

Case 14: Cherokee Freedmen

Euro-Americans are not the only group with a history of enslaving and disenfranchising African-Americans. Some Native Americans did so as well and some Native tribes are still struggling with what they owe the descendents of slaves, freed slaves and other African descendents who were living on tribal lands in the mid-1800's. Collectively, these people are known as the "Freedmen."¹

Article IX of the Treaty of 1866 between the U.S. government and Cherokee Nation states that, "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." This treaty was created with pressure from the U.S. Federal government.²

Prior to the Civil War, African-Americans lived on Cherokee lands as slaves or as free Blacks, or as children of bi-racial parents either through rape or consensual relationships. Cherokee slaves were emancipated in 1863. However, the first census to include African citizens of the Cherokee Nation didn't occur until 1902. In that census, individuals were categorized as freedmen, intermarried whites, or Indians by blood. Children of Indian-Anglo couples were included as "Indians by blood." Individuals who had a Black parent or grandparent were listed as Freedmen, regardless of Indian parentage, giving them no record of having Indian blood.³

While some Freedmen remained active in the tribe, others have little or no interest in staying connected to the tribe or its culture. In 2007, Cherokee tribal members voted to rescind citizenship rights initially granted to Freedmen. Freedmen are fighting this decision.⁴

Some Freedmen claim that Cherokee governmental officials have been working to disenfranchise Freedmen since the Treaty of 1866. According to legal interpretations and amendments to the Cherokee Constitution over the past 150 years, those eligible for enrollment in the Cherokee tribe must have a U.S. government "Certificate of Indian Blood Card" (CDIB). With no record of Indian blood, Freedmen descendents cannot successfully petition to be included on the tribal rolls. Other Freedmen argue that their rights were guaranteed regardless of Indian Blood. Without tribe enrollment, individuals may not vote on tribal matters or receive benefits provided through the Bureau of Indian Affairs, such as health benefits or financial reparations provided by the U.S. government. Estimates of Freedmen disenfranchised by the CDIB requirement vary from 2,500 to 25,000 people.

¹ "Cherokee freedmen controversy," *Wikipedia*, last accessed July 30, 2008.
http://en.wikipedia.org/wiki/Cherokee_Freedmen_Controversy.

² Warrior, Robert, "Cherokees flee the moral high ground over Freedmen," *News from Indian Country*, last accessed July 30, 2008. Sec. Editorial/Letters 2007/2008.
http://indiancountrynews.net/index.php?option=com_content&task=view&id=1106&Itemid=74.

³ "Historical Background of the 5 nations Indian Freedmen," *Descendants of Freedmen of the Five Civilized Tribes*.
<http://www.freedmen5tribes.com/History.htm>.

⁴ "Cherokee Freedmen caught in high-level dispute," *Indianz.com*, Aug. 20, 2003.
<http://www.indianz.com/News/archives/000930.asp>.

By summer 2008, the U.S. Congressional Black Caucus and the National Congress of Black Women had expressed support for the Freedmen in their attempt to win back their tribal rights. The National Congress of Native Americans had expressed support for the Cherokee Nation's choice to limit tribal rights to those who are Indian "by blood." And, U.S. presidential candidate Barack Obama had said that he supports the Cherokee Nation's right to determine tribal affiliation, but didn't agree with the decision to exclude Freedmen.⁵

⁵ Rep. Watson, Diane (D-Calif.), "Sen. Barack Obama and the Cherokee Freedmen: Politics as usual," *The Hill*, May 13, 2008. Sec. Op-Ed. <http://thehill.com/op-eds/sen.-barack-obama-and-the-cherokee-freedmen-politics-as-usual-2008-05-13.html>.