass in ejectment in manner and form.”<sup>36</sup> After the court ruled in favor of Yonaguska, Coleman appealed to the Supreme Court. Instead of ruling on this case separately, the appearance of a number of similar cases (including Gideon Morris’ case) led to a contract between 40 reservees and the state. The result was the appointment of two commissioners to oversee the claims. The goal of those commissioners, Benjamin Robinson and William

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<sup>35</sup> Ibid.

<sup>36</sup> As quoted in Ibid., 3.36. Once the case was transferred to Buncombe County, Yonaguska’s name was added to the case. See *Yo-Na-Gus-Kee v. Coleman*, 10 N.C. 174.



Robards, seems to have been to obtain title for the state of North Carolina, either through direct purchase or legal action.<sup>37</sup>

As a result of the 1824 contract and the investigations of the commissioners, Yonaguska received \$1,300 and “...resolved not only to relinquish all claim to his reservation, but also to suspend any past or present litigation that had arisen between him and the so called ‘state purchasers.’”<sup>38</sup> It was clear to some observers that the citizen Cherokees hardly stood a chance at achieving justice. In fact, an attorney who represented some of the citizen Cherokees, William Roane, wrote a letter to Secretary of War James Barbour outlining his observations. While the letter refers to specific claimants and circumstances, some of his general observations are intriguing. For example, Roane talks about the structural impediments to Cherokee justice:

[B]y the laws of the United States, the Indian reserves are made citizens of the United States, of course they can hold said lands, and sue for them even in the courts of North Carolina, but upon examining our statute book we see so many impediments thrown in the way that the Indians can scarcely obtain justice, not the least of these impediments is that an Indian cannot prove by his own Indian neighbors that he lived at his own house on his own reservation which he has taken under the treaty.<sup>39</sup>

Even in the face of such structural inequalities, the North Carolina Cherokees managed to persist – even through the forced removal in 1838 – as Yonaguska eventually moved to the present day Qualla Boundary. In fact, Yonaguska and several other influential Cherokees, with the help of Yonaguska’s adopted white son William Holland Thomas,

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<sup>37</sup> For more on the legal struggles of the citizen Cherokees see Ben Oshel Bridgers, “A Legal Digest of the North Carolina Cherokees,” *Journal of Cherokee Studies* 4 (Winter, 1979): 29-43.

<sup>38</sup> *Ibid.*, 3.37.

<sup>39</sup> Letter from William Roane to Secretary of War James Barbour, 1827. As quoted in Riggs, *Citizen Cherokee Reservations*, 16-17.

played an integral role in the eventual creation of the Eastern Band of Cherokee Indians.<sup>40</sup>

Although Yonaguska and his contemporaries consolidated around Soco Creek and the Oconaluftee River, his heirs continued to fight for control of Kituwah. According to Riggs, as late as 1847, some heirs of Yonaguska enlisted the services of William Holland Thomas in pursuit of Yonaguska's reservation. Predictably, those claims were denied and "...the 1820 purchase...by Mark Coleman was re-entered as State Grant No. 920 on December 6, 1849."<sup>41</sup> So, by the middle of the nineteenth-century, twenty years after the Trail of Tears, Kituwah was firmly under non-Cherokee control. For the first time since time immemorial, Cherokee people did not live at the sacred Mother Town. Instead of fading from memory, however, Kituwah continued to inform the identity of both the eastern and western Cherokee people. In fact, Kituwah became synonymous with movements to maintain "traditional" Cherokee identity.

Although the regionalism present in eighteenth-century Cherokee society was largely conquered during the centralization of power under a written constitution and forced removal, factionalism persisted. Before removal, White Path led an unsuccessful rebellion opposing the 1827 constitution; after removal, factionalism manifested in the struggles for power between the Old Settlers, the Treaty Party and the Ross Party. Each of those factions made claims representing the "true" interests of all Cherokee people.

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<sup>40</sup> For more on the formation of the Eastern Band see John Finger, *The Eastern Band of Cherokees, 1819-1900* (Knoxville, TN: The University of Tennessee Press, 1984), 10-19. For more on the role of William Holland Thomas see Richard Iobst, "William Holland Thomas and the Cherokee Claims," in *The Cherokee Nation: A Troubled History*, Duane King, ed., (Knoxville, TN: The University of Tennessee Press, 1979), 181-201.

<sup>41</sup> Riggs, *Ferguson Farm*, 3.42.

Interestingly, certain groups of Cherokees adopted the name “Keetoowah” to lend credence to the integrity of their claims to Cherokeeeness.<sup>42</sup>

In the midst of the political negotiations of power, many Cherokees still fought to maintain their traditional identity. According to Rennard and William Strickland, “...the traditional lifeway survived; the fire of the Keetoowah continued to perpetuate the ancient religion.”<sup>43</sup> This drive to maintain traditional practices can be traced much further into history, however. Janey Hendrix asserts that the people of Kituwah were among the first Cherokees to fight for cultural survival against the advances of northern Indians and later, Europeans. Eventually the people of Kituwah abandoned their martial tactics and were forced to “...fight in spirit, opposing all white influences which they thought threatened the integrity of the tribe.”<sup>44</sup> Additionally, in 1811, at the height of white encroachment, a nativist movement emerged that used prophecy to call for a rejection of white-ways.<sup>45</sup> In this same vein, many “traditional” Cherokee chose to leave their ancestral homelands for Arkansas in the 1790s. For historians of the Keetoowah

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<sup>42</sup> For in-depth analyses of this factionalism see Gerard Reed, “Postremoval Factionalism in the Cherokee Nation,” in *The Cherokee Indian Nation: A Troubled History*, ed. Duane King (Knoxville, TN: University of Tennessee Press, 1979); Gary E. Moulton, “Chief John Ross and the Internal Crisis of the Cherokee Nation,” in *Indian Leaders: Oklahoma’s First Statesmen*, H. Glenn Jordan and Thomas M. Holms (Oklahoma City, OK: Oklahoma Historical Society, 1979). For the specific perspective of the Ross Party see Gary E. Moulton, *John Ross: Cherokee Chief* (Athens, GA: University of Georgia Press, 1978); for the Treaty Party see Thurman Wilkins, *Cherokee Tragedy: The Story of the Ridge Family and the Decimation of a People* (New York, NY: MacMillan, 1970).

<sup>43</sup> Rennard Strickland and William M. Strickland, “Beyond the Trail of Tears: One Hundred Fifty Years of Cherokee Survival,” in *Cherokee Removal: Before and After*, ed. William L. Anderson (Athens, GA: The University of Georgia Press, 1991), 114.

<sup>44</sup> Janey B. Hendrix, “Redbird Smith and the Nighthawk Keetoowahs,” *Journal of Cherokee Studies*, 8 (Spring, 1983), 25.

<sup>45</sup> For more on this nativist movement see William McLoughlin, *The Cherokee Ghost Dance: Essays on the Southeastern Indians, 1789-1861* (Macon: Mercer University Press, 1984); Lee Irwin, *Coming Down From Above: Prophecy, Resistance, and Renewal in Native American Religions* (Norman: University of Oklahoma Press, 2008); and Michelene Pesantubbee, “When the Earth Shakes: The Cherokee Prophecies of 1811-12,” *American Indian Quarterly* 17 (1993): 301-317.

movement, these “old settlers,” who comprised a distinct post-removal faction, played an integral role in the mid-nineteenth century Keetoowah movements.<sup>46</sup>

It was not until after 1838, however, that a formal society bearing the name “Keetoowah” was created. As the Civil War illuminated the rifts in American society, it also solidified divisions in the Cherokee Nation. Full-blooded Cherokees took a negative view of slavery and those who practiced it, mostly mixed-blood Cherokees. Those Cherokees who opposed slavery also largely opposed many manifestations of acculturation. For the progenitors of the Keetoowah Society, the decidedly non-Cherokee ways subscribed to by “white Indians” posed the greatest threat to Cherokee survival. In fact, historians note that Keetoowah Cherokees believed, “If the Cherokee people lost the Fire and strayed from the White Path then their uniqueness would be gone as well and they would simply be ordinary inhabitants of the earth like everyone else.”<sup>47</sup> In other words, the sacred fire (and what it stood for), protected in the mound at Kituwah, was the key to the survival of the Cherokee as a distinct people. Even hundreds of miles away from the ancient Mother Town, Cherokees continued to use Kituwah as a tangible expression of Cherokee identity.

This connection between Kituwah (the place) and Keetoowah (the belief-system) was further clarified with the formation of a formal Keetoowah Society in 1859. In fighting for the initial formation of this society, white Baptist missionaries Evan and John Jones employed the term “Keetoowah” because of the “...emotional impact that it carried

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<sup>46</sup> David A. Cornsilk, “Footsteps-Historical Perspective: History of the Keetoowah Cherokees,” *The Cherokee Observer* (Oct., 1997); United Keetoowah Band of Cherokee Indians, “Keetoowah History Essay,” United Keetoowah Band of Cherokee Indians, <http://www.keetoowahcherokee.org/history.html> (accessed January 25, 2012).

<sup>47</sup> Hendrix, “Redbird Smith,” 22.

to rally the full bloods to the abolitionist cause.”<sup>48</sup> Again, the power attributed to a place, which embodied the ideals of Cherokeeity, acted to unite traditional Cherokees.

Although the Keetoowah Society did not officially form until 1859, the ideas championed by that group had existed amongst the Cherokee for centuries.

As with many movements the initial Keetoowah movement did not survive intact. While the fight for abolition united many Cherokees, the post-Civil War era allowed for the emergence of numerous interpretations of the true Cherokee way-of-life. After the death of Redbird Smith in 1911, there were twenty-two distinct Keetoowah societies.<sup>49</sup> Additionally, the United Keetoowah Band of Cherokee Indians, a strictly political body, formed in 1950.<sup>50</sup> What united those societies was a common nomenclature dependent on a mound in western North Carolina. Even after the Cherokee lost control over Kituwah, Cherokees, with diverse beliefs, living as far west as Oklahoma, continued to use the mound as a synonym for traditional Cherokee identity. This meant that the memory of Kituwah would persist, even in the face of geographical separation, physical transformation, political change, and social unrest.

While the western Cherokee employed Keetoowah as a means to express their adherence to traditional Cherokee ways-of-life, the Cherokees that remained in the east, led by Yonaguska, also looked to maintain their distinct Cherokee identity. Eventually, the North Carolina Cherokees settled along the Oconaluftee River and fought for state and federal recognition as a tribe separate from the western Cherokee. Finally, in March

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<sup>48</sup> Ibid., 24.

<sup>49</sup> Cornsilk, “Footsteps.”

<sup>50</sup> For more on the Keetoowah Cherokees, both political and spiritual, see Patrick N. Mingos, *Slavery in the Cherokee Nation: The Keetoowah Society and the Defining of a People, 1855-1867* (New York, NY: Routledge, 2003) and Georgia Rae Leeds, *The United Keetoowah Band of Cherokee Indians in Oklahoma* (New York, NY: Peter Lang, 2000).

1889, the Eastern Band of Cherokee Indians was incorporated and recognized by the State of North Carolina as a distinct, corporate body. According to John Finger, "...the act also established a political and economic structure by which the Indians could function with or without federal assistance. To this day, the Band operates under its provisions."<sup>51</sup> While the North Carolina Cherokees fought for government recognition, they still maintained a connection with their ancestral homeland, Kituwah included.

The research conducted by James Mooney in the late nineteenth-century demonstrates that, even as the Cherokees lost control of Kituwah, much of its power remained. For example, according to Mooney, "...when the Cherokee soldiers were camped near Kitu'hwa during the civil war they saw smoke still rising from the mound."<sup>52</sup> Interestingly, even while Kituwah was outside Cherokee control, it still remained a part of the Cherokees sacred geography. It still protected the first fire – given to the Cherokees by the Creator – which played such a significant role for traditional Cherokees. While Mooney notes that the Cherokee mostly referred to themselves as "Ani-Yun'wiya," or the principal people, he also notes that Kituwah still played a significant role in Cherokee practices: "On ceremonial occasions they frequently speak of themselves as Ani'-Kitu'hwagi, or the 'people of Kitu'hwa,' an ancient settlement on the Tuckasegee river and apparently the original nucleus of the tribe."<sup>53</sup> So, on the most important of occasions, especially for traditional Cherokees, Kituwah continued to play an integral role in Cherokee identity. Although the mound and town-site succumbed to non-Cherokee economic progress, it remained central to traditional Cherokee ways-of-life.

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<sup>51</sup> Finger, *Eastern Band of Cherokees*, 156.

<sup>52</sup> Mooney, "Myths of the Cherokee," 396.

<sup>53</sup> *Ibid.*, 15.

Unfortunately for the Eastern Cherokees, much of the twentieth-century was spent fighting both external pressures and internal factionalism. Debates about allotment, termination, and tourism (among many others) all molded the identity of Eastern Cherokees. Some looked to embrace non-Cherokee ways and welcomed the Great Smoky Mountains National Park and the Blue Ridge Parkway, while others – especially those geographically isolated in Snowbird and Big Cove – worked to adhere to traditional Cherokee practices.<sup>54</sup> As the twentieth-century progressed, the Eastern Band became more and more dependent upon tourism for economic survival. Additionally, much of Cherokee ancestral homeland continued to be developed by non-Cherokee interests for economic gain. The question remains, however, what was happening to Kituwah?

By 1940, Thomas J. Ferguson had gained ownership of the ancient town-site of Kituwah – including the mound – and the several hundred acres surrounding it through at least six separate transactions. As a result, the property eventually came to be known as Ferguson Fields. While a small portion of the property was used as an airstrip for sightseeing tours, the majority of the Ferguson property became farmland, even the mound.<sup>55</sup> Furthermore, a farmer (presumably Ferguson) removed the top portion (about ten feet) of the mound in order to make his arable cropland larger.<sup>56</sup> As a result of this informal excavation, many ancient Cherokee remains were disturbed. Unfortunately, the encroachment of non-Cherokee peoples and their emphasis on economic growth meant that many important sacred Cherokee sites would be disturbed and even destroyed. The

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<sup>54</sup> This is, of course a simplistic interpretation. For a more in-depth examination of the twentieth-century history of the Eastern Band, see John R. Finger, *Cherokee Americans: The Eastern Band of Cherokees in the Twentieth Century* (Lincoln, NE: University of Nebraska Press, 1991). And for more on the people of Snowbird see Sharlotte Neely, *Snowbird Cherokees: People of Persistence* (Athens, GA: University of Georgia Press, 1991).

<sup>55</sup> “Tribe Plans Purchase of Swain County Site,” *Cherokee One Feather*, June 19, 1996.

<sup>56</sup> “Cherokees Ponder Future of Ancient Homeland,” *Mt. Airy News*, July 8, 2001.

example of Chota and the Tellico Dam in the second chapter demonstrates that Cherokee sacred places often suffered in the face of commercial expansion. That narrative did not change for much of the twentieth century. Fortunately, the mound at Kituwah and its immediate surroundings were added to the National Register of Historic Places in 1973, essentially protecting the mound itself and the surrounding thirty acres from development.<sup>57</sup> While the center of the ancient settlement became protected in 1973, the remainder of the settlement, which presumably contained hundreds of burial sites, was still in danger of development and desecration.

Although the American Indian Religious Freedom Act was passed in 1978 and the Native American Graves Protection and Repatriation Act was passed in 1990, the Eastern Band continued to deal with construction that disturbed ancient burial grounds. In early 1996, the Eastern Band fought the construction of an industrial park in Macon County that would potentially disturb a large number of Cherokee burials. The “Fox Site” controversy proved to be a decisive event for Eastern Band policy towards sacred Cherokee sites. The controversy turned on Macon County’s desire to develop a piece of land known to contain Cherokee burials. Because there was no clear-cut requirement for federal involvement, Macon County referred to the North Carolina burial statute, which, “...required that the graves should be relocated prior to construction.”<sup>58</sup> Although the state office received verbal permission from the leadership of the Eastern Band, when the archaeological work began a tremendous amount of opposition to both the construction and archaeology emerged. In the midst of this controversy, political controversies within

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<sup>57</sup> National Register of Historic Places, “Governor’s Island,” June 4, 1973.

<sup>58</sup> Brett H. Riggs, “In Service of Native Interests: Archaeology for, of, and by Cherokee People,” in *Southern Indians and Anthropologists: Culture, Politics, and Identity*, ed. Lisa J. Lefler and Frederic W. Gleach (Athens, GA: University of Georgia Press, 2002), 23.



the Eastern Band bubbled over. This political strife led to the election of a new principal chief, Joyce Dugan who, "...reversed the earlier administrations decision (which was never signed or ratified) and officially denounced the continued removal of native graves from the industrial park."<sup>59</sup> Speaking directly to the leadership of Macon County, Dugan asserted, "As the descendants of these ancestors buried at various sites within traditional Cherokee territory, we accord respect for our ancestors life-ways by respecting the sacredness of the place they chose to finally rest...The graves of our ancestors are sacred and we desire that they not be disturbed."<sup>60</sup>

After the chief occupant of the proposed industrial site, Caterpillar, Inc. withdrew their support, Macon County leadership became enraged. Unfortunately for the Eastern Band and their allies, Macon County denied a bid by the North Carolina Archaeological Society to purchase the land.<sup>61</sup> Macon County justified their decision by claiming allegiance to "...economic growth of our community."<sup>62</sup> Additionally, Macon County Manager Mike Carpenter said, "...it is unreasonable for the Eastern Band to think that every site will be left alone."<sup>63</sup> In response Dugan compared the decision to the Trail of Tears and requested that the gravesites be paved over rather than dug up. The opinion of other Eastern Band members ranged from calling for a green space to the erection of a memorial. Fortunately, Macon County citizens came to the aid of the Eastern Band and persuaded Macon County leadership to allow the remains to be returned to their original

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<sup>59</sup> Ibid., 24.

<sup>60</sup> "Statement of Principal Chief Joyce C. Dugan for the Eastern Band of Cherokee Indians," *Cherokee One Feather*, April 24, 1996.

<sup>61</sup> "Macon County to Dig Up Graves," *Cherokee One Feather*, May 1, 1996.

<sup>62</sup> Ibid.

<sup>63</sup> "Dismay With Macon County," *Cherokee One Feather*, May 22, 1996.

location.<sup>64</sup> In the end, the “40 sets of Cherokee remains” were reinterred under the cover of darkness at “the Macon County site where they were removed.”<sup>65</sup> After the remains were returned to their original location, Macon County leadership decided to fill the site in and turn it into a driver’s training course. As a result of this controversy, it was Dugan’s hope that, “Other counties and agencies have increased awareness of our sensitivity to this issue.”<sup>66</sup>

The dispute between the Eastern Band and Macon County forced the Eastern Cherokee to articulate their beliefs about sacred sites. Because Cherokees were buried at the Fox Site, and burials were deemed to be sacred, the land became sacred and was not to be disturbed. For Dugan, the lands’ sacredness should have been enough to protect it from destruction. Importantly, however, Dugan also made it clear that “we are not against progress.”<sup>67</sup> These two, seemingly contradictory, statements demonstrate the fine line that modern Cherokees, especially politicians, had to toe. Dugan felt the need to satisfy both those who championed preservation and those who advocated for economic progress.

While the Macon County controversy wound to a close, archaeological work continued at the future site of Harrah’s Cherokee casino. In the midst of these two tremendously significant archaeological excavations, the Eastern Band hired Lynn Harlan, an enrolled member, to create a Cultural Resources Division to deal with the newly passed NAGPRA and general archaeological issues. Prior to her appointment by the Eastern Band, Harlan was employed by the Smithsonian Institution where she acquired an immense amount of knowledge and experience dealing with repatriation

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<sup>64</sup> “What To Do With The Fox Site,” *Cherokee One Feather*, June 22, 1996.

<sup>65</sup> “Macon Burials Reinterred,” *Cherokee One Feather*, July 3, 1996.

<sup>66</sup> “Report From The Office of Principal Chief,” *Cherokee One Feather*, July 10, 1996.

<sup>67</sup> “Statement of Principal Chief Joyce C. Dugan for the Eastern Band of Cherokee Indians,” *Cherokee One Feather*, April 24, 1996.

issues. According to archaeologist Brett Riggs, who worked on the casino dig and in direct concert with the Eastern Band, the Harlan-led Cultural Resources Division helped “the tribal council to incorporate wording and content from the North Carolina burial statutes and NAGPRA into the tribe’s code to govern tribal policy on the treatment of native graves and repatriation issues.”<sup>68</sup>

As the Eastern Band articulated and memorialized their attitudes towards archaeologists and sacred sites, headlines in the *Cherokee One Feather* alerted its readers to the threat of development at New Echota, the push for North Carolina Trail of Tears sites, and the possibility of Cherokee sites under control of the TVA becoming available for development.<sup>69</sup> After the Eastern Band expressed its disdain for insensitive archaeological practices and established official policies for dealing with the desecration of sacred sites, the Ferguson family decided to put the parcel of land once known as Kituwah – now known as Ferguson Fields, Ferguson Farm and Governor’s Island – up for sale. Faced with the tremendous opportunity to reacquire a priceless piece of Cherokee heritage and identity, the Eastern Band, led by Joyce Dugan, jumped at the chance to purchase it.

In June of 1996, the Eastern Band publicly announced its plans to purchase Kituwah from the Ferguson Family. While the largely non-Cherokee drive to purchase the Fox Site failed, the Eastern Band took the lead in procuring Kituwah.<sup>70</sup> In Chief

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<sup>68</sup> Riggs, “In Service of Native Issues,” 26, 28. Led by the efforts of James Bird, the Eastern Band also developed a Tribal Historic Preservation Office, which “also manages archaeological resources on tribal lands and exercises oversight over all tribal undertakings.”

<sup>69</sup> “Development Threatens New Echota,” *Cherokee One Feather*, July 24, 1996; “Help Save New Echota,” *Cherokee One Feather*, July 24, 1996; “Push for N.C. Trail of Tears Sites Continues,” *Cherokee One Feather*, February 5, 1997; and “TVA Watershed Lands in Question,” *Cherokee One Feather*, February 26, 1997.

<sup>70</sup> “Tribe Plans Purchase of Swain County Site,” *Cherokee One Feather*, June 19, 1996.

Dugan's 1996 "State of the Tribe" address, she spoke about the planned purchase of Ferguson Farm and indicated that the money for the purchase would "come from the endowment fund."<sup>71</sup> Finally on November 25, 1996, the Eastern Band of Cherokee Indians purchased Kituwah for about \$3 million.<sup>72</sup> After being outside of Cherokee control for almost two-centuries, the ancient Mother Town of Kituwah, where many Cherokees believe they began as a people, was now back in Cherokee possession. In the *Cherokee One Feather* article outlining the historic purchase, Dugan spoke to the broad concerns of all Cherokee people. To those who championed preservation Dugan stated her commitment "...to preserving the cultural integrity of the site."<sup>73</sup> At the same time, Dugan was forced to justify the purchase economically, asserting "the greatest asset a tribe can have is land because the value of it can never decrease."<sup>74</sup> Dugan was also quick to make it clear that there were not yet plans for the future of the property, opening the door for a decade-long debate about the importance of Kituwah and the role it would play in the lives of contemporary Cherokee, both east and west.

Immediately after the purchase, the Eastern Band commissioned a preliminary archaeological study of Kituwah as a means to confirm its historical importance. James Bird, who at the time was a graduate student working on the Kituwah site, wrote an article in the *Cherokee One Feather* outlining the importance of archaeological research to the future of the sacred site. According to Bird, the research would not only contribute to historical knowledge, it would also identify "areas that might contain burials" so those

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<sup>71</sup> "Chief's State of the Tribe Address," *Cherokee One Feather*, July 31, 1996.

<sup>72</sup> Swain County Register of Deeds, Book 201, page 204, instrument number 1072.

<sup>73</sup> "Tribe Acquires Ferguson Fields," *Cherokee One Feather*, December 4, 1996.

<sup>74</sup> *Ibid.*

areas could be avoided or even actively protected.<sup>75</sup> Most importantly, perhaps, Bird spoke to the importance of Kituwah for all Cherokee people asserting, “Further excavation also materially substantiates our ancient heritage and indicates another positive effort at self-determination.”<sup>76</sup> In other words, with the knowledge provided by archaeological research, the Cherokee people could be responsible for creating and justifying their own identity and supporting claims of ancient occupation. This justification was eerily similar to the Cherokee Nation’s attitude (not to mention early Eastern Band attitudes) towards the Chota excavations in the 1970s. The difference here was that the Eastern Band would be in control of the archaeological work, which meant that graves would not be disturbed. This important change made a world of difference for archaeologists working on the Kituwah site.

Also in the immediate aftermath of the purchase, many Cherokees spoke out in support of the purchase as tremendously important for both historical and contemporary Cherokees. In an editorial, Tom Belt (an enrolled member of the Cherokee Nation) and Gloriette Mills, then language instructors at Cherokee Elementary, spoke about the importance of Kituwah to all Cherokee, especially children:

The recent acquisition of Kituwah Town by the Eastern Band of Cherokees...provides our children with legal and uncontested ownership to their birthright and a clear historical verification of their origins...forever. This, the site of our very first town is so indelibly intrinsic to our culture that it designated our tribal identity...We possess an afferent cultural affinity for this place that is innate and unique...we are still Kituwah.<sup>77</sup>

Both Belt and Mills make the importance of Kituwah clear. Now that the ancient Mother Town was again back in the possession of the Cherokee people, the spirit of Kituwah that

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<sup>75</sup> “Archaeology at Ferguson Field,” *Cherokee One Feather*, September 10, 1997.

<sup>76</sup> *Ibid.*

<sup>77</sup> “Kituwah Site Contributes,” *Cherokee One Feather*, October 1, 1997.

informed western Keetoowah movements could again be grounded and grasped by all Cherokees, children included. Additionally, Belt and Mills declare their desire for preservation at all costs, asserting “The survival of our culture and our language for future generations may rest in the care and preservation of this, our most sacred site, and that sometimes there exists a greater moral need in our culture than economic development.”<sup>78</sup> In many ways, this editorial anticipated the debates that would color the pages of the *Cherokee One Feather* and the Tribal Council room for years to come. The lines of battle were clearly drawn between those who pushed for preservation, like Belt and Mills, and those who would push for economic development and call Kituwah “that graveyard that we can’t do anything with.”<sup>79</sup>

All of those debates, however, took a backseat in October of 1997 when the purchase of Kituwah was celebrated in a ceremony that allowed those who championed preservation to have the stage to themselves. The rededication ceremony allowed Cherokee people from the Eastern Band, the Cherokee Nation and the United Keetoowah Band to voice their opinions about the importance of the mound. Garland Eagle, Vice Chief of the Cherokee Nation, said, “Kituwah will always continue to unite all Cherokee people, past, present and future.”<sup>80</sup> Tom Belt, also of the Cherokee Nation asserted that the ceremony was a “testament to our right to exist and continue to exist upon this earth as a people forever...let us never, ever deny this right and this obligation.”<sup>81</sup>

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<sup>78</sup> Ibid.

<sup>79</sup> “Return Home: Reclamation of Our Heritage at Kituwah Mound,” *Cherokee One Feather*, October 15, 1997.

<sup>80</sup> Ron Ruehl, *Cherokee, The Principal People: The History and Culture of the Eastern Band of the Cherokee Nation*, VHS (Asheville, NC: Significance Communications, 1998).

<sup>81</sup> Ibid.

Interestingly, the strongest sentiments for preservation came from those who had been geographically separated from the mound. The groundswell of support in favor of preservation was also manifested in a newspaper article authored by archaeologist Brett Riggs. That article, “The Significance of the Kituwah Mound Site to the Eastern Band of Cherokee Indians,” outlined the reasons why those in the Eastern Band should support preservation at all costs. For Riggs, the publication of this and similar articles signaled the shift in feeling towards archaeology. It went from a strained to relationship to one of mutual respect where archaeology became a “neutral voice” between those in favor of development and those in favor of preservation.<sup>82</sup> From describing Kituwah as the place where Cherokee people originated to describing the historical events that took place there, the article attempts to persuade readers to join the preservation camp. The article concludes by calling the purchase and dedication of Kituwah “a monumental step in the Cherokees’ reclamation of their cultural heritage.”<sup>83</sup> Again, the importance of Kituwah to Cherokee heritage and identity was laid bare.

Although Kituwah, and the debate about its future appeared on the pages of the *Cherokee One Feather* for the next several years, it was not until early 2000 that the Eastern Band called for public meetings to definitively determine the future of Kituwah. Those three meetings, held in early February, revealed that the Cherokees of the Eastern Band held many, often divergent, ideas about the future of Kituwah. The proposals discussed during those meetings included a golf course, an Indian resort, walking trails, a cultural center, a train depot, some sort of sustainable tourism development, mound restoration, or native plant gardens and “restoration of the original name.” Although those

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<sup>82</sup> Curry, “Holy of Holies,” 75.

<sup>83</sup> Brett Riggs, “The Importance of Kituwah Mound to the Eastern Band of Cherokee Indians,” *Cherokee One Feather*, October 15, 1997.

meetings revealed that most of those in favor of development supported the golf course idea, they also demonstrated that the majority of those in attendance were in favor of strict preservation.<sup>84</sup>

Enrolled member Ruth Mata was one of those in favor of preservation stating, “I think we should just leave it alone. None of these things are going to benefit the tribe.”<sup>85</sup> Tribal elder General Grant and tribal member Freeman Owle echoed Mata’s sentiments. Those that attended the meetings also suggested that the United Keetoowah Band and the Cherokee Nation be consulted because of the importance of Kituwah to *all* Cherokee people. Mata wrote an editorial reflecting these sentiments, commenting, “In my opinion, it is evident that both Eastern and Western Tribes should have a voice into the ‘Kituwah Town.’ There are more people to consider than the handful of persons who want the tribe to finance their expensive games.”<sup>86</sup> Again, the line drawn almost immediately after the purchase in 1996 became even more clearly defined during the public meetings in early 2000. There were those in favor of “protecting the cultural integrity of the site” and those that were “seeking economic development.”<sup>87</sup>

The allegiance of the *Cherokee One Feather*, an organ of the Tribal Council, seemed to be on the side of preservation or development with cultural integrity.<sup>88</sup> In fact, the paper published a series of articles about the history of Kituwah provided by the newly formed Cultural Resources Department. In those articles, it is made clear that

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<sup>84</sup> “Ferguson Fields/Kituwah Public Meetings To Be Held on Proposals,” *Cherokee One Feather*, January 26, 2000.

<sup>85</sup> Scott McKie and Joseph Martin, “What To Do With Kituwah Subject of Public Meetings,” *Cherokee One Feather*, February 16, 2000.

<sup>86</sup> Ruth Mata, “Voice Opinions on Kituwah,” *Cherokee One Feather*, February 23, 2000.

<sup>87</sup> Joseph martin, “Tribal Members’ Input On Kituwah’s Best Use is Vital,” *Cherokee One Feather*, February 23, 2000.

<sup>88</sup> Joseph Martin, who would later be fired for, what he perceived as upsetting the principal chief, was the editor of the *Cherokee One Feather* at this time.



cultural importance of Kituwah should trump all economic concerns. An emphasis was placed on the belief that Kituwah was the “traditional birthplace of the Cherokee people,” which means that the ancient Mother Town continued to be “a touchstone for Cherokee identity.”<sup>89</sup> The article also discussed how the idea of “Keetoowah,” which had been forced to transcend place, could “once again become a concrete reality for the Cherokee people,” in “a place that is home both in a real and metaphysical sense.”<sup>90</sup> Most importantly perhaps, the article stressed the importance contemporary Cherokee people had to play in deciding what Kituwah meant. No amount of evidence provided by archaeology could tell the Cherokee people, both east and west, what Kituwah really meant.

In response to the calls from various Eastern Band members, the Chief of the United Keetoowah Band, Jim Henson, and the Chief of the Cherokee Nation, Chad Smith, both expressed their desire to preserve the mound at all costs. Chief Henson’s letter, written to Chief Dugan, made clear the paramount importance of Kituwah to all Cherokee people:

We strongly urge any and all other development of the site should be respectful to the sacredness of the site and its role as the center of our beginnings as a people. We feel desecration of the site through economic development would be disastrous to us prophetically as a people.<sup>91</sup>

It *seemed* as if the majority of the Cherokee people, both east and west, were in favor of some sort of preservation and were vehemently opposed to development for strictly economic gain. Voices pushing for the construction of a golf course or a rail station

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<sup>89</sup> “Kituhwa Background,” *Cherokee One Feather*, March 1, 2000.

<sup>90</sup> *Ibid.* The other articles referred to appear in the *One Feather* editions on March 29, 2000 and April 5, 2000.

<sup>91</sup> Jim Henson, “UKB on Kituwah,” *Cherokee One Feather*, March 1, 2000. The *One Feather* also published a letter from Richard Allen, a “Research & Policy Analyst” from the Cherokee Nation in the same edition.

remained strong, however.<sup>92</sup> Fortunately for those in favor of preservation, a groundhog, Ogana, would lend its assistance.

In the time between the purchase of Kituwah in 1996 and the public meetings in 2000, the Eastern Band had allowed a limited number of enrolled members to establish small garden plots on the 309 acres. One of those farmers, Jerry Dugan, arrived at his plot on March 14 only to find what he thought “might be animal bones on the ground outside of a groundhog hole. Looking closer he realized they were human.”<sup>93</sup> The skull fragments, jaw bone and other “long bones” confirmed the suspicions of many tribal members and outside observers: Kituwah was home to human burials. This discovery removed any doubt that the site was sacred. Even for those who did not subscribe to the idea that Kituwah was the Mother Town to all Cherokees, the presence of human burials must have had a tremendous effect on their views of the place. Some, however, expressed their belief that the discovery was a little too “convenient” and that it was an intentional discovery intended to influence the tribe’s ultimate decision.<sup>94</sup> If it was a plant, Dugan, in addition to many others, was convinced. Dugan addressed the omnipresent issue of development, guessing that this discovery would “stop a lot of that.”<sup>95</sup> The remains were reburied shortly after, but the future of Kituwah was not yet decided.<sup>96</sup>

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<sup>92</sup> Again, because the *Cherokee One Feather* was an organ of the Tribal Council, much of what it printed reflected the opinion of tribal leadership, which was strongly in favor of preservation. As such, most of the coverage focused on those in support of preservation and did not deal with the specifics of development of those members who were in favor of development.

<sup>93</sup> Joseph Martin, “Human Burial Discovered at Kituhwa/Ferguson Fields,” *Cherokee One Feather*, March 22, 2000.

<sup>94</sup> Riggs, “In Service of Native Interests,” 28-29.

<sup>95</sup> Joseph Martin, “Human Burial Discovered at Kituhwa/Ferguson Fields,” *Cherokee One Feather*, March 22, 2000.

<sup>96</sup> Joseph Martin, “Remains Found at Kituhwa Reburied,” *Cherokee One Feather*, March 29, 2000.

Interestingly, the appearance of human remains brought the recent Fox Site controversy to the forefront of many Cherokee minds. For *Cherokee One Feather* editor Joseph Martin, the precedent set by the Eastern Band in its dealings with Macon County should carry a tremendous amount of weight as the Cherokee people decided the future of Kituwah. In his weekly column, Martin asked, “If the Tribe can expect it [preservation] out of non-Indian governments around us, is it too much to ask that we set an example?”<sup>97</sup>

After confirming the presence of burials at Kituwah, not much changed. There were still disagreements about the future of the site, with some pushing the tribe to seek official proposals for development and others celebrating the reintegration of Kituwah into their lives.<sup>98</sup> There was common ground, however, as many on both sides of the divide opposed the Tribal Council’s decision to call “for a more in-depth archaeological study to be done on the site.”<sup>99</sup> Those in favor of preservation, like Mose Walkingstick and Marshall Saine, were already convinced of Kituwah’s sacred status. Saine asserted, “It’s sacred ground. It’s not just future, it’s history there. It shouldn’t be developed.”<sup>100</sup> While convinced of the site’s cultural importance, others, like council-member Teresa McCoy, still pushed for development. However, as Brett Riggs, who participated in the Kituwah digs, noted, “Most tribal members no longer perceive archaeology as inherently

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<sup>97</sup> Joseph Martin, “Burial At Property Adds Twist,” *Cherokee One Feather*, March 29, 2000. See also Joseph Martin, “Tribe Should Set an Example With Property Use,” *Cherokee One Feather*, April 18, 2001.

<sup>98</sup> Joseph Martin, “Tribal Planning Approved To Obtain Proposals For Use Of Kituhwa/Ferguson Fields,” *Cherokee One Feather*, April 12, 2000; “Spring Celebration At Kituhwa,” *Cherokee One Feather*, April 12, 2000 and “Kituhwa Gatherinf: Strawberry Festival,” *Cherokee One Feather*, May 24, 2000.

<sup>99</sup> Joseph Martin, “Council Asks For More In-depth Kituhwa Study,” *Cherokee One Feather*, May 10, 2000.

<sup>100</sup> Ibid.

evil (or good, for that matter) but rather as a tool or methodology that can be used for or against tribal interests.”<sup>101</sup>

That did not stop the Cherokee people from continuing their debate. In a May 2, 2001 editorial, enrolled member Amy Walker championed the preservation position. Speaking out in favor of preservation, Walker compared those in favor of development to “the non-Indian” and asserted that something more valuable than any commercial development could result from preservation, “a way of affirming our Cherokeeeness.” Again, those in favor of preservation found Kituwah integral to their identity as Cherokee people. Interestingly, Walker’s comparison essentially re-cast the debate about the future of Kituwah from one that turned on ideas of development to one that focused on what it meant to be truly Cherokee. For Walker, and many like her, a true Cherokee would not advocate for the development of Kituwah.

As the debate raged on, the site received even more publicity, especially outside of Cherokee circles as the archaeological team reported on some of its “discoveries.” The in-depth archaeological study commissioned by the Tribal Council confirmed many of the preservationists’ suspicions. In addition to confirming the presence of Cherokee homes and graves, the study also confirmed the presence of a council house by finding “the walls of two buildings with east facing doorways and central hearths or altars in the middle of the mound.”<sup>102</sup> The study had found evidence to support assertions of Kituwah’s history as a Mother Town and a home to the sacred flame. As a result of these monumental discoveries, the archaeological team published their findings in the

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<sup>101</sup> Riggs, “In Service of Native Issues,” 29.

<sup>102</sup> “Kituhwa Archaeology Reveals Significant Finds,” *Cherokee One Feather*, May 23, 2001.

*Cherokee One Feather* as a means to inform the members of the Eastern Band of the site's importance before they had to cast their official vote on the future of Kituwah.<sup>103</sup>

The results of the archaeological study and the debate amongst Cherokees about the future of Kituwah made it to a variety of regional newspapers outside of the Qualla Boundary. The *Robesonian*, the *Mt. Airy News*, the *Winston-Salem Journal*, the *Spartanburg Herald-Journal*, the *Charlotte Observer* and even the Ohio based *Akron Beacon-Journal* – among many others – all published stories about the debate between Cherokees.<sup>104</sup> The story was essentially the same. There were those in favor of development, like tribal paramedic Phil Armachain who made the point that “We gave a lot of money for that land to just let it sit.”<sup>105</sup> The voices for preservation were also accounted for. Myrtle Driver was quoted saying “Most people don’t give a damn.” Driver also seemed to echo the earlier assertions of Amy Walker by distinguishing what it meant to be a “real” Cherokee: “they [those in favor of development] just don’t know what it’s like to be Cherokee. They weren’t brought up with traditional values...they were brought up in the white man’s world. They don’t know the language, they don’t know the culture, they don’t know the traditions.”<sup>106</sup> While the debate would continue, those in favor of preservation were able to prevent economic development for the next several years.

For many years Kituwah played host to a variety of celebrations and educational excursions. Starting in 2000, and continuing every year thereafter, the Eastern Band held

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<sup>103</sup> Joseph Martin, “Kituhwa Archaeologists Seek to Inform Tribal Members,” *Cherokee One Feather*, June 27, 2001.

<sup>104</sup> “Cherokees caught between desire for money reverence,” *Robesonian*, June 11, 2001; “Cherokees Ponder Future of Ancient Homeland,” *Mt. Airy News*, July 8, 2001; “Cherokees discuss land use; some want revenue, others preservation,” *Winston-Salem Journal*, June 12, 2001; “Cherokee Legacy: A Park or Condos?” *Spartanburg Herald-Journal*, July 8, 2001; “Cherokees Contemplate Land’s Future,” *Akron Beacon-Journal*, July 8, 2001.

<sup>105</sup> “Cherokees caught between desire for money reverence,” *Robesonian*, June 11, 2001.

<sup>106</sup> “Cherokees Ponder Future of Ancient Homeland,” *Mt. Airy News*, July 8, 2001.

a celebration at Kituwah. Many of those celebrations included members of the United Keetoowah Band and the Cherokee Nation. Those celebrations included speeches, songs, dances, and performances by the Warriors of AniKituwah. The 2005 celebration even included a commemorative “White Oak Tree Planting.”<sup>107</sup> The mound also became an important part of visiting western Cherokees’ itineraries.<sup>108</sup> Additionally, the ancient Mother Town played host to a joint council between the UKB and the Eastern Band in 2006.<sup>109</sup> During that council, a number of resolutions were passed, including one that continued to reiterate the importance of Kituwah to all Cherokee people. Resolution No. 02 asserted, “that in the beginning all Cherokees were Keetoowah,” and called for both tribes to hold “onto the old way of our ancient ancestors, affirming and committing to the future of forever be the keepers of Keetoowah tradition.”<sup>110</sup> That council and its resulting resolutions made clear the immediate connection between Kituwah the place and Keetoowah the way-of-life and their centrality to all Cherokee people.

In addition to establishing a more friendly relationship between the Eastern Band and archaeologists, the purchase and preservation of Kituwah had an impact on Cherokee attitudes towards other sacred places in their ancestral homeland. As discussed in the previous chapter, the preservation of Nikwasi was commemorated in 2008, over 60 years after it was saved from commercial development by a group of non-Cherokee Macon

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<sup>107</sup> “Kituhwa Celebration Held,” *Cherokee One Feather*, June 30, 2004; “Kituhwa Celebration held,” *Cherokee One Feather*, June 15, 2005; “5<sup>th</sup> Annual Kituwah Celebration,” *Cherokee One Feather*, June 29, 2005; “Annual Kituwah Celebration held,” *Cherokee One Feather*, July 4, 2007; Scott McKie, “Celebration held at Kituwah Mound,” *Cherokee One Feather*, June 11, 2008.

<sup>108</sup> Scott McKie, “Oklahoma Cherokee Youth visit Qualla Youth,” *Cherokee One Feather*, June 23, 2004.

<sup>109</sup> Scott McKie, “Historic Joint Council held between Eastern Band and United Keetoowah Band,” *Cherokee One Feather*, June 28, 2006.

<sup>110</sup> “Resolutions passed in Joint Council of the Eastern band of Cherokee Indians and the United Keetoowah Band,” *Cherokee One Feather*, June 28, 2006.

County citizens. In June 2004, the Eastern Band, the UKB, and the Cherokee Nation came together at Western Carolina University for a commemoration recognizing “the one year anniversary of multiple Cherokee repatriations and reburials on the campus.”<sup>111</sup> Because the recent archaeological controversies forced Cherokees to shape official policies regarding sacred places, a new awareness of sacred places and archaeological issues emerged. The purchase and preservation of Kituwah also paved the way for the Eastern Band’s 2007 purchase of Cowee Mound in Macon County, North Carolina. Russell Townsend, Tribal Historic Preservation Officer for the Eastern Band, discussed the purchase calling it a “really wise decision” and asserting, “Kituwah and Cowee are a symbol of our unique Cherokee identity.”<sup>112</sup> Interestingly, Cowee survived relatively intact because of the efforts of its non-Cherokee owners, James and Katherine Hall Porter. The Eastern Band also learned from the debates over the development of Kituwah and concluded that Cowee would be preserved and not developed. The Eastern Band determined that it would “provide long term security and accessibility through interpretive signage, environmental programming and public park facilities.”<sup>113</sup> Similar to the 1997 rededication of Kituwah, the Eastern Band celebrated the purchase of Cowee in April 2007.<sup>114</sup>

Although it seemed as if these Cherokee sacred places were now better protected than they had been in hundreds of years, in early 2010 the sacred Mother Town of Kituwah again became the center of a preservation controversy. This time an outside

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<sup>111</sup> Scott McKie, “Cherokees and WCU commemorate reburials,” *Cherokee One Feather*, June 30, 2004.

<sup>112</sup> Scott McKie, “Tribe to regain Cowee Mound,” *Cherokee One Feather*, November 1, 2006.

<sup>113</sup> “Tribe Formally acquires Cowee Mound,” *Cherokee One Feather*, March 28, 2007.

<sup>114</sup> Lynne Harlan, “Tribe Celebrates reacquisition of Cowee Mound,” *Cherokee One Feather*, May 2, 2007.

actor, Duke Energy, created a spirit of unity amongst the majority of vocal Cherokee peoples. In the face of possible desecration Cherokee people were again forced to articulate the importance of Kituwah to their cultural heritage and collective identity.

In 2008, Duke Energy purchased property on a mountain overlooking the Kituwah site as a means to supplement growing consumer demand. In late 2009, without notifying the Eastern Band, Duke began construction on the new tie station which led to immediate opposition from a number of Cherokee people. As a result of this opposition, the Eastern Band's Tribal Council passed a resolution on February 4 calling for an immediate cessation of construction. In that resolution, the Eastern Band made it clear that Kituwah remained "the most sacred site for all Cherokees no matter where they live."<sup>115</sup> Furthermore, the tribal council assumed responsibility for protecting the sacred site at all costs:

WHEREAS, it is this Tribe's solemn responsibility and moral duty to care for and protect all of Kituwah from further desecration and degradation by human agency in order to preserve the integrity of the most important site for the origination and continuation of Cherokee culture, heritage, history and identify [sic].<sup>116</sup>

Again, the importance of Kituwah to the creation and maintenance of Cherokee identity was made apparent. To harm or alter Kituwah was to, in some way, harm or alter what it meant to be Cherokee. Furthermore, the Tribal Council also pledged to pursue legal remedies if the construction was not halted. In addition to the Eastern Band resolution,

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<sup>115</sup> Eastern Band of Cherokee Indians, "Resolution No. 156 (2010)," Tribal Council, February 4, 2010.

<sup>116</sup> Ibid.



the United Keetoowah Band issued a resolution on February 4 and the Cherokee Nation issued a resolution on February 8.<sup>117</sup>

The resolution of the UKB attempted to make the importance of Kituwah obvious to non-Cherokees by comparing it to the Garden of Eden (for Christians) and Washington D.C. to Americans. Similar to the rhetoric employed during the Chota controversy, the UKB's resolution called on examples that would be easily understood by non-Cherokees. The resolution also anticipated the arguments of Duke Energy by claiming that the "View Shed," which included Clingman's Dome, was part of the "religious tradition and ceremony" so central to Kituwah and Cherokee people. To alter that view shed, which played a prominent role in the coming of clan law to the Cherokees, would be the same as desecrating the mound itself because that view shed was part of the integrity of the place. If that changed, then all of Kituwah would be changed.<sup>118</sup>

In addition to the outrage expressed in the resolutions from the leadership of all three federally recognized Cherokee tribes, many individual Cherokees spoke out against the construction of the tie station. Russell Townsend, of the Tribal Historical Preservation Office, made his views clear stating, "This is our most important site. We're only ever going to have one Kituwah."<sup>119</sup> Tom Belt again came forward to speak to the importance of the sacred site calling Kituwah, "one of the most sacred things we have."<sup>120</sup> Belt continued by cementing the bond between the Mother Town and Cherokee identity asserting, "We have nothing else that we can say...that more identifies us, as a people

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<sup>117</sup> Cherokee Nation, "Resolution – 02/08/10," Council of the Cherokee Nation, February 8, 2010. The Cherokee Nation resolution was essentially a carbon copy of the Eastern Band's resolution.

<sup>118</sup> George Wickliffe, "To Whom it May Concern," February 4, 2010.

<sup>119</sup> Scott McKie, "Tribe opposes Substation at Kituwah Site," *Cherokee One Feather*, February 8, 2010.

<sup>120</sup> Ibid.

whole, that this particular site.”<sup>121</sup> Hannah Smith, the assistant attorney general for the Eastern Band also weighed in, comparing Duke’s actions to the construction of a substation “next door to a great Cathedral (like St. Peter’s Basilica in Rome).”<sup>122</sup>

Similar to the actions of Macon County during the Fox Site controversy, Duke Energy fought back. Duke spokesperson Paige Layne contended that the Eastern Band was not made aware of the construction and an archaeological study was not commissioned because it was not required. Layne also claimed that Duke would do their best to hide the substation from view using natural vegetation and dark, unreflective metals. Additionally, Layne asserted that the site needed to be constructed to account for the growth of Harrah’s Cherokee Casino. Natalie Smith, an Eastern Band member answered Layne’s comments by making it clear that the substation would “benefit a three-county area,” not just the Cherokee people. Smith also seemed to speak directly to Duke asserting, “It’s not just the casino. So don’t put this guilt trip and don’t threaten us like that because we are not going to even think about sacrificing our mother town.”<sup>123</sup>

The “Duke Controversy,” as it came to be known, populated the pages of the *Cherokee Phoenix* and the *Cherokee One Feather* for months. However, because the controversy included a non-Cherokee company, the controversy was covered by a variety of regional newspapers. These columns largely reflected the sentiments expressed in Cherokee publications, but they also appealed to environmentalists. The *Smoky Mountain News*, the *Winston-Salem Journal*, the *Asheville Citizen-Times*, and *Global Voices* all

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<sup>121</sup> Ibid.

<sup>122</sup> Sue Sturgis, “Cherokees fight Duke Energy substation near sacred site in North Carolina,” *Institute of Southern Studies*, February 9, 2010.

<sup>123</sup> Will Chavez, “Eastern Band of Cherokees opposes energy substation near Kituwah,” *Cherokee Phoenix*, February 9, 2010. While Smith was certainly correct, one must also accept that the Eastern Band did play a *significant* role in the development of western North Carolina.

followed the controversy closely. Websites such as [www.savekituwahvalley.com](http://www.savekituwahvalley.com) and [www.savekituwah.org](http://www.savekituwah.org) were created as a means to publicize the fight. State senators John J. Snow, Jr., Joe Sam Queen and Martin Nesbitt each wrote letters to the North Carolina Utilities Commission expressing their support for the preservation efforts.<sup>124</sup> At the same time, opinion columns warned of the effects of apathy. An editorial written by Natalie Smith articulated the distress she felt as a result of Duke's actions. In that column, Smith expressed her thoughts on the possibility of the view shed changing:

This is collectively our most sacred place. This vista, this view...the one we had remaining, is almost gone forever. The view comes along with Kituwah. The view from Kituwah, or any special historical or social place puts you in that place. It helps us relate to the human histories, culture and meaning of that place.

For Smith, Kituwah the place incorporated the entirety of the experience of being there. To alter the view, would alter the place, which would alter the experience. So, if Kituwah were integral to Cherokee identity, to alter the view would damage that integrity. In a letter to the public, Lisa J. Lefler, executive director of the Western Carolina University Center for Native Health, echoed Smith's sentiments stating, "Cherokee identity is synonymous with this place. In oral histories spoken by Cherokee elders and passed down generation-to-generation, this place is identified as the place of origin of their people, the Kituwahs (Keetoowahs)."<sup>125</sup> Western Cherokees also voiced their opposition to the substation and political cartoons were published comparing Kituwah to Mount Rushmore, the Statue of Liberty and the Gettysburg Battlefield.<sup>126</sup>

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<sup>124</sup> Senator John J. Snow, Jr. to Mr. Edward S. Finley, Jr., April 20, 2010; Senator Joe Sam Queen to Chairman Edward S. Finley, Jr., April 19, 2010; Senator Martin Nesbitt and Senator Joe Sam Queen to Chairman Edward S. Finley, Jr., April 22, 2010.

<sup>125</sup> Lisa J. Lefler, "In Opposition to the Duke Power Substation Development Near the Kituwah Mound, Ela, NC."

<sup>126</sup> Will Chavez, "Kituwah must be protected for future generations," *Cherokee Phoenix*, April, 2010.

The outrage that resulted from that comprehensive coverage pushed Swain County to issue a 90-day construction moratorium on March 9, 2010, preventing Duke from continuing the construction of its substation.<sup>127</sup> In response to the outrage expressed by the Eastern Band and various Swain County citizens, Duke Energy began to negotiate with those concerned parties. Those parties, however, sought additional security and filed a complaint with the North Carolina Utilities Commission on March 31, 2010.

That complaint, styled *Citizens to Protect Kituwah Valley and Swain County v. Duke Energy Carolinas*, expressed the diverse concerns associated with Duke's substation. The complaint combined the concerns of Swain County citizens over property values and health effects while simultaneously asserting, "The visual and physical encroachment is a desecration of the sacred Kituwah Valley, the "Mother Town" of the Cherokee, considered by the Cherokee Tribe and its members as the tribe's spiritual and cultural center."<sup>128</sup>

In their response, Duke Energy denied the all of the material allegations of *Citizens* including their equation of the construction to desecration. Duke also made it clear that any visual impairment would be mitigated by the "use of darkened steel" and "supplemental new plantings of trees and shrubbery."<sup>129</sup> As a result of these filings, the negotiations between the concerned parties assumed a more serious tone. Duke filed a motion requesting that the legal proceeding be delayed for 60 days so negotiations could be carried out. Finally, in October Duke filed a Motion for Summary Judgment because

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<sup>127</sup> Scott McKie, "Swain passes Moratorium on Duke Construction," *Cherokee One Feather*, March 9, 2010; Will Chavez, "Update: Swain County reps issue moratorium on substation near Kituwah," *Cherokee Phoenix*, March 12, 2010.

<sup>128</sup> *Citizens to Protect Kituwah Valley and Swain County v. Duke Energy Carolinas*, State of North Carolina Utilities Commission, Docket No. E-7, Sub. 949.

<sup>129</sup> *Ibid.*

“the parties had agreed to a relocation of the planned tie station at a location some distance from the Kituwah Valley site” and the motion was granted.<sup>130</sup>

The legal wrangling continued for months regarding those Swain County residents who felt their property values, and possibly their health, had been negatively affected. The North Carolina Utilities Commission finally ruled in favor of Duke Energy on December 28, 2011. Fortunately for the Cherokee people, the Kituwah site emerged relatively unscathed.<sup>131</sup> Kituwah, the sacred Mother Town, avoided desecration and could continue its role as a fertilizer for collective Cherokee identity and a container for Cherokee cultural heritage.

From its beginnings as a one of the first – if not *the* first – Cherokee settlements to its continued importance through the culturally disruptive contact period to its influence on the identity of contemporary Cherokees, Kituwah the place and Keetoowah the idea, were, and are of central importance to *all* Cherokee people. Now that Kituwah is in the protective hands of the Cherokee people, its future looks bright. Even if we do not take the prophecy told during the mound’s re-dedication ceremony in 1997 – which connected the survival of the Cherokee as a distinct people to the survival of Kituwah as a sacred, protected place – as gospel, the centrality of Kituwah to the Cherokee people cannot be denied; to separate the Cherokee people from Kituwah would drastically alter their cultural heritage and collective identity.

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<sup>130</sup> Ibid. See also Will Chavez, “Duke Energy to move tie station from Kituwah area,” *Cherokee Phoenix*, August 6, 2010.

<sup>131</sup> Natalie Smith still led a fight to recover the earth removed during the early stages of construction. For more see Will Chavez, “Citizens continue efforts to protect ancient Cherokee site,” *Cherokee Phoenix*, August 25, 2010.

## EPILOGUE: PRESERVATION AND THE SACREDNESS OF PLACE

By examining the lives of Cherokee sacred places, a window into larger themes of Cherokee history opens. The stories of Chota, Nikwasi, and Kituwah also intersect in many ways, allowing us to analyze how Cherokees and non-Cherokees interact with each other and with specific parts of the landscape. While the struggles described in this thesis deal with three specific sacred places, the struggles can also be used to comment on a variety of issues surrounding sacred places including preservation rhetoric (and strategies), archaeology, and the changing nature of sacred places. These points of comparison allow for an in-depth commentary on Cherokee sacred places and the struggle to protect them.

In all three of the instances described in this thesis, a rhetoric of preservation played an integral role in the movements' successes and failures. The struggle to protect Nikwasi, waged by non-Cherokees, called on rhetoric used in the drive to secure funding and land for the Great Smoky Mountains National Park. What made the Nikwasi struggle unique was the fact that those in favor of preservation were largely comparable in class, race, culture, and religion. Unlike the Chota and Kituwah (aside from the later Duke controversy) struggles, those who fought for the preservation of Nikwasi did not have to translate their cultural beliefs for those in power.

In fact, one of the leaders of the movement, Gilmer Jones, was, at one time, the mayor of Franklin. Because Jones operated from a position of power within the community, he only had to raise enough financial support to purchase the property. In other words, the system was skewed in Nikwasi's favor. The combination of these factors

meant that Jones had to convince the people of Franklin and Macon County that Nikwasi was a part of *their* history and heritage. Although the mound's supporters did not completely ignore the importance of the mound to Cherokee people, that was never a part of the rhetoric of preservation. Instead, as argued in the Nikwasi chapter, the rhetoric of preservation used in the national park movement was adapted to the Nikwasi movement. The mound could be preserved as it stood *and* still benefit the community economically. The success of this strategy was made clear by the headline trumpeting the preservation of Nikwasi published in the *Franklin Press* declaring the mound "a monument to the early history of Macon County."<sup>1</sup> Even though Nikwasi had little to do with the history of Macon County (a relatively recent invention), Nikwasi belonged to the people of Macon County, not Cherokee people. By stripping Nikwasi of its Cherokeeness and replacing it with non-Cherokee importance, Jones and his supporters were able to save the mound from destruction.

It is also important to note that the struggle to protect Nikwasi was largely a local one without large economic or political stakes. Although donations to protect the mound were received from across the country, the struggle itself remained confined to Franklin and western North Carolina. This same type of circumstance shaped the early efforts to preserve Kituwah. Before the Duke controversy, the struggle to protect Kituwah was largely fought between the Cherokee people themselves. This meant that the rhetoric used to justify preservation had a distinctly Cherokee tint to it. Even though many Cherokees did not subscribe to the inherent holiness of the place, they were able to grasp the assertions leveled by people like Tom Belt and Myrtle Driver. This became abundantly clear after human remains were discovered in 2000. Once this information

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<sup>1</sup> "Mound Is Bought Deed Given Town." *Franklin Press*, October 10, 1946.

was known, virtually all Cherokees (even those in favor of economic development) supported preservation. As the Fox site and Tellico controversies made clear, non-Cherokees had a difficult time understanding the importance of burials to Cherokee culture and identity. It was not until Duke Energy became involved that those Cherokees in favor of preservation had to alter their rhetoric to appeal to non-Cherokees. Before Duke became involved, justification for preserving the mound ranged from cultural heritage to the inherent sacredness of the mound. After Duke began construction of its substation, Cherokee people who fought to preserve the viewshed called on images of Washington, D.C., the Statue of Liberty, the Washington Memorial, and (ironically) Mount Rushmore. Similar to the Cherokee efforts during the Tellico controversy, the rhetoric was shaped to fit the audience. Now that non-Cherokees were involved, they had to be convinced of the mound's importance. Although the reach of the struggle certainly increased after the involvement of Duke, the controversy remained regional in nature. The United States did not have to be convinced, only Duke Energy.

Unfortunately for the Cherokee defenders of Chota, the ancient peace town did not enjoy the same advantages as Nikwasi and Kituwah. The audience in that case was tremendously diverse. Everyone from environmental groups, to political conservatives, to the Eastern Band of Cherokee Indians, to the Cherokee Nation, to the Tennessee Valley Authority, to the Sixth Circuit Court of Appeals, and the United States Congress were involved. Because of the diverse audience and tremendous size of the controversy, the Eastern Band was forced to translate their beliefs into a language more easily digested by non-Cherokee audiences. That is why Richard Crowe donned a Plains Indian war bonnet when meeting with Justice Douglas. That is why rhetoric comparing the ancient



Cherokee towns to Mount Vernon and calls to preserve Cherokee “heritage” were made. Operating on knowledge gained from luring tourists, the Eastern Band presented a case that they thought Americans-at-large would sympathize with. Although this strategy failed in the Tellico case, the use of virtually the same rhetoric by those who defended Kituwah against Duke tells us that Cherokees are still forced to shape their rhetoric (to preserve sacred places, receive funding or otherwise) to fit dominant conceptions of Indianness and sacredness.

By comparing the rhetoric used by those who struggled to preserve Nikwasi, Chota, and Kituwah, several conclusions can be drawn about preserving sacred places. The efforts to protect Nikwasi and Kituwah were successful for many reasons. The most important, however, was audience. The Nikwasi and Kituwah controversies took place in a much less diverse setting than Chota. The protection of Nikwasi was a negotiation between non-Cherokees, and the protection of Kituwah was a negotiation between Cherokees. The protection of Chota, on the other hand, was a negotiation between a diversity of parties who negotiated across an unbridgeable gap. In other words, if the protection of Chota depended upon the efforts of Cherokees, the ancient peace town did not stand a chance.

While the Tellico controversy informed many of the tactics used during the Duke controversy in 2010, it also helped to cement a strained relationship between native peoples and archaeologists. This is especially clear in the lead-up to the purchase of Kituwah in 1997. As evidenced by the lawsuit filed by the Eastern Band and the UKB in 1979, burials were of central importance to the sacredness of Chota and the lands flooded by the Tellico Dam. Funded by the TVA, University of Tennessee archaeologists

excavated much of the area that was to be flooded, including Chota. Although the Eastern Band was initially supportive (or at least indifferent) to the archaeological work, the manner in which the archaeologists treated Cherokee burials created a tremendous tension between the Eastern Band, the UKB and archaeologists. Although the Cherokee Nation thanked the TVA for its archaeological efforts, this fight, which continued well after the Court of Appeals ruled against Ammoneta Sequoyah in 1980, greatly influenced the relationship between Cherokees and archaeologists.

The dissatisfaction with archaeologists and archaeological practices was not limited to the Cherokees. Although Maria Pearson is the most recognized forerunner of the Native American Graves Protection and Repatriation Act, the fact remains that her efforts, combined with the tremendous number of incidents of desecration of indigenous graves (including the Tellico controversy), pushed the United States to pass NAGPRA in 1990.<sup>2</sup> The simple fact that the federal government empathized with the plight of Native peoples demonstrates the severity of the disagreement between indigenous peoples and archaeologists. Even after the passage of NAGPRA in 1990, American Indians, including the Eastern Band still held a deep distrust of archaeologists.

In an essay published in a 2002 collection of Southern Anthropological Society Proceedings, Brett Riggs details how the preservation of Kituwah worked to smooth over the divide between the Eastern Band and archaeologists. Riggs' experience with the Eastern Band began as the Band was attempting to utilize NAGPRA to prosecute vandals who looted burial grounds at Lake Hole Cave in northeastern Tennessee. During Riggs'

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<sup>2</sup> Roger C. Echo-Hawk and Walter R. Echo-Hawk, *Battlefields and Burial Grounds: The Indian Struggle to Protect Ancestral Graves in the United States* (Minneapolis, MN: Lerner, 1994), 32. See also Kathleen S. Fine-Dare, *Grave Injustice: The American Indian Repatriation Movement and NAGPRA* (Lincoln, NE: University of Nebraska Press, 2002).

participation in excavations authorized and monitored by the Eastern Band, he outlined the increasing participation of tribal members. For Riggs, the Fox Site controversy, in Macon County, had a large impact on tribal members. Because the concerns of Eastern Band members was seen as an interference by Macon County leaders, resentment between the Eastern Band and the archaeologists working for the County grew. At the same time, archaeologists working on the future site of Harrah's Cherokee Casino were viewed as "preservationists working in the interest of tribe."<sup>3</sup> As a result of the overwhelming need for an official tribal stance on archaeology, Lynne Harlan, previously employed by the Smithsonian Institution, was hired to create and lead a Cultural Resources Division. So, when the Eastern Band purchased Kituwah in 1997, a different sort of relationship between archaeologists and the Eastern Band emerged – one of mutual respect and support. The archaeologists working at Kituwah were referred to as "the tribe's archaeologists." Although tension still exists between archaeology generally and native peoples who defend their burials, a new sort of cooperative relationship exists, at least within the Eastern Band.

Ironically, although the Eastern Band and the UKB so strenuously opposed the efforts of University of Tennessee archaeologists in the 1960s and 1970s, many Cherokee sacred places were placed under the protection of the National Register of Historic Places because of archaeological efforts. For example, Kituwah was added to the register in 1970, Nikwasi was added in 1980, Chota was added in 1973, Cowee was added in 1973, Citico was added in 1978, Milaquo was added in 1978, Tomotley was added in 1978, Toqua was added in 1978, Nununyi was added in 1980, and Oconaluftee Archaeological

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<sup>3</sup> Riggs, "In Service of Native Interests," 25.

District was added in 1982.<sup>4</sup> Fortunately, less intrusive archaeological practices are now allowing archaeologists to confirm the presence of burials without having to disturb them. Nikwasi, which has never been formally excavated, and Kituwah have been examined using ground-penetrating radar. The attitude of the Eastern Band towards archaeologists has followed an arc common to many native peoples. By adopting a more syncretic, give-and-take approach, archaeologists and Cherokees have established a healthy working relationship that promises to play an integral role in future preservation efforts.<sup>5</sup>

The engine that drives this thesis, however, is place. For all of the differences and similarities between Chota, Nikwasi, and Kituwah, there is a thread of commonality that ties each of those sacred places together: change, both physical and psychological. The Chota encountered by twentieth-century defenders was different than the Chota inhabited by pre-contact Cherokees. Chota's sacredness emerged as its importance to diplomacy emerged. Once the British and French began to recognize Chota as the center of Cherokee diplomacy, it became more prominent for the Cherokee people themselves. Certainly the town's location along the Little Tennessee River and its proximity to a tremendous amount of sacred geography helped to justify Chota's sacredness.

Yet, without the rise of Chota as a major settlement, Ammoneta Sequoyah would have been unable to make his claims regarding the importance of ancestral burials to his identity as a Cherokee conjuror. Additionally, after the "capitol" was moved to Ustanali and the Cherokees were removed from their homeland, Chota's sacredness changed.

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<sup>4</sup> National Register of Historic Places, "National Register of Historic Places Program: Research," National Park Service, <http://www.nps.gov/nr/research/> (accessed February 29, 2012).

<sup>5</sup> The term "syncretic," used in reference to the relationship between Native peoples and archaeologists, comes from, Larry J. Zimmerman, "Epilogue: A New and Different Archaeology," *American Indian Quarterly*, 20 (Spring, 1996): 297-307.

Instead of acting as a town of refuge, it became a cornfield. That is not to say it was not remembered. There is evidence of Cherokee habitation at Chota, but one can hardly argue that its sacredness was not diminished by the lack of a consistent Cherokee presence. This lack of habitation also directly contributed to the less-than-effective twentieth-century attempt to claim Chota as sacred. All of that said, something of its sacredness persisted well into the twentieth-century for at least some Cherokees. And, once the Tellico project was proposed, much of Chota's sacredness re-emerged or was created anew. So, while the eighteenth-century Cherokees and twentieth-century Cherokees may have defined the sacredness of Chota differently, the fact remains that Chota was sacred to both groups of Cherokee people.

The preservation of Nikwasi, which was accomplished without the assistance of Cherokees, clearly illustrates the changing nature of sacred places. The sacredness of Nikwasi to early Cherokees centered on the mound's proximity to the Little Tennessee River, the presence of the sacred flame, and its role in early eighteenth century diplomacy. After the Treaty of 1819, the sacredness of Nikwasi changed. It was no longer a prominent settlement and the sacred flame was no longer housed there. Instead, by the mid-twentieth-century, white settlers came to identify the place as integral to their history and heritage. While many Cherokees may have still revered Nikwasi, by the 1940s its sacredness had been transferred to non-Cherokees. In the face of seemingly perpetual commercial expansion, prominent Franklinites rallied together to save a part of *their* heritage. If non-Cherokees had not appropriated the sacredness of Nikwasi, it likely would have never been saved. By 2008, when residents of Franklin joined together with the Eastern Band to celebrate Nikwasi, some of its sacredness to Cherokee people re-

emerged. In this post-Kituwah climate, Cherokee ideas of sacredness had been renegotiated and the importance of Nikwasi to Cherokee people was championed again. Ironically, without the non-Cherokee appropriation of Nikwasi's sacredness, it is likely that contemporary Cherokees would not have been able to re-assert Nikwasi's sacredness.

Although the sacred nature of Kituwah also changed over time, much of what made Kituwah sacred for the first Cherokees continues to inform contemporary Cherokee ideas of Kituwah's sacredness. Again, the historical record indicates that Kituwah's regional importance fed the Mother Town's sacredness. Additionally, the town was home to the sacred fire, was situated along the Tuckasegee River, and was even touted as the place where the Cherokee began as a people. In many ways, the sacredness of Kituwah paralleled the sacredness of Chota: once Cherokee people were removed from that place, the sacred nature of Kituwah changed. But, while Chota's sacredness was largely derived from its role as a diplomatic center, Kituwah's depended upon a more esoteric source. Even after removal, Kituwah remained synonymous with Cherokee identity and it remained a part of Cherokee oral culture. During the 1997 re-dedication of Kituwah, Tom Belt, a member of the Cherokee Nation, made it clear:

Over a century and a half ago, my great-grandmother and great-grandfather left these mountains never to return. Carrying with them only the memories of places and things...As a child I began to hear of the places and things, listening at my father's knee. Listening to the old men as they would tell stories of how things used to be, and speaking names of places they had never been. I learned then that we call ourselves *Ani-Kituhwa*, the people of Kituhwa. By then the name Kituhwa was more a term of reference and reverence than an actual place in our collective memory. I heard them lament the possibility of future generations losing this memory. But I remembered. Upon entering adulthood, I found many others who also remembered. And in that land so far away, we talked and we sang of what it means to be Kituhwa. This is the strength and deep meaning of Kituhwa.<sup>6</sup>

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<sup>6</sup> Tom Belt during the 1997 dedication of Kituwah mound as quoted in Barbara R. Duncan and Brett H. Riggs, eds., *Cherokee Heritage Trails Guidebook* (Chapel Hill, NC: University of North Carolina Press, 2003), 72-73.

Clearly Kituwah held, and continues to hold, special importance for many Cherokee people. Without oral culture, which helped to create Kituwah's sacredness, the sacredness of Kituwah may have been lost after removal. Certainly, without access to Kituwah, its sacredness changed, but much of what made Kituwah sacred for the first Cherokees continues to inform its sacredness today. Without Kituwah, Cherokee identity becomes very different. Without sacred places, much of what makes Cherokee people Cherokee disappears. And, as the Nikwasi story demonstrates, the same can even be true for non-Cherokee people. To preserve Cherokee sacred places is to preserve a sort of Cherokeeeness. Even without any other justification, this simple fact should motivate all of us to assist in the struggle to protect sacred places.

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