

WHAT DOES INDIAN BLOOD

A CENTURY-OLD BATTLE BOILS AS BLACK INDIANS FIGHT
FOR MEMBERSHIP IN THEIR NATIVE AMERICAN TRIBES

BY ADRIENNE P. SAMUELS

PHOTOGRAPHY BY VALERIE GOODLOE

"What kind of Indian are you?"

A 5-year-old White boy with startling blue eyes asked the question. Both he and Marilyn Vann, the girl to whom he directed his inquiry, were sitting in the classroom of the Lutheran School in Ponca City, Okla. It was 1952.

"He said, 'You can't be White and you don't look colored,'" remembers Vann, a toffee-hued woman with big glasses, flyaway dark brown hair and a house full of stacked papers and books that seemingly document the entire history of the Cherokee Indian nation. "So I went on home and asked my dad, 'What is colored and what is an Indian?' And he said, 'We are Cherokee Indians but also, we do have some colored blood.'"

That "colored blood" has been both blessing and curse for Vann and thousands of others who self-identify as Black yet have documents proving their ancestors were enslaved by and had adopted the lifestyle, language and habits of Cherokee, Choctaw,

AMONG THE TRIBE:
IOLA GRAHAM-HILL, 80, OF OKMULGEE, OKLA.,
LEANS ON A MAILBOX THAT SITS IN FRONT OF
THE HOUSE HER FATHER—CREEK STOMP DANCER
THEODORE GRAHAM—BUILT IN CREEK INDIAN
TERRITORY. SHE LIVES THERE STILL TODAY.



LOOK LIKE?



In Oklahoma City, Marilyn Vann, who is one of the leaders seeking Cherokee Freedmen's rights, exhibits photos of her family and examples of Indian art. She is among a group of plaintiffs in two federal cases that could determine who's a part of the Cherokee tribe.

Muscogee (Creek), Chickasaw or Seminole Indians. Over the years, the children of those Freedmen, as they were named after the Civil War, have both won and lost their right to permanently lay claim to the tribes of their grandparents, and therefore access to health care, education and most importantly, heritage. Now they're looking for a permanent fix, and Vann is leading the way.

As president of a group seeking Freedmen's rights, Vann is a plaintiff in two pending federal cases in Washington, D.C. The cases essentially seek to push the United States government to intervene and help determine who is in and who is out of the Cherokee tribe. Another key issue under consideration, also pending at press time, could result in a precedent-setting maneuver that could lead to the Cherokee nation losing federal funding for what some politicians describe as discriminatory actions against the descendants of slaves.

Indeed, as Congress, federal courts and Cherokee tribal courts sort through the strange mix of bloodlines, heritage, ancient agreements, broken promises and allegations of racism almost everyone involved—Indian and Black alike—is a victim with a valid point of view. And in the end, even after the courts rule, there may still be many questions left unanswered.

Have the Cherokee acted racist by keeping out the Freedmen? Do they have a right to insist that only pure-as-

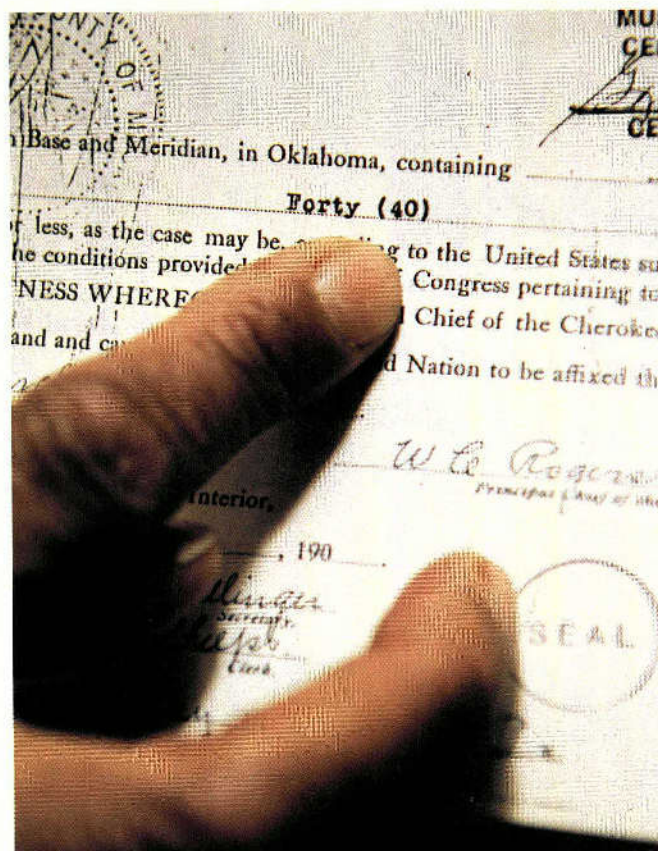
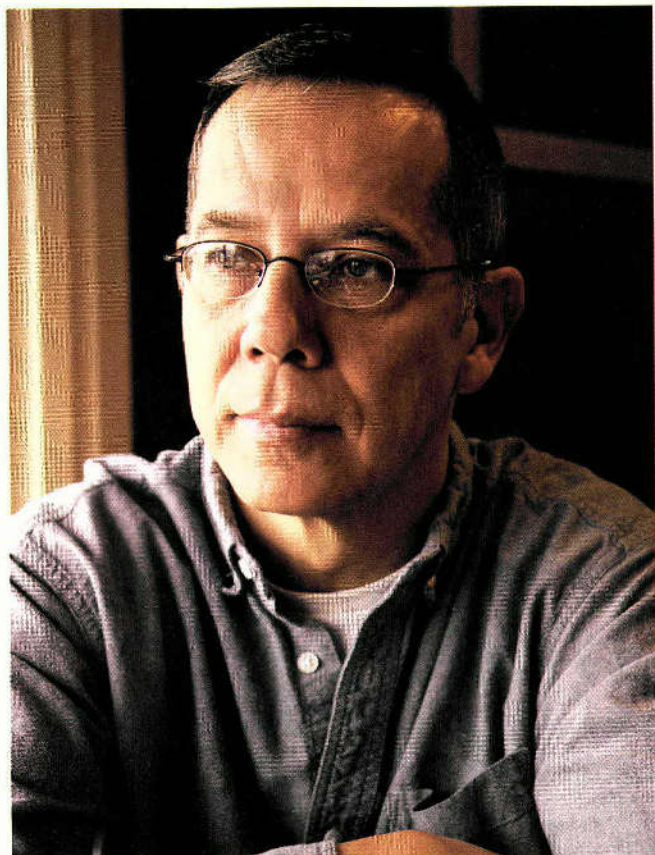
possible Indians be members of their tribe? If your great-grandmother was Cherokee and you are Black, are you even Cherokee anymore? Is it possible that the 1906 federal census, now used by some as a tribal litmus test, is flawed?

And finally, if that census is flawed, then what is the basis for denying citizenship to Black people who grew up with Indians, spoke an Indian language, ate Indian food, lived on Indian land and—unlike most Black people who claim Indian heritage—actually have the documents to prove it?

A TRAIL OF TEARS, BENEFITS AND MIXED BLOOD

Law advocate David Cornsilk is like the Martin Luther King Jr. of the Cherokee Freedmen. With his green eyes, easy smile and silky salt-and-pepper hair, it's not really his problem that his fellow tribesmen don't fully accept the descendants of Freedmen as members of the Cherokee nation. Yet over the past decade, he has made a name for himself and attracted the disdain of many a White Cherokee by insisting on using the tribal court system to advocate for Freedmen's rights.

He lost many cases until Lucy Allen came along. With her, he found the perfect mix of documented Black-Cherokee ancestry and verve. Together, they won their case and on March 7, 2006, via the precedent set by Allen, about 2,800 Freedmen registered with the tribe.



Shown at the Full Cup Cafe in Tulsa, David Cornsilk is a longtime advocate for Freedmen's rights. He has been helping Freedmen to document their Cherokee ancestry. At right, a government document indicates Indian ownership of 40 acres in Okmulgee, Okla.

That glory lasted only a short while, barely a year. In March 2007 the tribe voted to exclude the Freedmen and Cornsilk, through his advocacy, became even more of a marked man. "They hate me," says the 49-year-old Cherokee while dipping a biscuit into a bowl of breakfast gravy in a popular Tulsa, Okla., diner. "But I'm pretty much over it. I got involved in 1988 when I accepted that the Freedmen were Cherokee."

Then Cornsilk tells the story of the old Black man who waited in a long, hot line to cast his vote in a Cherokee election. The poll worker took the old man's registration card and put it to the side.

"We don't let you people vote anymore," Cornsilk recalls the woman saying. Her comment made Cornsilk sick, but it sparked his desire to right what he perceives as a wrong.

Many Cherokees owned slaves and many wound up with biracial children or Black family members. In 1906, well after Cherokee slaves were freed, a federal census listed those freed people—many of them biracial—as Black instead of Indian, set-

ting the stage for a future battle over inheritance and bloodlines. That census was called the Dawes Rolls and was intended to help subdivide land granted via treaty to Native Americans.

Those census records documented every single Cherokee, Chickasaw, Choctaw, Muscogee (Creek) and Seminole Indian in Oklahoma, along with their slaves, free Blacks, adopted Whites and adopted cousins from other Indian nations. But

here's Cornsilk's legal argument: the Dawes Rolls came about after those five Indian tribes were required to sign the Treaty of 1866 with the United States in order to continue self-governance after having sided with the Confederacy during the Civil War. That treaty, Cornsilk argues, and not the Dawes Rolls, grants all Freedmen and their

descendents the right to tribal citizenship.

Fast forward to today, when Cherokee citizenship is solely determined by having an ancestor on any portion of the Dawes Rolls except for the list of Freedmen and intermarried Whites. If the census worker decided you were Negro, you

“Citizenship must be about the law because if it becomes about blood it [becomes] an opportunity for racists and haters to use it against other people.”

—David Cornsilk, member of the Cherokee nation



An Okmulgee, Okla., display highlights "Faces of the (Creek) Nation." Below, Eli Grayson is a member of the Creek tribe.

were Negro. But if the census taker decided that your twin brother was an Indian, well, then he was an Indian and your family was split forever.

That's why it's dangerous to keep people out of the tribe based solely on having ancestry on the non-Black side of the Rolls, Cornsilk says. The idea of Indian blood is a nebulous term.



"Citizenship must be about the law because if it becomes about blood it [becomes] an opportunity for racists and haters to use it against other people," he says.

The tribe's high-powered, Washington, D.C.-based attorney says people such as Cornsilk are misinterpreting the treaty and the nature of the Rolls. Cherokee nation Chief Chad Smith adds that the tribe has plenty of Black members whose ancestors weren't listed as Freedmen, that the treaty never granted ex-slaves citizenship and that his people have spoken many times on the matter.

"We've voted three times in the last 30 years that you have to have a Cherokee ancestor to be a part of the Cherokee nation," says Smith, who notes that some 2,800 additional Freedmen were added to the Cherokee nation because of the Allen case. Should the decision be overturned, those 2,800 would lose membership.

The Cherokees are not racists, Smith says. "[In the Treaty], we agreed to grant them the same rights as native Cherokee. They were not granted citizenship..."

Here's what the treaty says:

"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..."

Heather Williams, a Black Cherokee whose ancestral link to the tribe is not through the Freedmen, believes the tribe's decision should stand without intervention from the federal courts. "If I said life is fair, I'd just be lying," she says. "It is an unfortunate situation. Maybe I would have thought differently if on my mother's side they were on the Freedmen roll, but they were not."

U.S. Rep. Diane Watson (D-Calif.) is pushing to change that outcome. She's introduced federal legislation to cease all governmental payments to the Cherokee nation if it continues to practice what she describes as discrimination. The tribe says cutting funding would hurt people on medical and housing assistance.

Many believe this is an issue about benefits. Card-carrying Indians who live in certain areas can get free health care, financial subsidies, special license plates and money for schooling. But contrary to popular belief, the millions in casino money brought in by the Cherokee do not get paid out in per capita payments—monthly checks for every member of the tribe—according to members. The benefits are few, they say, unless you are poor.

None of the people in this article say they qualify for benefits.

Claiming Indian blood is not a cash cow, says Marilyn Vann, president of the Descendants of Freedmen of the Five Civilized Tribes.

"Nowadays, everybody wants to be a Chickasaw," she chuckles, adding that it's about heritage, not benefits.



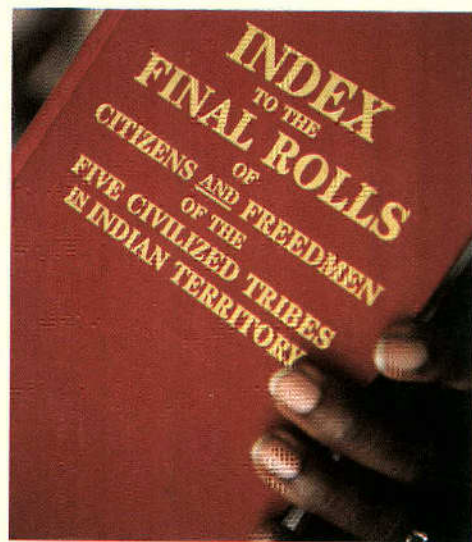
Ron Graham, a Creek Freedman in Okmulgee, stands next to his sister Lola Graham-Hill. They lean on a mailbox built by their father near the house he built in Creek country.

BEYOND CHEROKEE: THE OTHER FREEDMEN IN THE BUNCH

Ron Graham is a 6-foot-1, 220-pound, 43-year-old, Bible-collecting, factory-working, bald-headed, dark-skinned Black man born into the Muscogee (Creek) Indians. But at age 15, Graham says, he was told he was no longer a member of the tribe.

He doesn't look identifiably Indian, and like most Black folk in the tiny town of Okmulgee, looks as if he's been soaking in the fountain of youth. Though his

Think you're part INDIAN? more than SKIN DEEP



There is nothing mystical or magical about having Indian blood. It has nothing to do with what you look like. As you research your heritage, here are some things to keep in mind:

Skin color, hair texture or high cheekbones are not indicators of Indian blood. Many Native Americans are brown people. Many Africans have high cheekbones and straight or curly hair. These characteristics do not mark race.

Having an Indian ancestor is different from being a citizen of an Indian nation. Citizenship stems from birthrights as well as a complicated mix of ancient treaties, agreements and lawsuits, which is why there are mountains of documents certifying heritage.

Some, but not all, Native American tribes maintain membership records. Many tribes were completely destroyed. Check with a genealogist to determine if your people are still around.

—A.P.S.



Verdie Triplett is the founder and public relations specialist at the Choctaw-Chickasaw Freedmen's Association of Oklahoma.

dad was of the Muscogee tribe, Graham cannot be a member because the Creeks in 1979 decided to oust their Freedmen. That decision, so far, has not been reversed.

Graham's great-granddad is listed in historical documents as a former Indian slave whose mother was a full-blooded Creek. Graham's dad, then, was raised in the Creek way. His name was Theodore, they called him "Blue" and he was a tribal "stomp" dancer who spoke fluent Creek and lived on land given him by the Creek-U.S. treaty. He was 63 years old when his baby son was born.

"My dad was what they call traditional," says Graham, a self-made genealogist whose accent is a curious mix between a Louisiana lilt and a Southern drawl. "One of the first words he taught me was *myto*, or muh-doh, a Creek word for thank you."

He works at the Xantham Gum factory at night, where he heaves big tubs of the all-purpose stabilizer into mixing vats before coming home to meticulously document his, and others', Indian heritage. Last November, he lost a lawsuit against the Muscogee nation in the Muscogee Creek Nation Supreme Court. He'd asked for full citizenship. They told him no.

"My father, he spoke Creek just as easily as we speak English," explains Graham, who, like Vann, has mountains of paperwork proving his connections since oral histories don't suffice. "My father and mother were Creek citizens. I was a Creek citizen until 1979, when it was stripped away from us by a vote."

ASHAMED OF SLAVERY?

Eli Grayson, a blood member of the Muscogee tribe and president of the California Creek Association, knows of Graham's plight and hates it. While in town this past January for the inauguration of the next chief, Grayson, a bit of a spitfire himself, spoke out against the discrimination.

"It's not about Indian blood," Grayson says with exasperation as he walks about the House of Warriors inside the Creek nation museum in the heart of town. "They [enslaved Africans] were being purchased 200 years ago by Creeks and Choctaws who sided with the Confederate states. And, they lost."

Yet, the Muscogee Freedman story has many twists and turns related to the Jim Crow South, especially by 1919, adds Grayson. At that time, it was better

Can you PROVE YOU'RE? INDIAN?

Before you start researching your heritage, genealogist Angela Walton-Raji recommends that you give yourself permission to be OK with your findings. You might not be Indian, but you might have significant White blood, and that's OK. You also might be 100 percent Black. That's OK too.

Here's what else you should do:

INTERVIEW FAMILY

Get a notebook and a digital voice recorder and start interviewing the oldest family members you know. Get the exact and full names of your parents and grandparents and great-grands. Get their birthplaces, birthdates, marriage dates and dates of death. Check the U.S. Census in the towns where they grew up and see if they are listed and what ethnicity is marked down by their name. Do the same for their parents, and their parents and their parents.

LOOK IT UP

If you think you might be related to one of the "Five Civilized Tribes" mentioned in the main story, then check out: www.archives.gov/genealogy/tutorial/dawes/ This Web site will start you on your way. If you are not related to one of those five tribes, then your documents must be found in another way and you should consult a genealogist for help.

USE COMMON SENSE

Remember to compare what you learn with basic common sense and American history. Your people could not be Blackfoot Indians if they are from Georgia. Your people could not be Apache if they are from Chicago.

—A.P.S.

to be Indian than Black, he says.

"The Blacks said, 'We'd be worse off as state Negroes than as Creek Negroes,'" explains Grayson, himself related to, in his opinion, "one of the most racist Creeks in the nation." "Sure enough, they predicted what would happen to them 50 years later in the Tulsa Race Riot. They got their land allotments and had oil on their land and they got burned out."

Some are ashamed of the history, he says. And many don't honor their own dead if the dead are Freedmen.

"Here we are 100 years ago, Creek-by-blood and they were buried in the same area as their family tier," says Grayson, an L.A.-based interior designer. "But because we don't recognize Creek Freedmen, the graves aren't kept. It's a shame."

Grayson's right, say the members of the Choctaw-Chickasaw Freedman's Association, located about 50 miles from Okmulgee in the tiny township of Fort Coffee, Okla. Not too far from Fort Coffee is Scullyville, an even smaller town with an Indian cemetery where, the association says, a fence separates the buried Freedmen from the buried Indians.

The Indian side is gated and pristine with manicured grass and flowers. No one really takes care of the Freedman side, says Verdie Triplett, whose grandmother was the daughter of a Choctaw Indian. Triplett as well has been denied Choctaw citizenship.

"You have people who want to erase their past," says Triplett, a tall man with smooth, dark skin and straightish hair. He wades through the thigh-high blades of unkempt, wilted grass near that Scullyville cemetery. He bends over to point to an ancient gravestone, covered in moss and grit. One of his Indian relatives is buried there. "They've always tried to run from the shadow of slavery." □



In Fort Coffee, Okla., observers complain that the Freedmen's Cemetery is not maintained as well as the nearby Chickasaw nation's cemetery.

TO LEARN MORE ABOUT THIS ISSUE, GO TO YOUR LOCAL LIBRARY OR LOG ON TO:

www.cherokee.org
www.choctawchickasawfreedmen.com
www.freedmen5tribes.com
www.african-nativeamerican.com

FLEEING from our HERITAGE?

All this talk about Black Indians brings up an obvious question: Are some of those who claim Indian ancestry really ashamed of being Black?

Ask that question in the midst of a Freedmen town hall meeting and you'll get a resounding no.

"I'm a Black man, you hear me?" says Verdie Triplett, with the Choctaw-Chickasaw Freedmen Association, based out of Choctaw Nation in Fort Coffee, Okla. Triplett's parents are Black, but his forebears were part Choctaw and Chickasaw. As a child, he got free school supplies because of his Indian heritage. Yet, he adds: "If the good Lord came to me and said I'll make you whatever nationality you want I'd say make me Black and leave me alone. But I did my genealogy and, by God, I've got different flavors in me big time."

So why try so hard to prove Indian ancestry?

"It's more the principle of it," explains Rodslen Brown-King, 47, a descendant of a Freedman and a card-carrying member of the Cherokee Nation. She lives in Muskogee, Okla.

"Back then they were afraid to be Indian because of how the Indians were treated... But what they went through helps us to understand why we cook how we cook, and why we are who we are."

Brown-King, a Sister with curly dreadlocks, talks extensively of hunting wild onions and picking plants from the riverfronts only in the spring, hanging those plants upside down to dry and then using them as medicines. These were traditions passed down from her Indian family and she's proud of it. Others talk of the tried-and-true method of being wrapped in cow or buffalo manure to sweat out the flu. The dung stays hot for hours and apparently has medicinal properties.

It's a history that's hard to hide, says the Rev. Jimmy D. Frazier, with the Choctaw-Chickasaw Freedmen: "I'm not gonna try to run away from the Indian or the White heritage. I dare you to find someone in Oklahoma, Mississippi, Arkansas or Alabama who are all-Black. You find me someone from there who ain't got no White or Indian or Mexican in their blood!" □



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