



Written by [R. Cort Kirkwood](#) on September 15, 2011

Bureau of Indian Affairs Tries To Block Cherokee Ejection Of Blacks

The tribe [booted out](#) 2,800 descendants of blacks freed during the War of Northern Rebellion and given the full rights of Cherokees in 1866. Blacks, the tribe says, are not Indians. The pointed admonition from the great white city in the East ordered the tribe to let the blacks back in. A federal agency cut off a wagonload of wampum.

The Cherokees' answer? They'll stand their ground.

Booting Out the Blacks

The Cherokee relationship with blacks began many moons ago. Most people don't know it, but many Cherokees not only [owned slaves](#) but also [fought for](#) the Confederacy. Others sided with the Union.



In 1866, the U.S. Government and victorious Union Cherokees [signed a treaty](#) that gave free blacks living on Cherokee lands the full rights of the Cherokees. [Says Article 9:](#)

All freedmen who have been liberated by voluntary act of their former owners or by law, as well as all free colored persons who were in the country at the commencement of the rebellion, and are now residents therein, or who may return within six months, and their descendants, shall have all the rights of native Cherokees: Provided, That owners of slaves so emancipated in the Cherokee Nation shall never receive any compensation or pay for the slaves so emancipated.

Peace reigned for 120 years. But then, in the early 1980s, the [Cherokees decided](#) that only full-blooded Cherokees are real Cherokees and members of the tribe, thus excluding blacks. The [U.S. 10th Circuit Court of Appeals](#) upheld that decision in [Nero v. Cherokee Nation](#).

In 2006, the [tribal Supreme Court ruled](#) that blacks had been unjustly deprived of tribal membership, which led to a petition to remove the freedmen's descendants from the tribal rolls with an amendment to the Cherokee Constitution.

The Cherokee people fully supported the amendment, [the Associated Press reported](#): "More than 76 percent of Cherokee voters approved the amendment stripping the descendants of their citizenship."

The tribal [Supreme Court upheld](#) that vote of the 300,000-member tribe.

The move is hardly cosmetic, [AP reported](#), because ejection from the tribe prevents blacks from voting in its special election, to be held September 24, to determine the new chief.

[Reported AP:](#)

The Cherokee Supreme Court ordered the special election after it said it could not



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determine with certainty the outcome of a close and hotly contested June election between incumbent Chad Smith and longtime tribal councilman Bill John Baker. The results had flip-flopped between the two during weeks of counts and recounts. Baker had twice been declared winner, but so had Smith.

And a vote for the new chief isn't the only thing at stake. [Eviction from](#) an Indian tribe means "revoking [the blacks'] citizenship and cutting their medical care, food stipends, low-income homeowners' assistance and other services."

In short, no tribal membership, no freebies.

Freedmen Descendants Unhappy

The descendants of the freed slaves who were members of the Cherokee Nation, once known as one of the Five Civilized Tribes, say the Cherokees have gone way beyond speaking with a forked tongue. They claim the Cherokees are pounding the usual racial drums.

"It's a red man, black man issue just like it's a white man, black man issue," Raymond Nash, 64, of Nowata, [told AP](#). "It's embarrassing, really. It should have been over a long time ago."

Marilyn Vann, president of the [Descendants of Freedmen of the Five Civilized Tribes](#), said it's a red-and-black issue as well. "This definitely is a setback for our freedmen people because we were all eager to vote in the upcoming election," [she told](#) the AP:

The attitude is more like, "We can't put them in chains, so we'll do anything we can to take away their rights." It's a matter of racism and politics.

Unsurprisingly, the black "Indians" [went on the warpath](#) in a federal court, asking it to make them Indians legally and force the tribe to accept them.

Government Agrees With Blacks

The big chiefs in Washington, D.C., agrees with the freedmen's descendants.

Thus, the Assistant Secretary of Indian Affairs, [Larry Echo Hawk](#), [AP reported](#), penned a letter to acting Chief S. Joe Crittenden that told him the tribe had better get back on the civil rights reservation. "I urge you to consider carefully the nation's next steps in proceeding with an election that does not comply with federal law," he wrote. "The department will not recognize any action taken by the nation that is inconsistent with these principles and does not accord its freedmen members full rights of citizenship."

That means whoever wins the special election won't be the new chief because the vote won't count — or so the government says.

As well, [AP reported](#), the federal Department of Housing and Urban Development froze \$33 million of money destined for the tribe.

Crittenden says no way, no how. "The Cherokee Nation will not be governed by the [Bureau of Indian Affairs]," [he told AP](#). "We will hold our election and continue our long legacy of responsible self-governance."

[Chad Corntassel Smith](#), one of men vying for election in the special election on September 24, [told AP](#) the decision to eject blacks is not about race, but about blood. "I've consistently supported the Cherokee Nation's right to determine their own national identity."

Cherokees say this: We don't care what you look like, as long as you've got Cherokee blood.



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It's about identity and self-governance.

Ruth Adair Nash, a descendent of freedmen: AP Images



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