

2010

Review of *Race and the Cherokee Nation: Sovereignty in the Nineteenth Century* By Fay A. Yarbrough

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Reed, Julie, "Review of *Race and the Cherokee Nation: Sovereignty in the Nineteenth Century* By Fay A. Yarbrough" (2010). *Great Plains Quarterly*. 2546.

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Race and the Cherokee Nation: Sovereignty in the Nineteenth Century. By Fay A. Yarbrough. Philadelphia: University of Pennsylvania Press, 2008. x + 184 pp. Maps, tables, appendix, notes, index. \$55.00.

Fay Yarbrough's *Race and the Cherokee Nation* adds to recent literature, including Tiya Miles's *Ties That Bind* (2005) and Celia Naylor's *African Cherokees in Indian Territory* (2008), that reexamines racial ideology among slaveholding American Indians. Through the use of Cherokee statutory law, marriage licenses, newspaper articles, court records, and WPA interviews, Yarbrough argues that nineteenth-century Cherokee politicians adopted racial laws to serve "as a demonstration of sovereignty" and reconfigured Cherokee identity by intermingling "blood, race, and legal citizenship." Matrilineal clan descent no longer provided

the principal claim to Cherokee identity; race increasingly replaced clan identification to determine those who could be Cherokee. Adoption and intermarriage continued to provide secondary paths to inclusion, but through the passage of marriage and citizenship laws “legislators recognized that marriage was not solely a private matter of personal choice but an institution that had much larger consequences for the continued existence of the Nation as an independent political and cultural unit.”

To align Cherokee and white identities and to disassociate themselves from people of African descent, the preremoval Cherokee Nation enacted laws that excluded individuals of African descent without clan membership. Legislators accommodated Cherokee men married to white women through laws passed in 1825 and 1827 that extended citizenship to their children, but the 1829 constitution limited the rights of descendants of Cherokee women and free black men, who, under traditional constructions of Cherokee identity, possessed the primary criteria for tribal membership.

In the postremoval era, Cherokee officials created a “graduated scale of legal citizenship” that limited full citizenship. The 1855 Intermarriage Law required white men to relinquish their United States citizenship if they married Cherokees, but it ignored the possibility of marriage between Cherokees and people of African descent. This law, coupled with an earlier anti-amalgamation law, indicated a racial hierarchy that placed Cherokees at the top and people of African descent on the bottom. The Civil War extended citizenship to Cherokee freedmen, but the application of prior marriage laws and limited citizenship rights left freedmen in precarious relationships to the Nation.

Yarbrough’s use of marriage documents to examine nineteenth-century Cherokee history offers intriguing insights into Cherokee racial ideology that disrupt nineteenth-century racial ideologies of the South and the West. Her work also reveals that race served as one consideration for Cherokee identity, but the

demonstration of sovereignty and defense of political autonomy also informed the Nation’s legislative acts. Yarbrough concludes that despite the Cherokee Nation’s best efforts to defend Cherokee national sovereignty through its racial ideology, it was the racial ideology that survived allotment and statehood.

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