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Author(s): Tiya Miles

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The Narrative of Nancy, A Cherokee Woman

TIYA MILES

On November 24, 1801, Nancy, “by appearance an Indian woman,” gave testimony at Fort Southwest Point, a garrison in eastern Tennessee established in 1792 to defend white settlements against Indian attack.¹ In a statement recorded under the title “The Narrative of Nancy, A Cherokee Woman,” Nancy claimed that she had been wrongfully held as a slave in Virginia since the year 1778. At the time of her testimony, Nancy was approximately thirty-one years old and living with a white man named, incredibly, Captain John Smith. Smith had purchased Nancy from John Fulton, who had bought her from William Kennedy. Nancy described the crime of her capture in graphic detail in the narrative, testifying that

[S]he was taken when a child from her mother, that the white people afterwards boasted that they held their guns over her mother’s head to frighten her when they took her away: that sometime afterwards she was carried a great way on horseback to a place where there were a number of houses . . . that she had two masters before Mr. Fulton bought her, that she had brothers and sisters when she was taken away from her mother, that she never saw any waters larger than the Tennessee and Clinch Rivers.²

Thus begins Nancy’s story, which is compiled in part as a gathered set of documents in the Records of the Cherokee Agency in Tennessee, 1801–1835. Though revealing in content and unique in subject matter, these documents are limited in number. What begins as a rich retelling of Nancy’s experience dissipates into a cursory property dispute over a forty-year span of records between 1778 and 1818. By the end of the documentary account, Nancy’s story trails off with no clearly rendered resolution, and the lifelines of her descendants can be traced only at a distance through scattered mentions in Cherokee records and in the John Howard Payne Papers of the Newberry

Library. Given the finite confines of the source base, in this essay I first reconstruct and then analyze Nancy's story as a case study about Cherokees, race, and slavery.

FREEDOM SUIT AT THE FORT: NANCY'S COURSE OF ACTION

Nancy's narrative documents the onset of bondage, sexual vulnerability, and forced labor for a Cherokee girl. At the same time, it preserves the courageous act of a Cherokee woman who somehow transported herself some 140 miles from Abingdon, Virginia, to Southwest Point, Tennessee, for the purpose of telling her story. The surviving records do not reveal how Nancy traveled, if she stole away alone or crossed state lines in the company of her master. We do know, however, that she came in pursuit of liberty. And in that pursuit Nancy did not seek out a southern court, like black slaves with Native ancestry are documented to have done in the nineteenth century.³ Instead, as a person who identified as a citizen of an Indian nation, she sought an equivalent institutional structure within a Native-US diplomatic framework. She took her case to federal officials engaged in "Indian affairs," launching a freedom suit from slavery in a Native historical context. I follow the lead of Laura Edwards, who begins her article "Status without Rights" with the fundamental question of why emancipated slaves in the South would pursue legal means for securing rights and protections during the Civil War and Reconstruction. We might ask first of Nancy's case: why did Nancy pursue this particular course of action? Why did she come to this place, at this time? And what made her think that her testimony might have purchase here?⁴

At first glance, Fort Southwest Point might be the last location a Native woman wronged by whites would turn to for help. The historical marker at the site attests that this was "a military post established in the territory of the United States by General John Sevier . . . to protect the travelers and settlers from the Indians."⁵ Indeed, when the fort was founded in 1792, Indian attacks in retaliation for white intrusions were at a crisis point. Euro-American interlopers had pushed far into the Cherokee territory of present-day Tennessee, and Cherokees had responded with deadly raids, property theft, and arson. In 1792, Indian fighters had killed fifty-six white intruders in a series of attacks, and rumors abounded among regional Southern leaders of an impending major assault. Tennessee Territorial Governor William Blount then dispatched infantry and cavalry troops under the leadership of General John Sevier. Sevier secured the strategic location later named Southwest Point—a hill overlooking the Clinch and Tennessee Rivers, increased at its apex by a Mississippian mound—for his base. Sevier had a

blockhouse built on the hillside, which served as command center for his Indian-fighting troops. But by 1793, the Secretary of War advised restraint, and Governor Blount reduced the number of troops at the fort. Remaining soldiers provided armed escorts for white travelers and protected white refugees whose individual settlements had been retaken by Indians. After the Battle of Fallen Timbers in 1794, in which Native Great Lakes, Midwestern, and Southern coalition forces were decisively defeated by General Anthony Wayne, conflicts in Tennessee dissipated. In 1796 Congress passed "An Act to regulate Trade and Intercourse with the Indian Tribes;" in that same year Tennessee achieved statehood, and by 1797 the fort's post had been relocated from the side of the hill to its peak.⁶

As this new spatial orientation made clear, the balance of power had shifted in Tennessee. Fort Southwest Point abandoned its defensive posture and began to serve the new purposes of mediating white and Indian disputes and protecting Indians from white invaders.⁷ In June of 1801, this new orientation became official when Secretary of War Henry Dearborn appointed Return Jonathan Meigs Agent to the Cherokees and headquartered him at Fort Southwest Point.⁸ For the next six years, the military base would serve as the Cherokee Indian Agency. The site of Fort Southwest Point later faded into obscurity, until an archaeological discovery in 1973 pinpointed its location atop the prominent hill.⁹

Quite unlike our contemporaries in the late twentieth century, Nancy, a slave in Virginia in 1801, was not ignorant of the fort's location. Nancy must have maintained ties with her countrymen and women in the Cherokee Nation. Within six months of the Cherokee Agency's establishment there, Nancy appeared to give her testimony. She sought an advocate, she sought a refuge, and she seemed to know exactly where to turn. Agent Meigs was charged with the overall objective of fostering peace between Cherokees and whites.¹⁰ He had the power to hear complaints and mediate disputes, and he reported directly to the Secretary of War. In addition, it is perhaps not too far a stretch of the imagination to suggest that the fort's location on an ancient Indian mound may have led a Cherokee woman, cultural descendant of the Mississippian civilization, to view the site as inherently empowered.¹¹

After more than twenty years in bondage, Nancy recognized in the federal agents at Fort Southwest Point a means to seek her freedom. She had reason to believe that her story would fall on sympathetic ears. In addition to her cognizance of the arrival of the Cherokee Agent whose job it was to hear complaints, Nancy might have been aware that she stood on firm legal ground. By American law as well as custom the rampant enslavement of Indian people, practiced from the moment of European contact until the mid- to late-1700s, was now illegal.

CAPTURED AS A CHILD: NANCY'S FRACTURED STORY

When Nancy gained a hearing at the fort she gave an account of wartime capture that would have been familiar to women across cultures, extending back even to the legendary Sabines, who were captured as booty by the Roman army. The totality of Nancy's recorded testimony, reproduced nearly in full at the start of this essay, told of her family's encampment with other Cherokees during the American Revolution, an attack by white men, her mother's terrorization, her own capture, and her later sales to successive owners in the system we recognize as black chattel slavery. Nancy's own report withholds detail, perhaps as a protection from remembered trauma or perhaps due to the constraints of time or format. Nevertheless, additional testimony collected by Agent Meigs allows for a fuller reconstruction of her story. In a painfully slow process between 1808 and 1812, Meigs compiled a dossier that included Nancy's 1801 narrative, a statement by Cherokee leading men in 1808, a 1778 bill of sale for Nancy, and testimony from white men in Abingdon, Virginia, the home of Nancy's (former) owners.¹²

In a document titled "The Testimony of Sour Mush and Ou, see, kee, Cherokee Chiefs, relating to an Indian Girl now held as a slave together with her children and grand children by Citizens of the United States," two Cherokee men corroborated and augmented Nancy's statement. They testified that

In the early part of the Revolutionary War, the Cherokees were encamped on a mountain near Field Town on Seneca River. The white people approached their camp to attack it and the Cherokee fled, that a Cherokee woman named Olufletoy, having a little girl with her about eight years old—when the Cherokees fled, the woman and her child were left behind, that the white people killed the woman Olufletoy and took the little girl off with them.¹³

The chiefs do not give a year for this attack, but it probably occurred in 1776, when revolutionary forces from Virginia led by Colonel William Christian committed "devastating raids" on Cherokee settlements.¹⁴ In the spring of that year Cherokees, inspired by the outspoken leader Dragging Canoe, had sided with the British in the growing conflict with the Americans and had launched a series of raids in Georgia, South Carolina, and North Carolina.¹⁵ In retaliation, American southern states gathered a force of 6,000 men, hoping to crush the Cherokee opposition by crippling their towns and seeking to make an example of the Cherokees to other would-be Native resisters.¹⁶ When Virginia troops attacked the Overhill towns in middle Tennessee, Cherokees fled, "leaving behind in their villages 'horses, cattle, dogs, hogs,

and fowls' as well as 'between forty and fifty thousand bushels of corn and ten or fifteen thousand bushels of Potatoes.'"¹⁷ After this assault John Stuart, British Superintendent of Southern Indian Affairs, who remained loyal to the crown, urged Cherokees to "move to the Dragging Canoe where you might well have all your women & Children Defended."¹⁸ But the advice would come too late for Nancy and her mother, who were already suffering the appalling effects of the American assault.

Three of the four Virginians interviewed for Meigs's investigation further substantiated the story of Nancy's kidnapping and enslavement during the Revolutionary period. William Bradley testified that he "had some knowledge of William Kennedy having in his family an Indian girl as a slave upwards of thirty years ago." A man named Bryon "recollected that about the commencement of the revolution that some [men] came thus [to] this part of the country having with them a small Indian girl which he understood they had taken from the Cherokee Nation and it was understood that they had killed the mother of the child at the time of taking the child out of the Cherokee Country." And finally, William Kennedy himself "acknowledged that . . . in company with John Fulton in the year 1778 [he] went to Gloucester County, Virginia to buy slaves, that they bought several, that himself bought a small Indian girl: but cannot tell the name of the person of whom he bought [the] girl, that he sold the said girl to said John Fulton on their way returning home."¹⁹ That "small Indian girl" of Kennedy's recollection grew into adolescence and young adulthood as a Virginia slave.

The reconstructed outlines of Nancy's story from these assembled records indicate that Nancy and her mother's national, gender, and racial locations—and the intersections among them—made the pair especially vulnerable in a Revolutionary matrix of domination.²⁰ First, as Cherokee citizens who sided with the British in a war not of their choosing, Nancy and her kin were exposed to US military and political retribution. Second, as females during wartime, colonial expansion, and slavery, Nancy and her mother were especially vulnerable to the sexual violence that so often accompanied conquest and is a documented aspect of black slave women's experience.²¹

In her study of rape in early America, Sharon Block points to the lowering of prohibitions against sexual violence for men engaged in battle. Female war captives were subject to sexual assault as a display of conquering soldiers' prowess, and documented examples of this particular kind of violation exist for the American Revolutionary War.²² The record does not indicate whether Nancy's mother was violated before she was murdered, but this is a distinct possibility due both to the backdrop of war and to her racial status. Although white women were sometimes raped by soldiers, Native women were much

more likely to be viewed as sexually violable by white men in early America. Block writes: "As 'Heathen,' Indian women were vulnerable to particularly sadistic assaults that were expressions of more than men's overt sexual gratification. Sexual interactions with nonwhite women were characterized by a degree of hostility and brutality that moved beyond simple sexual pleasure into torture as a purposeful expression of superiority."²³ Kirsten Fischer has likewise shown that the European conceptualization of Native women as sexually immoral and available contributed to the racialization of Indian people, even as the definition of Indians as a savage race justified the sexual abuse of Native women.²⁴ Native women could be raped without concern because they were viewed as inherently different from white women and deserving of little regard.

Nancy could well have witnessed her mother being sexually assaulted, and when Nancy was sold as a slave her own exposure to sexual abuse would have intensified. Not only was she captive in a system that permitted and rewarded the sexual exploitation of black slave women, but she was also recognized as "Indian" or "mix[ed]" in that system. European fantasies about Native women as well as African women may have converged on the slave girl who seemed to embody both categories, and the dual devaluation of black and Indian women in American society would have enabled white men to act out those fantasies on a young adolescent like Nancy.²⁵ The record is silent on Nancy's sexual history, but she does have children for whom the circumstances of conception are never broached. This, together with the absence of any mention of Nancy ever having been married or coupled, raises questions about the paternity of Nancy's children and the occurrence of sexual assault and coercion in Nancy's experience.

Third, as Indian people deemed different in color as well as culture, Nancy and her family were racialized by whites and hence vulnerable to unbridled mistreatment if captured during the conflict.²⁶ By the time of the American Revolution, white settler-colonists saw Indians as a degraded race and sought to distance themselves from their indigenous neighbors through rhetoric and violence.²⁷ And what is more, the records suggest that Nancy may also have been a person of African descent, intensifying her dehumanization as a member of two negatively racialized groups and legally legitimizing her life-long enslavement.

"INDIAN," "NEGRO," OR "MIXED"? NANCY'S RACIAL BACKGROUND

It is impossible to derive a decisive understanding of Nancy's racial background from the available records. The fact that she was Indian is undisputed

in the early documents, while the presence of African ancestry in her family lines is a strong, yet unproven, possibility. An exact recitation of her racial makeup is challenging, in part because interested parties in Nancy's case had reason to obscure this information, a point that will be taken up in a later section. Throughout the record on Nancy's case, no observer commented specifically on customarily racialized physical features of the time, such as skin color or hair texture. Though Meigs initially noted that Nancy was "by appearance an Indian woman," the diversity of Native people's appearances, especially once intermarriage is taken into account, makes this observation ambiguous. Neither did witnesses offer analyses of Nancy's behavior or social circle over the years as a means of implying her racial placement. Instead, witnesses and slaveowners offered straightforward yet competing categorical terms with which to describe Nancy. She was sometimes described by them as "Indian," once described as "Negro . . . mixture of the Indian breed," and sometimes described as "Negro." For her own part, Nancy did not self-identify as a member of a racial group in her testimony. However, Nancy's cognizance of a functional race hierarchy in early America, and of where she was situated within it as a nonwhite person, is apparent in the only racial terminology she does include in her statement—in reference to the "white people" who murdered her mother, enslaved Nancy, and "boasted" about their cruelty.²⁸

Given the confusion of the sources, additional indicators of Nancy's racial background might be derived from context. By the late 1700s when the Virginia militia raided Cherokee settlements, the enslavement of Indians had diminished in most northern and southern colonies. In Virginia, the home colony and then state of Nancy's owners, Indian slavery had been outlawed in 1777.²⁹ Though non-mixed-race Native people still labored in the subjugated sphere of indentured servitude and may have had lingering vulnerability to enslavement as war captives, Native people with African ancestry would have been more attractive to slave speculators and traders. It should be noted that Nancy's mother was not captured and enslaved at the time that Nancy was taken, suggesting that Nancy was singled out as different by the militiamen.³⁰ This, coupled with what I interpret as ambiguity in the Cherokee chiefs' statement about Nancy's parentage, leads me to conclude that Nancy was of both Indian and African descent.

While Nancy's mother (Olufletoy) is mentioned by name and described as "Cherokee" throughout the record with no vacillation or ambiguity of racial description, Nancy's biological father is never clearly indicated. The Cherokee chiefs' testimony includes a postscript about the family, which adds that "the woman's husband was O, na, toi."³¹ The indirect wording of this addendum

and its placement outside of the main narrative suggests that Onatoi, Nancy's mother's husband, was not Nancy's biological father and was perhaps instead her stepfather. This ambiguity leaves further room for the interpretation that Nancy's father, unidentified in any of the reports, may have been African, African American, or mixed-race Afro-Cherokee, which would have made Nancy more attractive to her captors as potential slave property.

The possibility that Nancy's mother had multiple partners, and that one of her husbands could have been black, is quite real. Cherokee women's degree of sexual freedom in the eighteenth and turn of the nineteenth century—their ability to marry and divorce at will and with social impunity—is amply documented in accounts by European observers as well as in the ethnohistorical secondary literature.³² Occurrences of committed intermarriage and informal sexual couplings between Cherokees and people of African descent in the eighteenth and early nineteenth centuries are also verifiable, since scattered references to Cherokees with black partners appear in the Cherokee Agency, Cherokee legal, and Bureau of Indian Affairs records.³³ Such marriages and sexual liaisons occurred between free blacks and free Cherokees, as in the case of Jack Civills, a free black trader, and his Cherokee wife, and the case of Molly, an adopted black member of the Deer clan, and her Cherokee husband.³⁴ Long-term couplings also occurred between enslaved blacks and free Cherokees, such as the case of Doll and her owner, Shoe Boots, and between free Afro-Cherokees and Cherokees, as in the cases of Doll and Shoe Boots's daughters, Elizabeth and Polly.³⁵ We might note that while examples involving prominent people and dramatic circumstances are preserved in the documentary record, other, less visible marriages certainly also took place, especially during the century and a half of Indian and African co-enslavement in the British and American Southeast. One such case of lesser known individuals involves the descendants of an enslaved woman named Sarah who was captured by Cherokees during the American Revolutionary War. In 1815, when her white former owners tried to retrieve Sarah and her progeny, Agent Meigs recorded, "All the children and grandchildren descendents of Sarah as before stated are of mixed Blood, their fathers are Cherokee."³⁶ By the early 1800s the pressures of a rigid US racial hierarchy, together with a War Department civilization program that encouraged Cherokee adoption of Euro-American cultural practices, diminished the attractiveness of blacks as Cherokee marriage partners. The outlawing of Cherokee-black intermarriage by the Cherokee Council in 1824 indicated both the existence of these marriages and a need for the increasingly race-conscious Cherokee government to control them.³⁷

In the 1770s Nancy's mother may well have had a former husband who was black or Cherokee-of-African-descent, and that husband could have been a

Cherokee citizen through matrilineal descent, a free trader living in Cherokee country, a former slave adopted by a Cherokee clan, the slave of a Cherokee, or the child of parents in any of these categories. If Nancy's father was indeed of African descent and if Nancy's appearance or manner evinced this genealogy, the ability of her owners to prolong her enslavement in a legal environment intolerant of Indian slavery but accepting of black slavery would have been strengthened. Such may well have been the case, since Nancy did not find the protection she sought at Fort Southwest Point in 1801.

INDIAN CITIZEN OR NEGRO SLAVE? THE OUTCOME OF NANCY'S SUIT

After Nancy made her bid for freedom, she disappeared from the record books for close to a decade. Events of her life in the intervening years are unrecorded, but it is clear that her master, John Smith, maintained possession of Nancy despite her visit to the Cherokee Agent. In 1808, seven years after Nancy's complaint had originally been filed, Smith sold Nancy and her family to Evan Austill, a white man who lived in the Tennessee-Georgia border vicinity of the Cherokee Nation and was employed as a blacksmith there.³⁸ It is probable that a series of contemporaneous decisions in the Virginia State Supreme Court prompted the sale. In 1806 the court ruled that all American Indians in the state should be presumed free "in fact and in right."³⁹ And in 1808 the Court proclaimed "that no native American Indian brought into Virginia since the year 1691 could under any circumstances lawfully be made a slave."⁴⁰ The Virginia Supreme Court defined an American Indian person as someone who could trace her or his lineage back to a female Indian ancestor.⁴¹ Together these two rulings would have implicated Nancy's owner since Nancy was the offspring of a Cherokee mother and had previously attempted to secure her freedom on those grounds. Given the legal climate in Virginia, Smith must have thought it wise to put Nancy and her children on the market. His decision to send Nancy farther south into an unknown future could have made matters much worse for her, but instead it opened a new opportunity for her pursuit of freedom. As a slave in Austill's household within the boundaries of her native Cherokee country, Nancy would have greater access to a community support network. In 1808 that support materialized as fellow tribal members took up Nancy's cause.

When Cherokee protestors confronted Evan Austill and accused him of wrongfully enslaving one of their own, Austill turned to Agent Meigs, who was posted at his new headquarters at the Hiwassee Garrison.⁴² In October of 1808 Meigs sent a guarded reply, recommending that Austill proceed with caution:

I received your letter relating to the claim of the Cherokees to the girl you bought of Mr. Smith and I have to request that you will not carry away the girl until a decision can be had with respect to her being of their nation. I shall get all the information I can from the Cherokee chiefs and from the white people. I believe you have too much regard to the rights of the Indians to wish to hold as a slave one of these people. If the result should be that she is a real descendant of a Cherokee family[,] she ought to be free and must be free[,] and it would injure your claim to recover money from any quarter if you send her away or in any way dispose of her as property; except to put her in the hands of some person to keep her until the matter is decided.⁴³

This seems to have been a challenging case for Meigs, who vacillates in his characterization of the slave woman's status. He first refers to Nancy as "your girl" in the opening line of the letter draft, then crosses out the possessive personal pronoun, replacing "your" with "the." Meigs is not yet committed to a definition of Nancy as Austill's property, because in his view such a designation depends on a combination of her race and nationality. If Nancy is proven to be of the Indian race and of Cherokee citizenry, then her enslavement cannot be allowed to stand. Meigs reserves the possibility that the woman in question might be Indian and therefore deserving of her freedom. As Ariela Gross has shown in her analysis of freedom suits in the 1800s, unlike African Americans, who were denationalized by virtue of their seizure and enslavement, Native Americans were viewed by post-Enlightenment American officials as members of nations and thus deserving of the rights that accrued to citizens.⁴⁴ By this logic, and by US law, Meigs was called to protect Nancy if she met his criterion for being a "real" Cherokee: descended by blood from a known family in the Cherokee Nation of Indians.

On the day after Meigs wrote this letter to Austill, he carried out his plan to interview Cherokee chiefs and white Virginians about the woman whom Austill claimed. Their testimony, described previously in this piece, would seem to have substantiated the charge that Nancy was a Cherokee woman held illegally as a slave, but Meigs concluded otherwise. Perhaps because of her likely African ancestry, Nancy did not meet his criterion for Cherokee authenticity. A nearly ten-year gap in the documentary record precludes a full reconstruction of what transpired next. What seems apparent is that Cherokees in the community dissented from Meigs's view and at some point aided Nancy and her family in an escape from Austill's household. Nancy may well have been the woman referred to by Moravian head missionary to the Cherokees, John Gambold: "A mulatto woman, who was descended from

the Cherokees through her great grandmother, was forcefully taken away some years ago from her owner and set free because of this noble origin.”⁴⁵

In the aftermath of the apparent rescue of Nancy and her family, Austill turned to the Cherokee Council for redress. By 1817 Austill claimed that the Council had consented to decree the return of the fugitives.⁴⁶ It is unclear whether the Council made such a decision and failed to act on it, or whether Cherokee people in Nancy’s community continued to defy authority. In either case, the lack of movement on the part of Cherokees to secure Austill’s property prompted Meigs’s associate, Acting Agent William Smith, to write a forceful letter to Principal Chief Path Killer and National Secretary Charles Hicks. “Gentlemen,” Smith began, “It appears by a Document produced here by Evan Austill, that a National Committee of the Cherokee Nation on the 1st July 1817 ordered that a family of Negroes which were claimed by some Cherokees as free people, should be given up to said Austill[,] he being the rightful owner, which order was approved of by Col. Meigs, United States Agent for the Nation.” Smith goes on to imply that the “Negroes” in question, of whom “Mr. Austill has not gotten possession,” were being aided by members of the Cherokee community. He warns Pathkiller and Hicks that “Mr. Austill must have the possession of his property for if your people withhold it the nation must be accountable, not only for the value of the property, but the damages that he has heretofore sustained and may hereafter sustain.” In the conclusion of the letter, Smith adds, “I hope, Gentlemen, you are willing to go hand in hand with me in endeavoring to preserve peace and harmony among our white and red brethren, and that you will be equally willing with myself to do ample justice to both parties.”⁴⁷

Given the timing of this letter in January of 1818, it is not inconceivable that Cherokee leaders heard an implied threat in Agent Smith’s language. In the years 1817–1819 Cherokees were facing a catastrophic removal crisis much like the one they would confront with the passage of the Indian Removal Act in 1830. In the chaotic aftermath of the Creek War of 1813–14, US government agents, along with General Andrew Jackson and Governor of Tennessee Joseph McMinn, were pressing Cherokees to exchange all of their southeastern lands for a parcel in Arkansas.⁴⁸ In July of 1817 a number of local chiefs and Cherokee Committee members signed a vaguely worded treaty that was interpreted by US officials as sanctioning total removal, but was interpreted by the Cherokee signers as preserving their possession of at least some portion of the southeastern land base.⁴⁹ When Cherokee leaders realized the actual intent of the American government, they worked desperately within Cherokee legal structures and through diplomatic channels with US officials to ensure the preservation of even a fraction of their lands.⁵⁰

Even in the best of diplomatic times, Cherokees depended on federal agents to control the intrusion of white settlers on Cherokee land. In this moment of heightened threat to Cherokee sovereignty, when white militiamen and settlers were pouring across territorial boundary lines and a treacherous treaty hung in the balance, Cherokees were even more dependent on the good will of the agents. So in January of 1818, when Agent Smith offered the Cherokees “peace” between whites and Indians if only they would give up this “Negro” family, the implications were significant. “Negroes” were expendable, the agent’s words implied, while the relationship between Indians and whites was paramount to Cherokee interests. Protecting this family would weaken the Cherokees’ hand in negotiations with treaty commissioners and would give the US further reason to ignore complaints of white intrusion.

The removal crisis was successfully averted by the Treaty of 1819, but only with the sacrifice of four million acres of Cherokee land.⁵¹ And although a direct outcome of Agent Smith’s letter is not recorded, it seems that Nancy and her children were also sacrificed. Four years later, after the death of Evan Austill and upon the settlement of his estate, he held mixed-race Afro-Cherokee slaves among his possessions.⁵²

RACE AND SLAVERY IN CHEROKEE HISTORY: REVIEWING NANCY’S CASE

The documentation of Nancy’s experience allows us to mark the name and story of one more otherwise nameless and forgotten woman in slavery. In addition to this valuable gift, the records point us to at least three important realizations about race and slavery in Cherokee history. First, we learn through Nancy’s case that racial classification was malleable and meaningful in a Native southern historical context. Second, we are compelled to make sense of a slavery story in the Cherokee Nation that positions Cherokees as slaves rather than as masters. Third, we are reminded by Nancy’s life that the history of intermarriage and mixed-race experience in Native America includes Afro-Native as well as Euro-Native formations.

Recent scholarship on race, slavery, and social relations has enriched our understanding of the complexity of racial classification in nineteenth century US. In addition to Ariela Gross’s finding that a person’s racial categorization was not determined solely by skin color or genealogy in Southern courts but also by actions and social networks, work by Martha Hodes has shown that racial status as experienced in everyday life was not dependent solely on ancestry and skin color but also on gender, class, and national location.⁵³ In her article, “The Mercurial Nature and Abiding Power of Race,”

Hodes explains through the story of Eunice, a white New England woman, and Smiley, her mixed-race Afro-European Caribbean husband, that racial assignments could be made, unmade, and remade, all with the effect of further cementing the existing racial hierarchy and the subjugation of black people in society. Hodes writes, “part of the abiding power of racial classification lies precisely, I argue, within this mercurial quality . . . that power lies within the ability of legal, economic, and social authorities to assign and reassign racial categories to oppressive ends.”⁵⁴ Rather than seeing the socially constructed nature of race as a sign of its ineffectiveness, Hodes concludes that this characteristic of malleability allows race to be ever nimble, ever functional in the service of those in power.

Nancy’s case further illustrates Hodes’s findings and extends them into a Native American transnational location. Nancy knew first hand the possibilities and effects of racial reassignment in a US context in which black was the bottom-most racial category against which other categories (white as well as red) were defined, and in a Cherokee context that was steadily moving toward this same orientation. Like Hodes’s featured historical actors, who become more “white” or more “black” in effect depending on factors like who their marriage partners are, if they are living in New England or the Cayman Islands, and whether or not they have servants, Nancy’s racial categorization changes over time and from one national context to another. Like the protagonists of Hodes’s story, the blacker the category to which Nancy is assigned, the harsher her life circumstances become. In the Cherokee space where we first see her, Nancy is Indian and accepted as such by her mother’s peers, exemplified by the two chiefs who are later interviewed by Agent Meigs. Once she is transferred to Virginia, however, she is subject to a racial reclassification by those who have power over her. This adjustment begins with Nancy’s transfer by her second owner, William Kennedy, who fixes Nancy’s race as Negro-mixed-Indian in a bill of sale:

Know all men by these presents that I William Kennedy of Washington, Virginia, in and for the consideration of two hundred and twenty five pounds current money of said Colony, in hand paid have bargained and sold unto John Fulton of the County and Colony aforesaid one Negro Girl, mixture of the Indian breed, named Nancy.⁵⁵

William Kennedy had a pecuniary and legal interest in seeing Nancy labeled as “Negro” when he passed her on as property. The refined practice of race slavery in 1770s Virginia, in which black people alone were the legitimate victims, offered Kennedy rhetorical cover for enslaving a native Cherokee girl. And William Kennedy’s buyer, John Fulton, seemed just as aware of the need

to mask Nancy's indigenous status. When Fulton's rightful ownership of Nancy was questioned, he "pretended that Nancy had been brought from the East Indies."⁵⁶

Unlike these white men, Nancy's Cherokee advocates forcefully asserted Nancy's Indian identity in a way that privileged kinship and place over color and race. Chief Sour Mush's and Chief Ouseekee's statements establish Nancy's belonging in the clearest way possible within Cherokee understandings of matrilineal kinship relationships and matrilocal living arrangements. They refer to a Cherokee woman by name, state unequivocally that Nancy is "her child," and precisely note the town from which Nancy was taken.⁵⁷ For Cherokees, there was no clearer definition of belonging than being the child of a Cherokee mother from a particular place on the Cherokee landscape. The chiefs' reclaiming of Nancy is also an indication of how oppressed individuals and communities could employ the flexibility of racial classification to further their own ends. Hodes explains that "communities, families, and individuals seek to resist such authority by naming and defining themselves, an endeavor that entails the assignment of others to various racial categories."⁵⁸ Just as the chiefs and Cherokee community rejected definitions of Nancy as anything other than Cherokee, Nancy had opened her own case by trying to do the same. When Nancy approached the Cherokee agent to reveal her personal history, she was, in effect, distancing herself from the racial category "Negro" and its by then inherent connection to enslavement in the American South. The majority of her fellow bondswomen in Virginia would not have had recourse to a claim of Indian nationality that might offer them protection from slavery.

Although Nancy had what can be termed the privilege of pursuing racial reassignment, this proved an empty advantage for her. The white men who maintained power in both national contexts were not compelled to honor her claim. Despite the assertion of Nancy's Indianness by Nancy and other Cherokees, the derogatory label of "Negro" introduced into the record by the slaveowner Kennedy would hold sway. By 1818, as the tug of war over Nancy and her children continued, federal agents had taken to referring to Nancy's family as "Mr. Austill's Negroes."⁵⁹ This shift in racial terminology bode ill for Nancy and her descendants. The government agents' willingness to categorize the family as "Negro" and to use a flagrant possessive assigning them to Austill's property holdings, foreshadowed the negative outcome of Nancy's freedom suit. And as Nancy's family becomes descriptively black over the forty-year span of Cherokee Agency records on the case, Nancy's own documentary personhood begins to fade. As an "Indian girl" in the 1801 record she is referred to by name and her testimony is believed by the record-

ing agent at Southwest Point to be beyond question. Scribbled in the margin of Nancy's statement was the notation that "her undisguised narrative cannot be doubted."⁶⁰ Yet by 1808 Nancy has become unnamed merchandise; in Meigs's letter to Austill she is "the girl you bought of Mr. Smith."⁶¹ By 1818 neither Nancy's name nor the names of her individual children or grandchildren appear in a letter by Meigs's associate about the case. To the federal agents, and certainly to Evan Austill, this Cherokee family had become black, nameless, and unworthy of protection. The earlier tendril of hope held out by Agent Meigs pending the possible documentation of Nancy's Indian racial categorization and Cherokee nationality did not prevail. Her externally defined racial status as black, and the power of Austill's property interest, trumped any regard for her rights as a Cherokee citizen.

By the second or third generation after Nancy's capture, her grandson was labeled "mulatto" in a bill of sale. The fact that the boy's father and purchaser was a free Cherokee man indicates continuing links between Nancy's family and other Cherokee people. But regardless of her Cherokee citizenship and lasting social ties, Nancy was transformed from "Indian" to "Negro" in the Cherokee Agency records within the span of a single lifetime. In a volatile context of colonialism, war, and slavery in which the line between black African and brown/red Indian was easily blurred, Nancy's racial classification was by no means tethered to her Cherokee ancestry and nationality. Her re-racialization as black made her more vulnerable to the exigencies of slavery and more valuable to her white American owners. The evidence of this manipulation of Nancy's racial status is traceable only because, against the odds, she found a way to tell her story.⁶²

Scholarship on race and slavery in the Cherokee Nation has flourished in the last decade. Building on the earlier work of Theda Perdue, Rudi Halliburton, and Daniel F. Littlefield, historians and anthropologists like Katja May, Circe Sturm, Celia Naylor, and Fay Yarbrough have turned to the subject of Cherokee racial formation and black bondage.⁶³ These new investigations have been invigorated by social theories of race, gender, and power and by an attention to the intersections of everyday life, intimate spaces, state structures, and legal apparatuses. Work in this subfield has left little doubt that the Cherokee national government sanctioned black slavery and the civic exclusion of Afro-Cherokees, that a minority of Cherokee people owned black slaves, and that some Cherokees espoused a race-based understanding that located blacks on the margins of the human family. But the story of Nancy's life augments and complicates the picture of a slaveholding Cherokee Nation. An Indian girl defined as black and enslaved by whites, Nancy reminds us that the history of Cherokee slavery is not limited to the

relationship between Cherokee masters and black slaves. In the century preceding Cherokees' adoption of race slavery, members of the Cherokee Nation and other tribal communities in the South were themselves vulnerable to enslavement by Europeans. Even into the early nineteenth century, Cherokee people—as exemplified by Nancy and her children—could be owned as slaves. Nancy's story is atypical in the records on slavery in the Cherokee Nation, but it is not singular. This second story of Cherokees and slavery is one we do not know as well, and one deserving of attention in future scholarship.

Finally, Nancy's case reminds us that Indian and black couplings partly compose the history of interracial marriage in Native America. Recognizing that black and Native people partnered and had children means revisiting scholarly conclusions about Indian people of mixed racial ancestry. The assumption that descent from an interracial family in the late eighteenth and early nineteenth century bestowed social and economic benefits on an Indian child, for instance, shifts when Afro-Native marriages are taken into account.⁶⁴ Nancy was almost certainly the child of a Cherokee mother and father of African descent. Her racial background set her apart from most other Cherokees and divested her from the limited protections of Indian citizenship. Because Agent Meigs did not count her as a "real" Cherokee, Nancy was relegated to the category "Negro" and subject to the very worst the South had to offer. Her story suggests that in some Native people's experience, mixed-race parentage meant the intensification of endangerment rather than economic and political advantage. For the clear and present danger of race-based slavery could consign Cherokee citizens of African descent to lifelong servitude and provide their enslavers with a ready-made rhetoric of defense.

CONCLUSION: NANCY'S PROGENY

Evan Austill succeeded in keeping Nancy enslaved, in part because of the manipulation of racial categories for the benefit of the empowered, and in part because of the political vulnerability of the Cherokee national government. But his descendants did not maintain their hold on every one of Nancy's offspring. After Austill's death, a "man of the Cherokee nation" named George or Oowanahtekiskee purchased from the estate "a Certain Boy (said to be a mulatto) Slave named Moses, about ten or eleven years old."⁶⁵ This child of black and Cherokee parentage was almost surely Nancy's grandson. After purchasing the boy for one hundred and fifty dollars, George freed him, stating in a document that he filed with the Cherokee national governing bodies:

actuated from the impulse of paternal affection, [I] do hereby declare my earnest desire to emancipate the boy, Moses, which I have this day bought of Sam Dale[,] attorney for Jeremiah Austill, Heir and Adminstrator of Evan Austill, decd and further do hereby claim and acknowledge the aforesaid boy to be my true and begotten son, and for the purpose of effectually securing to him the blessings and happiness of freedom, I hereby quit claim and forever relinquish all interest . . . and will forever defend his freedom.⁶⁶

The Cherokee National Committee responded to George's statement by issuing a confirmation with a promise to "acknowledge [Moses] to be free hereafter."⁶⁷ After the thirty and more years that Nancy spent enslaved, and the twenty-odd years that she fought for freedom, the emancipation of Nancy's grandson was hard won. It took the death of Nancy's fifth owner to achieve the boon of liberty for just one of her descendants.

NOTES

I am most grateful to the anonymous reviewers for *Frontiers* and to Cathleen Cahill, who offered invaluable feedback on this essay. Thank you, also, to Mary DiLucia, whose creative research on the Sabine women was inspirational for my analysis.

1. John R. Finger, *Tennessee Frontiers: Three Regions in Transition* (Bloomington: Indiana University Press, 139–40); Luke H. Banker, "A History of Fort Southwest Point—1792–1807," *The East Tennessee Historical Society's Publications* 46 (1974): 19–36, 19. For more on Cherokee history in Tennessee, see Cynthia Cumfer, *Separate Peoples, On Land: The Minds of Cherokees, Blacks, and Whites on the Tennessee Frontier* (Chapel Hill: University of North Carolina Press, 2007).

2. "Narrative of Nancy, A Cherokee Woman," November 24, 1801, Records of the Cherokee Agency in Tennessee, Bureau of Indian Affairs, M-Film 504, Reel 5, 1810–1812, The Newberry Library, Chicago, IL.

3. For a description and analysis of these Afro-Native freedom suits, see Ariela Gross, *What Blood Won't Tell: Racial Identity on Trial in America: A History* (New York: Farrar, Straus & Giroux, 2007).

4. Laura F. Edwards, "Status without Rights: African Americans and the Tangled History of Law and Governance in the Nineteenth-Century US South," *The American Historical Review* 112 (April 2007): 365–393.

5. Luke H. Banker, "A History of Fort Southwest Point—1792–1807," *The East Tennessee Historical Society's Publications* 46 (1974): 19–36, 19.

6. *Ibid.*, 20–29.

7. John R. Finger, *Tennessee Frontiers: Three Regions in Transition* (Bloomington: Indiana University Press, 2001), 140; Luke Henry Banker, "Fort Southwest Point

Tennessee: The Development of a Frontier Past, 1792–1807” (PhD diss., University of Tennessee, 1972), 81.

8. Banker, “Fort,” 82, 90–92.

9. Banker, “History,” 19. For more on this site, see Samuel D. Smith, ed., *Fort Southwest Point Archaeological Site, Kingston, Tennessee: A Multidisciplinary Interpretation* (Nashville, TN: Tennessee Division of Archaeology Publication Series, 1993).

10. Banker, “History,” 31.

11. In this interpretive step I tentatively follow the bolder lead of Theda Perdue, who interprets the actions of nineteenth-century Cherokees as cultural vestiges of their antecedents of the Mississippian period. Theda Perdue, “Mixed Blood” Indians: Racial Construction in the Early South (Athens: The University of Georgia Press, 2003), 48–50, 53. For more on Mississippian culture and Cherokees, see Christopher B. Rodning, “Reconstructing the Coalescence of Cherokee Communities in Southern Appalachia,” in Robbie Ethridge and Charles Hudson, eds., *The Transformation of the Southeastern Indians* (Jackson: University Press of Mississippi, 2002): 155–175, 161; Charles Hudson and Carmen Chaves Tesser, eds., *The Forgotten Centuries: Indians and Europeans in the American South, 1521–1704* (Athens: University of Georgia Press, 1994).

12. The case file does not explain the seven-year lag between Nancy’s original testimony and the onset of Meigs’s focused investigation, but her sale to a white owner within the boundaries of the Cherokee Nation in 1808 probably accounts for the reopening of the case.

13. Testimony of Two Cherokee Chiefs Relating to Nancy, A Cherokee Woman, October 28, 1808, Records of the Cherokee Agency, M-Film 504, Reel 5, 1810–1812.

14. James William Hagy and Stanley J. Folmsbee, eds., “The Lost Archives of the Cherokee Nation,” Part 3, 1777, *The East Tennessee Historical Society’s Publications* 45 (1973): 88–98, 90.

15. James H. O’Donnell III, *Southern Indians and the American Revolution* (Knoxville, TN: The University of Tennessee Press, 1973), 40–41; Helen Louise Shaw, *British Administration of the Southern Indians, 1756–1783* (New York: AMS Press, 1931), 99–106.

16. O’Donnell, 43–44, 141.

17. Quoted in O’Donnell, 47, 48.

18. Letter reproduced in Hagy and Folmsbee, 89.

19. Bradley, Campbell, Bryon, Wm Kennedy—Their Recollection of Circumstances Relating to an Indian Woman a [Prisoner] Claimed by the Cherokee Nation, June 1, 1812, Records of the Cherokee Agency, M-Film 504, Reel 5, 1810–1812.

20. The term “matrix of domination” derives from: Patricia Hill Collins, *Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment* (New York: Routledge, 1990), 225–227.

21. See Andrea Smith, *Conquest: Sexual Violence and American Indian Genocide* (Cambridge: South End Press, 2005); Antonia Castenada, "Sexual Violence in the Politics and Policies of Conquest: Amerindian Women and the Spanish Conquest of Alta California," in Adela de la Torre and Beatriz Pesquera, eds., *Building with Our Hands: New Directions in Chicano Studies* (Berkeley: University of California Press, 1993), 215–233. For more on enslaved women and sexual exploitation, see, Sharon Block, *Rape and Sexual Power in Early America* (Chapel Hill: University of North Carolina Press, 2006); Stephanie M. H. Camp, *Closer to Freedom: Enslaved Women and Everyday Resistance in the Plantation South* (Chapel Hill: University of North Carolina Press, 2004); Jennifer L. Morgan, *Laboring Women: Reproduction and Gender in New World Slavery* (Philadelphia: University of Pennsylvania Press, 2004); Thelma Jennings, "'Us Colored Women Had To Go Through A Plenty': Sexual Exploitation of African-American Slave Women," *Journal of Women's History* 1 (Winter 1990): 45–74; Deborah Gray White, *Aren't I A Woman: Female Slaves in the Plantation South* (New York: Norton, 1985).

22. Block, 81.

23. *Ibid.*, 81, 84.

24. Kirsten Fischer, *Suspect Relations: Sex, Race and Resistance in Colonial North Carolina* (Ithaca, NY: Cornell University Press, 2002), 61–70.

25. For an instructive analysis of European men's representations of indigenous African and indigenous American women, see Jennifer L. Morgan, "'Some Could Suckle Over Their Shoulder': Male Travelers, Female Bodies, and the Gendering of Racial Ideology," in Edward E. Baptist and Stephanie M. H. Camp, eds., *New Studies in the History of American Slavery* (Athens: University of Georgia Press, 2006): 21–64. See also Fischer, 61–67.

26. For more on Indians and racialization, see Fischer, 74–78; Nancy Shoemaker, "How Indians Got To Be Red," *American Historical Review* 102 (June 1997): 625–644; Winthrop Jordan, *The White Man's Burden: Historical Origins of Racism in the United States* (London: Oxford University Press, 1974).

27. Fischer, 57.

28. "Narrative of Nancy, A Cherokee Woman."

29. Almon Wheeler Lauber, *Indian Slavery in Colonial Times within the Present Limits of the United States* (1913; reprint, Williamstown, MA: Corner House Publishers, 1970), 312. For more on Indian slavery see Alan Gallay, *The Indian Slave Trade: The Rise of the English Empire in the American South, 1670–1717* (New Haven: Yale University Press, 2002).

30. The open practice of obtaining Native American women for slaves in the early 1700s southern colonies, documented by Jennifer Morgan, had dissipated dramatically by century's end. Morgan, *Laboring*, 77, 153.

31. Testimony of Two Cherokee Chiefs Relating to Nancy.

32. See Gregory A. Waselkov and Kathryn E. Holland Braund, eds., *William Bartram on the Southeastern Indians* (Lincoln: University of Nebraska Press, 1995); James Adair, *Adair's History of the American Indian*, ed. Samuel Cole Williams (1775; reprint, Johnson City, TN: Watauga Press, 1930) 145–146; Fischer, 41–42; Theda Perdue, *Cherokee Women: Gender and Culture Change, 1700–1835* (Lincoln: University of Nebraska Press, 1998); Sarah H. Hill, *Weaving New Worlds: Southeastern Cherokee Women and Their Basketry* (Chapel Hill: University of North Carolina Press, 1997).

33. See Fay A. Yarbrough, “Legislating Women’s Sexuality: Cherokee Marriage Laws in the Nineteenth Century,” *Journal of Social History* 38 (Winter 2004): 385–406; Fay A. Yarbrough, *Race in the Cherokee Nation: Sovereignty in the Nineteenth Century* (Philadelphia: University of Pennsylvania Press, forthcoming 2008); Tiya Miles, *Ties That Bind: The Story of an Afro-Cherokee Family in Slavery and Freedom* (Berkeley: University of California Press, 2005); Theda Perdue, *Slavery and the Evolution of Cherokee Society, 1540–1766* (Knoxville: University of Tennessee Press, 1979). I am not including here sexual abuse of black women enslaved by Cherokees in mid-nineteenth-century Indian Territory. For analyses of WPA sources with regard to this subject, see Celia Naylor, *From Chattel to Citizens: African Cherokee Lives in the Nineteenth Century Cherokee Nation, Indian Territory* (Chapel Hill: University of North Carolina Press, forthcoming 2007); Tiya Miles, “Uncle Tom Was an Indian: Tracing the Red in Black Slavery,” in James Brooks, ed., *Confounding the Color Line: The Black-Indian Experience in North America* (Lincoln: University of Nebraska Press, 2002): 137–160.

34. For more on Jack Civills see William G. McLoughlin, *Cherokee Renaissance in the New Republic* (Princeton, NJ: Princeton University Press, 1986), 338–339. For more on Molly/Chickaua see Miles, *Ties*, 56–57, 87, 125; see also Perdue, “*Mixed Blood*,” 5.

35. For a full account of the Shoeboots family history, see Miles, *Ties*.

36. Coyeetoyhee’s Complaint of Having His Slaves forcibly Taken, December 23, 1815, Special File 104, M-film M574, National Archives and Records Administration, Washington, DC Sarah and her descendants were claimed by Colonel Brown of Tennessee. I am most grateful to researcher Michael Wren who discovered Sarah’s case and shared the related documents with me.

37. Cherokee Nation, *Laws of the Cherokee Nation: Adopted by the Council at Various Periods, 1808–1835* (Tahlequah, CN: Cherokee Advocate Office, 1852), 38.

38. Rowena McClinton, ed., *The Moravian Springplace Mission to the Cherokees*, vol. 2 (Lincoln: University of Nebraska Press, 2007), 161.

39. Lauber, 313.

40. Quoted in Lauber, 313.

41. Lauber, 313–314.

42. Cherokee community members had a similar reaction in the case of black for-

mer slave and Cherokee adoptee Molly/Chickaua in the 1830s, when a white woman claiming to be Molly's owner tried to reclaim her from the Cherokee Nation. Members of Molly's adopted clan fought for her liberty and the liberty of her son on the grounds that regardless of her racial classification, she was a free Cherokee citizen. See Miles, *Ties*, 56–57, 87, 125.

43. Return J. Meigs to Evan Austill, October 27, 1808, Records of the Cherokee Agency, M-Film 504, Reel 4, 1808–1809.

44. Gross, *Blood*.

45. John Gambold to Reichel, Aug. 4, 1810, Springplace Mission Correspondence, M411: 1:7, Moravian Archives, Winston-Salem, NC. Used by permission of the Moravian Archives.

46. I was unable to find a record of this Cherokee Council decision in the extant Cherokee laws or council proceedings that I searched.

47. Letter to Charles Hicks and Pathkiller Relative to Mr. Austill's Negroes, January 6, 1818, Records of the Cherokee Agency, M-Film 504, Reel 7, 1816–1818.

48. McLoughlin, 206–227.

49. *Ibid.*, 228–232.

50. *Ibid.*, 232–246.

51. Charles J. Kappler, compiler, Treaty with the Cherokee, 1819, *Indian Affairs: Laws and Treaties* vol. 2 (Government Printing Office, 1904), <http://digital.library.okstate.edu/kappler/Vol2/treaties/che0177.htm> (accessed January 2007); McLoughlin, 256.

52. John Howard Payne Papers, vol. 7 part 1, Ayer Collection, The Newberry Library, Chicago, IL, 47–48.

53. Ariela Gross, "Litigating Whiteness: Trials of Racial Determination in the Nineteenth-Century South," *Yale Law Journal* 108 (October 1998): 109–188.

54. Martha Hodes, "The Mercurial Nature and Abiding Power of Race: A Transnational Family Story," *The American Historical Review* 108, <http://www.historycooperative.org.proxy.lib.umich.edu/journals/ahr/108.1/ah0103000084.html> (accessed April 16, 2007), 3.

55. Bill of Sale, William Kennedy to John Fulton, April 2, 1778, Records of the Cherokee Agency, M-Film 504, Reel 5, 1810–1812.

56. "Narrative of Nancy, A Cherokee Woman."

57. Testimony of Two Cherokee Chiefs Relating to Nancy.

58. Hodes, 3.

59. Letter to Charles Hicks and Pathkiller Relative to Mr. Austill's Negroes.

60. "Narrative of Nancy, A Cherokee Woman."

61. Return J. Meigs to Evan Austill, October 27, 1808, Records of the Cherokee Agency, M-Film 504, Reel 4, 1808–1809.

62. For more on the topic of the unreliability of racial terminology in Native

American historical documentation, see Jack D. Forbes, *Africans and Native Americans: The Language of Race and the Evolution of Red-Black Peoples* (Urbana: University of Illinois Press, 1993).

63. Perdue, *Slavery*; Rudi Halliburton, *Red Over Black: Black Slavery among the Cherokee Indians* (Westport, CT: Greenwood Press, 1977); Daniel F. Littlefield, *The Cherokee Freedmen: From Emancipation to Cherokee Citizenship* (Westport, CT: Greenwood Press, 1978); Katja May, *African Americans and Native Americans in the Creek and Cherokee Nations, 1830s–1920s* (New York: Garland, 1996); Circe Sturm, *Blood Politics: Race, Culture, and Identity in the Cherokee Nation of Oklahoma* (Berkeley: University of California Press, 2002); Naylor, *Chattel*; Yarbrough, *Race*; see also, Miles, *Ties*.

64. Theda Perdue has challenged what she views as a common misconception that mixed-race Euro-Native leaders were fully acculturated to white society, and she has complicated this analysis by showing that Native women who married white men in the late eighteenth- and early nineteenth-century South were themselves often born of socially and politically influential maternal lines. The sons of these Native women and white men who became the political leaders of the Indian Removal era could therefore draw from indigenous sources of strength, authority, and identity. Theda Perdue, "Race and Culture: Writing the Ethnohistory of the Early South," *Ethnohistory* 51, no. 4 (Fall 2004): 701–723. See also: Claudio Saunt, Barbara Krauthamer, Tiya Miles, Circe Sturm, Celia E. Naylor, "Rethinking Race and Culture in the Early South," *Ethnohistory* 52, no. 2 (Spring 2006).

65. Payne Papers, vol. 7 part 1, 47–48.

66. *Ibid.*, vol. 7 part 1, 48.

67. *Ibid.*, vol. 7 part 1, 49.