Conscription, Citizenship, and "Civilization":
World War I and the Eastern Band of Cherokee

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When President Woodrow Wilson addressed a joint session of Congress on the evening of April 2, 1917, he asked for a declaration of war against Imperial Germany in order "to make the world safe for democracy." Ever since 1914, when Europe became embroiled in World War I, the president's rigid stand on the rights of neutral nations and Germany's reliance on submarine warfare had combined to bring the two nations, step by step, down a path to conflict. Now Wilson was calling on all Americans to rally against the forces of imperialism and autocracy, expecting native son and immigrant alike to answer the call of freedom.1 It is unlikely he had given much thought to those at home who had no argument with Germany and who had every reason to suspect Wilsonian claims of "democracy." Such individuals included more than 300,000 Indians living on reservations and private allotments throughout the United States. Most still lacked citizenship, and almost all were impoverished. Among them were some 2,300 members of the Eastern Band of Cherokee, occupying the Qualla Boundary reservation and other scattered tracts in the mountains of Jackson, Swain, Graham, and Cherokee counties in North Carolina.2

Notwithstanding the lack of any tribal enthusiasm for the war, officials within the federal Office of Indian Affairs viewed the conflict as a means of promoting the assimilation of Native Americans into the white-dominated cultural mainstream. Since the days of Thomas Jefferson, government officials had hoped to "civilize" the Indians, to strip them of their own identity and remake them into red-skinned copies of white yeomen. Though these objectives had partially changed since 1900, the rhetoric if

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not the spirit of assimilation remained strong.\textsuperscript{3} Supporting the war effort—on battlefield and reservation alike—would hasten the Indians’ “Americanization.” Not coincidentally, it would also redound to the glory of the Indian Office as a responsible and patriotic part of the Wilson administration.

Isolated in their mountain fastness, members of the Eastern Band seemed far removed from the war. They were descended from a few Indians who, through tenacity, luck, and influential friends, had been able to avoid removal in 1838 over the infamous Trail of Tears. Because of their peculiar history, their legal status was much less clear than that of most tribes and had been a source of complicated and near-mystifying dispute. By 1917, however, they were usually regarded as noncitizen wards of the United States.\textsuperscript{4}

About the only members of the Band expressing any interest in the war were a few individuals attending boarding schools or otherwise living outside North Carolina. As early as August, 1915, Jack Jackson, an Eastern Cherokee living in Oklahoma, jokingly alluded to the conflict in a letter to James E. Henderson, federal superintendent of the North Carolina reservation:

It has been rumored that they are having “war” across the waters. Is that so? I can’t quite understand what they are fighting over. Has that been the talk in North Carolina, and Cherokee, ha, “ha.” But let them fight, as long as they stay away from the United States of North Carolina & Oklahoma. Ha. Ha.\textsuperscript{5}

Most of the Eastern Band manifested even less interest than Jackson in the outside world. Probably as close as they came to this larger reality was the annual tribal fair, when whites from the surrounding area

\textsuperscript{3}Frederick E. Hoxie, \textit{A Final Promise: The Campaign to Assimilate the Indians, 1880-1920} (Lincoln: University of Nebraska Press, 1984), hereinafter cited as Hoxie, \textit{A Final Promise}. Hoxie believes that after 1900 the government’s assimilation program was “fundamentally altered.” No longer did it imply full equality and citizenship for Native Americans. Instead, officials believed the Indians’ very nature would, for an indefinite period, relegate them to an inferior status on the periphery of American society. Hoxie’s thesis is provocative and in certain respects convincing, but he does not give proper attention to the effects of World War I in promoting a more optimistic vision of assimilation among officials in the Indian Office.


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flocked to the reservation to buy Indian wares and witness Cherokee sporting events. Certainly the stench of death on Europe’s western front had little bearing on daily Cherokee life. Besides, as noncitizens, why should they care about Wilson’s crusade against Germany? Yet, they did become involved, raising anew the perplexing questions about their status and exposing them to the larger world as nothing had before. The Indian Office, through its wholehearted prosecution of the war, succeeded in pushing the Eastern Cherokee into the violent realities of the twentieth century.

The war’s most immediate impact on the Indians, as for many white Americans, came through selective service registration. Despite the president’s early belief that conscription would be unnecessary, it soon became apparent that only a draft could raise the required manpower.

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6The annual Cherokee fair officially began in 1914. Mary Ulmer Chiltskie, Cherokee Fair and Festival: A History thru [sic] 1978 (Asheville: Gilbert Printing Co., 1979), 5-8. Agency records make it clear the annual fair was one of the most important events on the reservation.

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After extensive and acrimonious debate, Congress finally passed a selective service act on May 18, 1917. Beginning June 5, all citizen and noncitizen males from twenty-one through thirty years of age were to register with local boards for the draft. Immediately, the various state governors, including North Carolina's Thomas W. Bickett, began appointing county boards of registration.\(^7\)

The first draft of Americans had occurred during the Civil War and resulted in riots and other forms of opposition to a measure that seemed to contradict American ideals of voluntarism and independence. There was also considerable opposition in 1917, though any critic of selective service was likely to be considered unpatriotic or, worse, a "socialist." To inhibit such foot-dragging even further, Congress quickly passed legislation outlawing public actions that might be construed as hindering conscription. Many opponents of the draft were imprisoned, ranging from religious fundamentalists to Eugene Debs, perennial socialist candidate for the presidency. Wilsonian democracy might espouse "freedom," but it was a freedom that was carefully circumscribed.\(^8\)

Indians were to register like any other Americans, but all noncitizens among them were legally exempt from compulsory military service. Despite the obvious importance of determining the Cherokee's status in regard to citizenship, Superintendent James Henderson in effect ignored the matter and hoped his charges would question neither registration nor conscription. He posted notices around the reservation informing all males of appropriate age of their obligation to register and requested various whites, including county sheriffs, to assist in processing them. He also asked officials at out-of-state boarding schools to register students from his reservation.\(^9\) David Owl, a Cherokee graduate of Hampton Institute who was then at Carlisle Indian School in Pennsylvania, dutifully registered and forwarded his card to Henderson along with comments on the situation at Carlisle: "Owing to the war situation there has been a general unrest among the student body here... Many of our men have left the school work to enlist into the army or navy, while a greater number have volunteered their services in the mobilization camps with the Army Y.M.C.A." Owl said he hoped to go to an agricultural college in

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\(^7\)"An Act to authorize the President to increase temporarily the Military Establishment of the United States," May 18, 1917, 40 Stat. 76-83. Following passage of the act, President Wilson selected June 5 as the date of registration. See also Governor Thomas W. Bickett to Sheriffs, County Clerks, and County Physicians, May 19, 1917, Governors Papers, Thomas W. Bickett, Archives, Division of Archives and History, Raleigh, hereinafter cited as Governors Papers, Bickett.


\(^9\)James E. Henderson to John A. Hyde and Sheriffs of Graham and Cherokee counties, May 22, 1917; Henderson to Stone Chekelelee, May 25, 1917; Henderson to John Francis, Jr., May 29, 1917; and Henderson to the principal, Hampton Institute, May 29, 1917, Box 17, Cherokee Agency Papers.
Massachusetts the following year but recognized “there are possibilities that I will be conscripted into some sort of patriotic service.”

Complicating Cherokee registration in North Carolina was the dispersed nature of the reservation and its population and also the uncertainty of some Indians about their ages. At least one, however, disputed agency claims that he was an adult and refused to register. Nonetheless, the work proceeded without much difficulty, and on June 8 Superintendent Henderson informed Commissioner of Indian Affairs Cato Sells that 115 Cherokee had registered: “Their willingness far exceeded my expectations and I am proud to say many of them seemed eager to register ... and not a one showed the least unwillingness in the matter.” Assistant commissioner Edgar B. Meritt commended the Cherokee for their patriotism and said his office was “highly gratified” by the response of Indians throughout the nation.

When the drawing for the draft took place on July 20 in Washington, D.C., a blindfolded Secretary of War Newton D. Baker reached into a glass jar and selected the first of 10,500 numbered capsules, enough to cover all registrants in the nation’s largest district. After sixteen and a half hours the drawing was complete, and every registrant in each district could judge the likelihood of induction from the order in which his number had been drawn. The initial quota in Swain County, where many Indians lived, was eighty-one. David Owl’s number was well down the list, but his brother George Allen Owl, a student at Hampton Institute, was not so fortunate and faced probable induction. Even more certain of service was Stephen Youngdeer, a former Carlisle student from Jackson County, whose number was the sixteenth drawn nationally and fourth among registrants in his county. Several other Cherokee were also on that county’s list of likely draftees. The *Jackson County Journal,* of

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11J. Fowler Hyde to James E. Henderson, June 6, 1917; Henderson to Deputy Marshal C. T. Roane, June 11, 1917, Box 17, Cherokee Agency Papers.

12James E. Henderson to Commissioner of Indian Affairs, June 8, 1917; Edgar B. Meritt to Henderson, June 21, 1917, Box 17, Cherokee Agency Papers. By September, 1918, 170 Cherokee had registered: 94 in Swain County, 59 in Jackson County, and 17 in Graham County. Census of draft-age Indians, large packet, Box 18, Cherokee Agency Papers.

Cato Sells, a native of Iowa, was a lawyer by training who held appointive offices under Presidents Cleveland and Wilson. Sells moved to Texas in 1907, where he was active in state and national Democratic politics. He served as Wilson’s commissioner of Indian Affairs, 1913-1921. *Who Was Who in America* (Chicago: A. N. Marquis Co., 1973), V, 651-652, hereinafter cited as *Who Was Who*.

Edgar Briant Meritt was born in Arkansas in 1874. He received law degrees from Georgetown and George Washington universities, respectively, in 1898 and 1899. He held various posts in the Office of Indian Affairs, including that of assistant commissioner, to which he was appointed in 1913. *Who Was Who,* V, 492.

The single largest group of Cherokee servicemen from North Carolina were draftees in Company I, Third Battalion, 321st Infantry Regiment, Eighty-first (or "Wildcat") Division. A total of about seventeen Cherokee served in the regiment, and most were members of Company I. Eight of the Indians appear in this photograph of the company, taken in France, ca. 1919. On following pages the eight Cherokee infantrymen are shown individually and numbered in excerpts from the group photograph. From the World War I Papers, Military Collection, State Archives.
Sylvia, encouraged all such men to enlist quickly in order to demonstrate both their patriotism and the willingness of Jackson County to do its part. There was little chance of escaping service, it said, for only a few individuals with severe physical or family problems would be exempt. Among the registrants following this advice was Stephen Youngdeer, who went to Asheville and enlisted in the 115th Machine Gun Battalion of the Thirtieth Division.14

George Owl preferred to await the draft, but his brother David, though safe for the moment, was having second thoughts about the legality of conscripting Eastern Cherokee. He broached the matter in a letter to Superintendent Henderson, noting that while the Indians enjoyed some legal rights in the state, they did not appear to be citizens. What practical consequences did this have regarding the draft? Owl continued: "My interest in all phases of Indian administration causes these interesting as well as perplexing questions to arise in my mind," and, he admitted, "of course I am seeking this information for my own personal use."15

Henderson’s reply was disingenuous, suggesting that the Cherokee were citizens because they had, from time to time, voted. He ignored the

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14 James E. Henderson to David Owl, July 25, 1917; Henderson to George Owl, July 31, 1917, Box 17; Joe Jennings to Donald Q. Palmer, November 26, 1946, folder marked “Inspection Report—Donald Q. Palmer,” Correspondence, 1926-1952, Box 46, Cherokee Agency Papers; Jackson County Journal, July 27, 1917; October 11, 1918.

15 David Owl to James E. Henderson, September 14, 1917, Box 13, Cherokee Agency Papers.
fact, however, that since 1900 county election officials had severely restricted Indian participation in the voting process. Almost gratuitously he added, "There is a certain element among the Cherokees who like to be citizens when it is to their best interest to be so and wards of the government when it is to their best interest to be so." But he confessed that he was not qualified to judge on the legal aspects of Cherokee citizenship and thought "that nothing less than a decision of the United States Court will fully clear up this matter..."  

Like David Owl, many other American Indians had misgivings about the legal implications of registration and the draft. In Oklahoma, for example, some refused to register and then rioted when officials forced the issue. On a few remote reservations in the Far West other Indians also created minor disturbances, which their white neighbors usually exaggerated. And in New York State the Iroquois Confederacy adopted a novel though logical approach to the situation. Insisting it was a sovereign nation, it separately declared war on Germany, after which Iroquois males enlisted in American armed forces as, in effect, allies.  

Some whites in the mountainous area of North Carolina were less circumspect than David Owl and openly, defiantly, opposed selective service. Localism and a strong sense of independence had always characterized these mountaineers, and they resented the long arm of Uncle Sam plucking them away from their homes to fight a war few understood or cared about. In October, 1917, Coleman C. Cowan, head of the Jackson County draft board and chairman of the local "Council of Defense," alluded to this problem and hoped it was in the past: "Sentiment in this County is quite different to what it was three months ago. Men who were outspoken against the war and were doing much mischief are now either silent or outspoken in support of the administrations' [sic] war policies."  

But not everyone in western North Carolina proved susceptible to the pleas for patriotism. By March, 1918, an armed band of deserters roamed the mountains of Jackson, Swain, and Macon counties and threatened anyone who might come after them. Local authorities were embarrassed by this disloyalty and were concerned that other disgruntled men facing induction might join the band. Governor Bickett advised proceeding with

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caution and attributed such problems to the ignorance of the holdouts; he also noted that they descended from stubborn mountaineers who had deserted Confederate service during the Civil War. Bickett offered to provide each deserter with a personal written appeal to that man's commanding officer, asking for leniency and understanding. Such men, the appeal said, would certainly stand up valiantly to the Huns if they were educated about the purposes of the war.

Cherokee objections to conscription never conveyed such threatening overtones and typically took the form of respectful inquiries and protests, occasionally backed up by lawyers. The quiet persistence of a few individuals led Indian Commissioner Sells to concede that noncitizen Indians were not subject to conscription, but the status of the Eastern Band, of course, was uncertain. In January, 1918, he replied to the questions of three Cherokee brothers in Graham County by saying their local draft board would decide on the matter of their citizenship. By then thirty-three of the Eastern Band had either enlisted or been drafted, while another had left a northern school and joined a Canadian military unit.

19Coleman C. Cowan to Charles A. Webb, March 30, 1918; T. W. Bickett to E. H. Crowder, provost marshal general, June 27, 1918; T. W. Bickett to Newton D. Baker, secretary of war, July 10, 1918; Cowan to Bickett, July 27, 1918; and Bickett call for leniency, July 29, 1918, Governors Papers, Bickett. See also Jackson County Journal, April 12, May 3, 1918.
20Cato Sells to Jack, Charley, and Possey Wachacha, January 22, 1918, Box 17, Cherokee Agency Papers.
21James E. Henderson to Helen H. Hennett, January 30, 1918, Box 9; Henderson to Miss Bell Reichal, May 23, 1921, Box 18; service record of Sylvester Long, Box 18, Cherokee Agency Papers.
But the question of Cherokee status remained troublesome, and Provost Marshal General Enoch Herbert Crowder requested clarification from the Indian Office. In February Assistant Indian Commissioner Meritt replied by citing two completely contradictory federal court decisions regarding the Eastern Cherokee, the most recent of which (in 1897) had held them to be noncitizen wards of the United States. Meritt avoided any definitive statement of responsibility by blithely concluding that “the question of citizenship is an individual one dependent upon the facts and circumstances in each case, and therefore I am unable to give you anything more definite on the subject.”\(^\text{22}\) Presumably the local boards would continue to decide.

As an agent of the Wilson administration, Superintendent Henderson understandably felt pressure to make the Eastern Cherokee appear eager to save the world for democracy. He was vigorous in getting them to register, even to the point of threatening arrest for noncompliance. And

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\(^{22}\) Edgar B. Meritt to Provost Marshal General, February 26, 1918, Box 18, Cherokee Agency Papers. The 1897 judicial decision was *United States v. D. L. Boyd*, 83 F. 547 (4th Cir., 1897). Enoch Herbert Crowder (1859-1932), a native of Missouri, served as provost marshal general, 1917-1919, for which he received a Distinguished Service Medal. A graduate of the U.S. Military Academy (1881) and the University of Missouri law school (1886), he held numerous legal posts within the army during a long and colorful career. Ironically, early in his career he commanded troops in campaigns against Geronimo and Sitting Bull. He also saw service in Cuba, the Philippines, Manchuria, and South America. *Who Was Who*, I, 280.
although he confessed his bewilderment over their citizenship in correspondence with acculturated tribal members, he was not frank about the exemption of noncitizens from conscription. Even had he been certain of Cherokee citizenship, he could have done more to assist the Indians. Indeed, he later admitted that some non-English-speaking Cherokee may have appeared before draft boards for exemption hearings without benefit of interpreters. To cite another case, had he counseled Stephen Youngdeer, who spoke English, it is possible the young man could have obtained an exemption as a necessary support of his parents and brothers. In fairness to Henderson, however, his many obligations on Qualla Boundary probably precluded his handling such matters in all four counties where the Cherokee resided.

Like officials in many predominantly white communities, Henderson found the draft a convenient means of handling young men who might otherwise become troublemakers. According to the superintendent, a certain full blood was a notorious moonshiner whose whiskey had caused “most of the drunken orgies in this locality during the past three years.” The man was finally arrested and jailed about the same time he was drafted. Henderson “considered the case carefully and decided that it would be much better to have him go to the army where he could serve his country, retain his self respect and learn to obey than to go to the United States penitentiary for a year and a day.”

With the Indian Office having abrogated its responsibility by leaving decisions of citizenship to county boards, local authorities struggled with a dilemma of their own making. If they decided an individual was a citizen, then he could be drafted to help fill the county’s quota. However, a citizen presumably could vote and enjoy other privileges that had been systematically denied the Cherokee since the turn of the century (partly because of their penchant for voting Republican). One official, Robert Lee Phillips of Graham County, came up with a historically accurate assessment of the Indians’ status and also a “solution” to the dilemma. Phillips, a Democrat, wrote the state adjutant general that in his opinion the Cherokee were noncitizen wards of the federal government who did not enjoy such privileges as voting or sitting on juries. Another argument against conscripting them, he said, was that many of those in Graham County (from the conservative Snowbird community) spoke no English and apparently would require interpreters in the service. Perhaps, Phillips

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23James E. Henderson to Commissioner of Indian Affairs, October 25, 1917, Box 17, Cherokee Agency Papers.
24See James E. Henderson’s statement of March [n.d.], 1919, War-Red Cross Drive folder, Box 18, Cherokee Agency Papers.
25James E. Henderson to Commissioner of Indian Affairs, October 25, 1917, Box 17, Cherokee Agency Papers.
26For more on the political aspects of allowing Indians to vote, see Frizzell, “The Politics of Cherokee Citizenship.” The Cherokee were denied the franchise on the grounds of both their noncitizenship and alleged illiteracy—the latter also a means of preventing blacks from voting.
argued, it would be best to remove them from the selective service rolls and reduce the local quotas proportionately. 27

These sentiments notwithstanding, the Eastern Cherokee continued to be drafted until the war ended. Among the draftees was David Owl, who, despite his inquiries regarding citizenship, was inducted in the spring of 1918 and served as a first sergeant and drill instructor at Camp Jackson, near Columbia, South Carolina. An excellent athlete, he was an outstand-

27Robert Lee Phillips to Adjutant General, January 30, 1918; and Phillips to James E. Henderson, September 11, 1917, Box 17, Cherokee Agency Papers. Robert Lee Phillips was born in Robbinsville, North Carolina, in 1879. He volunteered for the Spanish-American
George A. Owl, sergeant. Owl had been a student at Hampton Institute. His command of English and leadership abilities quickly earned him the respect and rank of sergeant.

ing pitcher for his division’s championship baseball team.\textsuperscript{28} Though most other Cherokee draftees did not question their induction, a few resembled certain whites by seeking a magic formula for exemption. In Graham County three young men claimed they were noncitizens who could not comprehend English and acquired the services of an attorney to challenge the government’s right to induct them.\textsuperscript{29} Assistant Indian Commissioner Meritt reiterated that county officials would decide the citizenship issue and vehemently argued that the War Department was already coping nicely with Indian servicemen who could not understand English. Besides, he said, agency records showed that two of the attorney’s clients did speak English. Soon afterward the teacher at the Indian school in Graham County reported that the third client also spoke English, and very well; his family was simply trying to keep him out of the service.\textsuperscript{30} All three were drafted.

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\textsuperscript{28} War in 1898 and saw service in the Philippines, 1899-1901. In 1905 he entered law school at the University of North Carolina and was admitted to the bar in 1906. Thereafter he practiced law in Graham County and served one term in the General Assembly (1913). During World War I, he was chairman of the Selective Draft Board of Graham County. Connor, \textit{Rebuilding an Ancient Commonwealth}, IV (western biographies), 37.

\textsuperscript{29} John H. Dillard to Cato Sells, July 4, 1918, Box 17, Cherokee Agency Papers.

\textsuperscript{30} Edgar B. Meritt to John H. Dillard, August 21, 1918; J. Fowler Hyde to James E. Henderson, September 7, 1918, Box 17, Cherokee Agency Papers.
Simon Thompson, corporal. Thompson subsequently rose to the rank of sergeant and remained in the army after the war.

The official service records of members of the Band reflected the vast confusion surrounding the Cherokee's legal status. In the section asking if they were United States citizens, some said yes, others no, some wrote "ward," and George Owl, at least, responded with a question mark.\textsuperscript{31} Evidence supporting noncitizenship included the 1897 judicial decision, the federal government's guardianship, North Carolina's refusal to admit Cherokee to state institutions, and the Indians' continued occupation of

\textsuperscript{31}Service Records, Box 18, Cherokee Agency Papers.

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an unallotted tribal reservation. Even so, the Cherokee observed most state laws, paid state taxes, and a few (very few) were allowed to vote. Moreover, the Indian Office declared “competent” some Indians who had been educated outside the reservation. This designation often implied citizenship. Nothing definitive had emerged, however, and the war muddled the situation even more by placing officials of the Indian Office in what amounted to a conflict of interest. They well understood the complexity of the citizenship issue and its ramifications for conscription, but they were also part of the wartime administration and wanted desperately for Indians to be patriotic Americans. Though it might appear self-serving, they could even support military service as an agent of acculturation and assimilation. But regardless of their own interests, they had an obligation to deal with the Eastern Cherokee honestly, even if it meant attempting to unravel the myriad threads of the citizenship issue. Thus, the decision of the Indian Office to leave the matter to local boards reflected expediency and virtual abandonment of its responsibility.

Perhaps 10,000 or more Native Americans served in the war, approximately three fourths of whom enlisted (a reflection of the noncitizenship of most western Indians and their exemption from conscription). A proportionate number of Indian servicemen were Eastern Cherokee—sixty-eight, including Chilotskie Nick, who had already been an army bugler for twelve years. Service records are missing for at least two other members of the Band who apparently failed to complete basic training. Unlike their western counterparts, the majority of the Cherokee were draftees—a total of thirty-six, twenty-seven from Swain County. This sizable number of conscripts obviously resulted from the Indian Office delegating the complex matter of citizenship to local boards. The largest single group of Cherokee servicemen were draftees in Company I, Third Battalion, 321st Infantry Regiment, Eighty-first (or “Wildcat”) Division. The 321st was organized at Camp Jackson in the late summer of 1917. It appears that about seventeen Cherokee were in the regiment, most if not all of them in Company I. Most prominent of these was George Owl, whose command of English, comparative worldliness, and leadership abilities quickly earned

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22 See, for example, Cato Sells to John Francis, Jr., April 23, 1917, and Sells to Mary Welch, February 2, 1918, Box 16, Cherokee Agency Papers.
23 Ellis, “Indians at Iapah in Revolt,” 169.
24 Estimates of the number of Indians serving in the war vary. See Francis Paul Prucha, The Great Father: The United States Government and the American Indian (Lincoln: University of Nebraska Press, 2 volumes, 1984), II, 771; Nancy Ann Haynie (ed.), Native Americans and the Military: Today and Yesterday (Fort McPherson, Georgia: U.S. Army Forces Command, Public Affairs Command Information Branch, 1984), 7; and Arrell Morgan Gibson, The American Indian: Prehistory to the Present (Norman: University of Oklahoma Press, 1980), 534. Figures for Eastern Cherokee servicemen also vary slightly, but most evidence indicates there were sixty-eight. See also Service Records; James E. Henderson to Chilotskie Nick, November 20, 1918; and letter of Sergeant George S. Case, July 24, 1915, Box 18, Cherokee Agency Papers.
25 Asheville Citizen-Times, December 28, 1941; Service Records, Box 18, Cherokee Agency Papers. "Report of Inducted Men from Local Board Swain County, Bryson City, N.C.," p. 3, and typescript list of Indians drafted in Graham County, Part V, Box 8, World War I Papers. In Jackson County no distinction was made in listing white and Indian draftees, whereas Negroes were listed separately.
him respect and the rank of sergeant. An outstanding athlete like his brother, he transferred his skills to the division football team, where he caught the attention of senior officers. He was also solicitous about the welfare of his fellow Cherokee soldiers and communicated with Henderson and the Indian Office about their problems.\textsuperscript{36}

Like countless other servicemen, the Eastern Cherokee were not always happy about leaving home or with the food and discipline at training camps. Yet, they posed few problems, adjusted to the presence of whites, endured, and eventually became good soldiers. Brigadier General George W. McIver, commander of the brigade that included the 321st, viewed his men as a relatively homogeneous group made up predominantly of white southern draftees who had inherited “the hardihood and military virtues of their pioneer ancestors.” The Cherokee, of course, were an exception, but McIver had nothing but praise for them. “There was never anything like race feeling as far as they were concerned,” he remembered. “They

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Jack Taylor, private first class. Taylor was among the Eastern Cherokee wounded while fighting in France.

made good soldiers and served in perfect harmony with the white men who were their military associates. In particular he remembered George Owl, who "was looked upon as one of the conspicuous figures among the enlisted [sic] men of his regiment." Guy Littlejohn of Company I confirmed this interracial harmony by writing from Camp Jackson that he and his fellow Cherokee were doing well and that he had made a number of friends among whites. Some Lumbee Indians of eastern North Carolina also served in the 321st without discrimination, though in at least one other command the Lumbee were treated as Negroes because of their uncertain lineage.

In the meantime a significant change had occurred among the civilian population on the Cherokee reservation. No longer was the war an

38 Guy Littlejohn to James E. Henderson, February 16, 1918, Box 17, Cherokee Agency Papers.
39 McIver, "Service with the 81st Division," chap. 15, p. 10. At that time Lumbee Indians were usually referred to as "Croatan" or even "Cherokee," though they had no relationship to the Eastern Band. See T. L. Johnson to Captain T. B. McCargo, September 5, 1918, and Johnson to Governor T. W. Bickett, September 5, 1918, Governors Papers, Bickett.
irrelevancy in their lives. Now, thanks to Henderson's efforts and the presence of many Cherokee in the service, the Indians at home avidly followed the war dispatches and were determined to "do their part." They supported fund drives for the Red Cross with box lunches, one of which featured Governor Bickett as speaker, and at the 1918 fair they at least considered showing an appropriately anti-German film, In the Wake of the Huns.\textsuperscript{40} That same year, as part of the government's fund-raising drive, the tribal council voted unanimously to buy $1,000 in War Saving Stamps, and many individual Cherokee bought additional stamps.\textsuperscript{41} After one drive during the summer, the Jackson County Journal referred to Qualla township as "the banner township in all western North Carolina" because it had subscribed its entire quota of $27,240. This performance was even more remarkable because Qualla reached its goal through grassroots participation, no individual pledging more than $600. The whole of Jackson County, in contrast, had pledged only 54 percent of its quota of $285,000, a source of considerable embarrassment to the newspaper.\textsuperscript{42} The greatest display of Cherokee financial commitment to the war came just a month before the armistice, when the tribal council, as part of its "patriotic duty to help in this hour of need," voted 13 to 0 to buy $50,000 of Liberty Bonds with tribal funds.\textsuperscript{43} In all likelihood Henderson encouraged this action, but there is no reason to doubt the sincerity of the Indians' newfound patriotism.

No Eastern Cherokee served as an officer, but members of the Band filled a variety of noncommissioned positions in every branch of the military. Wesley Youngbird, a seaman aboard the battleship Wyoming, was one of seven or eight Cherokee in the navy. Most of the others were on transports, including Welch Teesatesky, who wrote James Henderson of the perils in convoy duty at a time when German U-boats were sinking hundreds of thousands of tons of allied shipping. The only Cherokee sailor ranked higher than seaman was David Bird, a blacksmith first class. Jack Jackson, who had joked about the war in 1915, served in the Marine Corps and was sent to a Pacific island far removed from the fighting. Fred Blythe, later known as Fred Bauer when he was vice-chief of the Band, enlisted in the army air corps in Columbus, Ohio, and eventually served in France.\textsuperscript{44}

\textsuperscript{40} James E. Henderson to Miss Hayes, April 23, 1918, Box 18; J. W. Fuller to James E. Henderson, September 18, 1918, Box 1, Cherokee Agency Papers.

\textsuperscript{41} Eastern Band of Cherokee, Council Records, 1908-1931, entry for June 27, 1918, Microfilm Z.1.4P, p. 38, State Archives, hereinafter cited as Cherokee Council Records; James E. Henderson to Commissioner of Indian Affairs, May 11, 1918, Box 18, Cherokee Agency Papers; Asheville Times as quoted in the Jackson County Journal, March 22, 1918.

\textsuperscript{42} Jackson County Journal, July 5, 1918. See also the front-page editorial in the issue of July 26, 1918. Jackson County did considerably better in a later drive.

\textsuperscript{43} Cherokee Council Records, October 7, 1918, pp. 36-57. Despite their general impoverishment, American Indians contributed about $75.00 per person to the Liberty Loan drives, a remarkable show of support. Ellis, "Indians at Ibabah in Revolt," 168-169.

\textsuperscript{44} Service Records; and Welch Teesatesky to James E. Henderson, [n.d.], Box 18, Cherokee Agency Papers. Fred Blythe Bauer (1896-1971) was the son of architect Adolphus G. Bauer and Rachel Blythe Bauer, a Cherokee and native of Jackson County. Fred Bauer later
The Eighty-first Division, of which the 321st Regiment was a part, is shown here assembled on a field near Chatillon, France. Several division officers are gathered in conference before the color guard as photographers prepare to photograph the troops. Photograph from the World War I Papers, Military Collection, State Archives.

Most Cherokee servicemen were in infantry units that embarked for Europe during the spring and summer of 1918. In July, Stephen Youngdeer and Cain George, a fellow Cherokee, arrived with the 115th Machine Gun Battalion at Ypres, near the French-Belgian border. They soon saw action, and Youngdeer was noted for his volunteering to leave the trenches and go "over the top." According to a later account, he once told his comrades that he had come to kill Germans and would kill all he could. Such an attitude had predictable consequences, and on August 31 he suffered severe leg wounds that were soon complicated by pneumonia. He died on September 15 at the age of twenty-five.\(^{45}\)


\(^{45}\)Asheville Citizen-Times, December 28, 1941; Stephen Youngdeer service record, Box 18, Cherokee Agency Papers; Jackson County Journal, October 11, 1918. Additional information on Youngdeer is in Joe Jennings to Donald Q. Palmer, November 26, 1946, folder marked "Inspection Report—Donald Q. Palmer," Correspondence, 1926-1952, Box 46, Cherokee Agency Papers. A detailed account of the battalion's activities is in [?] to Mrs. A. A. McLean, December 15, 1918, Part III, Box 4, World War I Papers; and Operations, Thirtyeth Division, Old Hickory (N.p., n.d.), Part III, Box 3, World War I Papers.
Brigadier General George W. McIver, a native of North Carolina, commanded the brigade that included the 321st Regiment. McIver considered the Cherokee under his command to be "good soldiers." The general (center) is pictured here with officers of his staff at the 161st Brigade's message center in France. Photograph from the World War I Papers, Military Collection, State Archives.

Ute Crow, a private in Company H of the Nineteenth Infantry Regiment, also saw combat in France and was credited with saving the life of his commanding officer, Captain J. H. Howell, of Waynesville. Crow spoke very little English and was reluctant in later years to discuss his exploits, but Howell related a story about how he was spared from a German bayonet when Crow grabbed the point of the weapon with his bare hands and wrested it away from the German soldier. According to another story, Crow also captured an enemy machine-gun nest single-handedly. His service records indicate he was wounded in the thigh at "St. Sanplet." 46

For Company I of the 321st Infantry Regiment, duty consisted primarily of routine drills at Camp Jackson from late summer of 1917 to May, 1918. The regiment then went into training at Camp Sevier, near Greenville, South Carolina, before entraining in July for Fort Upton, New York. Following two weeks of preparation, they sailed from New York harbor on three steamers, arriving in Liverpool on August 11. Two days later the entire Eighty-first Division had landed at Le Havre, France, from where it went into training near Tonnerre. After less than a month it moved to the front in the Vosges sector, near St. Die, where Company I helped repulse a brief enemy sortie in which fourteen Germans were killed or
North Carolina Cherokee who were members of the 321st Regiment fought against German troops at Châtillon. This photograph shows a portion of the war's devastation of that French town. From the World War I Papers, Military Collection, State Archives.

captured. By late October the division was at Rambervillers, another relatively quiet sector. At the beginning of November the Eighty-first moved to the Meuse and then Sommedieue sectors, where it relieved the Thirty-fifth Division and occupied a twenty-four-kilometer-long line stretching from Besonvaux to Fresnes.47

At 8:00 A.M. on November 9, the 321st marched to the woods west of Châtillon, where it stood in reserve for an offensive by other units of the Eighty-first. On the afternoon of the following day, after establishing contact with French allies on its left, it relieved the 322nd Regiment on the front lines near the town of Moranville. The Third Battalion, which included Company I, came under “a terrific and accurate barrage” by German artillery but escaped with very light casualties. Companies I and M moved into advanced positions, with the two other companies of the battalion in reserve. Occupying a 500-meter front directly opposite were units of the Twentieth Regiment of the Prussian Guard Division. During the night of November 10-11 the entire 321st came under occasional shelling and machine-gun fire from the Germans.48


At 5:00 a.m. on November 11 American artillery pounded enemy positions opposite the 321st, presaging an attack that began at 6:00 a.m. Companies I and M were in the forefront of the Third Battalion's advance through a dense fog that probably helped to keep casualties down. Almost immediately the troops encountered machine-gun fire, "but in each case the assaulting companies pushed rapidly forward and the enemy machine guns withdrew in haste...." The battalion also went through "a perfect hail of high explosive shell, shrapnel, and gas shell, with an almost miraculously small loss. The extended formations which it used played a principal role in the miracle." The advance continued for a distance of about three kilometers until 11:00 a.m., when the armistice ending the war went into effect.49 After more than a year of training and anticipation, the 321st had tasted significant combat only in the final hours of World War I.

Casualties for the 321st were comparatively light. The unit had lost two officers and forty-two men killed in action, plus four more who later died of wounds. One hundred and eighty-three were wounded, including several Cherokee who had either been gassed or hit by gunfire or shrapnel. Among these were Blaine Hill, Arneach Toineeta, and Jack Taylor; Wilson Thompson, part of an artillery unit within the Eighty-first Division, was also wounded. Cherokee casualties in other outfits included Cain George, Stancill Powell, and Nick Bradley, who dropped out of Carlisle, enlisted in Pennsylvania, and was wounded twice. Joe Kalonuheskie, of the 165th Infantry Regiment, died after the armistice of his wounds and pneumonia, the only Eastern Cherokee death from the war besides Stephen Youngdeer.50

Several days after the armistice the 321st began a fifteen-day, 175-mile march to a rear area where it consolidated with other units of the Eighty-first Division. There the men continued routine duties and training, played football and baseball, toured a few historic sites, and yearned for home. In March, 1919, it participated in a review before General John J. (Blackjack) Pershing and the king and queen of Belgium. In May and June the Eighty-first moved to the LeMans area and then St. Nazaire to await embarkation for home. The 321st sailed at noon on June 9 aboard the U.S.S. Manchuria and arrived in Newport News, Virginia, on June 20. After a short stay at Camp Stuart, the regiment was disbanded, and most Cherokee servicemen headed for the Carolina mountains.51

For some veterans, home was no longer quite so alluring. Recognizing the limited opportunities on Qualla Boundary, they were now willing to consider military careers as an alternative. James Henderson encouraged

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51The State, September 19, 1920, Jacksonian Home-Coming.
Eastern Cherokee soldiers were among the troops of the Eighty-first Division who passed in review before American General John J. (Blackjack) Pershing and the king and queen of Belgium in March, 1919. The review stand with flags and streamers, where Pershing and the king and queen stood, is in the distance, behind the advancing division band. Photograph from the World War I Papers, Military Collection, State Archives.
this option when he advised John A. Welch to stay in the navy or get a
job off the reservation if he were not planning to attend school. The
reservation, Henderson noted, "is not very good for young men who desire
to make a good living."\textsuperscript{52} Another example was Simon Thompson, a
sergeant in Company I. He stayed in the army for many years and had a
satisfying career that took him to places Cherokee warriors of an earlier
era could never have imagined.\textsuperscript{53} Robert S. Youngdeer, present principal
chief of the Eastern Band and a former career military man, believes
some Cherokee found the service attractive because they were familiar
with the semimilitary regimen of schools like Carlisle, Haskell, Hampton,
and the Cherokee boarding school.\textsuperscript{54} Perhaps, too, there was a lingering
pride in the Cherokee warrior tradition. Whatever the reasons, military
recruiters still find the Cherokee reservation a good place to help fill their
quotas of enlistments.

According to Cato Sells, World War I furthered the cause of assimilation
by serving as a "civilizer." In the Indian commissioner's view, it had
forced the Indian serviceman to acquire knowledge, judgment, courage,
and character. The Native American's wartime experiences represented a
uniquely practical education and gave him the ability to "go over the top'
anywhere." He had learned how "to get things done" and was "destined
for tomorrow's leadership." Warming to this vision, Sells said that the
initiative and self-reliance developed in the military would help the
Indians to succeed in "trade, industry, education, and professions"—even,
perhaps, in "statesmanship."\textsuperscript{55} Following up on this theme, the Indian
Office later released a brochure, \textit{The American Indian in the World War},
which claimed that the war had made the Native American less timid
and had promoted his education, self-confidence, self-discipline, and
courtesy. His English had improved "very perceptibly." Now that he
realized there was a place for him in the great commonwealth of America,
his continued advancement was almost inevitable.\textsuperscript{56} The Indian Office
had thereby neatly—and paradoxically—accommodated its traditional
goal of "civilization" with the exigencies of a world war.

Though Cato Sells and other officials clearly exaggerated the war's
"civilizing" impact, it did have noticeable effects on the Eastern Cherokee.
The men who returned home had seen a world far more expansive than
the familiar confines of their reservation. They had had daily contact
with large numbers of whites from many different states and educational

\textsuperscript{52}James E. Henderson to John A. Welch, December 27, 1918, Box 18, Cherokee Agency
Papers.

\textsuperscript{53}Author's interview with Jefferson Thompson, Cherokee, N.C., June 14, 1984 (notes in
possession of author).

\textsuperscript{54}Author's interview with Robert S. Youngdeer, Cherokee, N.C., February 21, 1985 (notes
in possession of author).

\textsuperscript{55}"Report of the Commissioner of Indian Affairs," 1919, \textit{Reports of the Department of the
pp. 8-9.

\textsuperscript{56}\textit{The American Indian in the World War}, Office of Indian Affairs Bulletin 15 (Washington,
levels. They had gone through basic training together and had prepared to face death together. As a popular wartime song had put it, they had gone “Over There” and experienced the mud, filth, and destruction of twentieth-century warfare. And yet they had also been privileged to glimpse some of the more admirable features of life in the United States and Europe. These experiences, which their friends and relatives shared vicariously, brought them all into a larger, more cosmopolitan web of relationships. Even for the “typical” Cherokee veteran who returned to a quiet family life on the reservation, the web included dealing with the government on a more direct level, especially through the Veterans Administration during the 1920s.

Such experiences helped bring about an attitudinal change among the Cherokee. Many now perceived themselves as members of an American society that transcended the reservation. Cherokee veterans were justifiably proud of their service (they all received honorable discharges), while tribal civilians could take satisfaction in having consistently surpassed their white neighbors in fund raising and other patriotic endeavors. Perhaps the crowning symbolic affirmation of this “Americanizing” process was the Cherokee’s creation of the Steve Youngdeer American Legion Post, still one of the most active posts in western North Carolina.

One issue the war had persistently illuminated was the matter of Cherokee citizenship. By refusing to address this problem squarely, the Indian Office had given tacit consent to what appears to have been the illegal conscription of thirty-six members of the Eastern Band. Others, like Stephen Youngdeer, apparently enlisted only because they were otherwise slated for induction. In 1919, as an afterthought and reward for Native American patriotism, the government decreed that any noncitizen Indian veteran with an honorable discharge could obtain citizenship simply by applying. 57 Perhaps because they believed they were already citizens, no Eastern Cherokee veteran had submitted such an application by the time the 1920 elections approached. On election day Cherokee males and females appeared at the polls in greater numbers than at any other time in recent history (the Nineteenth Amendment had just extended the vote to women). In this instance the Cherokee were supported by local Republicans who hoped the Indian vote would swing elections to their candidates. The result was a disputed election in Jackson County marked by near-violence, eighty-three invalidated Indian ballots, and more confusion over Cherokee status. 58 Though all native-born Indians were declared citizens of the United States in 1924, registrars in western North Carolina continued to deny the vote to almost every Cherokee until 1946. In that year about 300 Cherokee veterans of World War II demonstrated

57 An Act Granting citizenship to certain Indians,” November 6, 1919. 41 Stat. 350
58 Frizzell, “The Politics of Cherokee Citizenship,” 218-224; see also David Owl to James E. Henderson, January 25, 1921; and Henderson to Owl, February 1, 1921, Box 13, Cherokee Agency Papers. The disputes also concerned a number of supposedly ineligible white voters. Hoxie, A Final Promise, chap. 7, notes that by 1920 the Indian Office embraced only a limited concept of Indian citizenship, one that did not necessarily include the vote.
both their determination and comprehension of the American judicial and political process by forcing officials to register qualified Cherokee.\textsuperscript{59}

It is probably too much to claim that World War I represented a watershed for the Eastern Band of Cherokee, for many earlier problems—their ambiguous legal status and limited opportunities, for example—remained unresolved. But the war was decisive in terms of making them more familiar with the challenges and promises of the larger world, and their increased contact with federal authority was a prelude to the more sweeping impact of federal programs during Franklin D. Roosevelt’s New Deal.\textsuperscript{60} To a degree perhaps unanticipated, the Indian Office had succeeded in “Americanizing” the Cherokee by introducing them to the horrors of a world war.


44. These deeds were executed on October 9, 1878 and August 14, 1880 respectively.
46. Because the legal description for the lands was inadequate, the required survey was undertaken by M.S. Temple, Deputy United States Surveyor and completed in 1876. For a copy of this survey see Extra Bulletin of Eleventh Census, 1892.
48. 19 Stat. 139.
49. 19 Stat. 176.
50. 79 N.C. 230.
51. "It was discussed before us whether the Cherokee Nation is to be considered a State or territory or a foreign nation. Its status is anomalous. It is certainly not a foreign nation, but it is a part of the United States territory, using territory in its general sense. It is not a State in the sense in which the States are called. Nor yet it is an organized territory as the organized territories are. And yet it is a territory of the United States set apart from the Cherokee Nation with an organized government, legislative, executive and judicial, under the protection of the United States government, and under its tutelage and guardianship. And for the purposes now under consideration it must be considered a "Territory * * * within the United States." At 232-233.
52. 87 N.C. 239.
53. Id. at 248.
54. "The somewhat anomalous condition in which the Indians were placed by reason of the participation of large numbers of them in the military service of the Confederate government during the Civil War, and the refusal of the government to pay the funds due them, in consequence, was put to an end by the passage of the act of Congress * * * in which the Secretary of the Interior is directed to 'cause a new roll or census to be made of the North Carolina or the Eastern Cherokee, which shall be the roll upon which payments due said Indians shall be made,' and to cause the Commissioner of Indian Affairs to take the same supervisory charge of the Eastern or North Carolina Cherokees as of other tribes of Indians." At 242-243.
55. "The remnant band of Cherokees remaining in the State, by distinct legislative action, have been placed under the same footing with other Indian tribes, under the protection and care of the government, and these statutory provisions apply with equal pertinence and force to them as to that portion of the tribe who have emigrated, and been located in their western home." At 244-246.
56. "It is obvious that the Indian tribes are in a state of pupilage to the general government, and the safeguards of law are placed over them to secure them and their property from the arthful practices of designing men, the dictate of an enlightened sense of national duty to the weak and defenseless of a race rapidly diminishing in numbers, and deemed incapable of self-protection." At 246.
57. "It is quite obvious then that the general government having assumed the guardianship and oversight of the various Indian tribes, and prescribed rules and regulations for their guidance and protection, their contracts cannot be enforced against them in State Courts, without the consent of this parental authority, and redress must be sought for violated agreements in a different jurisdiction." At 248.
59. "Their (the North Carolina Cherokees) claim, however, rests upon no solid foundation. The lands, from the sales of which the proceeds were derived, belonged to the Cherokee Nation as a political body, and not to its individual members. They were held, it is true, for the common benefit of all the Cherokees, but that does not mean that each member has such an interest, as a tenant in common, that he could claim a pro rata proportion of the proceeds of sales made of any part of them." At 306.
60. "Whatever rights, therefore, the Cherokees in North Carolina, who refused to join their countrymen in the removal of the lands ceded to them west of the Mississippi, can claim in the funds arising from sales of portions of such lands * * * must depend entirely upon the treaties out of which these funds originated. * * * All public property of a nation is supposed to be held for the common benefit of its people; their individual interest is not separable from that of the nation. At 309.
61. "The Cherokees in North Carolina dissolved their connection with their nation when they refused to accompany the body of it on its removal, and they have had no separate political organization since. Whatever union they have had among themselves has been merely a social or business one. It was formed in 1868, at the suggestion of an officer of the Indian Office, for the purpose of enabling them to transact business with the government with greater convenience. Although its articles are drawn in the form of a constitution for a separate civil government, they have never been recognized as a separate nation by the United States; they are citizens of that state, and bound by its laws. As well observed by the Court of Claims, in its exhaustive opinion, they have been in some matters fostered and encouraged by the United States, but never recognized as a nation, in whole or in part. Nor is the band organized as it now is, the successor of any organization recognized by any treaty or law of the United States. If the Indians in [North Carolina] or in any other state east of the Mississippi, wish to enjoy the benefits of the common property of the Cherokee Nation, in whatever form it may exist, they must, as held by the Court of Claims, comply with the Constitution and laws of the Cherokee Nation, and be readmitted to citizenship as there provided. They cannot live out of its territory, evade the obligations and burdens of citizenship, and at the same time enjoy the benefits of the funds and common property of the nation." At 311.
63. 101 N.C. 559.
64. 106 N.C. 451.
65. A boundary line, named after the two surveyors who ran it, established after the Holston Treaty of 1791 to separate the Indian land from land ceded to the United States.
66. Act of July 13, 1892, 27 Stat. 120.

Winter, 1979
68. 28 Stat. 424.
69. The 1874 award had not settled the title claims to the Indian land as the Cherokees had hoped. According to George H. Smathers, Special Assistant United States Attorney, “It was by the carelessness and negligence of the agents and officials of the United States that the title papers and other written contracts of the Indians were lost and destroyed.” (Letter to Attorney General Richard Olney, November 25, 1893.)

Following the 1874 award, there were a great number of trespasses onto the Indian land by whites. This condition was explained by Eugene E. White, United States Special Indian Agent in his report to the Commissioner of Indian Affairs in December 1883.

“To comprehend [how title to the Cherokee land became confused] it is necessary to know that the State of North Carolina never diminishes her public domain. Under her laws she will grant away the same tract or parcel of land times without number. Any citizens, upon proper application and payment of a specified price, can obtain a grant to the same tract or parcel just as many times and as frequently as proper application is made to her for them. She warrants nothing, however, but leaves it to the grantees to contest the 'seniority' of their respective grants between themselves in the courts. Hence [the white man with conflicting claims] manifestly experienced no difficulty in procuring grants from the state for all the lands he wanted in Qualla Boundary. And so completely did he cover it and absorb it with grants that my great surprise is that having gone that far he did not go one step further and bring suits of ejectment against the whole land, and set them adrift in the world, without whereon to lay their heads.”

The manner in which this attempted confiscation of the Cherokee lands was carried out was further illustrated in a letter from Chief N. J. Smith to the Commissioner of Indian Affairs on June 21, 1881.

“I regard it as my duty to inform you of the condition of affairs in the tribe. Since the conveyance of the Thomas lands to the Commissioner of Indian Affairs in trust for this tribe, numerous trespasses have taken place, and are constantly occurring and increasing.

“A class of unscrupulous whites, who seem to regard the Indian lands as common property, make entries, take our grants and frighten the Indians living on the particular locality until they get into possession, thus instituting confusion and incurring heavy costs, which the Indians are unable to pay. This course is pursued because, in fact, we have no legal advisor or lawyer to assist and maintain our rights before the courts, and thus deter these unscrupulous men from their trespasses and depredations.

“We can no longer do without the regular employment of counsel, these depredations are so constantly on the increase.”


70. 83 F. 547.
71. Id. at 553-554.
72. 140 N.C. 272.
74. 40 Ct. Cl. 252 (1905).
75. 145 N.C. 440.
76. Id. at 447.
77. Id. at 448.
78. 146 N.C. 477.
79. This is the same suit discussed in the sections for 1874 and 1894.
80. 116 N.C. at 480.
81. 225 U.S. 572.
82. 159 N.C. 409.
84. See section 21 of the Act.
85. 118 N.C. 166.
87. 53 F. 2d 300, cert. den., 285 U.S. 539.
88. “It is clear, however, that not every act of Congress with relation to the band would come within the power. As heretofore stated, the members of the band, by separation from the original tribe, have become subject to the laws of the state of North Carolina; and clearly no act of Congress in their behalf would be valid which interfered with the exercise of the police power of the state. In such a case, a law to be sustained must have relation to the purpose for which the federal government exercises guardianship and protection over a people subject to the law of one of the states; i.e., it must have a reasonable relation to their economic welfare.” At 307.
89. Id. at 308.
90. Id. at 308-309.
91. 188 U.S. 431 (1903). The court quoted from this opinion: “But that object would be defeated if the improvements could be assessed and sold for taxes. The improvements to which the question refers were of a permanent kind. While the title to the land remained in the United States, the permanent improvements could not more be sold for local taxes than could the land to which they belonged.” At 310.
92. 53 F. 2d at 311.
93. Id.
94. Id. at 311-312.
95. Id. at 312.
98. 89 F. 2d 312.
99. Id. at 314.
101. 213 N.C. 542.
102. Id. at 245-246.
103. Id. at 245.
104. Id. at 247.
105. 97 F. 2d 417.
106. Id. at 422-423.
107. 220 N.C. 387.
108. Id. at 389.
109. Id.
110. Id.
111. 123 F. 2d 142.
112. Id. at 143.
113. 132 F. 2d 886.
114. Id. at 887.
116. 246 F. 2d 293.
117. Id. at 297.
118. Id. at 297-298.
119. 262 N.C. 475.
120. Id. at 477-478.
121. 169 U.S. 264 (1898).
122. 262 N.C. at 478.
123. Id. at 477.
125. Id. at 414.
129. 422. F. 2d 391.
130. Id.
131. 498 F. 2d 1160.
132. Id. at 1162.
133. Id. at 1164.
134. 506 F. 2d 1231.
135. Id. at 1234, 1235, 1236.
137. 537 F. 2d 1250.
138. Id. at 1251.
139. Unreported, Civil No. BC-C-76-65, Western District of North Carolina.
140. 584 F. 2d45 (4th Cir. 1978).
144. 46 USLW 4412, May 15, 1978.