

In the Shadow of Removal:  
Historical Memory, Indianness, and the Tellico Dam Project

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## Abstract

From 1963 to 1979 a series of controversies raged over the Tennessee Valley Authority's proposal to build the Tellico Dam on the Little Tennessee River in eastern Tennessee, a region haunted by the legacy of Cherokee Removal. Throughout this period conservation organizations, local landowners, and the Tennessee Valley Authority all sought the support of the three federally recognized Cherokee nations in their efforts. Not only was the valley home to the endangered snail darter, a small species of perch, but it was also considered sacred by many Cherokee Indians, as well as historically important. But many Cherokee political leaders were reluctant to side with the environmentalists. Some feared doing so would disrupt their otherwise cordial relationship with the TVA, others feared that they would become too identified with radicalism---be it American Indian radicalism or environmental radicalism, and others simply distrusted the motives of environmentalists and feared that they only wanted their support to use of the image of the "ecological Indian" to lend legitimacy to their environmental concerns, rather than protect the sites that were of importance to the Cherokee people. Additionally, changing conceptions of American Indians shaped how others, such as displaced farmers with Cherokee ancestry and commercial developers, utilized Indianness in relation to the project.

This dissertation examines the struggles between non-Indians and Cherokees, and amongst Cherokees themselves, over how their identity as Indians would be defined and used within the context of the environmental and Red Power movements during the 1960s and 70s. Underlying these contests over Cherokee identity was the legacy of the 19<sup>th</sup> century removal of Cherokees from the region. Removal fractured the Cherokee Nation into three separate nations, each with its own history, identity, and strategies for sovereignty. Removal also had a diasporic effect on some Cherokees, pulling them out of the nation and into surrounding non-Indian communities, ultimately laying the groundwork for a late twentieth century resurgence of claims to Indian identity. And finally, the memory of removal also gave Cherokees and non-Indians a powerful tool for garnering public support for their cause. Drawing on methods from history and ethnography, my research explores the multiple meanings individuals and groups assigned to "Indianness" and how those ideas not only shaped their reaction to the proposed Tellico Project, but also how those ideas were shaped by changing discourses about the environment, environmentalists, and American Indians during that time period.

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## Introduction

Dear Mr. Littlejohn,

Thank you for your recent letter concerning the Tellico Project. I will be glad to discuss the project with you and TVA's objectives in building it...Certainly, TVA has never considered the Cherokee people as an "enemy," and I hope the reverse is also true. However, we do have a traditional enemy in the forced flight of Valley people from this region, whether under the oppressive conditions of 135 years ago or in the continued migration today to some overcrowded metropolis in a fruitless search for a better way of life.

In Tellico, we see the opportunity not only to improve the economic inequities at the root of this migration but also to combat effectively the sprawl and decay that have accompanied helter-skelter development within the region. Not only the Indian, but everyone, deserves more than the "junk shops" at Cherokee. The opportunities available through Tellico can be shared by all of our people.

Sincerely,  
Aubrey J. Wagner  
[TVA] Chairman

The above letter from the Chairman of the Tennessee Valley Authority (TVA), Aubrey Wagner, to activist Hawk Littlejohn, demonstrates the variety of ways the nineteenth-century forced removal of the majority of Cherokee people from the southern Appalachians framed many of the events surrounding construction of the Tellico Dam in the 1960s and 1970s. The TVA announced plans to construct the Tellico Dam in 1963, which would flood the lower 33 miles of the Little Tennessee River, as well as a portion of the smaller Tellico River in eastern Tennessee. A number of lawsuits delayed the project, establishing important precedents in both environmental and federal Indian law. Despite the broad coalition of people that opposed the project, it was eventually completed in November of 1979, and the lower Little Tennessee River valley was flooded.

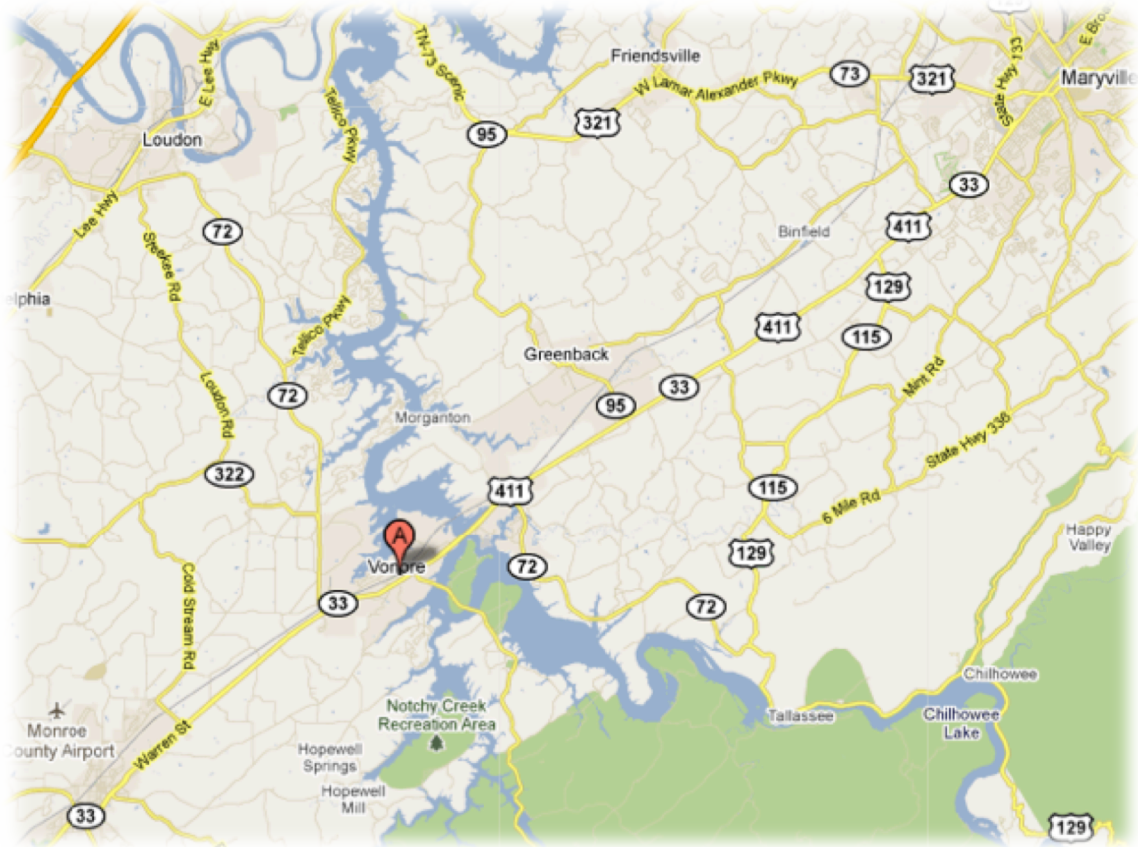


Figure 1: Tellico Project Area 1<sup>1</sup>

In mentioning the “oppressive conditions of 135 years ago,” Wagner drew on the memory of Cherokee Removal to support flooding the Lower Little Tennessee River valley, which was once home to the political and spiritual center of the Cherokee Nation, by suggesting that inundating the valley would in fact prevent another “forced flight” of people by creating jobs. In this case, Wagner is not referring to Cherokee citizens, but rather United States citizens that moved into the area after Cherokees were displaced. Other non-Indians in the region argued against the completion of the dam by interpreting their own forced removal from the valley through the lens of Cherokee Removal, saying

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<sup>1</sup> Map of the Tellico Project Area, Google Maps, ([www.maps.google.com](http://www.maps.google.com)).

that TVA was treating them just as Cherokees were treated a century and a half before. Some Cherokees would also compare the flooding of the valley to Removal, but for them the comparison dealt not with the dislocation of valley residents, but rather with the harm that came from the flooding of Cherokee sacred sites, as well as the disturbance of Cherokee remains by archaeological work.<sup>2</sup>

But Removal also framed the controversies surrounding the Tellico Dam in more subtle ways. The “junk shops” that Wagner mentions hint at the tourism-based economy of the Eastern Band of Cherokee Indians, which is itself, in part, a product of Removal. The decreased land-base of the Eastern Band following Removal left them few viable economic options in the twentieth century other than tourism, and specifically performing as “Indians” for tourists. American Indians began to capture the non-Indian public’s imagination during this period in part thanks to another development hinted at in Wagner’s references to “overcrowded metropolis[es]” and “sprawl and decay” –the modern environmental movement. Concern over the effects of industrial and urban society on the natural world reached a crescendo during the late 1960s and early 1970s. Indian imagery became a frequent symbol for how non-native Americans believed they were mistreating the environment, and in the case of the Tellico Dam, environmentalists sought to recruit Cherokees in the fight against the dam. The simultaneous rise of the Red Power movement brought Indian people and Indian history to the forefront of public consciousness, making the promotion of these discourses by environmentalists even more effective. The Eastern Band, more comfortable than the Cherokee Nation with using non-Indian discourses of “Indianness” to their advantage, joined with environmentalists to

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<sup>2</sup> Aubrey J. Wagner to Hawk Littlejohn, 11/1/72, in University of Tennessee, McClung Museum, Guthe Files, Tellico-Project—Cherokee View.

fight the project. However, the Cherokee Nation in Oklahoma rejected their overtures precisely because they disagreed with being depicted as anything other than a progressive, forward-thinking nation—again, a line of Cherokee political thought with its origins in the nineteenth-century effort to resist Removal.<sup>3</sup>

During the early 1970s, Hawk Littlejohn, to whom Wagner was addressing the letter, became the leading spokesman for Cherokee interests precisely because he was able to tap into discourses about Cherokee identity that sprang from Removal. Cherokee Removal and the Trail of Tears were a stain on American memory, and Cherokees in particular came to symbolize the litany of wrongs committed by the United States against Indian peoples. One of the most prominent examples of environmentalists drawing on Indian imagery was the “Crying Indian” commercial, which featured an actor, Iron Eyes Cody, who claimed to descend from the people who went on the Trail of Tears. However, Littlejohn and Iron Eyes Cody also symbolize the debates over Cherokee identity that came to the forefront during and after the construction of the Tellico Dam. The early 19<sup>th</sup> century Cherokee Removal led to a diaspora of Cherokee people throughout the southern United States, and in the 1970s many people in the Tellico region publicly claimed Cherokee identity—an identity that was contested by the federally recognized Cherokee nations. While some of those claiming Cherokee identity can trace their ancestry back to the disruptions of Removal, others, like Hawk Littlejohn and Iron Eyes Cody, used the uncertainty created by Removal to create fictive Cherokee identities, exploiting the history of Cherokee people for their own advantage.

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<sup>3</sup> Ibid.

Tom Belt, a tribal elder and Cherokee language instructor at Western Carolina University, once told me that for Cherokees, things like Removal did not happen a long time ago: they just happened and are still happening. Years later, Tom explained further: “The way that time is considered in the Cherokee way of thinking isn’t a lateral, one-way movement. It is a collective view of overlapping events and occurrences that are tied together by people and so history, to us, is an intrinsic part of the present.” For a long time I was not really sure if I knew exactly what Tom meant, or if my mind could even grasp the understanding of time and history that he was explaining. But over the years I never forgot what he said, and the more I thought about it the more I realized how much Removal *had* just happened and *was still* happening. An event that was 130 years in the past at the beginning of the controversy played as active a role in shaping how that struggle played out as if it had just happened the decade before. It seems that Cherokee Removal had permanently seared itself onto the landscape and the psyches of everyone involved, both Indian and non-Indian.<sup>4</sup>

Cherokee Removal was not only a powerful symbol of forced migration, it also shaped the Tellico controversy in a number of ways. Environmentalists, Cherokees, local residents, and even TVA officials, such as Wagner, invoked the memory of the Trail of Tears in arguing for or against the completion of the project. The three federally recognized Cherokee nations (the Eastern Band of Cherokee Indians, the Cherokee Nation of Oklahoma, and the United Keetoowah Band of Cherokee) that were involved in the controversies over the Tellico Dam were all profoundly shaped by the experience of Removal, which had a long-lasting legacy on their politics and economies. Removal also

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<sup>4</sup> Conversations with Tom Belt; email from Tom Belt to Robert Gilmer, 4/21/10.

dispersed Cherokee people throughout the Tellico area, as well as elsewhere, as people tried to resist Removal by hiding out in the mountains, or, if they were married to non-Indians, attempted to move into those surrounding communities. The descendants of many of these people would be spurred to claim that identity in the 1960s and 70s, at least in part because of the controversies surrounding the Tellico Dam. Drawing on legal documents, correspondence, media coverage, and ethnographic research, I argue that the nineteenth-century struggle over Cherokee Removal framed the twentieth-century conflict over the Tellico Dam by creating divisions among the three federally recognized Cherokee nations (and those claiming Cherokee ancestry) over the meaning of Cherokee identity. These divisions, in turn, shaped Cherokees' involvement in a series of landmark lawsuits by environmentalists seeking to stop the Tellico Dam Project.

By exploring the continuous and far-reaching influences of Cherokee Removal, my dissertation contributes to American, and American Indian, history by demonstrating how the legacy of the displacement of indigenous people is central to the American experience. For non-Indians affected by the Tellico Dam, the powerful memory of Removal framed how they understood their own lives and potential removal. Removal, through the lawsuits surrounding the Tellico Dam, also played a significant role in shaping modern environmental law and policy, as well as federal Indian law. Placing Removal at the center of the controversy also sheds light on why Indian imagery, and particular Cherokee imagery, captured the public imagination in relation to the modern environmental movement.

My dissertation is also the first major comparative history of the three federally recognized Cherokee nations. While a few works have addressed relations between two

or more of the nations, my research demonstrates how Removal was critical to the development of the separate national identities of the Eastern Band, Cherokee Nation, and United Keetoowah Band, and how those identities were formulated, and reformulated, in relation to the Tellico Dam project, as well as the Red Power movement during the 1960s and 1970s. The strategies employed by each of the nations during the mid-twentieth century have their origins in the nineteenth-century crisis over Removal, which itself led to the division of the Cherokee people into three separate nations.<sup>5</sup>

My research also challenges the literature on the increase in claims to native, and specifically Cherokee, ancestry in the late twentieth century by suggesting that Removal itself caused a diaspora of Cherokee people, legitimating, in some cases, claims to Cherokee identity. In many cases these identities had not disappeared, but were simply kept private within families, first out of the threat of Removal, which lingered long after the Trail of Tears, and then because of racial prejudices that discouraged public claims to non-white identity. While some individuals certainly made specious claims to Cherokee identity, in other cases the suppression of that identity, and the resulting loss of cultural knowledge, was itself a part of the colonial process. Once the Red Power and Civil Rights movements reduced the stigma and legal constraints associated with publicly acknowledging that identity, the region has seen a proliferation of Cherokee ancestry

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<sup>5</sup> Georgia Leeds explores connections between the Cherokee Nation and United Keetoowah Band in her book *The United Keetoowah Band of Cherokee Indians in Oklahoma* (New York: Peter Lang Publishing Inc., 1996). Sharlotte Neely also explores some connections between the Eastern Band of Cherokee Indians and the Cherokee Nation in her book, *Snowbird Cherokees: People of Persistence* (Athens: University of Georgia Press, 1991).



organizations, some of which are advocating for state and federal recognition as sovereign nations.

And finally, my research also reframes discussions of the environmental and Red Power movements by situating a key intersection of these movements in the American South. The debates between the Cherokee Nation, Eastern Band, and United Keetoowah Band over the Tellico controversy mirrored conflicts happening throughout Indian country during the 1960s and 1970s over issues such as radicalism, archaeology, and the best methods for protecting native sovereignty. The Tellico Dam controversy also played a critical role in the modern environmental movement, and the fate of the valley ultimately hinged on decisions made by Cherokee people. By placing a conflict between Southern Indian nations at the center of a crucial moment in the shaping of the modern environmental movement, my research both complicates binary histories of race in the American South, as well as asserts the South's place as a key site in the history of two additional important social movements in the mid-to-late twentieth century.

### **Literature Review:**

The first section of my literature review will discuss the variety of works written about the Tellico Dam Project. The majority of works that focus on the Tellico Dam examine either its place in the history of the Tennessee Valley Authority or the role of the snail darter litigation in shaping modern environmental law and policy. A few works have addressed the role of Cherokees in the controversies surrounding the Tellico Dam, but all too often these works miss the complexity of Cherokee reactions to the project, and focus

only on resistance to the dam. Even when Cherokee involvement is discussed, none examine the intersections of the environmental and Red Power movements that occurred during the Tellico controversy. Centering the convergence of these movements during the controversies over the Tellico Project establishes the American South, and the southern Appalachians specifically, as an important site in the history of both of these social movements. The rest of my literature review addresses the broader literatures that my work is speaking to: literatures on representations, historical memory, American Indian identity, and works on the environmental movement itself all help lay the theoretical and historiographical foundations for my research.

In *TVA and the Tellico Dam 1936-1979* (1986), University of Tennessee historians William Wheeler and Michael McDonald provide the first scholarly book-length treatment of the Tellico controversy. Wheeler and McDonald argue that TVA officials wanted to reassert the original vision of TVA as a vehicle for regional uplift, but that politicians tarnished their dream by using underhanded means to complete the dam. They argue that in the end the Tellico Dam hurt both the environmentalists who opposed it and TVA itself. McDonald and Wheeler state that they focus on the individuals involved with both the opposition and TVA, and attempt to demonstrate how those individuals' personal ideologies led to their decisions and actions.<sup>6</sup> *TVA and the Tellico Dam*, like other works in this subfield such as those by Walter L. Creese and North Callahan, focuses largely on the impact that the Tellico Dam controversy had on the TVA

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<sup>6</sup> William Bruce Wheeler and Michael J. McDonald, *TVA and the Tellico Dam 1936-1979: A Bureaucratic Crisis in Post-industrial America* (Knoxville: The University of Tennessee Press, 1986), x-xi.

as a government institution rather than focusing on what the valley itself meant to those affected by the project.<sup>7</sup>

Another area of research concerning the Tellico Dam controversy is its importance to environmental law and history. While these works highlight its importance to environmental law and the environmental movement, the participatory and representational roles of Cherokee people are largely left out of their analyses. Opponents of the dam utilized the newly-enacted Endangered Species Act (ESA) to temporarily stop its completion because of the presence of a previously undocumented fish, the snail darter, which the dam threatened with extinction. While the law passed its first test in the case of *Tennessee Valley Authority v. Hill* and the construction of the dam was temporarily halted until Congress exempted the project, TVA's insistence on completing the Tellico project led to several revisions to the ESA.

Zygmunt J. B. Plater was the attorney who argued on behalf of saving the snail darter's critical habitat in *Tennessee Valley Authority v. Hill* and has since written extensively on its legal ramifications. In one of his essays, "Reflected in a River: Agency Accountability and the TVA-Tellico Dam Case," Plater examines the legal history of TVA from its creation in 1933 to 1982. He contends that TVA's failure to justify the Tellico Dam on the usual basis of flood control, electrical generation, and improved navigation caused officials not to abandon the project, but rather to come up with a new way of justifying it. While the dam did provide some of these benefits, they did not add

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<sup>7</sup> Creese and Callahan only devote a couple of pages each to a discussion of the Tellico controversy in their works and largely situate it in terms of its impact on TVA. Walter L. Creese, *TVA's Public Planning: The Vision, The Reality* (Knoxville: The University of Tennessee Press, 1990), 127-9; North Callahan, *TVA: Bridge Over Troubled Waters* (South Brunswick and New York: A.S. Barnes and Company, 1980), 224-5.

up to a positive cost-benefit ratio, leading TVA to include projected industrial development and recreation. Plater concludes that the Tellico controversy forced TVA to redefine itself to fit with the emerging movements of environmentalism and the New Right. Plater's other works focus on the impact of the Tellico controversy on the Endangered Species Act. He suggests that the snail darter controversy created a serious threat to the Endangered Species Act by alerting politicians to its possible use against pork barrel projects. Added to this, Plater argues that the media coverage surrounding the snail darter fiasco caused a loss of support for the ESA and the Tellico Project's opposition in general because it trivialized the issue. Plater's work is important in that it demonstrated the critical role that the Tellico project played in the larger environmental movement. While Plater's victory at the Supreme Court established a landmark precedent, the snail darter was also used by critics to undermine the movement by suggesting that environmental regulations had gone too far and needed to be reigned in.<sup>8\*</sup>

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<sup>8</sup> Zygmunt J. B. Plater, "Reflected in a River: Agency Accountability and the TVA-Tellico Dam Case," *Tennessee Law Review* 49 (1982): 747-750, 753-4, 756, 763, 776. For further reading on the influence of the Tellico Dam on environmental law and policy, see Zygmunt J. B. Plater, "The Legacy of the Snail Darter, a Small Fish in a Pork Barrel," *Environmental Law* 34 (2004): 290-308; Zygmunt J. B. Plater, "In the Wake of the Snail Darter: An Environmental Law Paradigm and its Consequences," *University of Michigan Journal of Law Reform* 19 (1986): 805-862; For a breakdown of the pattern of Congressional vote to exempt Tellico from the Endangered Species Act, see Louis P. Cain and Brooks A. Kaiser, "Public Goods Provision: Lessons from the Tellico Dam Controversy," *Natural Resources Journal* 43 (2003): 979-1007; Albert E. Cowdrey mirrors Plater's argument in his environmental history of the South. While he only dedicates a few pages to the Tellico controversy, Cowdrey suggests that the snail darter issue weakened public support for the ESA, and ultimately signaled the high-water mark of the environmental movement. Albert E. Cowdrey, *This Land, This South: An Environmental History* (Kentucky: University Press of Kentucky, 1983), 182-4.

\* Zygmunt Plater also has a forthcoming book on the snail darter and Tellico controversies and addresses his interaction with the Eastern Band of Cherokee Indians.

The most significant recent work in this vein is Kenneth M. Murchison's *The Snail Darter Case: TVA versus the Endangered Species Act*. Murchison, a law professor at Louisiana State University, examines the legal challenges to the project brought under the National Environmental Protection Act and the Endangered Species Act of 1973. Drawing on previously sealed Supreme Court records, Murchison explores the machinations of the Court, revealing that the landmark environmental law case was almost summarily decided in favor of the TVA. When the case was first being reviewed by the Court, only five justices voted in favor of hearing the case. Of those five, four voted to overturn the lower court and rule in favor of TVA without hearing oral arguments. According to Murchison, the Court customarily requires six justices to be in favor of a summary disposition. While many members of the Court were troubled by the potential impact of the ruling, six of the justices joined the opinion in favor of protecting the snail darter's critical habitat due to uncompromising language of the Endangered Species Act. The act placed the protection of endangered species above all other considerations, and made no allowance for projects like Tellico that began before the passage of the act. One of the strengths of Murchison's work is his insistence on placing the snail darter controversy within the context of two colliding movements, the environmental and conservative movements. However, his work is limited in its top-down approach to these issues. While lawyers, justices, and politicians certainly played an important role in this debate, the voices of ordinary people are largely marginalized in his narrative. The previous environmental research on Tellico such as this has largely focused on issues of law and policy, but not paid close attention to the role of Cherokee

participants, or Cherokee imagery, in shaping how the Tellico controversies shaped law and policy.<sup>9</sup>

A third area of research in the Tellico Dam controversy is the involvement of Cherokee Indians in the controversy. With the exception of a few pages in John Finger's *Cherokee Americans*, there is little scholarly research on the Cherokees' involvement in the dam controversy. Peter Mathiessen, Marilou Awiakta, and more recently, Peter Nabokov, all offer exceptional chapters on the Tellico Dam in their respective books, but they were intended for a popular, rather than scholarly, audience and fail to delve into the complexity of Cherokee attitudes towards the Tellico project. Mathiessen visited the region the month the valley was being flooded, and is primarily concerned with highlighting the importance of the area to Cherokee history, which he feels was overlooked by the national media. Awiakta is a Cherokee author who blends poetry and prose in her account, which, like Mathiessen's work, focuses primarily on the historical and religious significance of the valley to Cherokees. Nabokov's book is the most recent work done on the relationship of Cherokees to the Little Tennessee River valley. His work uses Tellico as a case study for the limits of the American Indian Religious Freedoms Act, which Nabokov suggests has proved to be unenforceable and failed to protect Indian sacred sites. In all three of these works, Cherokee attitudes toward the project are presented as flat and one-sided, while in actuality Cherokees from all three nations were divided over how they should react to the project. The government of the Cherokee Nation initially opposed the project, but later supported the Tennessee Valley Authority against the Eastern Band of Cherokee Indians and the United Keetoowah Band.

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<sup>9</sup> Kenneth M. Murchison, *The Snail Darter Case: TVA versus the Endangered Species Act* (Lawrence: University of Kansas Press, 2007).

Citizens within all three nations were also divided about the project, with some from the Nation supporting the Eastern and Keetoowah Bands in their efforts to stop the project. By examining the choices Cherokee individuals and nations made in relation to the Tellico Project, my dissertation demonstrates how the politics of the Red Power movement exercised a profound influence on one of the seminal events in the history of the American environmental movement.<sup>10</sup>

Recent works in American Indian history have shed light on the interplay between discourses of authenticity and agency in Indian communities throughout the United States and Canada and offer insights into the strategies used by Cherokees during the Tellico controversy. Paige Raibmon's excellent book, *Authentic Indians: Episodes of Encounter From the Late-Nineteenth-Century Northwest Coast*, examines the ways that Indians in the Northwest struggled to live within a binary framework of authenticity/inauthenticity and Indian/non-Indian. These binaries reduced Indians to the ethnographic present, suggesting that for Indians to be "authentically" Indian they had to conform to static Euroamerican notions of what Indians were. Philip Deloria explores these same issues in his work *Indians in Unexpected Places*. Deloria employs the term "expectations" to mean "shorthand for the dense economies of meaning, representation, and act that have inflected both American culture writ large and individuals, both Indian and non-Indian." Both authors argue that while these "expectations" and this "authenticity" have had very

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<sup>10</sup> See John Finger, *Cherokee Americans: The Eastern Band of Cherokees in the Twentieth-Century* (Lincoln and London: University of Nebraska Press, 1991), 155-6; Jon T. Brown, "The Second Trail of Tears," *Historic Preservation* 24 (1972): 40-1; Marilou Awiakta, *Selu: Seeking the Corn-Mother's Wisdom* (Golden, Colorado: Fulcrum Publishing, 1993); Peter Mathiessen, *Indian Country* (New York: Viking Press, 1984); Peter Nabokov, *Where the Lightning Strikes: The Lives of American Indian Sacred Places* (London: Penguin Books, 2006).

negative impacts on Indian people, they have simultaneously created social spaces for Indians to voice their objections to American colonialism. While the Cherokee Nation avoided playing on these “expectations” of how Indians should look and act, citizens from the EBCI and others<sup>11</sup> embraced them as a means of gaining public support for their cause.<sup>12</sup>

In recent years a significant number of scholars have begun to focus on the rise of modern Indian nations and the role of the Red Power movement in the second half of the twentieth century. Works such as Paul Chaat Smith and Robert Allen Warrior’s *Like A Hurricane: The Indian Movement from Alcatraz to Wounded Knee*, or more recently, Charles Wilkinson’s *Blood Struggle: The Rise of Modern Indian Nations*, have sought to analyze the impact of the Red Power movement on reinvigorating Indian nations in the post-war era. More recent works by Daniel M. Cobb, Paul C. Rosier, and Sherry Smith have pushed the temporal boundaries of the Red Power movement back to the 1950s and 1960s, and have examined the creation of strategic alliances between Indian peoples and other groups in their struggle for sovereignty.<sup>13</sup> While this dissertation contributes to the broader literature on the Red Power movement, it speaks directly to a few recent works

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<sup>11</sup> Hawk Littlejohn, one of the most prominent defenders of Cherokee interests in the valley, effectively used these discourses to garner media attention.

<sup>12</sup> Paige Raibmon, *Authentic Indians: Episodes of Encounter From the Late-Nineteenth-Century Northwest Coast* (Durham: Duke University Press, 2005); Philip J. Deloria, *Indians in Unexpected Places* (Lawrence: University of Kansas Press, 2004).

<sup>13</sup> Daniel Cobb, “Talking the Language of the Larger World: Politics in Cold War (Native) America,” and Sherry Smith, “Indians, the Counterculture, and the New Left,” in *Beyond Red Power: American Indian Activism and Politics since 1900*, Daniel M. Cobb and Loretta Fowler, eds. (Santa Fe: SAR Press, 2007); Daniel Cobb, *Native Activism in Cold War America: The Struggle For Sovereignty* (Lawrence: University Press of Kansas, 2008); Paul C. Rosier, “They are Ancestral Homelands”: Race, Place, and Politics in Cold War America, 1945-1961,” *Journal of American History* 4 (2006): 1300-1326.



that have highlighted the contests over defining Cherokee identity in the mid-to-late twentieth century. Works by Circe Sturm, Daniel Cobb, and Andrew Denson examine the ways that the Cherokee Nation sought to legitimize itself and define Cherokee identity and nationhood in the latter half of the twentieth-century. This project adds to these works by suggesting that Cherokee identity was challenged and reconfigured during the Tellico controversy through disputes over the proper relationship contemporary Cherokees should have to archaeology and other Western methods of producing knowledge.<sup>14</sup>

Cobb's work on how anti-communism in the Cherokee Nation during the 1950s and 1960s shaped the reactions of prominent Cherokee officials to the work of "action anthropologists" is particularly relevant to this project. Cobb argues that Principal Chief W.W. Keeler and tribal attorney Earl Boyd Pierce considered these anthropologists to be communist sympathizers who sought to undercut their authority by encouraging ordinary Cherokees to organize against them during the early 1960s. This anti-radicalism likely contributed to the Cherokee Nation's decision to support the Tennessee Valley Authority's plans for the Tellico Dam and the archaeological work that was being done in the valley. While this seems paradoxical for the Cherokee Nation to have such distrust of anthropologists and yet support the archaeological work being done in the valley, some of

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<sup>14</sup> Paul Chaat Smith and Robert Warrior, *Like a Hurricane: The Indian Movement from Alcatraz to Wounded Knee* (New York: The New Press, 1996); Charles Wilkinson, *Blood Struggle: The Rise of Modern Indian Nations* (New York: W.W. Norton and Company, 2005); Circe Sturm, *Blood Politics: Race, Culture, and Identity in the Cherokee Nation of Oklahoma*, (Berkeley: University of California Press, 2002); Daniel M. Cobb, "Devils in Disguise: The Carnegie Project, the Cherokee Nation, and the 1960s," *American Indian Quarterly* 3 (2007): 465-490; Andrew Denson, "Philanthropy and Nationhood in Post-WWII Oklahoma," presented at the Annual Meeting of the American Society for Ethnohistory, November 8<sup>th</sup>, 2007.

the same action anthropologists such as Robert K. Thomas and Albert Wahrhaftig opposed the Tellico project and aligned themselves with the more outspoken Eastern Band. Many Eastern Band citizens, armed with the scathing critiques of anthropology provided by Vine Deloria Jr. and the inspiration of countless acts of Indian resistance during the 1960s and 70s, protested both the archaeological work and the flooding of the valley. This project seeks to bring together these two bodies of literature, on authenticity and identity in the Red Power era, by suggesting the ways that Cherokees both used and were in some ways limited by discourses of authenticity in their efforts to define what it means to be a modern Cherokee.<sup>15</sup>

The relatively new field of historical memory and American Indians has focused thus far on controversies surrounding the commemoration of encounters between Euroamericans and Native Americans. Such works explore topics such as the effort to establish a national monument at Wounded Knee, the contentious memories of Custer's last stand at the Little Bighorn, the Camp Grant Massacre, or various other violent periods in Indian-US relations by examining the competing claims to historical authority and interpretation by diverse social groups and organizations. Jean O'Brien's recent book, *Firsting and Lasting: Writing Indians Out of Existence in New England*, examines how local histories and commemoration in New England have been used to perpetuate a myth of Indian extinction. By pointing out the inconsistencies and contradictions in these narratives, O'Brien's work explores how Indians in New England have been excluded from discussions of modernity in local histories through a discourse of extinction. While

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<sup>15</sup> Cobb, "Devils in Disguise"; See chapter 4 "Anthropologists and other Friends" of Vine Deloria Jr.'s *Custer Died For Your Sins: An Indian Manifesto* (Norman: University of Oklahoma Press, 1969).

her work specifically draws on New England sources, her argument speaks to a broader pattern of historical narratives replicated throughout the United States.<sup>16</sup>

Within the field of Cherokee Studies, the history of Removal and the Trail of Tears has generated a wealth of scholarship on everything from divisions within the Cherokee Nation, to its influence on post-Removal politics, to the demographic implications of Removal on Cherokee populations. Only recently have scholars begun to explore issues of historical memory surrounding Cherokee Removal. Andrew Denson's article "Remembering Cherokee Removal in Civil Rights-Era Georgia" explores the reconstruction of New Echota during the 1950s, demonstrating how this public apology for Georgia's racial laws against the Cherokees clashed with their ongoing efforts to maintain segregation during the mid-twentieth century. While Denson's work moves discussions of Removal in the right direction, a number of questions remain to be answered. What role has the memory of removal played in each of the three federally recognized Cherokee nations? How has it shaped non-Indian American culture and memory? In what ways has the legacy of Removal continued to shape events in the twentieth century, and beyond?<sup>17</sup>

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<sup>16</sup> Mario Gonzalez and Elizabeth Cook-Lynn, *The Politics of Hallowed Ground: Wounded Knee and the Struggle for Indian Sovereignty* (Urbana: University of Illinois Press, 1999); Michael Elliot, *Custerology: The Enduring Legacy of the Indian Wars and George Armstrong Custer* (Chicago: University of Chicago Press, 2007); Karl Jacoby, *Shadows at Dawn: A Borderlands Massacre and the Violence of History* (New York: The Penguin Press, 2008); Kenneth E. Foote, *Shadowed Ground: America's Landscapes of Violence and Tragedy*, (Austin: University of Texas Press, 1997); Jean M. O'Brien, *Firsting and Lasting: Writing Indians out of Existence in New England* (Minneapolis: University of Minnesota Press, 2010).

<sup>17</sup> Denson, Andrew. "Remembering Cherokee Removal In Civil Rights-Era Georgia." *Southern Cultures* 4 (2008): 85-101.

My dissertation attempts to answer these questions by demonstrating how the experience of Removal was critical to the formulation of a variety of kinds of Cherokee identities during the twentieth century. If there was every a more slippery term than identity, I have yet to find it. Attempting to define American Indian identity is particularly problematic, and fraught with a number of important implications. To attempt to define it based on the retention of cultural traits (language, religious practices, etc) freezes Indian people into a static past, and suggests that any cultural changes are symptomatic of a decline in “authentic” Indian identity. Added to this, the sovereignty of Indian nations is also tied to the historic and continuing expression and recognition of their political identity as Indians, meaning that for Indians, identity is not simply a personal question, but connects to questions of citizenship and governance. Malinda Maynor Lowery, in her recent work on Lumbee identity in eastern North Carolina, nicely summarizes the slipperiness of the term by saying, “Indian identity, then—indeed all identity—is a historical process; not a fixed constant from which we can measure change.” It is, then a “conversation between insiders and outsiders; these catagories themselves are not fixed, and the labels represent hetereogenous populations.”<sup>18</sup>

While identity is something that is both imposed from the outside and projected from within, in this dissertation I am primarily concerned with how individuals attempted to define their own identity, as well as the identity of the groups that they associated themselves with (either recognized nations or unrecognized groups). However, at times I do examine how those identities were contested, either by environmentalists, or between federally recognized Cherokee nations, or, in the case of unrecognized Cherokee groups,

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<sup>18</sup> Malinda Maynor Lowery, *Lumbee Indians in the Jim Crow South: Race Identity, and the Making of a Nation* (Chapel Hill: University of North Carolina Press, 2010) xii.

by recognized Cherokee nations. My project is in not to attempt to define Cherokee identity, or even legitimate certain claims to a particular sense of Cherokee identity, but rather to illustrate the ways in which Removal has shaped understandings of Cherokee identity.

In the first sense, I am describing the ways that Cherokee leaders sought to define the separate identities of their nations. Nations, even ones that are ethnically homogeneous, are nonetheless woven together into a common sense of self through shared historical narratives and symbols. Removal led to the creation of separate *national* identities among the three federally recognized Cherokee nations. While these identities were contested, each of the three federally recognized Cherokee nations attempted to promote a particular image of Cherokee identity (and at times did not limit themselves to solely describing how citizens of their own nation should feel about Cherokee identity). But Removal also created a unique place for Cherokees in American historical memory, and thus in American national identity, and in the process created powerful discourses about Cherokees, and native peoples more broadly, that were both used and contested throughout the construction of the Tellico Dam, ultimately shaping the larger environmental movement in the process. While environmentalists sought to recruit Cherokees in the promotion of those images, the rejection or support of those discourses of Indianness reveals the ways that different Cherokee nations sought to define their identity in contrast to the ways that Cherokees specifically, and Indian people more broadly, have been incorporated into popular narratives of American history.

And finally, through my first and fifth chapters, my work demonstrates how Removal caused a diasporic effect, ultimately leading to a surge in individuals and groups

claiming Cherokee identity in the South during and after the Tellico controversy. While some individuals, as Matthew Frye Jacobson argues, were undoubtedly motivated to claim native identity by a desire to distance themselves from the United States' past oppressions, my work suggests that the rise in claims to native identity are, at times, part of a longer and ongoing colonial process.<sup>19</sup> By connecting these groups with the disruption of Removal, my dissertation moves beyond discussions of unrecognized groups as simply a part of white-ethnic identity claims, and suggests that in at least some cases, the rise of these groups is symptomatic of older colonial processes, as well as political and social changes unique to the mid-to-late twentieth century.

The literature on the modern environmental movement has been relatively silent on the representational, and especially the participatory, role of American Indians. When American Indians are incorporated into narratives of American environmentalism, it is often in the introductory chapters that deconstruct the idea of American Indians as the "first" environmentalists, without later discussing the idea's importance to the success of the movement. For instance, Samuel P. Hays' *A History of Environmental Politics since 1945* opens with a discussion of native peoples as having a particularly diminutive impact on the environment, but not because of any intentional resource management system:

Within the limited environments that their small populations inhabited, the Native Americans engaged in practices little different from those of the Europeans who displaced them.... These practices reflect not a people "in harmony with nature" but a native people who used their immediate environment intensively. Their comparatively small populations, lack of firearms, and ability to move to new unoccupied areas limited their impact and allowed for environmental recovery.

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<sup>19</sup> Eva Marie Garrouette, *Real Indians: Identity and the Survival of Native America* (Berkeley: University of California Press, 2003); Matthew Frye Jacobson, *Roots Too: White Ethnic Revival in Post Civil Rights America* (Cambridge: Harvard University Press, 2006).

European peoples who displaced them exercised far greater pressure on the environment because of their greater numbers and more powerful technologies.

Why a discussion of pre-contact native resource use patterns is relevant to a work on post-WWII environmental politics is unclear, as native peoples disappear from the rest of the work entirely.<sup>20</sup>

Even works that focus specifically on the role of media in the environmental movement are relatively silent on the role of American Indian imagery, and do not discuss the role of American Indian people in shaping, employing, or contesting that imagery. Works like Finis Dunaway's *Natural Visions: The Power of Images in American Environmentalism* or Mark Neuzil's *Mass Media & Environmental Conflict: America's Green Crusades* make passing references to American Indians in their works, but do not place them at the center of American environmental imagery. Philip Shabecoff's *A Fierce Green Fire: the American Environmental Movement*, discusses the impact of the famous "Crying Indian" campaign by Keep America Beautiful, saying:

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<sup>20</sup> Samuel P. Hays, *A History of Environmental Politics Since 1945* (Pittsburgh: University of Pittsburgh Press, 2000), 6. See also: Victor B. Scheffer, *The Shaping of Environmentalism in America* (Seattle: University of Washington Press, 1991); Lettie M. Wenner, *The Environmental Decade in Court* (Bloomington: Indiana University Press, 1982); John McCormick, *Reclaiming Paradise: The Global Environmental Movement* (Bloomington: Indiana University Press, 1989); Mark Hamilton Lytle, *The Gentle Subversive: Rachel Carson, Silent Spring, and the Rise of the Environmental Movement* (New York: Oxford University Press, 2007); Robert Gottlieb, *Forcing the Spring: The Transformation of the American Environmental Movement* (Washington D.C.: Island Press, 1993); Walter A. Rosenbaum, *Environmental Politics and Policy* (Washington D.C.: CQ Press, 1991); J. Brooks Flippen, *Nixon and the Environment* (Albuquerque: University of New Mexico Press, 2000); Thomas R. Vale, *The American Wilderness: Reflections on Nature Protection in the United States* (Charlottesville: University of Virginia Press, 2005); Riley E. Dunlap and Angela G. Mertig, eds. *American Environmentalism: The U.S. Environmental Movement, 1970-1990* (Washington D.C.: Taylor & Francis New York, Inc., 1992); Benjamin Kline, *First Along the River: A Brief History of the U.S. Environmental Movement* (San Francisco: Acadia Books, 1997).

The message was clear: the beautiful land inhabited by the Native Americans when Columbus arrived in the New World had been besmirched by subsequent generations and the time had come to start cleaning it up.... It confronted the television-viewing public with the uncomfortable truth that we were becoming a nation of nest-fouling, wasteful consumers.

While Shabecoff's work illustrates the powerful influence of perhaps the most famous environmental public service announcement, he does little to interrogate the roots of that imagery or put it in conversation with a larger role of American Indian peoples in the environmental movement.<sup>21</sup>

What is surprising about the relative lack of discussions surrounding the importance of Indian peoples to the American environmentalism is the fact that so much effort has been put into debunking the idea of the "ecological Indian," while relatively little attention has been paid to the work done by the discourse itself. While Hays and others do this on a small scale in their introductory chapters on American environmentalism, the most well-known example of this is Shepherd Krech's book, *The Ecological Indian: Myth and History*. Krech's work begins with the famous "Crying Indian" commercial, and operates under the assumption that this "myth" has played a key role in American environmentalism, but he focuses his analysis on attempting to prove that American Indian peoples were no more ecologically-minded than Euroamericans. Krech's work spawned a great deal of controversy, but much of that centered on either supporting or refuting the relative environmental awareness of native peoples, rather than interrogating why the discourse was effective, or the contributions it made to the modern

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<sup>21</sup> Finis Dunaway, *Natural Visions: The Power of Images in American Environmental Reform* (Chicago: University of Chicago Press, 2005); Mark Neuzil, *Mass Media & Environmental Conflict: America's Green Crusades* (Thousand Oaks, CA: Sage Publications, 1996); Philip Shabecoff, *A Fierce Green Fire: the American Environmental Movement* (New York: Hill and Wang, 1993), 104.



environmental movement. More importantly, my work moves beyond discussions of the veracity of the ecological Indian discourse by examining the participatory roles that native people played in both using these discourses to their advantage, as well as contesting the efforts of environmentalists to confine native beliefs, attitudes, and actions to non-Indian constructions.<sup>22</sup>

### **Sources and Methodology**

Over the past seven years of research on this project I have visited over a dozen archives, gained access to four private collections owned by participants in the controversy, interviewed over two dozen people (and spoken to dozens more informally), and conducted ethnographic research in the area. The Tennessee Valley Authority's records are now stored at the Southeastern Branch of the National Archives and Records Administration in Morrow, Georgia. These files not only contain evidence of the internal debates at TVA and the role that the agency saw itself playing in the valley, but also countless letters from individuals from throughout the project area and beyond. The Tennessee Valley Authority's Corporate Library in Knoxville, Tennessee houses an invaluable collection of every published account of the project, from scholarly works to volumes and volumes of newspaper and magazine articles. Another source of media coverage was Vanderbilt University's Television News Archive also contained a number of recordings of major television news coverage of the Tellico controversies.

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<sup>22</sup> Shepherd Krech, *The Ecological Indian: Myth and History* (New York: W.W. Norton & Company Inc., 1999), 15-17; See also *Native Americans and the Environment: Perspectives on the Ecological Indian*, Michael E. Harkin and David Rich Lewis, eds., (Lincoln: University of Nebraska Press, 2007).

The University of Tennessee's Special Collections houses the papers of the Tennessee Endangered Species Committee. This coalition of law students, scientists, activists, and other concerned citizens was formed in an effort to save the snail darter's critical habitat in the Little Tennessee River. Their papers offer insights into the ways that individuals from a variety of backgrounds coalesced behind the notion of defining the river as the snail darter's home, and effectively fought to protect it from any other uses. The University of Tennessee's McClung Museum shed light on the archaeological work done in the reservoir area. The McClung Museum's archives were a particularly good source of information on Cherokee involvement, and demonstrated the changing relationship the Museum had towards the project and TVA. One final source of documents at the University of Tennessee was the Howard H. Baker Center, which contained not only Senator Baker's records related to the project, but also the papers of Judge Sue Hicks, who was involved with the Fort Loudon Association and was an early opponent of the project. The Jimmy Carter Presidential Library also contains collections related to the Carter Administration's conflicted response to the Tellico Controversy. These records detail the debates that occurred within the administration over whether or not to veto the Tellico Project to save the snail darter, among other reasons.

Three additional small collections proved useful. The Tennessee State Library and Archives contained a file on the Carson family, including an interview with Florence Carson, a staunch TVA supporter. Also, the Fort Loudon State Park had a small clippings file of local media coverage in honor of the twenty-fifth anniversary of the closing of the dam. The Vonore library in Vonore, Tennessee, also contained an excellent collection of local history books that were useful in not only learning more about the history of the

valley, but also contained references to a continued Cherokee presence in the area after Removal.

The Cherokee Heritage Center in Tahlequah, Oklahoma contains the National Archives of the Cherokee Nation. The papers of W.W. Keeler and Earl Boyd Pierce offer insights into ways that leading Cherokee officials sought to define the Nation in response to the controversy. The Sequoyah Birthplace Museum was founded as part of the settlement between the Eastern Band of Cherokee Indians and the Tennessee Valley Authority and—aside from being a source in and of itself because of the narrative of Cherokee history it conveys—contains many council resolutions and other documents relevant to the EBCI’s opposition to the Tellico Dam and the creation of the museum and other monuments to Cherokee history in the valley. Western Carolina University’s Hunter Library also holds the minutes of the Eastern Band Tribal Council up to 1970 and a full collection of the *Cherokee One Feather*, the Eastern Band’s tribal newspaper. While the *One Feather* is a tribal government publication, it nonetheless contains the voices of many Cherokees, who were at times critical of the official positions of the tribal government.

Another source of documents relating to the controversy are several private collections that were made available to me in the course of my research. The first collection came from Myrtle Driver, an EBCI citizen and tribal interpreter during the EBCI’s lawsuit under the American Indian Religious Freedoms Act. It contains dozens of signed affidavits from EBCI citizens, some written in Cherokee syllabary, expressing the significance of the valley to their religious and cultural beliefs. The second collection came from Gary Carden, a non-Indian former employee of the EBCI who worked as a

grant and correspondence writer for the chief's office during the 1970s and 1980s. Carden's collection included drafts of letters, flyers, photographs, and various other documents relating to the EBCI's role in the controversy. Zygmunt Plater, who worked with the Eastern Band on the snail darter litigation, shared some of his files with me on the negotiations he had with TVA, as well as the potential alternative uses for the valley if they were able to stop the project. Sarah Bivens also shared with me a number of records she had related to the project. Mrs. Bivens was a local journalist who wrote numerous stories about the Tellico Dam, especially on Cherokee involvement in the controversy.

I further completed two periods of ethnographic research in the lower Little Tennessee River valley and western North Carolina, between the spring of 2005 and the summer of 2006, as well as the summer of 2009. During those periods I interviewed over two dozen participants in the Tellico controversy, ranging from Cherokees, to local farmers, to environmentalists, to archaeologists, to non-tribal members who claim Cherokee ancestry and identity. I also spent a considerable amount of time during those periods visiting the historical markers, museums, and monuments along the shores of the Tellico Reservoir, as well as spending time in the communities and documenting the economic and cultural changes that have occurred since the completion of the dam.

### **Argument and Chapter Discussion**

The central argument of my dissertation is that the process of Cherokee Removal framed the controversies surrounding the construction of the Tellico Dam in a number of

ways. Removal divided the Cherokee Nation politically into the Eastern Band, the Cherokee Nation, and the United Keetoowah Band, each with separate interests, approaches to protecting their sovereignty, and conceptions of Cherokee *national* identity. Removal, and the uncertainty surrounding it, also had a diasporic effect, scattering Cherokees throughout the deep South, as well as Arkansas and Oklahoma. The descendants of some of these Cherokees attempted to claim a Cherokee identity during and after the Tellico controversy. The memory of Removal also became a powerful symbol for both supporters and opponents of the dam, and mirrored the removals of people, remains, and animal life that occurred when the dam was completed. Despite being only one of many Indian nations that were forcibly removed, the Trail of Tears' put Cherokees in a unique place in American memory as Indians who were both 'civilized' and especially wronged. While this unique place was something Cherokees could, and did, use to their advantage, it was also something that drew Indian imposters to the controversy to capitalize on public sympathy to the Cherokee people.

In this dissertation I use "Removal" and "removal" to signify either the forced "Removal" of Cherokee people from the southeast during the early nineteenth century, or the various removals of human remains, local landowners, or even endangered fish from the lower Little Tennessee River valley. In the case of Cherokee Removal, I mean both the Trail of Tears that resulted from the Treaty of New Echota, but also the longer process of trying to remove the Cherokee Nation from the southeast, either by encouraging intermarriage or migration to the west prior to the Trail of Tears. While in each of these later cases individuals involved drew parallels between these twentieth-century removals and the earlier Cherokee Removal, it is important to note that

significant differences existed between the ethnic-cleansing campaign of Cherokee Removal and the removal of human remains, local landowners, and snail darters. Rather than focus on the validity of these comparisons, my research is concerned with the meanings behind those comparisons, and how the memory of Removal continued to shape both Indian and non-Indian culture well into the twentieth century.

The first chapter lays the foundation for the dissertation by documenting the centrality of the lower Little Tennessee River valley to Cherokee history and culture, demonstrating how the decades-long process of Indian Removal split the Cherokee Nation into three nations, necessitating separate strategies for protecting their sovereignty. It also provides a corrective to the standard narrative of Removal, which tends to ignore the diasporic nature of Cherokee Removal in favor of a simplified narrative of the majority going to Oklahoma while others reconsolidated on the Qualla Boundary in North Carolina. Specifically this chapter examines how Cherokee people either managed to remain in the lower Little Tennessee River valley, or found their way there in the days following Removal. Finally, this chapter briefly explores the ways that Cherokee Removal came to occupy a singular place in American memory, despite the tragically common nature of forced removals as a part of American colonialism.

My second chapter demonstrates how a long legacy of removals in east Tennessee created a "culture of removal" that shaped how valley residents understood their own sense of identity and history and confronted the proposal for the Tellico Project. In addition to Cherokee Removal, the region also saw a number of other forced removals due to the creation of other Tennessee Valley Authority reservoirs as well as the Great Smoky Mountains National Park, which displaced thousands of people. A number of

factors came together to give local residents opposed to the project hope: the growing sense of frustration with constant relocations, the emergence of a strong anti-dam sentiment as part of the fledgling environmental movement, and shifting attitudes towards American Indians—as well as this particular valley’s importance to Cherokee history—created the possibility of building a broad anti-dam coalition. The popularity of Johnny Cash’s album *Bitter Tears*, as well as his claims to Cherokee ancestry, made him a valuable early ally for opponents of the project.

My third chapter argues that the discourse of the “crying Indian” cemented a connection between Indians and the modern environmental movement by exploiting the memory of Trail of Tears. The debut of Keep America Beautiful’s “Crying Indian” anti-litter campaign coincided with one of the first major legal battles over the Tellico Project. In the process, the creation of this discourse made a space for environmentalists, Cherokees, and “imposter Indians” to draw on the memory of Cherokee Removal during the Tellico controversy. It also created a divide between Cherokee nations over the Tellico Project, as well as Cherokee identity, as the Cherokee Nation spurned overtures by environmental groups hoping to capitalize on the sympathy their support would bring, while the Eastern Band continued to publicly oppose the project. The divide between the nations’ conceptions of Cherokee identity, as well as their willingness to embrace the Red Power movement, was also exemplified through their contrasting approaches to the archaeological work being done on the project. The Cherokee Nation rejected any form of radicalism and considered the knowledge produced by the archaeological work to be one of the major benefits of the project, while the Eastern Band was arguably more alarmed by the excavations than by the potential flooding of the valley. Both Cherokees

and imposter Indians who opposed the archaeological work were able to draw on the same connections between Cherokees and sadness to contest the disturbance of Cherokee remains.

My fourth chapter examines a series of three new removals that occurred during the final years of the Tellico controversy: the removal of endangered snail darters, the removal of Cherokee burial remains, and the removal of local landowners who had refused to vacate their homes in the valley. The Eastern Band of Cherokee Indians worked with environmentalists to stop the Tellico Project under the Endangered Species Act, but after Congress exempted the project, opponents of the dam attempted to use the new American Indian Religious Freedom Act to stop the project. This chapter argues that by conflating ethnicity with nationality, the Courts ignored the divergent histories of the three federally recognized Cherokee nations by ruling in favor of the Tennessee Valley Authority (who was supported by the Cherokee Nation) and against the Eastern Band and United Keetoowah Bands of Cherokee Indians, paving the way for TVA to complete the project. Throughout this process, local landowners, Cherokees, and others, drew on the memory of Cherokee Removal to make sense out of the various new removals happening in the valley. At the same time, local landowners, some of whose families had been in the valley since Cherokee removal, held out hope that the religious importance of the valley to Cherokee people would enable them to remain in their homes.

My final chapter argues that in the years following the completion of the Tellico Dam, the Cherokee history of the Little Tennessee Valley have ironically been made more visible by the creation of a historical district, its use in marketing a series of exclusive waterfront residential areas, and in the rise of local Cherokee descendant



groups. In many ways the reality of the post-dam era differed from TVA's projections when promoting the project, but the central role of Cherokee history in making the development of the valley a success has stayed constant. However, the narrative of history conveyed by these changes led to conflicts over the scope and ownership of that history, as well as conflicts between the federally recognized Cherokee nations and descendant groups. While the series of historical attractions offer a narrative sanitized of the conflicts surrounding the creation of the dam and reservoir, their very existence has served as a focal point in the rise of local groups claiming Cherokee ancestry who have played an active role in the use and maintenance of those sites.

## **Chapter One:**

### **Rivers and Removals: the Trail of Tears, the Formation of National Identities, and the Diaspora of the Principal People**

#### **Introduction**

The Little Tennessee River starts high in the mountains of what is now north Georgia. It flows north from there, cutting its way through the mountains until it hits the southern border of the Great Smoky Mountains, where it veers sharply to the west. Near there, the Tuckasegee River flows into it, not long after the Oconaluftee River joins the Tuckasegee. From that point on the waters of the three rivers blend together as they course their way around the high mountains, ultimately dropping over 1,000 feet by the time they emerge in the broad lower Little Tennessee River valley. After another thirty-three winding miles it flows into the Tennessee River, which then works its way over to the Mississippi, ultimately draining into the Gulf of Mexico. Or at least that is what it used to do. Throughout the twentieth century a series of 19 dams were built on the Little Tennessee River and its tributaries, and after the closing of the Tellico Dam in 1979 the only stretch of the river left that is still truly flowing is between the southern edge of the Smoky Mountains and Rabun Gap in Georgia, but even this stretch is broken up by small dams.

This river complex has served as home for people in what is now the called the southern Appalachians of the United States for over ten thousand years. But this river system was particularly important for the Cherokee people, or as they often refer to

themselves, the Aniyvwiya, or Principle People.<sup>1</sup> Linguistically, and to a lesser degree, politically, the Cherokee Nation was at one point divided into three main groups, the Lower Towns along the headwaters of the Savannah river in what is now upstate South Carolina and northeast Georgia, the Middle Towns along the Little Tennessee and Tuckasegee Rivers in what is now North Carolina, and the Overhill Towns along the lower Little Tennessee river in what is now east Tennessee. It would not be a stretch to say that Cherokee life centered on rivers. While Cherokees are well known as being a people of the mountains, their lives were mostly spent down in the valleys, along the rivers and streams of the southern Appalachians. Rivers served as transportation, as sources of food in terms of fish and fertilizer for their extensive fields, and for going to water, a religious practice that was integral to the daily life of Cherokee people.

By exploring the relationship between Cherokees, rivers, and their removal from this area, this chapter accomplishes three goals that are necessary for laying the foundation of the rest of this dissertation. The first is demonstrating the centrality of the lower Little Tennessee River valley to Cherokee history and culture in the pre-contact era through the early nineteenth century. The second and third points center on what happened when the Cherokees were mostly forced out of this complex of rivers. The process of Removal split the Cherokee Nation into three separate nations, with separate identities, and separate strategies for preserving their independence. And finally, the long process of Cherokee Removal—one that encompasses more than just the Trail of Tears and includes efforts dating from the early 19<sup>th</sup> century through the mid-to-late nineteenth

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<sup>1</sup> Anigituwagi, or People of Kituwah (a Cherokee town on the Tuckasegee River), more precisely means Cherokee, while Aniyvwiya traditionally also applied to neighboring peoples.

century—caused a small-scale diaspora of Cherokees throughout the southern Appalachians and further abroad.

These three points are critical to understanding the controversies surrounding the Tellico Project during the 1960s and 70s. The significance of this particular river valley to the Cherokee is central to understanding the motivations of all Cherokees involved—those that supported and those that opposed the Tellico Project. Furthermore, the divisions created by the removal crisis, or rather removal crises, are echoed in later divisions between the three federally recognized Cherokee nations as each sought to define Cherokee identity for themselves, and the other nations, as well as decide what course of action would benefit their people the most. And finally, the resurgence of people claiming Cherokee ancestry during and following the Tellico controversy can be traced back to this period—either as individuals who simply exploited the tragic past of the Trail of Tears, or those who sincerely believed that their ancestry and identity stems from Cherokees who were divided from their people as a result of Removal.

### **Pre-Contact Era**

It is ironic that the following section, which deals with the pre-contact era history of the lower Little Tennessee River valley, draws heavily on the findings of the archaeological work that, as will be discussed in the third and fourth chapters, was hotly contested by some Cherokees (though warmly embraced by others). Cherokee traditions already contained knowledge about the history of the valley, and their people's relationship to the land and river, and that knowledge informs this section as well.

Archaeologists tell us that people were living along the Little Tennessee River valley for at least the last nine thousand five hundred years, but possibly much longer than that. The increased run-off from the last ice age roughly ten thousand years ago would have swelled the Little Tennessee River far above its levels during the 1960s and 70s, washing away most evidence of human occupation. From that point forward the valley was continuously occupied by peoples archaeologists refer to as Archaic, then Woodland, and finally Mississippian peoples. We do not know much about who these people were, other than the fact that they were American Indians, they created elaborate pottery and basket weaving techniques, they built houses of wattle and daub and lived in small decentralized villages, and they farmed, fished, and hunted for their food. But with the shift from the Woodland period to Mississippian period around 900 CE, life in the lower Little Tennessee River valley began to change dramatically.<sup>2</sup>

American Indians throughout the Southeast and Mississippi River valley were undergoing profound changes in their civilizations. Technological improvements in agriculture, thanks largely to the introduction of maize, and earthwork design combined with a new political and religious system to create a network of chiefdoms throughout a significant portion of eastern North America. During the Mississippian period Toqua was one of several towns on the lower Little Tennessee River. Citico and what is known as the Bussell Island site were also relatively large late Mississippian towns. Toqua was fortified with a palisade fence built around the community's center. Life at Toqua was hierarchical, with priests filling the most influential roles. The town was centered around a large square where ballgames were played and ceremonies were performed. A large

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<sup>2</sup> Jefferson Chapman, *Tellico Archaeology: 12,000 Years of Native American History: Revised Edition* (Knoxville: University of Tennessee Press, 2001), 32-98.

temple built atop a high mound dominated the skyline of the area. The main mound was over 25 feet high, 154 feet in diameter, and consisted of over 369,000 square feet of packed dirt. Archaeologists have estimated that it was built up several times over a 300-year period. Large fields of corn and other crops lined the banks of the river leading out of the town center. The town of Toqua appears to have been under the political control of the Coosa chiefdom, a much larger Muscogee town in present-day northern Georgia.<sup>3</sup>

The first known contact between Europeans and the peoples of the Little Tennessee River valley occurred during the expedition of Hernando De Soto. De Soto's group traveled along the French Broad River before turning south and following the west side of the Little Tennessee River valley. The records from De Soto's expedition state that they encountered a town they referred to as Tali, which Charles Hudson has argued was likely either Toqua or Tommotly (another Cherokee town along the lower Little Tennessee River). When they approached, the people there tried to flee, but the Spanish apparently cut them off with a barrage of arrows. The chief sent canoes across the river to retrieve the Spaniards and brought them over to the town. They stayed in the Tellico area from July 9 to the 12, 1540, before heading south into Georgia. While there is some evidence that Juan Pardo's expedition may have visited the valley twenty years later, stopping at Bussell Island and Citico, no other Europeans are known to have entered the area for another century.<sup>4</sup>

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<sup>3</sup> Chapman, 77-9, 82.

<sup>4</sup> Charles Hudson, "Synopsis of the Hernando De Soto Expedition, 1539-1543" in *De Soto Trail: De Soto National Historic Trail Study*, Final Report prepared by the National Park Service as Required by the De Soto National Trail Study Act of 1987, (National Park Service: Southeast Regional Office, March 1990) 86-7; Chapman, 97.

## **The Rise and Fall of the Overhill Towns**

Most archaeologists now think that the lower Little Tennessee River valley was a Muscogean region during the Mississippian era, and that Cherokees were relative newcomers to the area, but Cherokee stories and histories suggest otherwise. The Cherokee creation story tell of how Suli Egwa, or the Great Buzzard, flew over the earth when the land was new and still made of soft mud that had been brought to the surface by the water beetle. When Suli Egwa grew tired he decided to land. But as he slowed down to land each wing beat pushed the mud down, creating the valleys, and then each up stroke drove the mud high into the air creating the mountains. Cherokees refer to the Tellico area as digatalenvhy, which translates into “this is where we began.”<sup>5</sup>

In order to fully understand the significance of the Little Tennessee River valley to the Cherokee people, one must first examine the importance of rivers, and flowing water in general, to Cherokee beliefs and religious practices. Rivers are considered to be animate beings, with a life and power of their own. They are also considered to flow from the underworld, and carry with them the powers of fertility and long life. One of the most important Cherokee religious practices, which continues to this day, is amayi atsa sti, or immersion in water. This ceremony involves submerging oneself in flowing water, which purifies the spirit and restores health and balance to one’s life. The water must be flowing, not stagnant, like the placid waters of the Tellico Reservoir. These are considered ama-hu-li wo-tsa-hi, or “dead water.” The Little Tennessee River valley was considered to have some of the strongest and therefore most beneficial waters in

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<sup>5</sup> Chapman, 37; Richard Crowe, *Affidavit in Ammoneta Sequoyah, Richard Crowe, et al, and the United Keetoowah Band of Cherokee Indians v Tennessee Valley Authority*, United States Court of Appeals, 6<sup>th</sup> Circuit, 620 F.2d 1159; 1980 U.S. App. Plaintiff’s exhibit GG, 7 Oct. 1979, Swain County, NC.

Cherokee territory. Its waters were thought to be much stronger than those of the Oconaluftee River, which runs through the Qualla Boundary area of the Eastern Cherokee lands. Even long after Cherokees was forced out of east Tennessee in the early 1800s, many continued to make pilgrimages to the river.<sup>6</sup>

Numerous other Cherokee stories relate to the lower Little Tennessee River valley and describe either moral tales or accounts of how the Cherokee learned about such things as medicine. A pair of interrelated stories is that of the Ut-lun-ta and the Nun-yu-nu-wi. They were a married couple of stony-skinned monsters that lived in a cave on the Little Tennessee River. In reflection of Cherokee matrilineal practices, the home they inhabited belonged to Utlunta, not her husband, Nunyunuwi. Both creatures used to terrorize Cherokees until they were ultimately killed. In Utlunta's case, a tsikilili, or chickadee, showed the Cherokee hunters how to kill her. After that, Cherokees always trusted chickadees and knew that if one landed near the house of a friend or family member who was on a journey, that person would return home safely. It took the power of women to kill the Nunyunuwi. Hunters had been unable to stop him from eating people when he wandered the forests, so a medicine man suggested that they get seven menstruating women—who were believed to be dangerously powerful—to stand in the Nunyunuwi's path. He slowly died while passing by each woman, finally bursting into flames as he approached the last woman. As he burned he told the medicine man many cures for diseases, and when he died the ash contained red wadi paint and a ulunsuti

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<sup>6</sup> Charles Hudson to Ben Bridgers, 8 Oct. 1979, Plaintiff's exhibit I, Swain County, NC and Duane King, *Affidavit in Ammoneta Sequoyah, Richard Crowe, et al, and the United Kettoah Band of Cherokee Indians v Tennessee Valley Authority*, United States Court of Appeals, 6<sup>th</sup> Circuit, 620 F.2d 1159; 1980 U.S. App., plaintiff's exhibit H, 10 Oct. 1979, Swain County, NC, 8.



stone. The stone was a powerful crystal used for divination, while the paint gave its wearer good fortune in whatever he or she desired.<sup>7</sup>

While we know very little about southeastern Native American history during the seventeenth century, we do know that many of the large Mississippian centers collapsed, likely due to the introduction of European diseases, or as recent scholarship suggests, because of the disruptive influence of the Indian slave trade. Out of the chaos of this period, new Indian nations, such as the Cherokee Nation, began to coalesce in the southeast.<sup>8</sup> By the early 18<sup>th</sup> century the Cherokee Nation was undergoing dramatic internal changes, in which old systems of organization were collapsing and being reinvented in new ways. We do know that by the mid-eighteenth century the lower Little Tennessee River valley rapidly grew to become the political center of the Cherokee Nation. Colin Calloway argues that Chota emerged as the political capital due to the genius of leaders such as Attakullakulla, Old Hop, and Oconostota, but its strategic location likely also played a key role in the Overhill region's rise to prominence. The perceived protection the mountains provided from the encroaching Atlantic colonies likely contributed to the decision, but the river itself, and the access to both French and English trade that it enabled, probably played the most significant role in the shift of Cherokee political and spiritual authority to the lower Little Tennessee River valley.<sup>9</sup>

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<sup>7</sup> James Mooney, *History, Myths, and Sacred Formulas of the Cherokees* (Fairview, NC: Bright Mountain Books, 1992), 466-9, 316-20.

<sup>8</sup> See Robbie Ethridge's edited volume, *Mapping the Mississippian Shatter Zone: The Colonial Indian Slave Trade and Regional Instability in the American South*, Robbie Ethridge, ed., (Lincoln: University of Nebraska Press), 2009.

<sup>9</sup> Chapman, 97-8; Colin Calloway, *The American Revolution in Indian Country* (London: Cambridge University Press, 1995), 186.

Chota was built between 1730 and 1750 as an offshoot of Tanasi, the town from which Tennessee takes its name. By the 1750s it became the political center of Cherokee life, and continued as a town of immense international importance for another half-century. Cherokee leaders there negotiated with representatives from France, Britain, South Carolina, Virginia, and the nations of the Catawba, Chickasaw, Creek, Delaware, Mohawk, Nanticoke, Ottawa, and many other peoples. A beaded belt was made at Chota during this period that reunited the Cherokees into a path of peace. During the first use of the belt in a religious ceremony, a priest prophesized that as long as the belt and the land around Chota survived so would the Cherokee people.<sup>10</sup>

Many of the Cherokee's most important political and cultural figures emerged from the Overhill towns that now lie under the waters of the Tellico Reservoir. Among these were Old Hop, Attakullakulla, Oconostota, Ostenaco, Nancy Ward, Dragging Canoe, and Sequoyah. Old Hop was the uku, or priest, of Chota who announced to South Carolina leaders in 1752 that Chota was the mother town and official political center of the Cherokee. Old Hop, also known as Kanagatuckco, served as chief of both Chota and Tanasi. Attakullakulla rose to prominence through his skill as a political leader, and served as headman for both Mialoquo and Tuskegee, while Oconostota was known as the "Great Warrior" and earned much of his influence through his effective leadership during battle. Oconostota lived at Chota for much of his life, and was buried there when he died in 1783. Archaeological excavations before the flooding of the Little Tennessee River valley uncovered his burial site, identified through the presence of eyeglasses, which he

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<sup>10</sup> Calloway, 184-7, 194; Duane King, *Affidavit in Ammoneta Sequoyah, Richard Crowe, et al, and the United Kettoah Band of Cherokee Indians v Tennessee Valley Authority*, United States Court of Appeals, 6<sup>th</sup> Circuit, 620 F.2d 1159; 1980 U.S. App., plaintiff's exhibit H, 10 Oct. 1979, Swain County, NC, 7.

was known to wear, and the location of the burial. Ostenaco did not have nearly the influence of either Attakullakulla or Oconostota, but was a commanding and powerful person in his own right. Ostenaco was headman of Tomotley, a town downstream from Chota on the Little Tennessee River. Thomas Jefferson, reflecting enlightenment fascination with the power of native speech, wrote that hearing Ostenaco's oratory at the end of the French and Indian war "filled me with awe and veneration though I could not understand a word he uttered." Ostenaco also accompanied Lieutenant Henry Timberlake to England in 1762, and met with Britain's King George III.<sup>11</sup>

At the outbreak of the French and Indian War, two British forts were built in the Cherokee Nation. These were Fort Prince George, in the present-day upstate region of South Carolina, and Fort Loudon where the Little Tennessee and Tellico rivers met. Fort Loudon, and the history that surrounded it would go on to play a significant role in the controversies surrounding the Tellico Dam. An engineer named J.W.G. De Brahm was hired by South Carolina to build Fort Loudon. De Brahm stated that "should this country [the lower Little Tennessee River valley] come into the hands of the Europeans, they may with propriety call it the American Canaan." Tensions broke out immediately between

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<sup>11</sup> Henry Timberlake, *Lieutenant Henry Timberlake's Memoirs, 1756-1765*, Samuel Cole Williams ed., (Marietta, GA: Continental Book Company, 1948) 95-7, also see map and listing of governors of each town, insert; Chapman, 118; Thomas Jefferson, as quoted in *The Little Tennessee Valley: A Historical Sketch of the Indian Period and Twenty Historical Sites*, Will Morgan, The Environmental Policy Institute, Washington D.C. May 22, 1977, n.p.; Timberlake, 143-4; See also, Jill Lepore, "Wigwam Words," *American Scholar* 1 (2001): 97-108 for a discussion of changing European attitudes towards American Indian oratory.

the Cherokees and the newly arrived soldiers. Attakullakulla tried to stop construction of the fort, but was eventually dissuaded.<sup>12</sup>

During the Seven Years War, conditions between the British and Cherokees continued to deteriorate. Oconostota traveled to South Carolina to negotiate a peace treaty with colonial officials. Along with another thirty representatives he was imprisoned at Fort Prince George for refusing to turn over Cherokee leaders who had been accused of killing British colonists. Attakullakulla negotiated a deal whereby Oconostota and a few others were released in exchange for signing an agreement to attack any French that entered into their territory. Oconostota returned that winter and surrounded Fort Prince George. After one of the soldiers at the fort was killed, the others burst into the room with the remaining Cherokee hostages and executed them all. At the same time Fort Loudon was put under a state of siege. Cherokee women who had married soldiers at the fort had been sneaking them food to keep them alive. On August 8, 1760, Oconostota negotiated a truce with the soldiers, allowing them to retreat with their arms. However, the Cherokees attacked the soldiers the next morning, killing roughly the number that had been slaughtered at Fort Prince George, and thereby restoring the balance that had been disrupted by the past murders. After colonial counterassaults in 1761, the Cherokee asked for peace with Great Britain, and a truce was struck with Lieutenant-Colonel Adam Stephen on November 19, 1761.<sup>13</sup> As will be discussed further in the next chapter, Fort Loudon came to symbolize the genesis of European settlement in not only the lower Little Tennessee River valley, but everywhere west of the Appalachians. Members of the

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<sup>12</sup> J.W.G. De Brahm, as quoted in *The Little Tennessee Valley: A Historical Sketch of the Indian Period and Twenty Historical Sites*, Will Morgan, The Environmental Policy Institute, Washington D.C. May 22, 1977, n.p.; Mooney, 40.

<sup>13</sup> Mooney, 43-4; Chapman, 105; Timberlake, 13-15.

Fort Loudon Association, a local historical preservation society, took an early lead in opposing the Tellico Project and actively sought Cherokee support.

Perhaps one of the best sources of knowledge about life in the Little Tennessee River valley comes from the diary of Lieutenant Henry Timberlake. In accordance with the terms of the peace agreement, Timberlake came to Chota to read the proposed articles of peace to the Cherokee council for consideration. Timberlake wrote a memoir of his experiences with the Cherokees that has become an invaluable source of information about the Overhill Cherokees during this period. Timberlake also made a map of the Cherokee towns along the river, which is included below. Upon arriving in Chota, which Timberlake described as “the metropolis of the country,” he was brought to the townhouse, which functioned essentially as the Cherokee Nation’s capital building.

Timberlake described the townhouse as

...raised with wood, and covered over with earth, and has the appearance of a small mountain at a little distance...[it] was large enough to contain 500 persons...[and] has the appearance of an ancient amphitheater, the seats being raised one above another, leaving an open area in the middle, in the center of which stands the fire, the seats of the head warriors are nearest it.

The articles of peace were read with satisfaction from the Cherokee, and Ostenaco made a long speech in favor of peace.<sup>14</sup>

Another of Timberlake’s observations related to the role of War Women or Beloved Women in Cherokee culture. According to Timberlake, Cherokee women who had distinguished themselves through acts of bravery in battle were awarded the title of War Woman, which progressed to Beloved Woman once they were unable to go to war any longer. Timberlake asserted that their power, “...is so great, that they can, with the

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<sup>14</sup> Timberlake, 59.

wave of a swan's wing, deliver a wretch condemned by the council and already tied to the stake." In addition to deciding the fate of condemned people, Beloved Women took part in political deliberations as well, and often had a significant amount of influence. One such woman, Nancy Ward, was known as the Beloved Woman of Chota, and won the admiration of both Cherokees and Europeans—although her active support of peace with Euro-Americans led her to be viewed negatively by some Cherokees at the time and today. At the outbreak of the Revolutionary War, Ward famously exercised her powers by saving the life of Mrs. William Bean, who had been taken captive and was about to be burned on the main mound at Toqua.<sup>15</sup>

The American Revolutionary War was a dark period in Cherokee history that eventually led to the loss of the Little Tennessee River valley. Land speculators negotiated the Sycamore Shoals Treaty in 1775, which ceded a substantial amount of Cherokee territory. Attakullakulla and Oconostota signed the treaty, which they repudiated as a fraud once the terms of the treaty were known. Attakullakulla's son, Dragging Canoe, who had become Chief of Mialoquo, stormed out of the conference, reportedly stating that he would make the lost lands "dark and bloody." With the outbreak of war the next year, a delegation of Mohawks, Delawares, and others came to Chota to seek Cherokee support in a war against the colonial rebellion. According to Colin Calloway, Dragging Canoe, Doublehead, Young Tassel, and other young leaders eagerly agreed and saw the war as a chance to regain the lands that were recently lost.

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<sup>15</sup> Ibid, 94, n56.

Attakullakulla and Oconostota would not join in the war, but did not attempt to stop the others.<sup>16</sup>

The southern colonies launched a series of invasions into the Cherokee Nation throughout the war, burning towns and fields as they went. An army from Virginia under the command of Colonial William Christian attacked the Overhill towns in the fall of 1776. Christian burned Tellico, Chillhowee, and Citico, but left Chota untouched, reportedly out of respect for Nancy Ward. In December of 1780, however, Thomas Jefferson ordered John Sevier and Arthur Campbell to destroy the Overhill towns. After Campbell had destroyed Toqua, Chillhowee, and a few other towns, Nancy Ward was sent to negotiate a peace treaty with him. Her offer was refused, and Citico, Tuskegee, and Chota were all burned to the ground. Ultimately, over one thousand Cherokee homes were burned.<sup>17</sup>

The end of the Revolutionary War did not mean peace for the Overhill Cherokees. Dragging Canoe refused to surrender, and left the Little Tennessee valley with many of the people from the towns of Toqua, Tellico, Mialoquo, and Chillhowee to form a separate nation, known as the Chickamaugas. They continued to wage war with the United States from their new homes along Chickamauga Creek until 1794, when a peace agreement was finally signed at the Tellico Blockhouse. In 1787 the Cherokees who remained along the Little Tennessee River were caught in the middle of a dispute between the federal and state governments. North Carolina ceded its western lands to create the State of Franklin, which proceeded to sell off lands along the Little Tennessee River, including parts of Chota. In May of 1788, Cherokee leaders Old Tassel, Old

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<sup>16</sup> Calloway, 190, 195.

<sup>17</sup> Ibid., 198, 204.

Abraham, and several others were killed at Chota by a European named John Kirk, whose family had been killed by other Indians, presumably Chickamaugas. Shortly thereafter the Cherokee capital was moved from Chota to Ustanali, in northern Georgia.<sup>18</sup>

### **Removals and Divisions**

When Thomas Jefferson was elected President in 1800, he instituted a plan to shape the United States into a republic of yeoman farmers. Jefferson believed that a republic could only survive if its citizens were independent, land-owning farmers who were not in debt or in service to anyone else. Only through that kind of economic independence could citizens truly be free and make decisions that would protect and support republican ideals. Jefferson in particular saw farming, as opposed to trade or industry, as a moral profession, one that taught individuals the moral sensibilities he saw as being necessary to citizens. But in order for Jefferson to implement his plan, he needed land—Indian land. Cherokees and other southeastern Indian nations owned prime farmland in the southeast, and despite the fact that most were farming peoples, non-Indians looked on their lands as mostly being wasted. Jefferson believed that Indians would one way or another be removed from the land. Either they would intermarry with Euro-Americans or they would simply die off—but one way or another they would not continue a separate identity as Indian people with nations of their own.<sup>19</sup>

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<sup>18</sup> Ibid., 200-1; Mooney, 64, 79; Calloway, 210-11.

<sup>19</sup> Christian B. Keller, “Philanthropy Betrayed: Thomas Jefferson, the Louisiana Purchase, and the Origins of Federal Indian Removal Policy,” *Proceedings of the American Philosophical Society* 1 (2000): 39-66. Keller argues that ultimately Jefferson always hoped that Native Americans would intermarry into non-Indian society, but began advocating removal when it appeared that was not happening at a rate equal to the demand for Indian lands.



During the early 1800s, Cherokees were constantly bombarded with requests to sell lands. While these earlier treaties are not often talked about as removal treaties, Cherokees who lived in these lands were, quite literally, being forced to move. Between 1785 and 1819 the Cherokee Nation signed a total of thirteen treaties with the United States, almost all of which ceded lands. For those Cherokees living on these ceded territories, they either had to concentrate on the reduced land base of the Cherokee Nation, leave the nation as a whole, or, as will be discussed in more detail later, go west in order to live beyond the control of the United States.

While most Cherokees left the lower Little Tennessee River valley following the devastation of the Revolutionary War and the secession of those towns that became the Chickamaugas, some Cherokees continued to live along the Little Tennessee River throughout the first few decades of the nineteenth century, despite the constant pressure from European squatters. By 1807 only seven hundred Cherokees lived on the lower Little Tennessee River, and that number decreased to 381 when the valley was ceded to the United States in the treaties of 1817 and 1819. Some Cherokees stayed in the valley on allotments of 640 acres, but settlers and speculators quickly forced out most of those that remained. Many of the reserves taken under the treaty of 1819 identified particular spots that were considered sacred. John Ross asked for a reserve on the Great Island—or what would later be known as Rose Island, on the Little Tennessee River. A man named Old Bark was granted a reserve at Chota, presumably to protect the sacred townsite. A man named Toka Will was reportedly the last Cherokee to give up his lands along the lower Little Tennessee River. Will's home was in the area that was once the town of Toqua. Harassment from settlers forced him to leave for a short time, which prompted

settlers to claim that he violated the terms of the 1819 treaty, therefore losing his right to the land. While the Tennessee legislature eventually upheld his claim, his heirs lost the land shortly after his death in 1834.<sup>20</sup>

Following the sale of the Little Tennessee River valley in 1819 the Cherokee Nation forbade the sale of any additional Cherokee lands under the pain of death. It is important to note that it was after the cession of this particular river valley that the Cherokee National Council refused to sell anymore. The lands sold under that treaty were not simply hunting grounds or peripheral towns, but a valley that had been central to Cherokee life, had served as their political and religious center, and was the site where many of the Nation's contemporary leaders had been born and raised.<sup>21</sup>

One aspect of the Treaty of 1817 and 1819, aside from encouraging Cherokees to move west of the Mississippi, was to recognize their title to western lands that were already being occupied by Cherokees. Beginning in 1808, and to a lesser degree even earlier, numerous Cherokees left their homeland and moved out to what is now Arkansas, Missouri, and Oklahoma to be outside of the bounds of the United States and away from the pressure to conform to Euro-American culture. Perhaps the most well known of these Cherokees was Sequoyah the inventor of the Cherokee syllabary, whose memory would be important in the struggles over the Tellico Dam. Sequoyah was born sometime between 1760 and 1770, at Tuskegee along the lower Little Tennessee River. Much of Sequoyah's life is shrouded in mystery, but we do know that he lived at Tuskegee before moving to Tallassee, another town on the lower Little Tennessee River, where he married and had four sons. Apparently a conversation between himself and some other young

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<sup>20</sup> Chapman, 120-1.

<sup>21</sup> Mooney, 218.

Cherokees prompted his decision to invent a writing system. After several of the men commented on the advantages and mysterious nature of writing, Sequoyah said, “You are all fools; why the thing is very easy; I can do it myself.” He proceeded to make some scribbles on a rock and read them back to his companions, who immediately burst out laughing. While Sequoyah appears to have been joking, this incident seems to have piqued his interest in developing a form of writing for the Cherokee language.<sup>22</sup>

Sequoyah moved to Arkansas after that, and remarried in 1815. While in Arkansas he reduced his syllabary to 86 syllables, which he gathered by listening to speeches for sounds for which he had not previously made symbols for. His syllabary was presented before the National Council in 1821, and after a series of tests was adopted as the official system of writing Cherokee. He immediately became an international celebrity, and received a medal from the United States government in recognition of his accomplishment. Within months the majority of Cherokees were literate, and the syllabary has continued to be used since that time.<sup>23</sup>

Sequoyah went on to distinguish himself as a political leader in his later life. In 1828 he helped negotiate a treaty between the Cherokee Nation and the United States. After the majority of Cherokees were forcibly removed west of the Mississippi, he helped negotiate a peace treaty between those Cherokees who were already living beyond the Mississippi and those that were newly arrived. He went to Mexico in 1842, reportedly seeking a lost group of Cherokees who had moved south to that area. He died near San

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<sup>22</sup> Ruth Bradley Holmes and Betty Sharp Smith, *Beginning Cherokee* (Norman: University of Oklahoma Press, 1982), 291-3; G.C. “Invention of the Cherokee Alphabet,” *Cherokee Phoenix*, 13 Aug. 1828, pg. 2.

<sup>23</sup> Holmes and Smith, 291-3.

Fernando, Mexico in 1843 and was buried in a cave near a river. The United States later honored Sequoyah's accomplishment by naming both a national park and one of America's most majestic species of trees after him. For Cherokee people Sequoyah continued to occupy a central role in their national identity. His role as skilled diplomat and peacemaker between the Western and Eastern Cherokees alone would have cemented his importance in Cherokee history, but his syllabary solidified the image of Cherokees—to both themselves and non-Indians—as unique among native peoples in the United States by creating a writing system of their own design. The creation of a system of writing, in addition to the adoption of written laws, the embracing of plantation agriculture, and other Euroamerican practices, made the Cherokee people the quintessential “civilized” tribe, shaping both the pride they placed in their own history, as well as forever changing the way non-Indians imagined the Cherokee Nation.<sup>24</sup>

While some Cherokees moved west either under the terms of the Treaty of 1819, or before, most attempted to remain in the east and stay within the newly reduced Cherokee Nation. The government of the Cherokee Nation itself engaged in a struggle throughout this period to prove its “civilization” in the eyes of Euro-Americans and to resist efforts to force them to move west. This strategy hinged on successfully adopting Euro-American racial hierarchies, plantation slavery, a system of codified laws, western style schools and education systems, and a republican form of government—and yet while doing all of this, insisting that the Cherokee were a separate people who needed their own independence.<sup>25</sup>

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<sup>24</sup> Ibid.

<sup>25</sup> For an excellent discussion of the ways that racial politics and practices within the Cherokee Nation were seen as essential to proving their civilization to non-Indians, see

Not all Cherokees embraced this strategy or the changes that it meant within the Cherokee Nation. Many of those who went west did so not only to be outside of the United States's control, but also because they wanted to be continue a more traditional form of Cherokee government and life, rather than adopting Euro-American political organizations and lifeways. Doing so did not mean a rejection of change, but rather a rejection of the direction many of the changes occurring in the Cherokee government and economy. While some Cherokees had migrated west as early as the end of the Seven Years War, most moved during the first two decades of the nineteenth-century. Others stayed high in the mountains near North Carolina and Tennessee, removed from the large plantations and centers of Cherokee power in the foothills near Georgia.<sup>26</sup>

In the late 1820s and early 1830s a number of important things happened that would reshape Cherokee Country. First, gold was discovered in the Cherokee Nation, near what is now Dahlonega, GA in 1828, sending a flood of miners into a part of the Cherokee Nation claimed by Georgia. In 1830, Georgia extended its legal jurisdiction over that territory and Congress passed the Indian Removal Act, which authorized negotiators to make treaties with eastern Indians to sell their lands in exchange for land in the west.<sup>27</sup> Eventually Georgia's extension of its laws over the Cherokee Nation would result in two court cases that would have wide ranging results—*Cherokee Nation v. Georgia* and *Worcester v. Georgia*. In the first case the Cherokee Nation brought a suit against the state of Georgia before the Supreme Court, but it was dismissed for lack of

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Tiya Miles, *Ties That Bind: The Story of an Afro-Cherokee Family in Slavery and Freedom* (Berkeley: University of California Press, 2005).

<sup>26</sup> Georgia Leeds, *The United Keetoowah Band of Cherokee Indians in Oklahoma*, (New York: Peter Lang Publishing Inc., 1996), 4-5.

<sup>27</sup> Miles, 149-151.

original jurisdiction. The Cherokee Nation had brought the case directly to the Supreme Court claiming that they were a foreign nation who was being wronged by the state of Georgia. On the one hand the Cherokee Nation did see itself as a foreign nation, and had been treated as such by the United States and other European and American Indian nations, but this claim also enabled them, they thought, to take their case directly to the Supreme Court, rather than having to work its way through lower courts. Chief Justice John Marshall's court dismissed the case however, saying that the Cherokee Nation was not a foreign nation, but rather a "domestic, dependant, nation." The following year Samuel Worcester, a northern missionary who had been imprisoned by the state of Georgia for operating without the state's permission within the Cherokee Nation, brought a suit against the state of Georgia. When this case came before the Court, Marshall ruled that Georgia had violated the sovereignty of the Cherokee Nation and that, while it was not a foreign nation, Georgia still did not have any jurisdiction over the Cherokee Nation.<sup>28</sup>

John Marshall's ruling in *Cherokee Nation v. Georgia*, that the Cherokees and other Indians were "domestic, dependant, nations" is generally seen as formalizing a pre-existing relationship between the United States and Indian nations, but it was in fact rather revolutionary. By creating a new legal category that was inside of the United States—and not outside of it, as the Cherokees and other Indians saw themselves and their national governments—Marshall legitimated US claims to exerting authority over Indian lands and peoples, but provided a framework for how they could maintain autonomous nations within the framework of the United States government. One

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<sup>28</sup> *Cherokee Nation v. Georgia* 30 U.S. 1 (1830); *Worcester v. Georgia* 31 U.S. 515 (1831).

republican nation dealing with many foreign nations became an expanding empire, one that weakened and enveloped smaller nations into it as it grew. Indian nations became something less sovereign than the federal government, but something greater than the states.<sup>29</sup>

While Marshall's ruling was supposed to protect the Cherokee Nation from being coerced into removing, it actually did little to change the situation. Eventually in 1835, one group of prominent, but not elected, Cherokees met with government negotiators and signed the Treaty of New Echota, ceding Cherokee lands in the east for land in present-day Oklahoma. The Treaty Party, as the signers came to be known, quickly left for present day Oklahoma, many of them selecting the best spots for their farms. The rest of the Cherokee Nation kept resisting removal through petitions and public relations campaigns. However, in 1838 troops were sent into the mountains of Tennessee and North Carolina to round up the Cherokee in internment camps, and eventually force them to go west on the Trail of Tears. While as many as 4,000 Cherokees died during the actual forced removal, demographer Russell Thornton suggests that the "total mortality" caused by the Trail of Tears may have amounted to a population loss of 8,000 people, including directly caused the deaths and the result of significantly lowered birthrates during and after the event itself.<sup>30</sup>

What happened in the long process of Cherokee removal was not only the dispersal of the Cherokee, but the division of their nation into three separate nations, and the dispersal of numerous individuals and small groups that dispersed throughout the

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<sup>29</sup> *Cherokee Nation v. Georgia*.

<sup>30</sup> Russell Thornton, "The Demography of the Trail of Tears Period: A New Estimate of Cherokee Population Losses," in *Cherokee Removal: Before and After*, William Anderson, ed., (Athens: University of Georgia Press, 1991), 93.

mountains. Each of these groups were confronted with new situations that shaped their understanding of what it meant to be Cherokee, and all of these strategies for survival and sovereignty, as well as understandings of identity, would come to the forefront of the Tellico controversy over one hundred years later.

When first the Treaty party, and then the rest of the Cherokee Nation arrived in Oklahoma, they not only found other Indians there, they found other Cherokees living there who were not sure they wanted to have anything to do with the newcomers from the east. The Cherokee Nation in the west was divided into at least three factions: the Old Settlers who had moved West before the Treaty of New Echota, the Treaty Party, and the Cherokee Nation led by John Ross. Violence erupted between the three groups, with three of the most prominent signers of the Treaty of New Echota being killed: John Ridge, Elias Boudinot, and Major Ridge. Eventually Sequoyah, one of the Old Settlers, managed to negotiate an act of unification that brought all three groups into one nation. This new nation was largely dominated by the Ross Party and throughout the nineteenth century, and when it re-formed in the twentieth century, would continue the same strategies for protecting Cherokee sovereignty they had advanced during the Removal Crisis: Proving the civilization of Cherokee Indians according to Euro-American standards as a means of ensuring their own independence from the United States.<sup>31</sup>

While that largely reunited the Cherokee Nation in the west, the divisions resulting from Removal have continued to this day. Not only did the division between Ross Party and Treaty Party continue throughout the nineteenth century, but also the separate identity of the Old Settlers never truly faded away. Cherokees who claimed

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<sup>31</sup> Gerard Reed, "Postremoval Factionalism in the Cherokee Nation," in *The Cherokee Indian Nation* (Knoxville: University of Tennessee Press, 1979), 148-156.



descent from the Old Settlers would in the mid-twentieth century reform their own separate nation, the United Keetowah Band, and position themselves as their ancestors had—as the true protectors of conservative Cherokee culture, religion, and politics.<sup>32</sup>

Other Cherokees managed to avoid the Trail of Tears by hiding out in the mountains of North Carolina and Tennessee, many of whom eventually reconsolidated in Western North Carolina, forming the Eastern Band of Cherokee Indians. Some Cherokee leaders in North Carolina had taken reserves under the Treaty of 1819 which would later serve as the nucleus of the Eastern Band of Cherokee Indians. About half of the people that would become the Eastern Band had hidden out in the mountains until it was safe to come back down, but the others gained special permission to stay because one of their leaders, an adopted Euroamerican Cherokee named William Holland Thomas, agreed to assist the army in the capture of an elderly Cherokee man named Tsali and his sons who had killed a couple of soldiers that were forcing them to leave. While the Eastern Band was not formally recognized by the United States until after the Civil War, it consisted of one large block of land known as the Qualla Boundary that was purchased by Cherokees and held in Thomas's name for legal reasons, and numerous smaller tracts in far southwestern North Carolina, primarily in the Snowbird Mountains. Despite their service in helping to capture Tsali, the threat of removal continued to hang over the Eastern Band for another three decades.<sup>33</sup>

The Eastern Band, like the Old Settlers, was largely made up of traditional Cherokees who stayed in the mountains to maintain village-centered lives rather than

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<sup>32</sup> “Keetowah History Essay,” <http://www.keetoowahcherokee.org/history.html>.

<sup>33</sup> For a thorough overview of Eastern Band history in the nineteenth century, see John Finger, *The Eastern Band of Cherokee Indians, 1819-1900* (Knoxville: University of Tennessee Press, 1984).

engaging in the plantation-style economic systems being championed by John Ross and other leaders of the Cherokee Nation. But throughout the nineteenth and twentieth centuries the Eastern Band was poverty stricken. While farming and small-scale hunting provided some food, dependable wage-work was very limited, except for the brief logging boom in the late 1800s and early 1900s. It was not until the creation of the Great Smoky Mountains National Park and resulting influx of tourists, as will be discussed in the next chapter, that the Eastern Band discovered the complicated power of performance.

### **Diaspora, Intermarriage, and Hidden Identities:**

One aspect of US Indian Policy during the Removal Era that is frequently ignored is the encouraging of American Indians, especially American Indian women, to marry non-Indians and leave their nation. The literature on Euro-Americans that marry *into* Indian nations has produced a wealth of debates over the influence these people had on the internal politics of Indian nations, but comparatively little attention has been paid to the reverse—what happened to those Indians, and Cherokees specifically, that left their nations to marry non-Indians. But it is important to note that this was not just a side effect of removal policies, it was at the heart of US government attempts to cleanse the lands in the east of Indian nations. Perhaps this approach is best captured in a letter Thomas Jefferson, the father of Indian removal, wrote to the Indian Agent Benjamin Hawkins in 1803, Jefferson wrote that:

In truth, the ultimate point of rest and happiness for [the Indians] is to let our settlements and theirs meet and blend together, to intermix and become one people, incorporating themselves with us as citizens of the U.S. This is what the natural progress of things will of course bring on, and it will be better to promote

than retard it. Surely it will be better for them to be identified with us and preserved in the occupation of their lands, than be exposed to the many casualties which may endanger them while a separate people.

While Jefferson professed to favor the first option, he also supported the idea of moving Indians from agricultural lands in the east to those west of the Mississippi River, a policy that would be carried out during and after his administration. Regardless of the approach, the intent was the same—to cleanse the land of separate Indian nations in order to create a single yeoman republic.<sup>34</sup>

This same sentiment was later echoed by the missionary Jedidiah Morse in his 1822 “Report to the Secretary of War of the United States, on Indian Affairs,” in reference to civilizing Indian women, when he wrote that:

Thus educated, and the marriage institution, in its purity, introduced, the principal obstacles to intermarriage would be removed. Let the Indians, therefore, be taught all the branches of knowledge pertaining to civilized man; then let intermarriage with them become general, and the end which the Government [sic] has in view will be completely attained. They would then be literally of one blood with us, be merged in the nation, and saved from extinction.

In Morse’s view intermarriage was the path to salvation—both of the souls of Indian people and their more earthly lives. Only by giving up a separate identity as Indians and becoming “merged in the nation” could they hope to survive.<sup>35</sup>

However, all too frequently in discussions of Indian Removal Jefferson’s first option is mentioned, but then largely ignored in favor of the more dramatic Trail of Tears. Or, if intermarriage as a US policy is discussed, its usually done so in reference to

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<sup>34</sup> Thomas Jefferson to Benjamin Hawkins, February 18, 1803, in *The Works of Thomas Jefferson in Twelve Volumes*, Federal Edition. Edited by Paul Leicester Ford, in *American Memory Project*, accessed March 24, 2011, <http://memory.loc.gov/cgi-bin/query/r?ammem/mtj:@field%28DOCID+@lit%28tj090202%29%29>.

<sup>35</sup> Jedidiah Morse, *Report to the Secretary of War of the United States, on Indian Affairs...* (New Haven: S. Converse, 1822), 74-75.

non-Indians who married into Indian nations—not Indians who married out of Indian nations. This other history of intermarriage has had at least as significant of an influence on American history, and American Indian history, as the influence of Euro-Americans that married into Indian nations. As the rest of this chapter will demonstrate, this is precisely what happened along the borders of the Cherokee Nation during Removal, and the impact of this aspect of the United States’ Indian removal policy is still being felt to this day.

While the majority of Cherokee Indians either went west before the forced removal of the late 1830s, went along on the “Trail of Tears,” or reconsolidated into the Eastern Band of Cherokee Indians, other Cherokees made different choices during this time. Some hid out during Removal, like those who joined up with the Eastern Band, but ended up marrying into non-Indian communities along the Little Tennessee River and elsewhere. Others in the years leading up to Removal married into white families, likely because they felt that there was no hope for the Cherokee Nation to survive in the east, but rather than go west they chose to stay near where their ancestors had lived before them. And while the majority of these multi-racial families may have lost most cultural traits of being Cherokee—such as language, religious ceremonies, etc—they held on to a separate sense of themselves as Cherokees and continued to pass this knowledge, and this self-identity, on through the generations.

Census records also support the stories passed down in these families, both of early intermarriage between Cherokees and non-Indians and the continued flight of Cherokees from the reservations in North Carolina during the 19<sup>th</sup> and 20<sup>th</sup> centuries. One local historian, Sarah Sands, claimed that by 1824 “there were 144 white men living among the

Cherokees with Indian wives and 63 white women who lived with Indian husbands.”<sup>36</sup>

Census records also reveal that numerous Cherokee families moved to the Little Tennessee River valley throughout the 19<sup>th</sup> and early 20<sup>th</sup> centuries in search of work. At least as early as the 1880s, Cherokees from North Carolina began moving back to this area in search of work. One family, the Longbarers, earned a living as farm laborers in Loudon County. Another family, the Toms, worked as basket weavers in Blount County, Tennessee during the 1880s. Cherokees began showing up as farm laborers in Monroe County by 1900 and continued to have a presence in the 1930 census. Work in the lumber mills drew other Cherokee families, such as the Armachains and Davises to Blount County by 1930.<sup>37</sup>

Interviews conducted in the early twenty-first century with residents of the Little Tennessee River valley, and east Tennessee more broadly, shed light on the relationship between Removal era colonial policies and the diaspora of Cherokee people during that period. One of those persons, Mildred Lane, grew up on a farm in Loudon County, Tennessee near the Little Tennessee River valley. Before the Tellico Dam was built she and her husband farmed land on Rose Island, the largest island on the river. She traces her ancestry back to a great grandmother who “was half Cherokee but married to a white

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<sup>36</sup> Sarah G. Cox Sands, *History of Monroe County, TN: From the Western Frontier Days to the Space Age, Vol. 1* (Baltimore: Gateway Press Inc, 1982), 65.

<sup>37</sup> United States Census Records, 1880, Loudon County, Tennessee, Supervisor’s Dist. No. 1, Enumeration Dist. No. 16, pg 3; United States Census Records, 1880, Blount County, Tennessee, Supervisor’s Dist. No. 1, Enumeration Dist. No. 198, pg 14; United States Census Records, 1900, Monroe County, Tennessee, Supervisor’s Dist. No. 3, Enumeration Dist. No. 1405, pg 9; United States Census Records, 1930, Monroe County, Tennessee, Supervisor’s Dist. No. 13, Enumeration Dist. No. 62-7, pg 4; United States Census Records, 1930, Blount County, Tennessee, Supervisor’s Dist. No. 7, Enumeration Dist. No. 5-16, pg 1.

man.” According to Lane the story that had been passed down in her family was that the couple hid out on nearby Jake Best Creek during the removal years in order to avoid deportation. Another local resident, Lydia Borden Salvador, claimed that one of her ancestors, Louella Elizabeth Smith, also married a white man and hid out near what is now Freeman Top Mountain near the Coker Creek area of Monroe County in order to escape Removal.<sup>38</sup>

While Lane and Salvador’s accounts demonstrate how individual Indians married into Euroamerican communities and then hid out during removal, other family stories demonstrate how the continued loss of land, and the opportunities that came with it, forced Cherokees to disperse throughout the 19<sup>th</sup> century. Another local resident, Bill Land, claimed that his great great grandmother was from the Qualla Boundary in North Carolina, but was married off to a white man in Kentucky by her family. According to their family story, she had five children by the time she was twenty-one, and was so unhappy that she hung herself after her husband continually refused to bring her back to North Carolina. Later his family moved near the lower Little Tennessee River valley, where he grew up. One of the most prominent families in the Little Tennessee River valley that claim Cherokee descent is the Kirkland family. According to Linda Kirkland Thompson, her ancestor Nathaniel Kirkland was a Snowbird Cherokee chief who hid out numerous Cherokees along the high mountains that mark the border between Tennessee and North Carolina. According to Thompson, her family was eventually forced out of the mountains and settled along the Citico Creek and Little Tennessee River. Her husband

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<sup>38</sup> “Mildred Lane Enjoys the Company of the Righteous,” in *Dam Greed*, by Fran Dorward, (USA: Xlibris Publishing, 2009), 35; “Lydia Borden Salvador Explains Her Cherokee Indian Connection,” in *Ibid.*, 216.

Maynard also has a similar story of dispossession following the formal Cherokee removal. He also traces his family back to the Snowbird Cherokees in North Carolina, but says his family was forced to relocate when the Cherokee National Forest was created. Thompson recounted in an interview a common theme among many of the people interviewed who claimed Cherokee ancestry, that the knowledge, while deemed important, was considered a secret, “It was a family secret about being a Snowbird Cherokee. I didn’t understand I was Cherokee until I was grown because I was told nothing.”<sup>39</sup>

Numerous other local residents claimed similar stories of being told that they were Cherokee, but also instructed not to pass that knowledge on to outsiders. Ron Bivens grew up along the Little Tennessee River, but traced his ancestry back to Cherokees who lived in what is now the Great Smoky Mountains National Park. His grandmother’s family was reported forced out of the park when it was created, and later moved to the lower Little Tennessee River valley. In a 2009 interview Bivens said that while he was told about his Cherokee ancestry, he was taught not to talk about it, especially with people outside of his family.<sup>40</sup>

Interviews conducted in 2005 with valley residents give some insight into local family traditions surrounding intermarriage. One local resident, Reed Davis, claimed that “...about everybody in here has Cherokee in them.” Another, James “Hank” McGee stated that his grandmother was part Cherokee. In *Custer Died For Your Sins*, Vine Deloria discussed his experiences with the popularity of claiming Cherokee descent:

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<sup>39</sup> Interview with Bill Land, 2009; “Maynard and Linda Kirkland Thompson Support Chota Nation,” in *Dam Greed*, 218-223.

<sup>40</sup> Interview with Sarah and Ron Biven, 2009.

During my three years as Executive Director of the National Congress of American Indians it was a rare day when some white didn't visit my office and proudly proclaim that he or she was of Indian descent.

Cherokee was the most popular tribe of their choice and many people placed the Cherokees anywhere from Maine to Washington State.<sup>41</sup>

While claiming Cherokee ancestry is quite popular throughout the country,<sup>42</sup> the history of the region as a borderland suggests that claims from local residents likely have some validity. Steven Paine, who grew up in the upper Little Tennessee River valley, but moved to the lower valley in the early 1980s, stated that there are even local jokes about the benefits of their Cherokee blood. Paine said that “[t]he old joke around here is that if it hadn't been for the Cherokee to help get the gene pool split between the early settlers, it would've been a tragedy over here with a bunch of hicks.”<sup>43</sup>

Throughout this period the migration of Cherokee people out of the Cherokee Nation, and later the Eastern Band of Cherokee Indians, was encouraged by United States government policies. In the process, the descendants of those Cherokees, while no longer associating themselves with a federally recognized Cherokee nation, continued to pass on a sense of themselves as Cherokee people, even though in many cases their ties with larger Cherokee communities had been severed completely.

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<sup>41</sup> Vine Deloria Jr. *Custer Died For Your Sins: An Indian Manifesto* (Norman: University of Oklahoma Press, 1969), 2-3.

<sup>42</sup> Circe Sturm also discusses this phenomenon of “wannabe” Indians, non-Cherokees who claim Cherokee ancestry (and sometimes do have such ancestry, but are not members of Cherokee communities and cannot qualify for citizenship in a Cherokee nation) as a way of embracing an ethnic identity and escaping the perceived blandness of Euroamerican culture. Circe Sturm, *Blood Politics: Race, Culture, and Identity in the Cherokee Nation of Oklahoma* (Berkeley: University of California Press, 2002), 139.

<sup>43</sup> Interview with James “Hank” McGee, Reed Davis, and Steven Paine, August 19, 2005.



## **Conclusion:**

In the decades following Cherokee Removal, the Trail of Tears would come to occupy a unique place in the American historical imagination. Long before slavery would come to be seen universally as a stain on America's character, the "Trail of Tears" would become ingrained as one of the first blemishes on the United States. The image of peaceful, wronged Cherokees divorced from the lands that they held dear would in many ways serve as a metaphor for the treatment of Indian peoples by the United States government, standing in for all the removals and dislocations that were perpetrated on Indian nations.

Helen Hunt Jackson's 1881 book, *A Century of Dishonor: A Sketch of the United States Government's Dealings with some of the Indian Tribes*, sharply criticized federal Indian policy, but reserved a special criticism for the treatment of the Cherokee Nation:

What imagination could have foreseen that in less twenty years the chiefs of this Cherokee nation would found piteously pleading to be allowed to remain on these very lands. In the whole history of our Government's dealings with the Indian tribes there is *no record black as the record of its perfidy to this nation*.... There is no instance in all history of a race of people passing in so short a space of time from the barbarous stage to agricultural and civilized (emphasis added).

Jackson captured the two main prongs of the memory of Cherokee Removal: the Cherokee were a uniquely "civilized" nation and the United States' treatment of them

was an unparalleled injustice (despite the fact that many other nations were forcibly removed).<sup>44</sup>

But the legacy of Removal goes far beyond the memories of Cherokees and non-Cherokees. It had very real, and very lasting influences on the political structure of the Cherokee people as a whole. Their nation became divided into three parts—and while two of those joined back together for a time, that fissure would reopen during the twentieth century. Once again the legacy of Removal would divide the Old Settlers from the Ross Party along the lines of what it meant to be Cherokee, what was the best strategy for protecting their independence, and what a Cherokee future should look like. The removal controversy also left the Eastern Band relatively isolated and poor, dividing them from the rest of the Cherokee Nation, but enabling them to remain in their ancestral homeland.

And finally, one of the least acknowledged legacies of removal was the diaspora of the Principle People. Cherokees were dispersed throughout the mountains and hid in fear during the actual round-ups leading to the Trail of Tears, others made a decision before this point to follow the aims of the United States government and marry non-Indians and leave the nation, and still others attempted to stay a part of the Eastern Band, but eventually left in the hopes of finding a better life for themselves outside of a nation so severely weakened and impoverished by its reduced land and population base. The descendants of these people would grow up knowing less and less culturally about what it meant to be Cherokee, but despite the intentions of people like Thomas Jefferson, they

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<sup>44</sup> Helen Hunt Jackson, *A Century of Dishonor: A Sketch of the United States Government's Dealings with Some of the Indian Tribes* (New York: Harper and Brothers, 1881), 270-271.

never gave up on the idea of a separate identity as Cherokee people. Despite the fear of potential removal or ostracization in a racially polarized South, individuals within these families continued to whisper their family secrets to each other, keeping the belief in Cherokee identity alive.

## **Chapter Two: “A Boy Named Sue”: Continuing Removals, the Cold War, and Emerging Opposition**

### **Introduction**

In February of 1969, Johnny Cash stepped up to a microphone at San Quentin State Prison and began to sing what would become one of his biggest hits—“A Boy Named Sue.” Cash did not actually write the song, but he was the first to record and popularize it. His wife June Carter Cash encouraged him to sing the song, which had been given to them by Shel Silverstein, the songwriter, poet, and author of children’s books. About fifteen years prior to that, Shel Silverstein attended a talk in Gatlinburg, Tennessee where a middle-aged lawyer named Sue K. Hicks gave a presentation on his role as one of the prosecutors in the trial of his friend John Thomas Scopes. Hicks and Scopes had agreed to test out the state law banning the teaching of evolution in the state of Tennessee as a way of bringing attention to their town of Dayton. Hicks eventually got William Jennings Bryan to join the prosecution team, specifically to handle the very public cross examination of witnesses. Bryan sparred with Clarence Darrow, and despite the fact that Darrow was largely depicted in the media as making the more convincing argument, the prosecution won and Scopes was fined \$100.<sup>1</sup>

While Silverstein listened to Sue Hicks’ talk, he apparently could not get past the male lawyer’s first name, and began to put together the lyrics to what would eventually be sung by Johnny Cash in San Quentin. Since the Scopes Trial Hicks had moved from Dayton to Madisonville, Tennessee and became a local judge, as well as staying active in

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<sup>1</sup> Michael Streissguth, *Johnny Cash: The Biography* (Cambridge: Da Capo Press, 2006), 161-162.

local politics and historic preservation. By 1963, Hicks had become President of the Fort Loudon Association, an organization that maintained a recreation of the British Fort that was destroyed by the Cherokee during the French and Indian War. The Tennessee Valley Authority's plans to construct a dam on the Little Tennessee River, which were publicly announced that year, threatened to flood the reconstructed Fort, destroying the remnants of Cherokee and British history at that as well as other sites. Hicks, and the Fort Loudon Association, played a key role in organizing local citizens in opposition to the dam—and the following year, Johnny Cash, convinced of his own Cherokee ancestry and fresh off of his controversial Indian themed album *Bitter Tears*, wrote a letter opposing the Tellico Dam, saying “half my blood is Cherokee—all my blood is American—and I find myself resenting for various reasons the flooding and destruction of landmarks, buildings, and the soil that was my forefathers.”<sup>2</sup>

Cash likely never knew of the connection between the dam he opposed and the song he would later make famous, but this strange coincidence of history bookends a story of poverty, dislocation, development, and claims to cultural and political identities. Almost a century following the removal of the majority of the Cherokee Nation from the Southeast, another series of removals began to take place in the southern Appalachians. The creation of the Tennessee Valley Authority's dams and reservoirs and the Great Smoky Mountains National Park both required the removal of individuals and families—and were justified by claiming the benefits that the removal would bring to not only the surrounding peoples, but also to those who were removed. The Tellico Dam, though

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<sup>2</sup> The connection between Sue Hicks and Shel Silverstein was told to me by an archivist at the Howard H. Baker Center, where Sue Hicks' papers are kept. For Johnny Cash's letter, see Johnny Cash to David Dickey, April, 4, 1964, in Cherokee National Archives, Earl Boyd Pierce Collection, box #53, TPLTR #3 of 6.

proposed in the 1930s, was shelved until the late 1950s. In the meantime some of those who were forced out of the valleys and hollows to make way for the Park or other reservoirs relocated into the valley in the hope that they would be allowed to remain.

The Cherokee nations—in Oklahoma and North Carolina—struggled with finding separate strategies to protect their sovereignty and economic viability. The Cherokee Nation and United Keetoowah Bands in Oklahoma were still recovering from the disastrous results of allotment and Oklahoma statehood, and drew on removal era strategies of using the American legal system while simultaneously arguing for their compatibility with the American nation-state. As a result of removal, the Eastern Band of Cherokee Indians was left on a severely reduced land base high in the mountains. Lacking other means of building their economy, they turned to tourism and Indian themed performances after the opening of the Great Smoky Mountains National Park.

When the Tellico Dam was proposed in 1963, it was received within a context of these earlier removals, the Cold War, and the beginning of both the modern environmental and Red Power movements. Local residents were divided over the proposal, with many—especially those who would not be directly affected by it—hoping that the project would relieve some of the intense poverty in the area. Those who opposed the dam did so for a variety of reasons: farmers resisted TVA's attempts to mold them into future factory workers, environmentalists hoped to preserve the river for its scenic value and its potential for trout fishing, economic conservatives decried the dam as socialistic violation of private property rights, and historical preservationists hoped to save the cultural resources in the valley—particularly Fort Loudon. In order to build their case for opposing the dam, these groups turned to the peoples who had previously been

removed from the valley, the Cherokee Indians in North Carolina and Oklahoma, to prevent the landowners own twentieth-century removal from the valley. In deciding how to respond to the potential destruction of a homeland they were forced to leave over a century before, Cherokee leaders drew on strategies for protecting their sovereignty that sprung directly from the debates and dislocations that occurred as a result of the Trail of Tears.

The first section of this chapter argues that the forced dislocation of Appalachian people throughout the region created a culture of removal, whereby local peoples experienced displacements aimed at bringing about economic development to the region. While most people tolerated these removals, over time frustrations began to mount about whether continued dislocations were worth the promise of additional development. The second section argues that the opposition to the Tellico Project consisted of a motley assortment of farmers, economic conservatives, historic preservationists, and environmentalists. While each of these groups opposed the project for different reasons, their opposition amounted to the most serious threat a TVA project had faced. The third section argues that in order to prevent their own removal, local landowners reached out to the Cherokee nations in search of additional support, but found that Cherokees in Oklahoma and North Carolina approached the project from drastically different perspectives—perspectives that were shaped by their separate experiences since removal.

### **A Legacy of Removals: TVA and the Great Smoky Mountains National Park**

At the dawn of the Great Depression, there were few places with higher rates of poverty than the southern Appalachians. The unique culture, poverty, and relative

isolation of the region led to depictions of Appalachian people as backwards and culturally stunted. The people of the southern Appalachians were “depicted as isolated individuals, locked in the eighteenth century, their speech still reflecting the English of Shakespeare’s day.” During this period two major government projects were started that were aimed at uplifting the region through more secure ties to national economic networks. The Great Smoky Mountains National Park and the Tennessee Valley Authority both promised to dramatically improve the economy of the region—and in many ways succeeded—but that success was built on a plan of forced relocations and radical changes in the communities and cultures of many people throughout the region.<sup>3</sup>

The Great Smoky Mountains National Park was the brain-child of boosters in North Carolina and Tennessee, who began lobbying for the creation of a national park to preserve what remained after intense logging had clear cut much of the region during the late 19<sup>th</sup> and early 20<sup>th</sup> century. Despite the devastation from logging, the region itself contained a wealth of biodiversity, as well as the kinds of scenic beauty found in western parks. With elevations ranging from around 1,500 feet to close to 6,500 and yearly rainfall amounts between 80 and 100 inches a year, the diversity of the landscape, abundant moisture, and warm summers created one of the most biologically diverse areas in the world. The park itself is known to contain at least “125 species of native trees, 125 species of shrubs, 1,500 species of vascular plants, 60 ferns and fern allies, 280 mosses, 250 species of lichens, 200 species of birds, 40 reptiles, 40 amphibians, 80 species of fish, 50 mammals, and uncounted species of insects and other arthropods.”<sup>4</sup>

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<sup>3</sup> Dan Pierce, *The Great Smokies: From Natural Habitat to National Park* (Knoxville: University of Tennessee Press, 2000), 155.

<sup>4</sup> Pierce, xiv.



The supporters of the park tended to live in urban areas of the mountains, like Asheville, North Carolina and Knoxville, Tennessee, and hoped that the park would result in additional tourism revenue for their cities. The National Park Service was also in favor of creating a park in the east, but the federal government lacked large landholdings in the region to designate as a park. John D. Rockefeller Jr. ended up donating five million dollars, along with two million dollars of federal funds and additional local financial support, to force local residents to sell their property in order to create the park. While some resisted and attempted to delay selling their homes, most residents saw the park as inevitable and agreed to sell their land. The threat of condemnation by the states of North Carolina and Tennessee always hung over the heads of families who wanted to resist relocation. Landowners in Cades Cove, Tennessee put up a very public fight against being included in the park—but eventually capitulated after the condemnation of the farm of one of the most vocal opponents. By the time it officially opened in 1934, altogether 4,000 people from several towns were forced out of the mountains and hollows that became the Great Smoky Mountains National Park.<sup>5</sup>

The previous year the Tennessee Valley Authority was created as part of President Franklin D. Roosevelt’s “New Deal.” The TVA promised to improve the economy of the region by generating cheap electricity through the construction of hydroelectric projects that would also increase navigation and assist in flood control. But TVA was founded with more than just a simple mission to generate cheap electricity—it was meant to transform the lives of the people of the Tennessee Valley from rural farmers into modern workers—or at the very least modernize their farming methods. In

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<sup>5</sup> Ibid., 147-148, 155-163.

many ways the Tennessee Valley Authority was wildly successful, but like the Great Smoky Mountains National Park, that success came at a price. Approximately 15,000 families in the region were forced to relocate due to the construction of hydroelectric projects by the Tennessee Valley Authority during the 1930s and 40s (almost 16,000 individuals for the mammoth Norris Dam project alone). Some residents were even forced out only to face relocation again a few years later. Like the GSMNP, the TVA tended to avoid outright condemnation in favor of encouraging landowners of the inevitability of having to move. Doing so helped them gain public support for their projects by suggesting that most of the removals were voluntary—and indeed some were. TVA’s promises of industrialization and electrification convinced many landowners that agreeing to move would not only help their own families, but also the region as a whole.<sup>6</sup> While these removals were undoubtedly traumatic for some of the families involved, and meant the disruption of communities and the loss of homes and places that were important to local residents, it is worth noting that they also significantly differed from Cherokee Removal. Residents were not rounded-up into detention camps nor did thousands perish because of these relocations, and all were compensated for their land, though not always at prices they considered fair. But perhaps most importantly, their relocation was ordered by their own government, rather than what, in the Cherokees’ case, was considered to be a foreign power forcing them to leave their homeland.

The Tellico Dam Project had its origins in a 1936 proposal for an extension to the Fort Loudon Project, which had backed up the Tennessee River near the mouth of the

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<sup>6</sup> Michael J. McDonald, “Tennessee Valley Authority Records,” *Agricultural History* 2 (1984):130. Records often recorded the number of families and homes, rather than individuals that would have to be relocated.

Little Tennessee. This proposal suggested building a dam at the mouth of the Little Tennessee River, thereby backing up the Little Tennessee and Tellico Rivers. A canal would connect this new reservoir to the Fort Loudon reservoir, and with the help of TVA's extensive waterworks along the length of the Tennessee River, would create a navigable waterway extending from the Great Smoky Mountains all the way down to the Gulf of Mexico. While the Fort Loudon Extension was indefinitely postponed during World War II, it would be resurrected twenty years later under a new name, the Tellico Dam Project.<sup>7</sup> Some of those families that were forced out of the Great Smoky Mountains National Park and other TVA reservoirs eventually ended up moving into the Little Tennessee River valley in the hopes that the project would never be completed.



Figure 2: Tellico Project Area 2<sup>8</sup>

<sup>7</sup> McDonald and Wheeler, 24; Reed A. Eliot "The Tellico Project on the Little Tennessee River," report No. 50-100 Tennessee Valley Authority Division of Water Control Planning, Project Planning Branch, Knoxville, Tennessee, October 1963, I, in University of Tennessee, Special Collections, MS0828, The Tennessee Valley Authority Reports, 1933-1973, series v, box #4, folder Report #11.

<sup>8</sup> Map of Tellico Project area in relation to broader region. Google Maps, ([www.maps.google.com](http://www.maps.google.com)).

The fear of potentially being removed framed the lives of people who grew up in the Little Tennessee River valley, living with constant reminders that someday the dam might be built. TVA surveyed the land during the 1930s and 1940s and left numbered signs and stakes indicating the where high-watermark of the proposed reservoir would be. Reed Davis grew up in the valley on the combined 350-acre farm owned by his father and uncle. In a 2005 interview Davis recalled seeing the markers, saying

...you couldn't imagine that the water would ever get up to that point. Cause it was thirty feet above the level of the river. Imagine that water backing up, down here that was about twenty miles or so to where that point was at. But it did, you know. And they uh, it hit right there [on the survey marker].

Over a generation would pass between when the first stakes were driven and when the dam was finally completed, creating a sense of uncertainty that hung over the valley for decades.<sup>9</sup>

In 1959 TVA began to seriously investigate the possibility of completing the Fort Loudon Extension, as a means of demonstrating the agency's continued importance to the region in the post-war era. The price of dam construction had increased greatly between the Great Depression and the resurrection of the Fort Loudon Extension. In order for TVA to get congressional approval for the project, it needed a positive cost-benefit ratio. It planned on purchasing a large amount of land above the level that would be flooded, and selling this extra land for a profit after a period of ten years, thereby compensating for part of the total cost of the dam. While the dam would actually flood only 16,000 acres, TVA planned on seizing a total of 39,500 acres, more than half of which would be resold at a profit to offset the cost of the project. The initial projected cost for the dam

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<sup>9</sup> Interview with Reed Davis, James McGee, and Steven Payne, August 19, 2005; Interview with Thomas B. Moser, October 14, 2005.

was \$41 million, including \$4.6 million that was set aside for purchasing the extra land. With an expected return of over \$10 million from the sale of the land, the overall cost of the project would be reduced to about \$31 million. But it also had larger designs for the land that it seized. TVA planned on controlling the development of the land, setting aside separate areas for industrial, residential, and public recreational use. TVA stated in its proposal that over 300 families would have to be removed from the valley, including two entire communities, Morganton and Burton Mills. Five churches and four schools would also be flooded, necessitating their relocation out of the valley. This policy of purchasing a large amount of land would eventually generate some of the most hostile opposition, especially among the area residents who were most affected by the project.<sup>10</sup>

### **Rose Island and Beginnings of the Controversy**

On the night of October 13, 1964, twenty-two people, including Sue K. Hicks, who had become a local judge after his involvement in the Scopes Trial, met on Rose Island in the Little Tennessee River. These public servants, landowners, and other concerned citizens convened to develop a strategy to stop the Tennessee Valley Authority from building the Tellico Dam and flooding the lower Little Tennessee River valley. From these modest beginnings a national controversy soon erupted that lasted for more than fifteen years after the Rose Island meeting. Those who opposed the dam started out as a collection of concerned landowners and other local citizens—but soon the opposition grew to include not only landowners and historic preservationists, but also

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<sup>10</sup> Wheeler and McDonald, 24; Elliot, “The Tellico Project,” i-v, 32, 40-1, 49, 22.

environmentalists, trout fishermen, economic conservatives, and Cherokee Indians from both North Carolina and Oklahoma.<sup>11</sup>

Prior to the Rose Island meeting, the Tennessee Valley Authority helped form a regional development association for the Little Tennessee River valley to promote the Tellico Project. This organization, named the Little Tennessee River Valley Development Association (LTRVDA), was a local chapter of a larger umbrella organization known as the Tennessee River and Tributaries Association (TRTA). LTRVDA's stated goal was to encourage growth and development in the Little Tennessee River valley, but this growth was supposed to occur according to the designs of the TVA. TVA officials met with representatives of the LTRVDA on 18 separate occasions between October 10, 1963 and October 15, 1964. On September 22, 1964, the LTRVDA held a meeting at the local school in the community of Greenback. The Chairman of TVA, Aubrey "Red" Wagner, was scheduled to give an address on the proposed Tellico Project. When he arrived he found over 400 area residents and others at the school. Until the Tellico Project, TVA had generally positive relations with the people of the valley. James "Hank" McGee, who later served as principal of the Greenback School, said, "...before Tellico Dam, TVA was like God. I mean they had...terrific public relations with the people, because they've done a tremendous amount to bring comforts and things like that to this valley. But now, boy, that soured a bunch of people on them...." While Wagner encountered a predominately hostile crowd, he managed to explain TVA's plans for the project and

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<sup>11</sup> Marvis D. Cunningham, "Visit with Mrs. James G. Carson," October 15, 1964, Southeast Regional Branch of the National Archives, Morrow, GA, Record Group #142, Tennessee Valley Authority, Natural Resources- Office of Tributary Area Development, box #38, folder 230, Tellico, Oct. 13-19, 1964.

apparently convinced some of the less vocal attendants to write letters of support to TVA after the meeting.<sup>12</sup>

Following the Greenback School meeting, the local opposition to the Tellico Project began to crystalize. Sue Hicks took the lead in organizing opposition to the Tellico Project by calling on a number of his friends and neighbors to meet at the Rose Island Nursery, a highly productive tree farm located on a large island in the middle of the river. While TVA had attempted to downplay the large land purchase policy for the Tellico Project, officials mailed a copy of a map that showed the proposed taking line to a local businessman named R.D. Akard of Vonore, Tennessee. Akard claimed to be worried about whether or not his property would be inundated by the reservoir, but then apparently passed this map out to opponents of the dam. It found its way into the hands of Judge Hicks, who distributed copies to the other attendants at the Rose Island meeting. While the map only showed the lands around Vonore that would be seized, it was enough to motivate them to continue their opposition to the project. An association was formed that night, which was later named the Association to Preserve the Little Tennessee River (APLTR). It immediately raised over \$1,000 to buy advertising space in local newspapers to help publicize the cause. In addition to this, Judge Hicks and Alice Milton, an

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<sup>12</sup> “Summary of Local Support or Opposition of Tellico Project” National Archives and Records Administration, Morrow, GA, Record Group# 142, Tennessee Valley Authority, Natural Resources- Office of Tributary Area Development, box #38, folder 230 Tellico, Oct. 13-19, 1964; Interview with James “Hank” McGee, Reed A. Davis, and Steve Payne; See also Wheeler and McDonald, 64, 65; for numerous examples of these letters, please see Tennessee Valley Authority, Natural Resources- Office of Tributary Area Development, box # 38, folder 230 Tellico July-September, 1964 and October 1-12, 1964.

influential woman from Chattanooga who was also associated with the Fort Loudon Association, went to Washington, D.C. to express their opposition to the project.<sup>13</sup>

Three days after the Rose Island meeting, the opposition scored one of its most significant early victories. Tellico opponents stacked the LTRVDA meeting on October 16, 1964, and elected Judge Hicks as President of the association. After the election, they read a resolution condemning the Tellico Project and attempted to have it passed. While the resolution ultimately failed to garner the necessary votes to be passed, Judge Hicks formally stated his reasons for opposing the Tellico Dam, including its effect on the restoration of Fort Loudon. Furthermore, he objected to “TVA going into the real estate business.” He argued, if TVA were allowed to build the dam, “it would start a move to put a dam on every stream in the valley.” TVA representative Marvis Cunningham was at the meeting and attempted to speak on two separate occasions, but was rebuffed both times by Judge Hicks.<sup>14</sup>

By the middle of October in 1964, TVA began to take the opposition seriously. TVA officials prepared a document entitled “Summary of Local Support or Opposition of Tellico Project,” which outlined the media coverage, letters, resolutions, and other comments about the proposed project. While some of the comments were in support of the project, the vast majority of letters or postcards sent to TVA were in opposition.

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<sup>13</sup> Marvis D. Cunningham, “Visit with Mrs. James G. Carson,” October 15, 1964. While the document does not list the name of who they visited in Washington, it was likely Representative Bill Brock of Tennessee. Mrs. Milton reportedly babysat Representative Brock when he was a child, and apparently maintained a close friendship with him throughout her life. See Interview with Thomas B. Moser, October 14, 2005.

<sup>14</sup> Marvis D. Cunningham “Little Tennessee River Valley Development Association Board of Directors Meeting,” October 16, 1964, National Archives and Records Administration, Morrow, GA, Record Group #142, Tennessee Valley Authority, Natural Resources- Office of Tributary Area Development, box # 38, folder 230 Tellico, October 13-19, 1964.



Altogether 95 letters opposing the project had been sent to TVA, while only 48 approved of it. However, 14 petitions totaling 2713 signatures were sent in favoring the project, while only one petition with 13 signatures opposed it. Twelve different groups, such as the Sweetwater Kiwanis Club and the Vonore chapter of the Parent-Teacher Association, passed resolutions favoring the dam, while only one, the Lions Club of Vonore, passed a resolution condemning the project.\* Media coverage, however, tended to favor the opposition. A total of 19 newspaper articles, editorials, or letters to the editor supported the project, while 24 news items opposed it, including 9 letters to the editor. While TVA's report demonstrates that supporters of the dam still outnumbered its detractors in October of 1964, the opposition was continuing to gain strength.<sup>15</sup>

One of the most significant concerns that area residents had about the Tellico Project was how it would influence the economy of the area. TVA claimed that the reservoir would attract industries to the valley, and eventually provide 4400 manufacturing jobs and another 2200 non-manufacturing jobs for the people of the area. Officials promised that this would increase the annual income of the area by over \$18 million. This was persuasive to some of those who supported the dam, including local landowners and residents who felt that the potential benefits outweighed the loss of the valley. Earl H. Varner of Lenoir City, Tennessee, stated that he was in favor of the dam because he was "...a construction worker and the T.V.A. is the only work I ever can get."

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\* According to a letter from Tellico supporter Florence Carson, the resolution by the Lions Club of Vonore was passed without the consent of many of the members of the group. The President, Bob Doward, was an outspoken opponent of the project. See "Florence Carson to Marvin Cunningham, July 3, 1965 in National Archives and Records Administration, Record Group #142, Natural Resources-Office of Tributary Area Development, box #38, folder 230 Tellico, July, 1965.

<sup>15</sup> "Summary of Local Support or Opposition of Tellico Project."

Rayburn Allen, who owned a department store in Lenoir City, wrote TVA to give his support to the project “because I can see the many possibilities it would bring to the people of this area.” He stated in his letter that he and other businessmen in the area had been raising money to hire a full-time industrial manager, but that without available sites they would be unable to attract any industry. Tennessee State Senator Cartter Patten wrote that people in the town of Tellico Plains seemed “about equally divided, with the people of smaller means being more interested in the dam than those who have property in the area.” While Tellico Plains itself would not be directly affected by the project, the people there of “smaller means” likely were hoping to gain employment through the new industrial development that TVA promised to bring. Senator Patten also stated that while his initial reaction was that the economic benefits of the dam might outweigh the objections to it, he “got the impression that objection to the dam was growing faster than enthusiasm for it.”<sup>16</sup>

A more serious threat to opponents of the dam came from local landowners who favored the project either as a chance to sell lands they no longer wanted, or because of the benefits it promised to bring to the region as a whole. Perhaps the most influential of these was Florence Goodrich Carson, the wife of James G. Carson, who owned a large farm on Mialaqua (Calloway) Island in the Little Tennessee River. Mrs. Carson, who was a certified public accountant and had formerly served as the first treasurer of the Tennessee Valley Authority, had a tremendous impact on garnering support for the

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<sup>16</sup> “The Tellico Project on the Little Tennessee River,” ii-iii; Earl H. Varner to TVA, October 8<sup>th</sup>, 1964 and Rayburn Allen to Aubrey Wagner, October 2<sup>nd</sup> 1964, Cartter Patten to Aubrey Wagner, September 29<sup>th</sup>, 1964, all three letters are in National Archives and Records Administration Morrow, GA, Record Group #142, Tennessee Valley Authority, Natural Resources, Office of Tributary Area Development, box #38, folder 230 Tellico October 1-12, 1964.

Tellico Project.<sup>17</sup> A TVA document from September 11, 1964, cites Mrs. Carson as being the “principal leader for the project,” who had been “instrumental in getting resolutions for the project adopted” by area civic groups. In addition to Mrs. Carson’s lobbying work, she also wrote numerous letters to Presidents, Congressmen, and others in support of the dam and attempted to bring opponents over to her side. She provided TVA with inside access to the communities along the Little Tennessee River, and served as TVA’s informant about the Rose Island meeting (with suggestions for how they should placate the opponents). Florence Carson stressed the potential economic value of a flooded Little Tennessee River valley in her efforts to gain support for the dam. In a letter to the president of the TRTA, Claude A. Black, Carson stated that “it is my personal belief that the economic benefits that would result from the construction of the Tellico Project are immeasurable they are so great. This entire area would be improved economically and socially.”<sup>18</sup>

Another key landowner and dam supporter was Ray H. Jenkins, who owned a farm at the confluence of the Little Tennessee and Tennessee Rivers. Jenkins had a successful law practice in Knoxville, but was perhaps most well known for his role as the special counsel for the Senate subcommittee overseeing the Army-McCarthy Hearings.

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<sup>17</sup> Tom Carson, “Carson Family History: A History of the Carson Family and the Allied Families Cooke Kimbrough and Henderson Being An Account of the Forebears and the Descendants of Doctor William Cooke Carson and Dorcas Elizabeth Kimbrough of Tennessee and Texas,” 1956, 31, in Tennessee State Library and Archive, vertical file, Carson. According to Tom Moser, Mrs. Carson was an heir to the Goodrich Tire Company.

<sup>18</sup> “Discussion of Tellico Project,” September 11, 1964 and Mrs. James G. Carson to Claude A. Black, August 24, 1964 in National Archives and Records Administration, Tennessee Valley Authority, Natural Resources- Office of Tributary Area Development, box #38, folder 230 Tellico July-September 1964; see “Visit with Mrs. Carson,” October 16, 1964.

Jenkins had previously been President of the Fort Loudon Association, but after being assured that the site would be protected, he believed that the promise of industrialization outweighed “any sentimental reasons any of us landowners might have in keeping our farms intact.” As local residents struggled to decide whether the dislocation of their neighbors was worth the potential economic benefits of the dam, environmentalists from throughout the state of Tennessee and the nation began to take an interest in the fate of the Little Tennessee River.<sup>19</sup>

### *Environmental Opposition*

When the Tennessee Valley Authority was created one of its primary missions was to conserve the resources of the Tennessee Valley. It sponsored programs to teach farmers how to farm in ways that would prevent erosion and promote soil conservation, and in some cases took lands that it ceded along the shores of its reservoirs and turned them over to the state or federal management as national forests or game reserves. But by the time it proposed the Tellico Project ideas about conservation and the proper ways to interact with the natural world had begun to change in dramatic ways.

Dams in particular had come under attack during the 1950s and 60s as environmental organizations began to focus less on the conservation of resources for future use and more on the preservation of scenic landscapes in a “wild” setting. While dams had been controversial since John Muir lost his fight to prevent the flooding of

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<sup>19</sup> Ray H. Jenkins to Aubrey J. Wagner, September 14, 1964 in National Archives and Records Administration, Record Group #142, Tennessee Valley Authority, Natural Resources- Office of Tributary Area Development, box #38, folder 230 Tellico July-September 1964; Wheeler and McDonald, 107.

Hetch Hetchy valley in Yosemite National Park in 1923, this anti-dam sentiment was renewed on a national scale with the controversial Colorado River Storage Project. In particular the proposal to flood Dinosaur Valley National Monument led to a compromise whereby environmental groups—led by the Sierra Club and the Wilderness Society—agreed not to oppose the other dams in the project in exchange for not building it. After the agreement was reached another controversy broke out over the flooding of Glen Canyon, part of the Colorado River Storage Project. While opponents claimed that Glen Canyon was at least as beautiful and important of a site as Dinosaur Valley National Monument, they were unable to stop the project, which began in 1956 and finally finished in 1966. When TVA proposed the Tellico Project it met opposition coming from both of these strains of environmental thought: conservationist groups like Trout Unlimited and the Tennessee Fish and Game Commission decried the loss of a premiere trout stream, while preservationists like the Wilderness Society and Sierra Club fought to prevent the loss of yet another river valley to a federal dam project.<sup>20</sup>

Many local residents were uncertain about TVA's plans for industrializing the valley. Dozens of area farmers wrote to protest the proposed flooding of the "best farmland in the state of Tennessee." Others reversed TVA's argument and stated that the threat of a dam had actually kept industry from locating to the valley. Harvey Broome, a Knoxville native and founding member and eventual president of the Wilderness Society, wrote that

“[t]he thought of an industrial complex in that gorgeous setting is frightening. Six months ago I was at Balsam Gap along the Blue Ridge Parkway. A ranger told me that smoke from an industry ten miles away was often so thick in that pass that

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<sup>20</sup> Philip Shabecoff, *A Fierce Green Fire: The American Environmental Movement* (New York: Hill and Wang, 1993), 157-158.

cars had to creep along in midday with their lights on....Will we risk more fume-ridden overlooks for the sake of more unneeded industrial sites?"

While Broome seemed to miss the irony of industrial smog diminishing the enjoyment of automotive ecological tourism, his views reflected a common concern about industrialization negatively the environment of the region.<sup>21</sup> K.L. Brady of Oak Ridge, Tennessee argued that TVA should develop the remaining industrial sites on its other reservoirs before building another one. Brady feared that Tellico, like many other TVA reservoirs, would become polluted if industry were encouraged to locate to the Little Tennessee River valley. Brady asked TVA to "please save the Little 'T' and concentrate on industrializing those lakes already polluted."<sup>22</sup>

To these people the value of a scenic river in its natural state far outweighed the benefits they expected come from the proposed reservoir. A similar objection was raised by members of the Tennessee State Planning Commission, which remained officially neutral throughout the early years of the controversy. The Tennessee State Fish and Game Commission, however, had formally declared its opposition to the Tellico Project in a meeting on October 12, 1963. Director Fred Stanberry, combining environmentalism with anti-federalism, opposed the project because he feared that if the federal government

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<sup>21</sup> I owe a debt to Mike Wise for pointing out the irony in Broome's comment here.

<sup>22</sup> Vic Kirkland to Sir, (n.d.) in "Summary of Local Support and Opposition of Tellico Project." This file contains dozens postcards expressing similar sentiments; "Questions and Objections to the Tellico Project, October 1, 1964, Harvey Broome to A. J. Wagner, October 4, 1964, K.L. Brady to A.J. Wagner, September 24, 1964 in National Archives and Records Administration, Morrow, GA, Record Group #142, Tennessee Valley Authority, Natural Resources-Office of Tributary Area Development, box # 38, folder 230 Tellico Oct. 1-12, 1964.

was left unchecked, it would “dam and dam and dam” until there were no natural streams left.<sup>23</sup>

The State Fish and Game Commission had developed plans for turning the Little Tennessee River into one of the top trout fishing rivers in the eastern United States, which put it on a collision course with TVA’s plans for the Tellico Dam. The Little Tennessee River only became suitable for trout fishing following the completion of Chillhowee Dam in 1957, which cooled the water enough to support trout. Ironically, the unnatural state of the river in fact increased its appeal to nature enthusiasts. Because of upstream dams such as Chillhowee, the trout had to be stocked each year because they could not go upstream to reproduce. TVA attacked the ‘wildness’ of the river throughout the controversy, eventually carrying out a potentially environmentally destructive stunt to prove its point. A TVA lawyer named Beverly Burbage ordered the water coming into the Little Tennessee River at an upstream dam to be cut off, allowing the lower 33 miles of the river run dry in order to prove their point about the already unnatural state of the river.<sup>24</sup>

While the opposition to the dam was originally localized, by the spring of 1965 it was beginning to draw national support. Since its formation in October of 1964, the Association for the Preservation of the Little Tennessee River actively sought assistance

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<sup>23</sup> Marvis D. Cunningham to Richard Kilbourne, September 3, 1964, “Petition Opposing the Proposed Tellico Dam;” “Tellico Project—Tennessee State Planning Commission Position,” September 30<sup>th</sup>, 1964, in National Archives and Records Administration, Record Group #142, Tennessee Valley Authority, Natural Resources- Office of Tributary Area Development, box #38, folder 230 Tellico, July-September 1964; Charles J. Chance to Kenneth J. Seigworth, April 14, 1965, in National Archives and Records Administration, Record Group #142, Tennessee Valley Authority, Natural Resources- Office of Tributary Area Development, box #38, folder 230 Tellico, April 1965.

<sup>24</sup> Jim Thompson and Cynthia Brooks, *Tellico Dam and the Snail Darter* (Knoxville: Spectrum Communications, 1991) 24, 62.

to protect the river. By March of 1965, 35 organizations with memberships totaling over 300,000 had passed resolutions opposing the Tellico Dam. While the river was not exactly 'wild' (due to an overabundance of dams upstream), it still retained the appearance, if not the temperature and irregular flow, of a natural river. Finley V. Wilhoite of Chattanooga wrote to President Lyndon B. Johnson, using John F. Kennedy's legacy of supporting recreation and preservation as grounds for rejecting funding for the dam. Wilhoite stated that while he was a "rabid T.V.A. enthusiast," he believed that the Tellico Dam was "contrary to the late President Kennedy's goal to establish recreational facilities for the people of our country by preserving the natural beauties and wonders created by our Master."<sup>25</sup>

Martin Bovey, President of Trout Unlimited, sent out numerous letters to congressmen and others opposing the dam. TVA was quick to point out the artificial nature of trout-fishing on the Little Tennessee River, but Bovey dismissed these criticisms as irrelevant. Bovey wrote that:

...the "Little T" in question is perhaps not in the truest sense of the word free-flowing...[n]evertheless it is a large, clean, cool, running stream flowing through a sparsely [sic] settled valley of very real scenic beauty...It offers recreation of a very different sort from that offered on the many impoundments in the region, and is thus almost unique in the area.

In response to TVA's claims that the stocking of the river diminished its value as a trout stream, Bovey responded that the nutrients in the river allowed trout to grow "very rapidly" producing "many extremely large trout." In addition to this, he cited the

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<sup>25</sup> Finley V. Wilhoite to President Lyndon B. Johnson, March 1, 1965, in National Archives and Records Administration, Record Group #142 Natural Resources, Office of Tributary Area Development, box #38, folder 230 Tellico, April 1965.



importance of the Little Tennessee River as protection for other local trout populations. Since it was a relatively large river, it could support far more fishermen than smaller streams in the area. However, if it were to be dammed, this would increase the fishing pressure on these smaller streams.<sup>26</sup>

*Cold War Conservatism and the Fear of the Federal Government:*

Like Fred Stanberry's statement that equated the expansion of federal power with the destruction of the environment, many opponents in the region linked the rejuvenation of the Tennessee Valley Authority with fears of an oppressive and intrusive government. While the Civil Rights movement in the surrounding areas undoubtedly fed the distrust of the federal government, the Tennessee Valley region was in many ways unique because of the overwhelming federal presence since the 1930s. The memory of earlier removals from the Great Smoky Mountains National Park and other TVA reservoirs and Cold War fears over the expansion of government control combined in the minds of many opponents to suggest that allowing the "socialistic" project to continue would threaten the freedom of people living in the region.

Sue K. Hicks' organization, the Fort Loudon Association, linked environmental concerns with fears of the extension of government control. Alice Milton, an influential woman from Chattanooga and executive director of the Fort Loudon Association, began circulating a petition opposing the Tellico Project. The petition cited three main objections:

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<sup>26</sup> Martin Bovey to Senator Lee Metcalf, March 31, 1966, in National Archives and Records Administration, Record Group #142, Tennessee Valley Authority, Natural Resources, Office of Tributary Area Development, box # 38, folder 230 Tellico April – June 1966.

1. We wish to preserve some of our streams in their natural state.
2. We oppose the inundation of the fine farm land involved.
3. We oppose *further government spending for such projects and thus further extension of government control over the people* (italics added).

While TVA had often been the target of economic conservatives, these attacks intensified during the Tellico controversy. The Tennessee Valley Authority's epitomized 'big government' to many conservatives because of its role in regional development. This view only increased with its expanded role in power production during the 1940s and 50s. In 1965 the United States Chamber of Commerce launched its own attack against the Tellico Project. An article in the *Nation's Business*, a publication of the US Chamber of Commerce, entitled "Now Uncle Sam's A Real Estate Speculator: This Controversial Agency Plans to Buy and Sell Land to Lure Industry," attacked TVA's use of eminent domain to seize private property, only to resell it at a later date for a profit. TVA's plans to seize, develop, and then resell lands only fed criticism that the agency went beyond the acceptable scope of governmental powers within a capitalist country.<sup>27</sup>

Indeed, some people were ideologically opposed to what they termed the federal government's interference in their property rights, seeing the Tellico Project as a battlefield in the Cold War. Mayme Wear, of Loudon, Tennessee, wrote to the *Loudon County Herald* to voice her objection to what she saw as a "...SOCIALISTIC

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<sup>27</sup> Marvis D. Cunningham to Richard Kilbourne, September 3, 1964, "Petition Opposing the Proposed Tellico Dam," in National Archives and Records Administration, Record Group #142, Tennessee Valley Authority, Natural Resources- Office of Tributary Area Development, box #38, folder 230 Tellico, July – September 1964; "Now Uncle Sam's A Real Estate Speculator: This Controversial Agency Plans to Buy and Sell Land to Lure Industry," in *Nation's Business*, November, 1965, in National Archives and Records Administration, Record Group #142, Tennessee Valley Authority General Managers Files, Board of Directors, Smith-Wagner-Hays-Welch corresp. box #25, folder 230 May-December, 1965.

TRESSPASS on the American people....” She echoed earlier criticisms by the US Chamber of Commerce, who launched their own attack against the Tellico Dam in 1965. Wear wrote “TVA is not supposed to be in the real estate business. This is unconstitutional and unamerican [sic] and is taking away our rights as American citizens.” She further criticized TVA’s projected economic benefits, stating that

They did not mention or take into consideration the fact that many farmers and many tenant farmers are out of work because of the “taking” of their lands by TVA for this project. They maintain that this is a depressed area. I agree that it is a depressed area—now that TVA has run out the farmers and with them the business they gave local business places. On the vacated farms, the buildings are falling down, the weeds are taking the fence rows, parts of the area are used as garbage dumps, and the area is becoming indeed a depressed one...I would be ashamed for my grand children and great grandchildren to know that I did nothing to try to stop this great bureaucracy from taking over the rest of our land.

While economic conservatives were a minority of Tellico opponents, the encroachment of governmental power into the valley violated their sense of justice and freedom, and represented a dangerous over-extension of federal authority.<sup>28</sup>

#### *Historical Preservation and Community Identities:*

The majority of opposition to the project came from people who felt that their community and sense of identity was being threatened by the dam. The historic significance of the valley—and particularly Fort Loudon as the first English outpost west of the Appalachians—along with its roots as a series of farming settlements, galvanized a core of opponents who hoped to preserve the sense of identity and community that was intensely connected to both that history and means of using the land. Like the Cherokee

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<sup>28</sup> Mayme Wear to Larry Cate, Editor of Loudon Herald, *Loudon County Herald*, January 20, 1972, in *The Tellico Dam: News Stories, January 1, 1972 – Feb. 29, 1972, supplement, vol. 5*, TVA Corporate Library, Knoxville, TN.

before them, the majority of those who would be removed from the valley supported themselves and their families by farming and taking fish from the river. From the perspective of the Tennessee Valley Authority, however, farmers' future lay not in the soil but in the factories that would be drawn to the valley by the building of the reservoir.

As has been previously discussed, members of the Fort Loudon Association provided much of the leadership of the opposition during its early days. Alice Milton and Judge Sue Hicks were both executives in the association who actively worked to stop the dam. Part of their motivation was to protect the aspects of their cultural heritage that Fort Loudon symbolized. While the fort itself only lasted for a few years during the 1750s, it was the first English outpost west of the Appalachian Mountains. Claude Black, the President of the TRTA, eventually resigned from his office, likely due to his opposition to the Tellico Project. Black's main concern appears to have been the preservation of Fort Loudon in its original state by the river. A TVA official mentioned, that "there was some evidence that Col. Black was working behind the scenes in opposition to the Tellico Project...."<sup>29</sup>

While the desire to preserve Fort Loudon was one way that local residents placed culture and identity above the potential economic value of the reservoir, another arguably

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<sup>29</sup> See Marvis D. Cunningham to Richard Kilbourne, September 3, 1964, "Petition Opposing the Proposed Tellico Dam;" Marvis D. Cunningham "Little Tennessee River Valley Development Association Board of Directors Meeting," October 16, 1964; see Claude A. Black to Richard Kilbourne, October 1, 1965, and Harold L. Elmore to Richard Kilbourne, February 17, 1965, in National Archives and Records Administration, Record Group #142 Tennessee Valley Authority, Natural Resources, Office of Tributary Area Development, box # 6, folder-Tennessee River and Tributary Development, 1965; "Conference with Colonel Claude A. Black Regarding Tellico Project," October 6, 1964, in National Archives and Records Administration, Record Group #142, Tennessee Valley Authority, Natural Resources, Office of Tributary Area Development, box #38, folder 230 Tellico, October 1-12, 1964.

more significant aspect of local culture was severely threatened by the coming of the dam: farming. To local residents, farming was much more than simply an occupation. It is a way of life, and a central part of many people's identities. While the loss of farmland might be seen as a purely economic, to many residents in the Little Tennessee River valley it meant much more than simply a financial loss. Local resident James McGee described the forced removal of these farmers as "...just totally unfair and a travesty for those that had worked and toiled and developed the land [to] just be taken off." McGee continued, saying, "If anybody decided to look at this from the standpoint of culture, it took a lot away that will never be replaced.... People say that it's progress to build and develop, but it depends on how you look at it. My position is that there's probably a lot of places that would love to have the progress and have left us alone."<sup>30</sup>

In presenting themselves yeoman farmers, local residents harkened back to Jeffersonian images of themselves as the foundation of American life and culture. The Kerr family owned a farm in Loudon, Tennessee that was in the area of the Tellico Project. While their farm was apparently not seized, they were alarmed by what they saw as the "needless" flooding of "14,000 fertile acres." In response to a *Time Magazine* article on the Office of Economic Opportunity's homestead program, the Kerrs wrote, "I am a farmer. I love the land, the soil, the just-plain-old-dirt that some people don't want to get under their fingernails. I am fortunate to be a farmer." But rather than limiting themselves to nineteenth-century conceptions of farming, they also promoting farming as an alternative to the environmental damage caused by industrial America, saying "I may have calloused hands and a weather-beaten face, but I don't have lungs full of filthy air.

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<sup>30</sup> Interview with James "Hank" McGee, Reed A. Davis, and Steve Payne.

The beauties of nature surround me, but I am told that my grandchildren may not have these wonders to behold.” For many of the local residents that opposed the project, the fight was not simply about retaining ownership of a particular plot of land, but a struggle to retain an identity and way of life that were intimately connected to that particular place, and offered an alternative to the problems associated with contemporary American life.<sup>31</sup>

Another local citizen saw the division over Tellico as a class conflict between farmers and upper class business people. In a letter to the editor of *the Monroe County Democrat*, Mark Harrison wrote:

I have yet to find one 100 percent farmer who completely sides with the TVA, and only two who do not completely oppose the Tellico Project. You get a lot of subscriptions from farmers, but you surely don't associate with them. The only people who strive for the Tellico Project are merchants and professional people who live off other people's pocketbooks and promoters who hope to profit off changes the project promises. These people have nothing to lose.

While Harrison oversimplifies the complex demographics of those who supported the project, he highlights a key distinction between farming and non-farming residents of the area. Business people could easily relocate to new offices in the area, but farmers were tied to the land. Without adequate soil, such as that found in the bottomlands along the Little Tennessee River, they would be unable to continue their way of life without moving away from the valley.<sup>32</sup>

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<sup>31</sup> Mr. and Mrs. Lawrence E Kerr to Editor, *Knoxville Journal*, January 28, 1972 in *The Tellico Dam: News Stories, January 1, 1972 – Feb. 29, 1972, supplement, vol. 5*, TVA Corporate Library, Knoxville, TN.

<sup>32</sup> Mark Harrison, “Blames Aubrey Wagner,” *Monroe County Democrat*, January 12, 1972, in *The Tellico Dam: News Stories, January 1, 1972 – Feb. 29, 1972, supplement, vol. 5*, TVA Corporate Library, Knoxville, TN.

The letters sent in by residents of the area stand as testimony to the centrality of farming to their identity. Butler Lipton wrote, “The Tellico Dam will cover all our property. *As a farmer*, I vote no on the proposed project (italics added).” Another letter from Claude H. Hammontree said “*I am a farmer* and make my living off of the farm and I do not want the Tellico Dam built (italics added).” Women that opposed the dam and also lived on farms tended not to identify themselves as farmers, but did generally mention their connection to farm life. Lola Mae Lemons, for instance, wrote in saying “I live on a farm and I am a house wife and I do not want the Tellico Dam to be built.” In these and numerous other letters, the authors presented images of themselves as hard-working farmer families in order to voice their opposition to the Tellico Dam. When asked in a 2005 interview what he missed most about the valley as it was before the dam, Judge Tom Moser said, “[o]h the farmland. And the people you know. Different kind of people, farm people. Good people. I’m not saying that people from up north aren’t good, but they’re just a different kind of people....” In Judge Moser’s view, the farmland and the people are inseparable. Drawing on Jeffersonian conceptions of yeoman farmers, Moser called attention to the loss of land, because without farmland there could be no farm people, and the proposed dam threatened to destroy both. For local farmers, their potential forced removal meant more than simply relocating: It meant a loss of access to fertile bottomlands along the river that made a way of life possible that had been grounded in that particular place for generations.<sup>33</sup>

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<sup>33</sup> Postcards from Bultler Lipton, Claude H. Hammontree, and Lola Mae Lemons, many more examples of similar postcards are in the “Summary of Support or Opposition of Tellico Project;” Interview with Thomas B. Moser, 10/14/05.

## **Remembering Removal: Eliciting Cherokee Support**

As opposition to the Tellico project continued to spread, opponents began to look towards the Cherokee nations as potentially powerful allies. In the 1960s, non-Indian Americans were beginning to see native peoples in a more positive light, compared to their depictions in the westerns of the 1940s and 1950s. Fish-ins in the Pacific Northwest had even gotten the support of celebrities like Marlon Brando, which helped remind non-Indian Americans that both Indians and Indian issues were very much alive.<sup>34</sup> While environmentalists, farmers, and others organizing under the umbrella of the Association for the Preservation of the Little Tennessee River Valley were reaching out to Cherokees to gain their support, the Cherokee nations and Cherokee individuals had to decide how they should respond to the controversy. Both the Cherokee Nation in Oklahoma and the Eastern Band of Cherokee Indians did end up coming out in opposition to the Tellico Project, but the strategies they used to express their opposition, as well as the extent of that opposition, sprang from debates within Cherokee society that had their roots in the struggles over their removal from the region a century before.

### *Eastern Band of Cherokee Indians*

The Eastern Band of Cherokee Indians first became involved in the Tellico Dam controversy in 1965 when they met with Supreme Court Justice William O. Douglas on the banks of the Little Tennessee River near the site of Chota, the political center of the Cherokee Nation during the 18<sup>th</sup> century. The Principal Chief of the Eastern Band, Jarrett Blythe, sent a petition protesting the Tellico Dam with a delegation of Eastern Band

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<sup>34</sup> Antonino D'Ambrosio, *A Heartbeat and a Guitar: Johnny Cash and the Making of Bitter Tears* (New York: Nation Books, 2009), 144.



citizens.<sup>35</sup> Walter Amman, a newspaper reporter, Bob Burch, who worked with the Tennessee department of fish and wildlife, and prominent environmentalist Harvey Broome, arranged the meeting. Broome was friends with Justice Douglas and invited him to go fishing on the river, while Amman and Burch went to the Qualla Boundary to seek the Eastern Band's support. According to David Dale Dickey, an early opponent of the dam, the group met with the EBCI tribal council and actually paid to have three Cherokees in full regalia come out and present a petition from the Principal Chief to Douglas.<sup>36</sup> The members of this delegation, Richard "Geet" Crowe and his sons Alva and Charlie wore traditional clothing, along with decorative feather headdresses, when they ceremoniously presented Douglas with the petition.

The *Madisonville Citizen-Democrat*, whose reporters were not invited to attend the ceremony, ran an editorial dismissing the meeting as a "staged affair." The *Citizen-Democrat* claimed that the "Cherokees...usually only attend such functions for monetary consideration, [and] undoubtedly had to be led to their homeland by a paleface."<sup>37</sup>

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<sup>35</sup> R. E. Dorward to US Representative John D. Dingell, March 22, 1965 in National Archives and Records Administration, Record Group #142, Tennessee Valley Authority, Natural Resources, General Manager's Files, Board of Directors, Smith-Wagner-Hays-Welch Corresp., box#25, folder 230 Tellico, January-April, 1965; "Cherokee Indians Appeal to Douglas to Save Homeland," by Walter Amman Jr. *Knoxville Journal*, April 5<sup>th</sup>, 1965 in *The Tellico Dam: Favorable Comment and Criticism by Individuals and Organizations, vol. 1, A-C* at TVA's Corporate Library, Knoxville, TN.

<sup>36</sup> R. E. Dorward to US Representative John D. Dingell, March 22, 1965 in National Archives and Records Administration, Record Group #142, Tennessee Valley Authority, Natural Resources, General Manager's Files, Board of Directors, Smith-Wagner-Hays-Welch Corresp., box #25, folder 230 Tellico, January-April, 1965; "Cherokee Indians Appeal to Douglas to Save Homeland," by Walter Amman Jr. *Knoxville Journal*, April 5<sup>th</sup>, 1965 in *The Tellico Dam: Favorable Comment and Criticism by Individuals and Organizations, vol. 1, A-C* at TVA's Corporate Library, Knoxville, TN.

<sup>37</sup> "A Neighbor Speaks- Plea by Cherokees to Save 'Little T' was Staged Affair," *Madisonville Citizen-Democrat*, reprinted in the *Knoxville News-Sentinel*, April 10, 1965 in *The Tellico Dam: Favorable Comment and Criticism*; Walter Amman Jr. to Paul

There's a number of interesting facets to both this meeting and the criticism of it that followed. EBCI leaders donned traditional clothing and the feathered headdresses that are normally associated with plains Indians, rather than the business suits or perhaps flannel shirts that they normally would wear, in an attempt to appear more authentically Indian, and thus more authoritative, to the press and general public. Geet Crowe and his sons made a living through performance as Indian dancers for tourists, and Geet himself had actually played Indians in films such as Disney's "Davy Crockett, King of the Wild Frontier." Despite the fact that Geet Crowe and his sons may have been paid for their appearance, it does not necessarily mean that they did not care about the flooding of the valley. There is a long history of Indian peoples catering to non-Indian "expectations" of how Indians should dress and act. By engaging with these discourses the Crowes sought to more effectively reach their audience and appeal to non-Indians for support. In fact Geet Crowe went on to be one of the named plaintiffs in the EBCI's case against the dam in 1979. While the pro-dam media called them out on their attempts to elicit support by appealing to non-Indian conceptions of Indianness, it nonetheless reveals a shrewd strategy on the part of EBCI leaders to play on the public's "expectations" of how Indian leaders should dress and act.<sup>38</sup>

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Evans, April 6, 1965, in National Archives and Records Administration, Record Group #142, General Manager's Files, Board of Directors, Smith-Wagner-Hays-Welch Corresp. Box #25, Folder 230 Tellico, January-April 1965; Mrs. James G. Carson to Justice William O. Douglas, April 14, 1965, in National Archives and Records Administration, Record Group #142, Tennessee Valley Authority, Natural Resources-Office of Tributary Area Development, box #38, folder 230 Tellico, April 1965.

<sup>38</sup> In this section I am drawing on the definition of "expectations" used in Philip Deloria's book, *Indians in Unexpected Places*. He defines it as "shorthand for the dense economies of meaning, representation, and act that have inflected both American culture writ large and individuals, both Indian and non-Indian." Philip Deloria, *Indians in Unexpected Places* (Lawrence: University Press of Kansas, 2004), 7-11.

The economy of the Qualla Boundary, shaped by the land-losses associated with removal, may have played an important role in the willingness of the Eastern Band to embrace this strategy of resistance. Following Removal, the Eastern Band eeked out a precarious living from farming the rocky valleys high in the mountains and selling baskets and other crafts to surrounding communities. During the logging boom of the late 19<sup>th</sup> and early 20<sup>th</sup> centuries many EBCI citizens took advantage of the opportunities for good wages, but once the trees were gone they had to return to farming. However, in the 1930s the creation of the neighboring Great Smoky Mountains National Park promised a seasonal, but dependable source of tourist revenue—much of it centered on playing on the expectations of a non-Indian public. Perhaps the best example of this is the practice of “chiefing” or dressing up so as to look like a 19<sup>th</sup> century plains warrior in order to make money off of tourists who want to have their picture taken with a “real” Indian. In

*Cherokee Americans*, historian John Finger writes that:

Every morning, like exotic sentries, Cherokee “chiefs” dressed in the warbonnets of Plains Indians begin their vigils along U.S. 441 and U.S. 19. Standing beside little tepees in front of gift shops, they pose for photographs with squeeling children and sheepish housewives and assure curious visitors that, yes, they *are* “real” Indians. For added drama, one may pose with a ferocious-looking stuffed bear conveniently mounted on wheels so it can be shifted for suitable lighting.

According to Finger, one of the most well known Cherokee “chiefs” named Henry Lambert tried an experiment one time where he wore a warbonnet one day, “modest Cherokee clothing and beadwork” the second, and then full Plains regalia the third. He made \$80 the first day, \$82 the third, and \$3 the second. He once cleared over \$800 dollars in a single day, even though he decided to leave early because he had done so

well. When asked about “chiefing” Lambert once said, “Hey, I’m not stupid. I stuck with the warbonnet.”<sup>39</sup>

Eastern Band leaders, who also were not stupid, may have decided to stick “with the warbonnet” for much of the same reason. While they were not the shores of the Little Tennessee River that spring morning to make money, they were there to make an appeal to non-Indians to support them in their opposition to the Tellico Dam. Since their concern for the future of the valley rested on their connection to that place *as Cherokee Indians*, they needed to make perfectly clear to the non-Indian public that they were “real” Indians. Dressing up in Plains regalia and playing on public expectations of what Indians should look like meant making sure that the photographic documentation of their protest left no doubt in the minds of the public that they, and their opposition to the dam, were real.

The strategy of playing on non-Indian notions of Indianness can itself be traced back to Cherokee efforts to resist Removal, and later to resist federal attempts at allotment. Cherokee memorials to Congress drew on multiple and conflicting discourses of Indianness in order to defend their sovereignty---either arguing that removal would hinder their “development” as a “civilized people” or by the late 19<sup>th</sup> century arguing that too many of their “full-bloods” were not yet “civilized” enough to own their own land. By alternating between arguing that they were civilized enough to run their own affairs, or in the case of allotment, needed the protection of communally owned lands because their citizens were not civilized enough to be subsumed by the United States, Cherokee officials skillfully played on non-Indian conceptions to defend and protect their own

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<sup>39</sup> John Finger, *Cherokee Americans: The Eastern Band of Cherokee Indians in the Twentieth Century* (Lincoln: University of Nebraska Press, 1991), 161-163.

rights and powers of self-government.<sup>40</sup> The power in both understanding and utilizing non-Indian conceptions of Indianness was one that Cherokee leaders going back generations had learned to use often in their struggles to maintain independence from the United States.

#### *Cherokee Nation and United Keetoowah Band in Oklahoma*

The Cherokee Nation was coming from a very different situation than the Eastern Band of Cherokee Indians. The CN's government had largely been dissolved and its land allotted by Oklahoma statehood in 1907, while the EBCI, though often ignored by federal officials, had retained its land base and government throughout the 19<sup>th</sup> and 20<sup>th</sup> centuries. Since shortly after Oklahoma statehood, the Cherokee Nation's government had consisted of presidentially appointed chiefs, or "Chiefs for a day" who were largely appointed to handle specific matters relating to treaty obligations or the few unallotted parcels that remained in the hands of the Cherokee Nation. While some local councils continued to meet during the early decades of the 20<sup>th</sup> century, these lacked the kind of real political power that their predecessors in the 19<sup>th</sup> century had. The Cherokee Nation, under the leadership of W.W. Keeler, moved cautiously to oppose the Tellico Project, but at the same time attempted to bolster their patriotic image and position themselves and the Cherokee Nation as supporters of the federal government. Keeler's dependency on federal support to be principal chief combined with Pierce's anti-communist tendencies

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<sup>40</sup> See Andrew Denson, *Demanding the Cherokee Nation: Indian Autonomy and American Culture, 1830-1900* (Lincoln: University of Nebraska Press, 2004).

resulted in a very limited opposition to the Tellico Project that was conditioned by their own fears of being dislodged from power.<sup>41</sup>

Starting in the late 1940s and throughout the 1950s and 60s the Cherokee Nation had been engaged in a rapid program of nation-building within Oklahoma. The United Keetoowah Band was officially recognized by the United States in 1946 under the Oklahoma Indian Welfare Act (Oklahoma's version of the Indian Reorganization Act), but largely worked hand in hand with the revitalizing Cherokee Nation—though this would eventually change in the 1970s.<sup>42</sup> Cherokee leaders had been engaged in philanthropic and legal efforts to reassert the viability of the Cherokee Nation as a functioning government throughout the 1950s, 60s, and 70s. The Cherokee Foundation was created in 1952 and provided charitable support for individual Cherokee families, and following the Indian Claims Commission's settlement for the Cherokee Nation in 1961 (stemming from the late 19<sup>th</sup> century seizure of Cherokee land in Oklahoma), the Cherokee Nation received approximately \$15 million, of which less than \$2 million remained after the rest was dispersed to individual Cherokee citizens. Following this infusion of money, the Cherokee Nation was able to establish a new capital complex, begin publishing a national newspaper, and in the late 1960s and early 70s they were able to revive local councils and restore a democratically elected government in 1971. Much of this change was brought about by the efforts of W.W. Keeler, a wealthy Cherokee businessman who had been a presidentially appointed chief throughout this period, but

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<sup>41</sup> For a discussion of W.W. Keeler and Earl Boyd Pierce's political tendencies see Daniel Cobb, *Native Activism in Cold War America: The Struggle for Sovereignty* (Lawrence: University of Kansas Press, 2008), 38-41.

<sup>42</sup> "Keetowah History Essay," <http://www.keetoowahcherokee.org/history.html>, 8-9.

won the first election and remained in office until 1975. The following year the Cherokee Nation also adopted its first constitution since the government was dissolved in 1907.<sup>43</sup>

To fully understand the Cherokee Nation's actions, one must consider that it was engaging in this nation-building process at the height of the Termination Era and during the Red Scare. To rebuild a separate nation within the bounds of the United States is perhaps the most subversive activity you can engage in, and Cherokee Nation officials treaded carefully in their efforts to demonstrate the Americanness of their nation. One of the clearest examples of this is a series of historical attractions, called Tsa-La-Gi, built during the late 1960s and early 1970s just south of the Cherokee National capital in Tahlequah, Oklahoma. The complex came to consist of an amphitheater and outdoor drama, a national museum and archive, and a living village. The various attractions served to reinforce a narrative of the Cherokees adopting Western Civilization, then being forced to remove to an empty wilderness, where they then served as agents of civilization. The Cherokee village, juxtaposed with the Museum, demonstrated the transformation that Cherokees underwent. While the village was a reconstruction of Cherokee life circa 1700, the Museum highlighted technological and political changes the Cherokee Nation underwent during the 19<sup>th</sup> century. The development of a bicameral legislature, newspaper and written language, and other Cherokee "firsts" are emphasized within the Museum. The Museum placed the three remaining brick columns from the old Cherokee Female Seminary in a pool in front of the entranceway, in order to both literally and figuratively reflecting the architectural advances of the Cherokee Nation throughout this period. The outdoor drama further emphasizes these same themes of the Cherokee

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<sup>43</sup> Circe Sturm, *Blood Politics: Race, Culture, and Identity in the Cherokee Nation of Oklahoma* (Berkeley: University of California Press, 2002), 90-95.

Nation establishing a Western style civilization in Indian Territory, which eventually paved the way for this once empty land to become a state within the union. By stressing the contributions the nation made to the settlement of the West, the narrative attempted to prove the compatibility of Cherokee Nationhood with modern America. Framing their history this way emphasizes the shared values of the Cherokee Nation and the rest of the United States, and casts the Cherokee Nation a partner in Western expansion.<sup>44</sup>

However, it would be in error to assume that all of the actions taken by Cherokee National leaders at this time were calculated tactics to rebuild their nation while not being labeled as subversives—they were also laying out what they believed to be the true history of their nation, as well as the foundation of their conception of modern Cherokee identity, one rooted in capitalism, western modes of producing knowledge, and a rejection of radicalism. Some of the principle individuals involved in the rebuilding of the Cherokee Nation were business-oriented people who very much saw themselves as being American, as well as Cherokee, and tended to be very skeptical of anything that verged on Indian radicalism, or anti-Americanism. Principle Chief W.W. Keeler was vice-president, and then later President of Philips Petroleum Company. Earl Boyd Pierce, the General Counsel of the Cherokee Nation, was a successful lawyer and rabid anti-communist. All of these men embraced capitalism and mainstream American values, and while they were very proud of their Cherokee identity, they viewed Cherokee history as being unique among Indian peoples.

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<sup>44</sup> Much of this paragraph is based on observations by the author of the Tsa-La-Gi complex in Park Hill, Oklahoma during the summer of 2008. See also Kermit Hunter, “The Trail of Tears” in Cherokee National Archives, Earl Boyd Pierce Collection, box #2, 1966 version of Trail of Tears Script.



Part of those values included strong anti-communist, and anti-radical tendencies. As the work of Daniel Cobb has demonstrated, Earl Boyd Pierce looked on the attempts of Action Anthropologists such as Sol Tax and Robert K. Thomas as being part of a communist conspiracy to infiltrate Indian Country and subvert the control of the Cherokee government. Keeler and Pierce feared that Sol Tax was part of an international communist conspiracy and had actively worked to undermine his “Declaration of Indian Purpose” at the American Indian Chicago Conference in 1961. When Thomas and Albert Wahrhaftig came to the Cherokee Nation a couple of years later to help organize in Cherokee communities, they viewed their actions with suspicion and assumed that this was an attempt to “literally take over the Cherokee people.”<sup>45</sup>

Thomas and Wahrhaftig, the Five County Cherokee Organization, the Creek Indian Tribal Centralization Committee, and the National Indian Youth Council paid for flyers criticizing the Tsa-La-Gi project to be distributed throughout the Cherokee Nation. The Five County Cherokee Organization, which was later renamed the Original Cherokee Community Organization, was one of the organizations that Thomas and Wahrhaftig were working closely with. They criticized the use of Cherokee funds for building a tourist attraction while so many other Cherokees lived below the poverty line, while also calling the Cherokee Government a “puppet government” and criticizing the lack of representation within either the government or the Cherokee National Historical Society.<sup>46</sup> Others wrote in opposing the destruction of the remnants of the Cherokee Female Seminary and questioned the authenticity of the buildings within the historic

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<sup>45</sup> Daniel Cobb, “Devil in Disguise: The Carnegie Project, the Cherokee Nation, and the 1960s,” *American Indian Quarterly* 3 (2007): 468-480.

<sup>46</sup> “Guest to our homeland,” NIYC, Cherokee National Archives, Cherokee National Historical Society, box #40, folder Corresp. 66, 1 of 2.

village. While Thomas and Wahrhaftig's actions were not part of an international communist conspiracy, they did threaten to undermine Keeler's position of leadership within the Cherokee Nation, and called into question his legitimacy as an unelected leader. The controversies surrounding the Tsa-La-Gi project helped frame the way they would approach the Tellico Project by wanting to distance themselves from anything approaching radicalism.<sup>47</sup>

Earl Boyd Pierce even attempted to use anti-communism as a way to raise funds for the Cherokee National Historical Society. At a meeting of the CNHS at the First National Bank and Trust Company in Tulsa, in 1964, Pierce proposed using an hour and forty-five minute documentary on communism as a potential fund-raising tool for the CNHS. While no action was taken in response to Pierce's proposal, it nonetheless demonstrates how Cold War politics framed the creation of the CNHS. Showing such a film would have not only taken advantage of anti-communist hysteria to improve the finances of the organization, but it also would have firmly, and publicly placed the Cherokee Nation on the side of the United States in the Cold War.<sup>48</sup>

When the Cherokee Nation approached the issue of the potential flooding of the lower Little Tennessee River viewed the project through this lens of what it meant to be Cherokee. Rather than playing on antiquated ideals of Indian appearance to gain leverage in their negotiations with TVA, leaders in the Cherokee Nation attempted to work through political and legal channels to quietly protect Cherokee interests in the valley.

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<sup>47</sup> Nancy Hope Smith to Keeler, 8/30/66, Smith to Hagerstrand, 8/30/66, Cherokee National Archives, Cherokee National Historical Society, box #40, folder Corresp. 66, 1 of 2.

<sup>48</sup> Minutes of the Meeting of the CNHS, June 3, 1964, in Cherokee National Archives, Cherokee National Historical Society, box #40, folder Correspondence 1964.

The Cherokee Nation first became involved in the Tellico controversy in 1965, following a series of letters from Mrs. C Scott Mayfield, a non-Indian resident of the lower Tennessee River valley. Mayfield attached a series of news clippings and brochures about the area and urged W.W. Keeler to get the Cherokee Nation involved in the opposition to Tellico. Keeler responded by having a resolution passed in opposition to the potential destruction of the historical sites in the valley, but the actual language of resolution reveals both what they were interested in protecting and the ways that they viewed Cherokee identity and history. Firstly, they cast the preservation of Cherokee history in terms of its importance to “the preservation of American history” as a whole. Secondly, they reaffirmed the compatibility of the Cherokee Nation, and its interests, with the United States, by saying that in opposing the project, they were “joining hands with the patriotic persons and firms...and trust that an acceptable program can be adopted and followed which will preserve for posterity Sequoyah’s birth place, as well as the other important historical sites and monuments.” While Cherokee national leaders were interested in protecting the historical sites in the valley, they made no mention of opposing the dam itself, only the destruction of the sites within the valley. Furthermore, they framed their interest in protecting Cherokee sites within the larger narrative of American history. By specifically mentioning the valley’s role in “American history” and their partnership with “patriotic persons and firms” the resolution stresses the Americanness of the Cherokee Nation and its history.<sup>49</sup>

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<sup>49</sup> “Resolution” Executive Committee of the Cherokee Nation or Tribe of Oklahoma, May 8<sup>th</sup>, 1965, Cherokee National Archives, W.W. Keeler, box #21, folder #173 TVA-Tellico Dam Project.

Arguing for the compatibility of the Cherokee Nation—and Cherokee interests—with the American nation-state has its origins Cherokee efforts to resist removal from the southeastern United States. While Cherokees of that generation argued that their towns and farms were rapidly resembling those of the surrounding communities, and therefore should be allowed to remain in the land of their ancestors, the Cherokee Nation in the 1960s argued that their history, and the valley of their ancestors, was a *part of* American history, and thus the destruction of Cherokee history would mean a loss to all of American history. By positioning their own historical sites within the narrative of American history, Cherokee officials not only argued that preserving their sites was compatible with patriotic aims, but that refusing to protect them would be anti-American.

#### *The Man in Black*

Johnny Cash's brief involvement in the debates over the Tellico Dam brings to light some of the issues that would become central controversies in the coming decades, especially contests over claims to Cherokee identity. David Dickey, a member of the APLTR and one of the individuals involved in alerting the Eastern Band to the threat of the Tellico Project, wrote to Johnny Cash in 1964 asking if he would get involved in the fight over the Tellico Dam. Cash, in addition to claiming that "half [his] blood was Cherokee" told Dickey that he could "use my songs, name and pictures for your noble [sic] cause.---for as long as the grass shall grow and the rivers run--." <sup>50</sup>

Johnny Cash was born in Kingsland, Arkansas in 1932, an area that was one of the places Cherokees first moved to when they left the southern United States prior to the

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<sup>50</sup> Johnny Cash to David Dickey, April, 4, 1964, in Cherokee National Archives, Earl Boyd Pierce Collection, box #53, folder TPLTR #3 of 6.

Trail of Tears. Cash later became interested in American Indian issues, which seemed to fit the identity he projected as an outsider through his stage persona. During this period in the early 1960s Cash, who was also heavily using drugs and alcohol, convinced himself that he was in fact of Cherokee descent, at times even claiming he was a “full blood.” He sometimes also claimed Mohawk descent according to some accounts. The same year he came out in opposition to the Tellico Project he also released his album *Bitter Tears*, dedicating one of the songs on the album to Sequoyah “The Talking Leaves.”<sup>51</sup>

While genealogists later proved to Cash that he was not in fact of Cherokee descent (in his 1997 autobiography he states that he is of Scottish ancestry), the diaspora of Cherokee Removal, along with “Indian” features such as dark hair and eyes, enabled him to believably embrace the possibility of Cherokee descent and use it to promote his own version of American Indian history and identity.<sup>52</sup> Later in life he publicly acknowledged that he lacked Indian ancestry, but continued to use his influence to bring attention to issues affecting American Indians.<sup>53</sup> While his letter enthusiastically embraced the opposition to the Tellico Dam, there is little evidence that he ever took an active role in opposing the dam. A letter from a member of the Association for the Preservation of the Little Tennessee River to Earl Boyd Pierce in 1971 included a copy of the Cash’s letter, but also asked Pierce if he could do anything to get his continued support, saying “it would also be equally important if you could persuade Mr. Johnny

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<sup>51</sup> Johnny Cash and Patrick Carr, *Johnny Cash: The Autobiography* (San Francisco: Harpers Press, 1997), 5; Antonino D’Ambrosio, “The Bitter Tears of Johnny Cash,” *Salon.com*, [http://www.salon.com/news/feature/2009/11/08/johnny\\_cash/index.html](http://www.salon.com/news/feature/2009/11/08/johnny_cash/index.html); Antonino D’Ambrosio, *A Heartbeat and a Guitar: Johnny Cash and the Making of Bitter Tears* (New York: Nation Books, 2009).

<sup>52</sup> Cash and Carr, 3.

<sup>53</sup> *Ibid.*, 197.

Cash to join this battle. As you may know, he has a song about Sequoyah entitled, ‘The Talking Leaves.’ Sequoyah’s birthplace, Tuskegee will be inundated by the waters of Tellico Reservoir.”<sup>54</sup> Over the next few decades increasing numbers of people in the Tellico region began to embrace Cherokee identity. Some likely had legitimate claims, while others simply used the sympathy invoked by claiming Cherokee identity to further their own ambitions.

### **Conclusion:**

On the night of September 7, 1966, while the Association for the Preservation of the Little Tennessee River was busy discussing strategy, one of TVA’s informants sat quietly among them. He reported to TVA officials that 35 cars were parked outside, and approximately fifty people attended the meeting. Tellico’s opponents “pledged to fight in every way possible to kill Tellico.” While both houses of Congress passed appropriations for Tellico later that year, the local opponents held onto their pledge, and continued their fight to protect their land.<sup>55</sup>

The Tellico Dam Project was proposed in a region whose history was framed by a series of removals. First the removal of the majority of Cherokee people from the southern Appalachians, and then the twentieth-century removals of people in order to make way for the Great Smoky Mountains National Park and the numerous reservoirs of the Tennessee Valley Authority. While each of those prior twentieth-century removals

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<sup>54</sup> W. Kenneth Elrod to Earl Boyd Pierce, Oct. 29, 1971, in Cherokee National Archives, Earl Boyd Pierce Collection, box #53, TPLTR #3 of 6.

<sup>55</sup> Marvis D. Cunningham to Bernard H. Zellner, September 8, 1966, in National Archives and Records Administration, Record Group #142, Tennessee Valley Authority, Natural Resources, Office of Tributary Area Development, box #38, folder 230 Tellico July-Sept. 1966.

faced some resistance, none came close to matching the protracted twenty-year struggle that would erupt over the Tellico Project.

Part of the success of that resistance stemmed from local people who had simply grown tired of seeing valley after valley inundated, and had begun to question whether or not the destruction of yet another valley would be worth the cost to themselves and their communities. The rise of the modern environmental movement also generated widespread opposition to damming for the first time, and questioned whether economic development was worth the loss of a river and valley they saw as intrinsically beautiful, and utterly irreplaceable. While sport fishermen approached the dam from a slightly different perspective, they too valued the scenic beauty and recreational opportunities of a free-flowing Little Tennessee River, and fought to keep those waters from being stilled. The politics of the Cold War also prompted many individuals—both Cherokee and non-Indian—to see communist threats permeating and infiltrating American life. Some saw the Tellico Project and TVA's expansive land-purchasing plans as a sign of the United States' slow decline into socialism.

Cherokees in North Carolina and Oklahoma were caught up in all of these currents as well, but also approached the Tellico Project from perspectives that were shaped by their own separate histories since their forced removal from the Little Tennessee River valley. The Eastern Band was blessed with a scenic reservation that abutted the Great Smoky Mountains National Park in the mountains of Western North Carolina, but which offered little in the way of economic opportunities other than performing for tourists and playing to their expectations of Indianness. When confronted with the news of the Tellico Project, they drew on strategies that had worked in everyday

life, and sought to use the performance of Indianness and a friendly media to help stop the project. Leaders of the Cherokee Nation in Oklahoma, drawing on both Cold War inspired fears of radicalism, as well as removal era methods of suggesting the compatibility of the Cherokee Nation with American institutions, also came out in opposition to the project, but in ways that differed markedly from the Eastern Band's more flamboyant response. In both Oklahoma and North Carolina, the undercurrents of what would become known as the Red Power movement worked their way through Cherokee communities, encouraging what only a decade before had seemed impossible, the continued survival, and even revitalization, of their nations.

Johnny Cash's involvement, while brief, highlighted what would become a common theme throughout the Tellico controversy. Cash grew up in an area, Arkansas, where Cherokees had been removed to, giving credence to his claims to Cherokee ancestry. His phenotypical characteristics—dark eyes, dark hair, and tanned skin—made his claims plausible, and his fame offered him a platform to raise awareness about Indian issues. Throughout the rest of the Tellico controversy, issues of Cherokee identity—what it means, who has the right to claim it, and how that should determine one's stance on the Tellico Project, would come to dominate the debates over the dam. The rising tides of the environmental and Red Power movements would create new divisions in the opposition to the dam, as well as offer new and powerful tools for saving the lower Little Tennessee River valley.



### **Chapter 3: Indians Who Refused to Cry: The Environmental Movement, the Red Power Movement, and Imposter Indians**

#### **Introduction:**

As the Tennessee Valley Authority progressed with its modern day removal of people from the Little Tennessee River valley, the descendants of those who survived the previous removal took on an even greater role in the controversy. Local farmers, activists, environmentalists, archaeologists, and the Tennessee Valley Authority all sought to gain the support of Cherokees in Oklahoma and North Carolina. Each of these groups had different interests in mind and sought to use Cherokee support for their own reasons: farmers thought Cherokee opposition to the dam could help them keep their farms; environmentalists wanted the public relations boost of Indian allies; archaeologists wanted to either use Cherokee participation to legitimate their work or use Cherokee opposition to the dam to preserve archaeological sites for future investigation; and the Tennessee Valley Authority wanted Cherokee support to help silence the other critics of the dam.

Throughout this period larger changes were taking place that dramatically shaped Cherokee participation in the Tellico Project. Perhaps the most important of these changes was the intersection of the American Indian and environmental movements. While these movements had different origins and different aims, they came together in the late 1960s and early 1970s, as American Indians became a symbol of how modern American society had erred in its relationship with the natural world. American Indian activists, driven by the latest round of repressive government policies during the 1950s

and 60s, thrust themselves back into the public's awareness through a series of protests at places such as Alcatraz Island, the Bureau of Indian Affairs, and Wounded Knee. In the midst of this, the legacy of Cherokee Removal remained central to debates over Cherokee identity, representations of Indianness, and strategies for sovereignty in the fight over the Tellico Dam during the late 1960s and early 1970s.

Local landowners, hoping to avoid their own removal, would join with the Environmental Defense Fund to try to stop the dam through legal action under newly enacted environmental laws. In the process they would attempt to draw on the memory of Cherokee Removal and the symbolic power of the "Crying Indian" by gaining the support of contemporary Cherokee people and highlighting the potential destruction of Cherokee sites in order to raise awareness and funds for their fight. At the same time, Cherokee leaders in Oklahoma and North Carolina became divided over their approaches to the Tellico Project and the potential use of their image as Indians. These differing perspectives were shaped largely by the divergent experiences of their nations since removal. Additionally, a cadre of imposter Cherokees, capitalizing on the sympathy generated by the memory of removal, thrust themselves into the debate surrounding the Tellico Dam.

### **A New Removal Begins: Land Purchasing and Evictions in the Little Tennessee River Valley**

During the late 1960s, once the Tellico Project received its first round of appropriations from Congress, the Tennessee Valley Authority began the process of removing people from the valley to make way for the reservoir and future developments.

While some of those removed saw the Tellico Project as a means of lifting themselves and future generations out of poverty, others sought new paths to slow or stop the project. Many simply gave in to the power of the Tennessee Valley Authority and left, but others refused and began to look for new allies and strategies for resistance.

One October day in 1966, Dillon “Pat” Moroney was working at his grocery store and gas station on highway 411, near Maryville, Tennessee. Moroney owned a farm on a large bend in the Little Tennessee River that had been passed down in his family since the early 1800s. Before that time, the land was owned by a Cherokee man named Old Bark, who took a reserve under the treaty of 1819 in an effort to protect the site of Chota, the former political and spiritual center of the Cherokee Nation. While Old Bark quickly lost control of Chota, Moroney’s family moved onto the land and farmed it, growing many of the same crops that Cherokee women had grown on that land for generations. When Moroney first heard about the Tellico Project he was an ardent supporter. While he did own a farm and expected to lose a few acres to the reservoir, he was also a business owner and thought that the project would improve the economy of the area. Moroney not only supported the project, but also served as a member of the Board of Directors of the Tellico Tri-County Development Association, which was created to bring together local business leaders and proponents of the project. So when a Land Appraiser for TVA named Thomas Joster dropped by Moroney’s store that fall day, he assumed that discussions surrounding the appraisal of his farm would go smoothly, and at first, they did.<sup>1</sup>

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<sup>1</sup> Thomas W. Joster to W.M. Roodor, October 31, 1966 in National Archives and Records Administration, Record Group #142, Tennessee Valley Authority, Natural Resources,

Joster visited the store to introduce himself and gain permission to visit his farm. Moroney replied that while he was more than happy to cooperate, he wanted to be on the property when it was appraised. Later that day, Joster and another TVA employee drove to the farm with the “...intention...to drive through it, down to the old ferry, turn around, and drive out.” While they were there they stopped to talk with a tenant farmer named Mr. Summey, who showed them around the farm. The following week, when Jester returned to the store, Moroney yelled at him for being on the farm without him. Jester was “...surprised and shocked to find him angry and harsh towards me...” Moroney compared Jester’s actions with those of Justice William O. Douglas, who’d met with representatives of the Eastern Band on his farm in the spring of 1965, also without his permission. Moroney forbade his tenant from letting anyone else on the property. Another TVA official wrote that this “...incident only illustrates the extreme care and sensitivity our people must employ in their dealings with all land owners and particularly those in the Tellico area. A few thoughtless incidents of this kind could jeopardize Tellico all over again.”<sup>2</sup>

While Pat Moroney continued to support the Tellico Project, his letters to TVA over the next two years demonstrated his deep connection to the land and his own personal struggle to hold on to his family’s farm. Moroney’s family was the “oldest continuous landowner on the Little Tennessee River,” and thus an important ally for TVA in its attempt to win the support of local residents. In February of 1967, Moroney wrote

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Office of Tributary Area Development, box # 38, folder 230 Tellico October-December, 1966.

<sup>2</sup> Ibid.; Office of the General Manager to Mr. Ashford Todd, Jr., November 11, 1966, in National Archives and Records Administration, Record Group #142, Tennessee Valley Authority, Natural Resources, Office of Tributary Area Development, box # 38, folder 230 Tellico October-December, 1966.

to TVA to ensure that the portion of his family's land that was not going to be flooded by the proposed reservoir would stay in their possession. In a letter to TVA's Chairman, Aubrey Wagner, Moroney stated that "...Mother left the Choto farm to me in her will, expressing her desire that the remaining land not covered by water would remain in the family and be handed down to future generations." Moroney reminded TVA of his support for the project, saying that he had "spent considerable time and money promoting the project...and believed [he] would be entitled to keep the remaining part of our property for private development."<sup>3</sup>

Although Moroney felt "certain that T.V.A. [would] not turn a deaf ear to [his] suggestion" that they leave the remainder of his farm in his family's possession, TVA had other plans for the land around Chota. Moroney wrote that he had heard rumors that TVA planned on seizing all of the land between the Tellico and Little Tennessee Rivers and turning them over to the State Game and Fish Commission. Moroney suggested that TVA only take land near the joining of the two rivers, and not any further back. He stated that while

[n]early, if not all, property owners and people living in this lower triangle bitterly opposed the project...[t]aking any land further up may cause hard feelings toward me and the T.V.A. by those people who are greatly disturbed by the idea of having their property purchased and turned over to the Game and Fish commissions who so bitterly opposed the Tellico Project at home and [in] Washington D.C.

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<sup>3</sup> Dillon Moroney to Representative Michael J. Kirwan, April 5, 1966, in National Archives and Records Administration, Record Group #142, Tennessee Valley Authority, Natural Resources, Office of Tributary Area Development, box #38, folder April-June 1966; Dillon (Pat) Moroney to Mr. Aubrey J. Wagner, February 13, 1967, in National Archives and Records Administration, Record Group #142, Tennessee Valley Authority, Natural Resources, Office of Tributary Area Development, box # 38, folder 230 Tellico Jan-Feb 1967.

Moroney himself found the thought of his own family's land ending up "...in the hands of the State Commission...most repulsive." However, despite his support for TVA and his personal attachment to the land at Chota, by January of 1968 Moroney had become "reconciled to the fact that TVA [would] purchase all of his farm for the Tellico Project."<sup>4</sup>

Moroney's story demonstrates that even for supporters of the project, the intrusive nature of actually being removed from the land to make way for other uses, and other people, was a traumatic experience. Even those who supported the project, like Moroney, did not have a choice in whether or not to leave their homes. TVA surveyors fanned out across the area charting the elevation line of 813 feet above sea-level and mapped out what additional lands TVA would take. For those who fell within the taking line, most received a letter from the Tennessee Valley Authority near the end of 1966. If their land was to be taken, they could either accept TVA's appraisal offer, which would come later, or they could appeal the offer to a panel of commissioners, appointed by the US District Court, which was known to be friendly to TVA's interests. Most simply accepted TVA's offer and moved—some willingly, others grudgingly—but still others attempted to stay on their lands and fight to stop the dam.<sup>5</sup>

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<sup>4</sup> Dillon (Pat) Moroney to Mr. Aubrey J. Wagner, February 13, 1967, in National Archives and Records Administration, Record Group #142, Tennessee Valley Authority, Natural Resources, Office of Tributary Area Development, box # 38, folder 230 Tellico Jan-Feb 1967; Marvis D. Cunningham to John S. Barron, January 9, 1968, in National Archives and Records Administration, Record Group #142, Tennessee Valley Authority, Natural Resources, Office of Tributary Area Development, box #38, folder 230 Tellico 1968.

<sup>5</sup> "Questions and Answers about TVA Land Acquisition for Tellico Dam and Reservoir," 11/66, in National Archives and Records Administration, Record Group #142, Tennessee Valley Authority, Natural Resources, Office of Tributary Area Development, box # 38, folder 230 Tellico October-December, 1966.

Pat Moroney was not the only supporter of the project who was inadvertently hurt by the removal process. Calvin McCammon and his wife were attempting to sell their farm along the Little Tennessee River before Tellico appropriations were passed. Both were elderly and in ill health, which prevented them from being able to continue farming their land. Once the appropriations were passed, no one would purchase the land because they feared that it would be flooded or seized as part of the project. In 1968 McCammon wrote, “[I]ast year I borrowed money to live on thinking by this year T.V.A. would purchase our property...but I...was advised that it would be 69 or later before it would be bought.” While McCammon said that he was renting out the farm to bring in what income he could, it was not enough. He wrote, “frankly I don’t know what I can do I cant [sic] borrow more for I cant [sic] make enough to pay our principle and interest.”<sup>6</sup>

While some local landowners supported TVA, most were opposed to giving up their homes. Vonore resident Barney Ray responded to the accusation that the local residents who opposed the dam were “...land speculators who just recently moved into the area” by offering

...a partial list of families who now own or had owned (before TVA bought) their land for anywhere from two generations to six generations—some for as long as 152 years: Weirs, Halls, Johnsons, Milligans, Davises, Sniders, Niles, Clarks, Pughs, Harrisons, Andersons, Sloans, Mosers, Carsons, McCammons, Kennedys, Hancocks, Milsaps, Grays, Gentrys, Griffiths, McGees, Fowlers, and Robinsons.

Ray, who stated that his family had owned land in the valley since 1820, wrote that it would be “...a tragedy for these substantial people to be uprooted from the lands they and

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<sup>6</sup> Calvin McCammon to Au[b]rey Wagner, June 3, 1968, in National Archives and Records Administration, Record Group #142, Natural Resources, Office of Tributary Area Development, box #38, folder 230 Tellico 1968.

their ancestors have managed so well all these years.” Many of these families reluctantly accepted TVA’s purchase price, but others refused to give in without a fight.<sup>7</sup>

The land appraisal process generated a tremendous amount of opposition from some residents who had not previously played an active role in the controversy. Thomas Burel Moser’s family owned 5 acres near the town of Vonore, Tennessee, and traced their roots in the valley back to the early 1800s. In a 2005 interview Moser described the difficulty of working with TVA appraisers, saying “You couldn’t talk to them or reason with them. There’s no reasoning, it was their way or nothing, of course they’ve got the whole federal government behind them, so you don’t really have no way to go.” While only 1/3 of an acre of Moser’s land would be covered by the reservoir, he was offered \$12,850 for his all of his land and his family’s home. Moser refused TVA’s offer and began a protracted struggle to hold on to his home and community.<sup>8</sup>

In September of 1971, Moser attempted to have an investigation opened into TVA’s land-buying practices. He wrote to the US Attorney General, John Mitchell, claiming that TVA supporters had been paid far more for their property than landowners who refused to support the project. While Moser and other landowners did not have the means to carry out a thorough investigation, they found that six TVA proponents “...received collectively over a million dollars for their farms.” One such person, Ray Jenkins, was paid \$175,600 for a farm he had bought for \$35,000 in 1945. While TVA claimed that the value of Jenkins’s property had risen dramatically during the 20+ years

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<sup>7</sup> Barney Ray, “Landowners of Long Standing in Area of Dam Project Listed,” *Knoxville News-Sentinel*, July 16, 1972 in *The Tellico Dam: News Stories, Mar. 1, 1972 – Dec. 27, 1972, supplement, vol. 6* in TVA Corporate Library, Knoxville, TN.

<sup>8</sup> Interview with Thomas B. Moser, October 14, 2005.



since he bought it, this did little to alleviate local residents' suspicions of preferential treatment to supporters of the project.<sup>9</sup>

TVA condemned Moser's property in October of 1971, only four months before the issuance of an injunction that temporarily restrained the agency from condemning property related to the project. Despite this, Moser continued to occupy his home in the hope that the project would be stopped for good. He refused to accept TVA's original offer of \$12,500 and contested its appraisal of his property. During his fight for a jury trial, he was forced to appeal to a three-person committee that had been established to hear such cases. After reviewing Moser's case, the committee offered him only \$11,500, one thousand dollars less than TVA's original offer for his home and land. TVA later increased the offer to \$14,500, but Moser still refused to take the check. He reported that "[t]he TVA land buyer bragged to me that TVA could deposit the money for my property in the bank and then evict me without my ever signing anything. It's a sad day for America when agents of the federal government feel that they can intimidate citizens." In a letter to Representative John Duncan, Moser wrote that he would continue to refuse TVA's offer, saying, "I will retain possession of my property until forced off. My 78-year-old mother who lives with me is in failing health and is certainly not looking forward to eviction from the home where she has lived for 40 years."<sup>10</sup>

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<sup>9</sup> Thomas B. Moser to the Honorable John N. Mitchell, September 1, 1971 and Robert H. Marquin to Thomas B. Moser, October 6, 1971 in National Archives and Records Administration, Record Group #142, Tennessee Valley Authority, Natural Resources, Office of Tributary Area Development, box #38, folder 230 Tellico July-Dec. 1971.

<sup>10</sup> *United States of America, upon the relation and for the use of the Tennessee Valley Authority v. 4.7 acres of land, more or less, in Monroe County, Tennessee, Thomas Burel Moser*, no. 7561, United States District Court for the Eastern District of Tennessee, Northern Division and Thomas B. Moser to Representative John Duncan, June 12, 1973, in National Archives and Records Administration, Record Group #142, Tennessee Valley

Others were also alarmed by the treatment they received from TVA's land appraisers. Ross L. Stratton, who was also a resident of Vonore, was offered \$17,000 for his home, which was less than 1 year old. Unlike Moser, none of Stratton's land was going to be covered by the reservoir. He wrote to Tennessee Senator Albert Gore, claiming that the appraisal practice was unfair, saying "In fact they will tell us nothing. They act like we can take their price or else...I wish you would look into this and get these people to pay us for taking what we have." Stratton, like Moser, refused TVA's offer.<sup>11</sup>

Another farmer, C.H. Boone, also complained of abuse from TVA appraisers. Boone, who was a Korean War veteran, owned 34 acres that he used for grazing cattle. He reportedly found six TVA employees boring holes into his field. Boone wrote that "...after a winter rain—they had driven four T.V.A. veehiles [sic] all over the field to carry 6 men. I ask them why and they let me know how I would pay later for challangen [sic] their rights to abuse my property." Boone was told that TVA would take 27.1 acres of his land, and was offered \$136 per acre for it. He wrote also to Senator Gore to protest what he considered an unjust price. Boone pleaded for help, saying, "Now Mr. Gore, I ask you where can I replace 27 acres with one big creek and a feeder creek running through it—for \$136 dollars per acre[?]" Boone stated that the appraisers threatened him with the prospect of getting even less if he took his case to court, prompting him to write "now I don't have the money for court. I don't want to get rich, money means little to

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Authority, Natural Resources, Office of Tributary Area Development, box# 37, folder 1973.

<sup>11</sup> Ross L. Stratton to Albert Gore, Feb. 20, 1968, in National Archives and Records Administration, Record Group #142, Tennessee Valley Authority, Natural Resources, Office of Tributary Area Development, box #38, folder 230 Tellico 1968.

me... They just laughed at me and said you will sign after we let you sweat awhile.”

While TVA undoubtedly wielded a tremendous amount of power over the valley’s residents, those opposed to the dam continued to seek out ways to protect their homes.<sup>12</sup>

The Association for the Preservation of the Little Tennessee River served as a vehicle for uniting all of these viewpoints into one organization with the sole purpose of stopping the Tellico Project. John Lackey, who owned land along the Little Tennessee River, served as president of the APLTR. Lackey worked feverishly throughout 1967 in an attempt to keep appropriations from being passed in 1968. Pat Moroney, despite his own growing reluctance to give up his family’s property, reported to TVA that the opposition argued three major points for not funding the project: First, opponents argued that the funds could be better spent by the Defense Department, presumably to pay for the Vietnam War. Secondly, they hoped that since the prior year’s appropriations were relatively small, Congress would not feel obligated to continue paying for the project. And finally, they hoped that a legal challenge would ultimately bring an end to TVA’s land-buying program. Although appropriations were again passed in 1968, the APLTR continued to search for a strategy to stop the dam and prevent their own removal. Ironically, the APTLR would achieve some of its greatest success preventing their own removal by joining with environmentalists in drawing upon the memory of Cherokee Removal.<sup>13</sup>

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<sup>12</sup> C.H. Boone to Honorable Albert Gore, Oct. 14, 1970, in National Archives and Records Administration, Record Group #142, Tennessee Valley Authority, Natural Resources, Office of Tributary Area Development, box #38, folder 230 Tellico July-Dec. 1970.

<sup>13</sup> Marvis D. Cunningham to Bernard H. Zellner, January 9, 1967, in National Archives and Records Administration, Record Group #142, Tennessee Valley Authority, Natural Resources, Office of Tributary Area Development, box #38, folder 230 Tellico Jan.-Feb.

## **Crying Indians and Environmental Impact Statements**

Environmentalists and environmental organizations had been involved in the Tellico fight since the beginning, but during the early 1970s these issues came to the forefront of the controversy. The environmental movement itself was undergoing significant changes during this period that were reflected in the debates surrounding the Tellico Dam. Some of those who first opposed the project such as the Tennessee Game and Fish Commission(TGFC), Trout Unlimited, and the Izaak Walton League could best be described as conservationists aimed at preserving the river for recreational fishing. However, a new breed of environmentalist, epitomized by the Environmental Defense Fund (EDF), was more concerned with preserving ecosystems and reducing litter and other forms of pollution. They also altered in strategy, fighting for their goals through the courts and encouraging the passage of strict environmental laws. Once they took the lead in opposing the Tellico Project they quickly began to seek out the Cherokees as allies in their fight, and sought to use the “reservoir of good will” the general public held toward the Cherokee Nation as a result of the Trail of Tears. The Cherokee Nation in Oklahoma engaged in a contest with the Environmental Defense Fund over how Cherokee history and Cherokee identity would be defined and used in relation to the project, with leaders in the Cherokee Nation ultimately deciding to support their ancestral homeland rather than play the “crying Indian.”

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1967; “New Little T Protest Brewing,” June 6, 1967, *Knoxville News Sentinel*, (Knoxville, TN) in *The Tellico Dam: News Stories, 1966-67, Supplement vol. 2*, TVA Corporate Library, Knoxville, TN.

While the Tennessee Game and Fish Commission had remained quiet on the issue of Tellico following the passage of appropriations, it resumed its opposition in 1971. In August of that year it passed a resolution “in opposition to the destruction of the remaining 33 miles of free-flowing Little Tennessee River.” The TGFC cited the “combination of watershed protection, metered flow, supply of fish food organisms and stable habitat conditions” as responsible for making the Little Tennessee River “the most unique and productive ecosystem for trout and aquatic invertebrates existing in the eastern United States.”<sup>14</sup>

Supreme Court Justice William O. Douglas, who, as discussed in the previous chapter, was an avid trout fisherman and had publicly opposed the dam in 1965, returned to the valley in 1969. He wrote an article about the Tellico Project that was originally going to be published in *National Geographic*, but was eventually dropped, reportedly because over fears that publishing an anti-TVA article could jeopardize potential grants from the federal government. Instead Douglas’s article was published in *True*, a men’s sporting magazine, and it attacked the Tellico Project not only for its effect on trout-fishermen, but also for the dislocation of farmers and the destruction of Cherokee town sites. Douglas described the Little Tennessee River as “picturesque” and “Tennessee’s finest trout river.” While he admitted that the river did not naturally support trout, he correctly pointed out that previous dams on the river had changed its temperature to the point that it was unsuitable for its native aquatic inhabitants. Because of this, trout began

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<sup>14</sup> Resolution of the Tennessee Game and Fish Commission in National Archives and Records Administration, Record Group #142, Tennessee Valley Authority, Natural Resources, box # 38, folder 230 Tellico July-Dec. 1971.

to be stocked in the river by the Tennessee Game and Fish Commission, and had since thrived in its artificially cool waters.<sup>15</sup>

The publication of Douglas's article arguably did more to hurt the opposition to the dam than help it. Kirk Johnson, an avid trout-fisherman and former member of the APLTR, described the publication of Douglas's article as a "real low-point" in the fight against Tellico. In a 2009 interview, Johnson described it as a "terrible article" because of its focus on emotional, rather than technical issues, and resulted in TVA having a field day with Douglas's numerous factual errors. Paul Evans at TVA sent a copy of Douglas's article to Andrea Potash, a fact checker at Reader's Digest, who assisted in picking apart Douglas's article. Potash, apparently a strong supporter of TVA, wrote back saying "I have not seen a job of reporting quite as sloppy and irresponsible as his was...Thanks again for sending me the last act (I hope) in the saga of Justice Douglas vs. TVA." Soon after this TVA began circulating a report entitled "Facts About TVA'S Tellico Dam: An answer to Justice Douglas," which systematically dismantled Douglas's article. For some opponents of the dam like Johnson, it seemed as if the fight over Tellico might have ended with TVA's response to Justice Douglas.<sup>16</sup>

Little did he, or anyone else at the time, suspect that Douglas had predicted with startling accuracy the way the project would be stopped. Douglas ended his article with a plea to use the 1968 Wild and Scenic Rivers Act as a means for permanently protecting

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<sup>15</sup> William O. Douglas, "This Valley Waits to Die," *True Magazine*, May, 1969, in NARA, RG 142, TVA, General Manger's Files, Board of Directors, Smith-Wagner-Hays-Welch Correspondence, box #25, 230 Tellico 1969-1970.

<sup>16</sup> Interview with Kirk Johnson, 2009; Andrea Potash to Paul L. Evans, 8/21/69 and "FACTS ABOUT TVA'S TELLICO DAM: An Answer to Justice Douglas," in National Archives and Records Administration, Record Group #142, Tennessee Valley Authority, General Manger's Files, Board of Directors, Smith-Wagner-Hays-Welch Correspondence, box #25, folder 230 Tellico 1969-1970.

the lower Little Tennessee River from development by the Tellico Project. While that ultimately would not stop the dam, the passage of another statute, the National Environmental Policy Act of 1969 (NEPA), proved to be a powerful tool for opponents of the Tellico Project, and framed the next major phase in the controversy. Originally the APLTR hired a local lawyer, Robert Eckles, who briefly worked on preparing a case against the Tellico Dam, but it was quickly passed on to Environmental Defense Fund (EDF), which offered to take on the case pro-bono.<sup>17</sup>

The Environmental Defense Fund represented a new phase in the environmental movement, as well as a new kind of environmentalist. It formed in response to the 1962 publication of one of the seminal works in the environmental movement, Rachel Carson's *Silent Spring*. Carson's work detailed the negative effects of the use of the pesticide DDT on ecosystems, particularly on birds, but also on human beings. Her work energized a new wave of environmentalists who were not simply concerned with the protection of scenic landscapes or charismatic species, but rather with whole ecosystems and issues like pollution. The Environmental Defense Fund started when a group of concerned scientists joined together in 1967 to push for a ban on DDT, but did so through a relatively novel approach—by hiring a lawyer and taking their case to court—eventually securing a ban on it in 1972. Environmental issues came to the forefront of public discourse during the late 1960s, resulting in the formation of numerous groups like the EDF, the passage of a string of tougher environmental laws, and the creation of a new

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<sup>17</sup> Brenton Ward to Editor, Loudon County Herald, January 20, 1972, in *The Tellico Dam: News Stories, January 1, 1972 – Feb. 29, 1972, supplement, vol. 5*, TVA Corporate Library, Knoxville, TN; *Environmental Defense Fund et al., v. Tennessee Valley Authority, Aubrey Wagner, Chairman, Tennessee Valley Authority*, 339 F. Supp. 806, 1972; Interview with Mac Pritchard, 2009.

holiday, Earth Day, which, as opposed to Arbor Day, symbolized the modern environmental movement's holistic approach to conservation.<sup>18</sup>

The Environmental Defense Fund's strategy centered on suing the Tennessee Valley Authority for failure to comply with the National Environmental Policy Act of 1969. The NEPA required that all projects receiving federal funding had to complete an Environmental Impact Statement (EIS), describing the impact of the project on things like water or air quality, habitat loss, and even archaeological resources. While the Tellico Project would certainly have a significant impact on the local environment, it was not entirely clear whether the law could be applied to projects which had already begun. TVA argued that since the project was in progress, they did not need to comply with the act, but the EDF contended that since TVA requested additional appropriations from Congress after the passage of the Act, it had to file an EIS to comply with the law.<sup>19</sup>

When TVA received word that the EDF had taken an interest in the Tellico Project, it attempted to pressure EDF board members into backing off of the case by labeling them as far right extremists who were only attacking the dam as a front for private power interests. TVA Director Frank Smith wrote to Lee C. White, a former TVA attorney and current member of board of trustees for the EDF, in an effort to deter the EDF. Smith wrote that "[t]he whole basis for the opposition to the Tellico project...is opposition to economic and social progress in Tennessee." He continued, "I hope that you and some of the other fine people on the Board of the Environmental Defense Fund

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<sup>18</sup> Rachel Carson, *Silent Spring* (Boston: Houghton Mifflin, 1962); Environmental Defense Fund, "Origin and History," <http://www.edf.org/page.cfm?tagID=362> accessed on 9/25/09.

<sup>19</sup> *National Environmental Policy Act of 1969*, Pub. L. 91-190, 42 U.S.C. 4321-4347, January 1, 1970.



will check into these activities before the organization becomes too firmly established as a branch of the John Birch Society.” While the EDF did not back down following this threat, they would later be hounded by the same suspicions of being a front for far-right extremists when they attempted to enlist the Cherokee Nation. The John Birch Society had enjoyed a fair degree of popularity during the late 1950s and early 1960s, but as Lisa McGirr demonstrates in *Suburban Warriors*, the organization had largely fallen into ridicule by the early 1970s.<sup>20</sup>

In addition to organizations such as the Environmental Defense Fund, many ordinary citizens were motivated to oppose the flooding of the Little Tennessee River valley as part of this new wave of environmentalism. Harry Chase owned a tree nursery in Alabama and contacted Senator John Sparkman after a visit to the Little Tennessee River valley. Chase, drawing on the gendered imagery of feminine nature, wrote that he “...saw rape getting ready to take place yesterday,” and “...our TVA is the would be raper [sic] in this case.” He opposed the flooding of “...fertile farm lands where the tobacco grows as high as my head, where the corn is bountiful, ...and the farm steads [sic] are prosperous....” He urged Senator Sparkman to address the issue of Tellico, citing the “...preservation of some of our natural resources,” as grounds for stopping the project.<sup>21</sup>

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<sup>20</sup> Frank E. Smith to the Honorable Lee C. White, August 9, 1971, in National Archives and Records Administration, Record Group #142, Tennessee Valley Authority, General Manager’s Files, Board of Directors, Smith-Wagner-Hayes-Welch, Correspondence, box # 25, folder 230 Tellico, 1971; Lisa McGirr, *Suburban Warriors: The Origins of the New American Right* (Princeton: University of Princeton Press, 2001).

<sup>21</sup> Harry H. Chase to Hon. John Sparkman, August 30, 1969, in National Archives and Records Administration, Record Group #142, Tennessee Valley Authority, Natural Resources, Office of Tributary Area Development, box# 38, folder 230 Tellico July-Dec. 1969.

Another young environmentalist protestor took out his or her anger over the destruction of the valley on one TVA official's front door. Director Frank Smith wrote a memo in June 1971 saying that someone had pelted his front door with 3 or 4 eggs. According to the memo, his son later discovered that it was a young "ecology freak" who was protesting the Tellico Dam. While Smith wanted to report the act of vandalism, he decided against taking any further action because the identification of the perpetrator was "based on youthful confidence."<sup>22</sup>

On August 11, 1971, the Environmental Defense Fund filed suit in Washington DC against the Tennessee Valley Authority, seeking an injunction to stop construction on the Tellico Dam Project. The EDF was joined in its suit by the APLTR, Trout Unlimited, Thomas Moser, and Earl Boyd Pierce of the Cherokee Nation. Brown and Pierce spoke on the phone on August 9, about the Tellico Project, and two days later Pierce called and told Brown to add his name to the lawsuit as General Counsel of the Cherokee Nation—but withheld permission to add the Cherokee Nation itself as a co-plaintiff. But Brown's desire for having the Cherokee Nation as partners in the case was likely not limited simply to adding on another interested party in the suit. Changing ideas about Indians and the environment made Cherokees, in particular, a highly powerful symbol that the EDF could use to gain public support.<sup>23</sup>

Earlier that year, Keep America Beautiful, an environmental organization that targeted reducing litter and recycling, debuted its now famous "Crying Indian"

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<sup>22</sup> Frank Smith to Lynn Seeber, June 23, 1971 in National Archives and Records Administration, Record Group #142, Tennessee Valley Authority, General Manager's Files, Board of Directors, Smith-Wagner-Hayes-Welch, Correspondence, box # 25, folder 230 Tellico, 1971.

<sup>23</sup> Brown to EBP, 8/9/71, Cherokee National Archives, Earl Boyd Pierce, box #53, folder LPTR 4 of 6.

commercial on Earth Day—forever cementing the connection between the perceived decline of American Indians and the destruction of the natural world. While this connection had older roots, the commercial renewed this ideal for a new generation, a new kind of environmentalist, and a new understanding of what it meant to be Indian—for both Indians and non-Indians. The commercial featured Iron Eyes Cody, an actor who had made his career playing American Indians and claimed to be Cherokee—though reporters later discovered that his background was actually Sicilian. Cody appeared in the commercial wearing fringed buckskins paddling a canoe down a scenic river. As he goes further down the river, dramatic music plays in the background. Eventually the scenery changes from a wild river to a polluted one running right by a large chemical factory. Eventually Cody pulls his canoe ashore and walks through by piles of litter up to a highway. As he stands there, stoically looking on as the cars go by, one passenger throws a bag full of fast food at his feet. Cody slowly turns to face the camera as a sole tear runs down his cheek.<sup>24</sup>

While a key portion of that environmental impact statement hinged on the archaeological resources that would be destroyed, the EDF's interest in having the Cherokee Nation as co-signers had a larger purpose—drawing public sympathy by playing on the discourse of the crying Indian. In a letter from Jon Brown to W.W. Keeler, Brown wrote that “in the battle to save the Little T, one of our most powerful weapons is an informed and aroused public opinion...[N]ow that the nation has been informed of the prospective devastation of the Cherokee homeland, we believe it is important that the Cherokee Nation itself make public its opposition to the project.” The Cherokees, perhaps

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<sup>24</sup> “Crying Indian,” Keep America Beautiful, April 20, 1971, <http://www.youtube.com/watch?v=j7OHG7tHrNM>.

more than all other Indians, have a hold on the non-Indian imagination as one of, if not the most *tragic* of all Indian nations. The one distinction most non-Indians know about Cherokees is that they were removed on the “Trail of Tears.” Perhaps it should be no surprise then that the most famous crying Indian of all—Iron Eyes Cody—claimed to be Cherokee. The memory of Cherokee Removal, when combined with a modern day desecration of Cherokee sites and a scenic river valley, promised to be a powerful image for gaining public support and funds to continue the case. Unfortunately for the EDF, Earl Boyd Pierce had other ideas.<sup>25</sup>

Following the publication of news stories about the Tellico Dam and the destruction of Cherokee sacred sites, the APLTR offices were “flooded with donations” from concerned citizens throughout the nation. The petition drive it initiated had received thousands of signatures against the dam. Volunteers reported that people had visited them “...from Illinois, New York, Florida, Georgia, Virginia, West Virginia, Michigan, California, Rhode Island, North Carolina, and other states...” who gave their support to the organization. One of the directors of the APLTR, Douglas Williams, stated that members of the organization ranged “...from the far left to the far right. We have ultra liberals and ultra conservatives. We even had some TVA employees come in to sign our petition.” In addition to petitions and letter writing campaigns, the APLTR put up a “score of billboards” throughout Knoxville that read “Save the Little T (Anyone can make a lake. Only God can make a River).” While these publicity efforts brought in financial and moral support for the organization, the image of concerned, abused

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<sup>25</sup> Brown to Keeler, 10/26/31, Cherokee National Archives, Earl Boyd Pierce, box #53, folder TPonLT 3 of 6.

Cherokees hoping to prevent the flooding of their ancestral homeland likely played a significant role in drawing in nationwide support for the APLTR.<sup>26</sup>

Following the dismissal of the EDF's first suit because the case was filed in the wrong jurisdiction, Pierce quickly began to lose faith in Brown and grew suspicious of his and the EDF's intentions. After Brown's case failed and they sought to refile it, Pierce withheld permission to use his name, but told him that if the case stayed in court, this time he "would consider either intervention or, with leave of court, file a brief, *amicus curiae*." In October of 1971 Pierce traveled to Calhoun, Georgia and met with Mac Pritchard, the State Archaeologist for Tennessee and a long-time opponent of the Tellico Project. Pritchard was currently in talks with the governor's office to secure both Red Clay, Tennessee (the last Cherokee capital before Removal) and Chota as State Archaeological Parks. While Pierce seemed supportive of protecting the sites, he advised Principal Chief Keeler in late November to wait on making a decision until they could see how these events unfolded. Pierce also expressed an interest in taking "a good long look at the Petition as well as reflect on the forces which are supporting the attorneys who professed to represent the Environmental Fund in Washington."<sup>27</sup>

By late December Pierce urged Keeler to be cautious in handling the case for the "preservation and *reputation* of the Cherokee Nation." Pierce wrote a friend who worked with the Chattanooga Power Board, States Rights Finley, asking him about who was financially backing the Environmental Defense Fund's case against Tellico. Finley told

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<sup>26</sup> " "Save Little T' Offices Flooded by Donations" *Knoxville Journal*, December 20, 1971 and "Anti-Dam Plea," *Knoxville Journal*, May 27, 1971 in *The Tellico Dam: News Stories, 1971, supplement vol. 4*, TVA Corporate Library, Knoxville, TN.

<sup>27</sup> Pierce to Keeler, 11/30/71 in Cherokee National Archives, Earl Boyd Pierce, box #52, folder Tellico Project on Tennessee River #1.

Pierce that “at least some of the opposition to it stems from the old private-power fight.” While Pierce was himself a fierce anti-Communist, he apparently did not go so far as to question the compatibility of the TVA with that of his belief in a capitalist America. As will be discussed more in the next section, Pierce was an anti-radical more than anything else. And while he seemed to especially dislike radicals on the left, associating with those on the right (such as those who considered TVA to be an overreach of government authority), and especially associating the Cherokee Nation and its business with far right radical groups, like the John Birch Society, against the United States would have seemed to him a dangerous strategy for protecting Cherokee interests.<sup>28</sup>

On January 11, 1972 the US District Court in Knoxville issued an injunction halting the completion of the Tellico Dam until TVA complied with the NEPA and filed an EIS.<sup>29</sup> As the EDF’s case continued without the Cherokee Nation, Pierce began negotiations with the TVA over the control of the hundreds of thousands of artifacts and hundreds of human remains that would be removed from the reservoir—hoping that some of these artifacts would be used at the Cherokee Nation’s Museum that was being constructed in Tahlequah. A committee was formed in February of 1972, which will be discussed in further detail in the next section, to evaluate the stance of the Cherokee Nation towards Tellico. In April of that year, the committee decided not to involve the Nation further in the Tellico controversy. Issues of representation played a significant role in the debates leading to that decision. A letter from Pierce to Keeler states that he

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<sup>28</sup> Pierce to Finley, 1/24/72 and Finley to Pierce, 1/31/72 in Cherokee National Archives, Earl Boyd Pierce, box #53, TPonTR #1; Hagerstrand to McBride, 2/11/72, in Cherokee National Archives, Earl Boyd Pierce, box #53, folder TPonTR #1; Pierce to Keeler, 2/14/72, in Cherokee National Archives, W.W. Keeler, box# 21, folder 173a.

<sup>29</sup> *Environmental Defense Fund, et al., v Tennessee Valley Authority*, 339 F. Supp. 806, 1/11/72.

had “never participated in a matter with Cherokees more dedicated and *concerned with the Cherokee image and the preservation of the reputation of the Cherokee Nation...*” [emphasis added].<sup>30</sup>

But despite Pierce’s refusal to continue supporting the EDF in its case, Brown continued to draw on the destruction of the Cherokee sites in the valley in an effort to gain public support for their case. The following year, Brown had an article published in the journal *Historic Preservation* entitled “The Second Trail of Tears.” In it Brown began by describing the familiar story of how thousands of Cherokee died while being forced to march to Oklahoma, while others hid out in the mountains, eventually reconsolidating as the Eastern Band of Cherokee Indians. He then goes on to describe the Tellico Project as a “20th-century Trail of Tears [that] is more silent, and less violent than the first. It comes wearing the shibboleths of the American ethic—progress, enhancement of the natural environment, and economic development.” Throughout the article Brown details the archaeological and historical (as well as environmental) resources of the valley and ends with a call for support—saying that “without the concerted help and dedication of other citizens around the country, it is clear that the homeland of a great people will be buried forever under the final Trail of Tears of the Cherokee Nation.” Thus Brown’s article invoked the twin chords of environmentalism and Indian sadness. Just like the polluted river Cody canoes down in the Keep America Beautiful spot, the Little Tennessee River might also be destroyed by American recklessness.<sup>31</sup>

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<sup>30</sup> Pierce to Finley, 1/24/72 and Finley to Pierce, 1/31/72 in Cherokee National Archives, Earl Boyd Pierce, box #53, folder TPonTR #1; Hagerstrand to McBride, 2/11/72, in Cherokee National Archives, Earl Boyd Pierce, box #53, folder TPonTR #1; Pierce to Keeler, 2/14/72, in Cherokee National Archives, W.W. Keeler, box #21, folder 173a.

<sup>31</sup> Jon T. Brown, “The Second Trail of Tears,” 24 *Historic Preservation* (1972): 40-41.

TVA's publicity department quickly lashed out at Brown and attempted to discredit his article, in the process demonstrating that they too could make allusions to Cherokee Removal. Paul Evans, the Director of Information for the Tennessee Valley Authority sent a letter to the editor of *Historic Preservation* claiming that the article was "full of inaccuracies, and the premise that the project should be halted because it will "bury forever much of the historic heritage of the Cherokee Nation" has been rejected by the Cherokee Nation itself." The letter went on to detail the Cherokee Nation's decision not to involve itself further in the controversy and explained TVA's long commitment to supporting archaeological work in areas that will be flooded by its dams. Evans concluded by stating the potential benefits of the Tellico Project, saying that "these opportunities should not be squandered on the basis of unfounded charges such as those made by Mr. Brown. That would indeed be a new "trail of tears." Despite TVA's efforts to win the public relations battle, the 6<sup>th</sup> District Court of Appeals rejected their appeal on December 13, 1972, and upheld the injunction issued by the lower court.<sup>32</sup>

Pierce not only failed to support the Environmental Defense Fund's case, but eventually he actively worked with the Tennessee Valley Authority. A letter from Pierce to Andrew Wilcoxon, a member of the Oklahoma Bar Association's Grievance and Ethics Committee and Cherokee citizen, asking whether he could participate on behalf of the TVA considering his prior role in the case, offers perhaps the best glimpse into why Pierce refused to cooperate with the EDF in its case. Pierce wrote that

In my heart and mind I am confident that initially the Environmental Protection [sic] Fund lawyers (and this is not a Federal Organization) added the historical

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<sup>32</sup> Paul Evans to Editor, 11/27/72, Cherokee National Archives, Earl Boyd Pierce, box# 52, folder TPonTR 3 of 3; *Environmental Defense Fund, et al., v. Tennessee Valley Authority*, 468 F.2d 1164, 12/13/72.



Cherokee picture as grounds for halting the construction of the Dam, not because of any sincere interest in Cherokee history but rather to arouse the sentiment behind their action and support of people everywhere who constitute a portion of the reservoir of good will for our people.

After receiving assurance from Wilcoxon that Pierce was likely acting with proper legal ethics, Pierce traveled to Knoxville in September of 1973 and worked on behalf of the Tennessee Valley Authority in helping to bring an end to their case with the Environmental Defense Fund.<sup>33</sup> The following month the District Court in Knoxville issued its ruling lifting the injunction against TVA, and allowing them to continue working on the Tellico Dam.<sup>34</sup> The plaintiffs in the case appealed the decision, but their appeal was turned down on February 22, 1974.<sup>35</sup>

What is particularly interesting about this case is how the memory of Cherokee Removal became entangled in new debates over environmental issues during the 1960s and 70s, demonstrating how the historical memory of the Trail of Tears gave Cherokees, and those who drew on Cherokee imagery, a kind of representational power that could be employed for political purposes. Over the 130 years between Cherokee Removal and the Tellico controversy, the Trail of Tears had come to symbolize the epitome of US genocidal acts against Indian people. In the 1830s the Cherokee Nation's plantations and constitution proved its compatibility with the United States, yet they were still forced to

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<sup>33</sup> Pierce to Wilcoxon, 7/31/73; Wilcoxon to Pierce, 8/6/73; "Remittance Advice," to Earl Boyd Pierce, 10/12/73 all in Cherokee National Archives, Earl Boyd Pierce Collection, box #52, folder Tellico Project on TR.

<sup>34</sup> Ibid.; *Environmental Defense Fund and Thomas Burel Moser v. Tennessee Valley Authority*, 371 F. Supp. 1004, 10/25/73.

<sup>35</sup> *Environmental Defense Fund and Thomas Burel Moser v. Tennessee Valley Authority*, 371 F. Supp. 1004; 1973 US Dist.; *Environmental Defense Fund, et al., Plaintiffs-Appellants, v. Tennessee Valley Authority et al., Defendants-Appellees*, 492 F.2d 466; 1974 US App.

go west, and they did so peacefully. This image of the civilized, peaceful Indian being treated in the most cruel way by the United States puts them in a special position in the public imagination, and thus makes their image a powerful tool for themselves, or non-Indians.

As environmental organizations attempted to use Indian images, and people, to critique the ecological impact of contemporary American culture, Indian people were sometimes put in positions where they had to either use these discourses to their advantage (which I argue elsewhere in this dissertation that the Eastern Band does quite effectively), or reject such discourses in favor of crafting their own image of what a modern Indian, or in this case, specifically a modern Cherokee Indian, should be. Another aspect of this case that I think is particularly important is that it re-centers American Indian history during the early 1970s by suggesting how some Indian people, rather than by engaging broader liberal social movements, actively worked to promote a conservative, yet pro-sovereignty image. In refusing to support the Environmental Defense Fund's case, the Cherokee Nation's leadership positioned themselves against the interests of local landowners, environmental groups, and the Eastern Band of Cherokee Indians, but also made a clear statement about the kind of image of the Cherokee Nation they wanted to project—one that supported “progress,” favored knowledge produced through archaeology over the traditional sanctity of burials (as the next section will explore in more detail), and one that would not play the victimized Indian, shedding tears for the benefit of others.

## **Red Power, Western Knowledge Production, and Modern Cherokee Identity**

During the 1960s and early 70s another movement was causing a change in the ways that both Indians and non-Indians conceived of “Indianness”: the Red Power movement. Starting during the 1950s in reaction to the Federal Government’s Termination policy, which sought to end the trust relationship between the federal government and Indian tribes, Indian peoples began to organize pan-tribal organizations that sought to change federal policy and improve the conditions of Indian people in both urban areas and on reservations. Much of this focused on renewed calls for strengthening tribal sovereignty through the recognition of treaty rights and a shifting of power away from the BIA and into the hands of tribal governments. While in many cases the most significant reforms made in US Indian policy came through lobbying organizations such as the National Congress of American Indians, which was established in 1944, the more radical tactics and masculine warrior ethic espoused by groups, such as the American Indian Movement, captured the public imagination and received the bulk of media attention.

The Red Power movement did much more than just create new images of Indians, however. The increased organization and communication among Indian peoples led to the identification of shared issues such as poverty, decline of indigenous languages and “traditional” culture, and issues such as the treatment of American Indian remains. This last issue would come to play a major role in the Tellico controversy, and pitted the Eastern Band against the Cherokee Nation in a fight over which entity had the right to claim to speak for the Cherokee people as a whole. Their divergent strategies illustrate the various approaches Indian nations chose to employ in order to gain some control over

their ancestors' remains in the decades before the passage of the Native American Graves Protection and Repatriation Act (NAGPRA). This section argues that the Cherokee Nation's approach to archaeology in the Tellico Project was largely shaped by an older strategy for protecting Cherokee sovereignty, one that has its origins in their fight against removal in the early 1800s. By promoting an image of what they saw as *modern* Cherokees who embraced western methods of knowledge production, Cherokee leaders in Oklahoma sought to distance themselves from radicalism or traditionalist images of Indians in order to protect what they considered to be the real interests of their nation.

Part of the Cherokee Nation's reluctance to involve itself in the Tellico controversy likely stems from the distrust Earl Boyd Pierce and W.W. Keeler had for radicalism of any kind. As discussed in the last chapter, the work of action anthropologists like Robert K. Thomas and Albert Wahrhaftig and the protests organized by the National Indian Youth Council struck at Keeler and Pierce's control of the nation, and made them increasingly skeptical of the new Indian movement that was developing. While the Carnegie project was not quite as nefarious as Keeler and Pierce suspected, it was, as discussed in the previous chapter, very much a threat to their power. Ostensibly it was organized to help raise literacy rates, but its larger purpose was to raise the consciousness of Cherokees and empower them to gain greater control over their own government. Eventually this led to elections in 1971, but W.W. Keeler won them in a landslide.<sup>36</sup>

While Keeler and Pierce were both anti-communist, viewing them as anti-radicals helps to explain the approach they took with the Carnegie Project, TVA, and with the

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<sup>36</sup> Daniel Cobb, "Devil in Disguise" 468-480.

environmental groups that sought their support. As the last chapter demonstrates, Keeler and Pierce's authority as leaders of the Cherokee Nation sprung, at least initially, from the Federal government, so their trust of established centers of power, such as the Tennessee Valley Authority helps to explain why they would be distrustful of either radicals on the left, or environmental organizations, like the EDF, that they suspected of being fronts for the far right.

Martin Hagerstrand, the director of the Cherokee National Historical Society, made his views of the Red Power movement, and Indian radicalism within the Cherokee Nation, clear in a letter he wrote to Margaret Losee in 1971. Hagerstrand himself was a Euroamerican married to a Cherokee woman, but his views reflect those of Keeler and Pierce. Losee was working on a book about the Red Power movement and wrote to Pierce about its possible origins in what she termed the "Red Nationalist Rebellion" on the Kenwood Reserve—a tract of unallotted land within the Cherokee Nation. The Kenwood incident involved a protest movement (assisted by Bob Thomas and Albert Wahrhaftig) following the arrest of a Cherokee man who was charged with poaching on the Reserve. He dismissed the movement as having "little or no stature or status either amongst the great majority of Cherokees or any other group" and claimed that the Kenwood incident was "actually a manufactured incident by a few self-styled 'Indian leaders.'" He described the larger Red Power movement by saying that it "has not been accepted by the great majority of Indians of this area in particular, and certainly not very much elsewhere in Oklahoma insofar as I have observed."<sup>37</sup>

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<sup>37</sup> Martin Hagerstrand to Margaret Losee, October 6, 1971, Cherokee National Archives, Earl Boyd Pierce, box #37, folder 290 CHS.

But Hagerstrand did not stop at merely dismissing the Red Power movement, he made a further argument that such activities went against the very nature of Cherokee identity. He continued, arguing that

I think you must understand that individual Cherokees are citizens of Oklahoma and of the Nation in their own right...Cherokees are a very proud and gracious people who are not inclined to advocate force to get results or to accept “professional Indian” agitators as leaders of their activities...I believe historians of the future will indicate that neither the so-called “Red Power Movement” nor the “Five County Cherokee Movement” caught on with members of the Cherokee Tribe or had very little, if any, influence or significance in the Cherokee area, and that the unique educational [sic] and cultural heritage of the Cherokee in general places him out of sympathy with that kind of activity.

While the fact that Hagerstrand was a non-Indian should give us pause in analyzing his statements, he was appointed to the position by Principle Chief Keeler and kept in constant communication with him regarding the affairs of the Cherokee National Historical Society. Based on the fact that Keeler empowered him to speak on behalf of the Cherokee Nation, along with the corroborating actions of Pierce and Keeler, one can assume that Hagerstrand’s attitudes towards Cherokee identity and the Indian activism differed little from those of other prominent leaders in the Cherokee Nation’s government at the time.<sup>38</sup>

Another letter from Martin Hagerstrand to Alan Evans in 1971 demonstrates the way he saw Indians fitting into a modern America. Evans sent Hagerstrand a proposal and invitation for feedback on a new magazine he was planning to publish, called *Manitou: Magazine of the American Indian*. Hagerstrand took the opportunity to criticize people who he viewed as being “self-appointed spokesmen for the Indian.” Hagerstrand also ranked the order of identities he saw Indians possessing: “I believe that the American

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<sup>38</sup> Ibid.

Indian should be recognized for what he is: first, fully a person in his own right; second, an American citizen; and third, an Indian with a great cultural heritage, just as there are many proud Americans of other ethnic and cultural derivations.” He added that he thought the best approach for the magazine would be to avoid romanticized or “sob sister” stories about Indians, and instead focus on the “...accomplishments of individual Indians in the fields of art, culture, business and industry, and the professions, and their individual or group contributions to the American scheme and system.”<sup>39</sup>

Not all Cherokees in Oklahoma were as standoffish about the destruction of the Little Tennessee River valley as the Cherokee Nation’s leadership. A Cherokee man from Norman, Oklahoma, Joseph Stine, wrote to the *Cherokee Nation News*, demanding that the Cherokee Nation become more involved in the destruction of Cherokee sites from the Tellico Project. Stine supported the use of archaeology to learn more about Cherokee history in the valley, saying that “these town sites need not be flooded, nor need they remain mere ‘corn-fields.’ After they have been designated National Historical Landmarks, then further archaeological exploration can be conducted.” But Stine’s attitude towards archaeology and anthropology was one of empowerment—he saw western methods of knowledge production as something that could be harnessed and directed by Cherokees for their own benefit. Stine urged other Cherokees to do the same, saying, “Let us show the nation that we are a vital force—not a mere anthropological curiosity. We now have the means of self-determination. Let us exercise this right with responsibility—both to ourselves and to the nation.” Stine, mirroring the earlier Cherokee Nation resolution, placed his argument in patriotic terms, contending that “The

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<sup>39</sup> Hagerstrand to Evans, March 17, 1971.

Cherokees have contributed much to our beloved country. It is so little to ask in return—the preservation of our heritage.”<sup>40</sup>

As discussed in the previous section, a committee was formed to decide whether or not the Cherokee Nation should become involved in the Tellico controversy. But even before the committee met, Andrew Wilcoxon went to Knoxville to negotiate with TVA officials over the terms of Cherokee support for the project. On February 11 1972, H.P. Claussen agreed to a list of seven terms, which, if TVA fulfilled, would keep the Cherokee Nation from continuing litigation. While this was a non-binding agreement, it surely laid the groundwork for how the meeting before the full committee would play out two days later. In it TVA agreed to dike 10 acres around the site of Chota and build an “all weather road” to it, pay up to \$100,000 towards the creation of a museum in the valley to Cherokee history, hire professional archaeologists for the museum, possibly make annual contributions, deed the property to the Cherokees in perpetuity, and help them get artifacts from the archaeological work so that they could be used within their museum in Oklahoma.<sup>41</sup>

Stine, along with Earl Boyd Pierce, Deputy Principal Chief J.D. Johnson, Robert Swimmer, Andrew Wilcoxon, Anna Kilpatrick (a noted Cherokee author), was among the 30 committee members that met at the Trade Winds Motel in Muscogee, Oklahoma to hear H.P. Claussen of the Tennessee Valley Authority give a presentation on how the TVA was protecting Cherokee interests in the valley. The Environmental Defense Fund was also invited to make a presentation, but could not send anyone to meet with the

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<sup>40</sup> Joseph Stine to Editor, 11/7/71, Cherokee National Archives, W.W. Keeler, box# 21, folder 173a.

<sup>41</sup> “Following Dictated by Andrew Wilcoxon,” Cherokee National Archives, Earl Boyd Pierce, box #53, folder TPonLTR #6 of 6.



committee because they were understaffed, and instead opted to send additional information to the committee. The day following the meeting, Pierce wrote to Chief Keeler saying that the committee was “unanimous in their over-all considerations of the controversy” and after hearing a presentation on the “extensive” archaeological work being supported by TVA, “the Committee...concluded that it was their feeling and recommendation that the Cherokee Nation should not become involved in the litigation pending in the Federal Court in Knoxville.” Despite the apparent unanimity of the committee, a sub-committee was formed to travel, at TVA’s expense, to the Little Tennessee River valley to view the area before making a final decision.<sup>42</sup>

While the committee may have ended the meeting in unanimity, Stine apparently tried to voice his objections to supporting the project, but Earl Boyd Pierce convinced him to change his mind through an apparently brutal tongue-lashing. Two days after the meeting Stine wrote to Pierce thanking him for the opportunity to serve on the committee, but also apologizing for his “naivete.” He wrote that he had never intended to “embarrass the Nation or the Chief by trying to get them involved in a power struggle between parties in which the Cherokee Nation has no vital interest.” And hoped Pierce would “overlook [his] naivete and ignorance regarding the issues involved and my audacity in thinking that [he] could make some meaningful contribution.” Stine regarded the EDF as “advocates for the preservation” of Cherokee heritage, and never “suspect[ed] the motives of the plaintiffs in the suit.” While Stine was resigned to the fact that the Cherokee Nation would not take any further action against the dam, he was still “not

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<sup>42</sup> Pierce to Keeler, 2/14/72, in Cherokee National Archives, W.W. Keeler, box# 21, folder 173a; Arthur Gajarsa to EBP, 2/18/72, Cherokee National Archives, Earl Boyd Pierce, box #52, folder TPonTR-TVA.

happy in the knowledge that the Little Tennessee River will surely be inundated. I think that it is an unnecessary loss. But I see no way in which we can prevent it.”<sup>43</sup>

Although Pierce was skeptical of the EDF’s intentions in the case and supported keeping the Cherokees out of it, it would be a mistake to think he was not interested in protecting Cherokee history or strengthening the Cherokee Nation. Pierce had previously worked to gain Cherokee treaty rights to the Arkansas riverbed, he sought reparations for the Nation from Texas, and he worked on the Cherokee Nation’s case for the Indian Claims Commission. In response to a letter from one of the other Committee members, C.C. Victory, in which Victory dismissed the whole business of the Committee as superfluous, Pierce wrote back attacking Victory for not taking it more seriously: “Charlie, everything you and I have ever done has been most serious! That is why I put you on the TVA Committee in the first place. For here we are pressured on all sides that an important phase of Cherokee heritage (historic sites, an ancient capitol, and graves of important Cherokee leaders) was in danger of inundation.” But it is important to note the way Pierce compares the flooding of the lower Little Tennessee with the historic Cherokee structures in Oklahoma:

Of course, the comparisonk [sic] is almost ridiculous, but I can visualize you virtually climbing the wall if anyone threatened to destroy the Administration Building at the College or the Cherokee County Court House. Most of us regard these structures as important historical symbols of our great culture as an independent people. In this connection, Judge R.L. Williams once said that the culture of a people can be fairly accurately measured by evidence of contemporary concern by that people for its attention paid to its heritage, current, immediate past, and ancient.

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<sup>43</sup> Joseph Stine to EBP, 2/16/72, Cherokee National Archives, Earl Boyd Pierce, box#52, folder TPonTR-TVA.

Pierce's concern for the historic structures in Oklahoma, and his comparable lack of concern for the archaeological sites in the valley are made intelligible when you place it within a long tradition of thinking within the Cherokee Nation going back to the early resistance to Cherokee Removal. The adoption of a western system of government, western racial ideologies and the accompanying systems of plantation labor, and even western construction methods were all strategies employed by Cherokees to prove their "civilization"—first to resist remove, and then later, once that failed, to preserve their independence in Indian Territory. But in the process of adopting these attitudes, they stopped being simply a strategy for sovereignty and became *Cherokee* ways of thinking and acting. So for Pierce, immersed in a distinctly Cherokee way of looking at his past, the cornfields and unmarked graves of the Little Tennessee River in no way compared with the importance of the multi-story brick buildings of the Cherokee Nation—buildings that symbolized how they too had colleges, a strong central government, and an independent republic with a separate past.<sup>44</sup>

While the Environmental Defense Fund could not even send someone to visit the Cherokee Nation, the Tennessee Valley Authority offered to fly a portion of the committee to Knoxville via a private plane to give them a tour of the sites along the river valley. Chief Keeler declined to lead the party, instead appointing his Deputy Chief J.D. Johnson, along with Pierce, Martin and Marion Hagerstrand, Hiner Doublehead and Johnny Chopper, among others, to fly to Tennessee. Doublehead and Chopper were asked to come along because they "will assist in reporting to our thousands of fullblood Cherokees the over-all purpose and results of this special Cherokee investigation."

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<sup>44</sup> EBP to CC Victory, in Cherokee National Archives, Earl Boyd Pierce, box# 52, folder TPonTR—TVA.

Doublehead, who had earlier written the Chief stating his objection to supporting the lawsuit against the dam, was apparently “a fullblood Cherokee, modern-day, leader, [who] speaks both Cherokee and English fluently.” Doublehead and Chopper’s presence suggests that Keeler and Pierce were aware of the racial politics involved in the decision to stay out of the project, and likely that they purposefully selected two “fullblood” leaders to deflect accusations of being out of touch with the people they claimed to represent. One of the critiques of Keeler’s administration had been that it failed to represent the interests of traditionalist Cherokees: those who spoke the Cherokee language, participated in stomp dances, and lived in Cherokee communities. By bringing in a community leader who spoke Cherokee, looked like a “fullblood,” and agreed with their support of the Tellico Project, Keeler and Pierce hoped to convey the message that the entire Cherokee Nation was in agreement about the project.<sup>45</sup>

TVA officials Don McBride and Peter Claussen flew into Muskogee, Oklahoma early on the morning of April 10, 1972, and picked up the Cherokee Nation’s sub-Committee, flying them back to Knoxville. After being provided lunch, the sub-Committee was shown presentations by TVA officials on the purpose of the project as well as a briefing on the archaeological work in the valley by Alfred Guthe and Worth Greene, the two lead archaeologists. Then they boarded another TVA plane and flew over the length of the valley, pointing out important sites along the length of the river. The following day they were driven through the valley for a closer look at the sites, then taken into Knoxville for a tour of the McClung Museum, which was housing the artifacts removed from the valley. After their tour they went to the top of TVA’s new “Sprinkle

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<sup>45</sup> “Memorandum,” 3/22/72, and Doublehead to Keeler, 3/10/72, in Cherokee National Archives, W.W. Keeler, box #21, folder 173a.

Building” for a meeting with the board of directors, and then were flown back to Muskogee. While the trip undoubtedly gave Cherokee officials more information about the project and the treatment of Cherokee concerns, it also demonstrated what a powerful friend they could have in the Tennessee Valley Authority. With its private planes, new administrative buildings, and seemingly unlimited budget, the Tennessee Valley Authority certainly made a more powerful impression than the Environmental Defense Fund, which did not even have the staff to send a representative to Oklahoma to meet with the Cherokee Nation’s committee.<sup>46</sup>

After meeting with TVA officials, Cherokee Nation officials “...found no rational basis for further injecting the Cherokee Nation or Cherokee People into the [controversy]....” As part of the agreement, TVA agreed to loan the Cherokee Nation some of the artifacts that were recovered as a result of the archaeological investigation in the valley.<sup>47</sup> The archaeological work promised to bring benefits to the Cherokee Nation, both in terms of the knowledge produced by the research, and the monetary returns that could be expected from increased tourist revenue to view the artifacts once they were on display in the Cherokee Heritage Center. The wording of the committee’s refusal to continue protesting the project is important in that it attempted to speak for all Cherokees, regardless of their tribal citizenship. By specifically saying there was no reason for the “Cherokee Nation or Cherokee People” to continue opposing the project, the committee extended its authority beyond the bounds of the Nation’s borders and made a broader

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<sup>46</sup> Schedule of Cherokee Visit, 4/10/72-4/11-72, in Cherokee National Archives, W.W. Keeler, box# 21, folder 173a.

<sup>47</sup> “Care for Sites Praised: Cherokees Avoid Fight Over Tellico,” *Knoxville News-Sentinel*, May 5, 1972 in *The Tellico Dam: News Stories, Mar. 1<sup>st</sup> 1972 – Dec. 27, 1972, supplement vol. 6*, TVA Corporate Library, Knoxville, TN.

statement about Cherokee identity. This declaration attempted to define how all Cherokees should feel about the flooding of their ancestral home and the potential knowledge that could be gained through the excavation of the valley's archaeological resources.

Earl Boyd Pierce managed to become close friends with several TVA officials and exchanged numerous friendly letters following the trip. Pierce wrote to Don McBride, the Director of TVA, expressing his "deepest appreciation" for the consideration TVA gave to them, saying "We are particularly grateful for the attentive concern of your pilots for our comfort and welfare both going and returning from Knoxville." Pierce went on to say that he was "much impressed with your determination to properly respect the interest and concern of the Cherokee people." Over the following years Pierce even went so far as to nominate the wife of one TVA official as an ambassador for the Cherokee Nation and exchanged artifacts with one of the lawyers for the Tennessee Valley Authority, Beverly Burbage, who was also an amateur archaeologist.<sup>48</sup>

### **Crying Indians and Creating Identities**

While Pierce had decided to support the Tennessee Valley Authority and the archaeological work being done in the valley, the Eastern Band's relationship to the TVA and to archaeology was much more complicated. The Eastern Band of Cherokee Indians also struggled with issues of representation, western methods of producing knowledge,

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<sup>48</sup> EBP to McBride, 4/12/72, in University of Tennessee, McClung Museum, Guthe Files, Cherokee Nation Visit, Oklahoma, April 1972; EBP to Burbage, 3/27/74 in Cherokee National Archives, Earl Boyd Pierce, box #37, folder Tellico Dam-TVA.

and how to engage with the Red Power movement in relation to the Tellico Project. As discussed in the last chapter, the legacy of removal had left the Eastern Band economically marginalized on a severely reduced land-base in far western North Carolina. After the creation of the Great Smoky Mountains National Park in the 1930s, the economy of the Qualla Boundary had grown largely dependant on the performance of Indianness for tourists. This made citizens of the Eastern Band, while not always happy with it, more comfortable with the idea of performance, specifically the performance of the “crying Indian” as a necessary strategy for protecting their interests. But like leaders in Oklahoma, Eastern Band leaders were also divided over issues such as archaeology and how they understood what it meant to be a modern Cherokee. In the midst of these debates, the Eastern Band was also under siege by imposter Cherokees, who sought to draw upon the sympathetic image of Cherokees produced by the Trail of Tears and use it to shape their own image of what it meant to be Cherokee.

As discussed in the last chapter, the government of the Eastern Band of Cherokee Indians openly opposed the project during the mid-1960s, but fell silent following the passage of appropriations for it. In the meantime, TVA officials launched an Operation Townlift project to revitalize the downtown of Cherokee, North Carolina. TVA helped plan for the development of the Saunooke Bottoms area of the Qualla Boundary, which included the construction of a new shopping center, high school, and museum. In addition to this, its plan called for the construction of footbridges and trails along the Oconaluftee

River. While this gesture could have been unrelated to the Tellico Project, its timing suggests that it may have been an effort to buy Eastern Band silence on the dam issue.<sup>49</sup>

By 1971 the Eastern Band actually supported sending some young Cherokee men to work on the archaeological digs in Tennessee. The Cherokee Historical Association (CHA), which was founded and predominately run by non-Indian tourism boosters in North Carolina, initially provided funding for Cherokee participation in the project. However, this funding was not enough to cover the full cost of the project, so the tribal government allocated an additional \$5,000 to supplement the CHA's funding. Those digs were headed by Worth Greene, who claimed to have grown up on the Qualla Boundary and had ingratiated himself with several tribal officials. While the EBCI may have initially supported the digs, they ceased to provide funding in subsequent years.<sup>50</sup> This decision to stop funding for the digs demonstrates the conflicts going on within both the council and the larger community over how they should respond to the problems posed by archaeology. On the one hand they, like the Cherokee Nation, could potentially benefit from both the knowledge and financial gains the work promised (and the EBCI did eventually request the artifacts from the digs), but on the other hand many citizens felt that the digs amounted to a dangerous desecration of their ancestor's burial sites, and rejected the Western approaches to producing knowledge that archaeology put into practice.

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<sup>49</sup> Eastern Band of Cherokee Indians Council Records, November 6, 1969 and December 10, 1969, Western Carolina University, microfilm # 496, reel 2; "TVA Officials Unveil Cherokee Townlift Plans," *Cherokee One Feather*, August, 19, 1970.

<sup>50</sup> "WETE Open Line Program," March 7, 1973 in National Archives and Records Administration, Record Group #142, Tennessee Valley Authority, Natural Resources, Office of Tributary Area Development, box #37, folder 230 Tellico 1973; EBCI Tribal Council Resolution #408, April 8, 1971, in Sequoyah Birthplace Museum, Vonore, Tennessee, Museum Director Files, Folder #16-Resolutions.



The “detailed study and display” of the artifacts removed from the Tellico area created one of the most heated and perplexing controversies surrounding Tellico. A young man named Hawk Littlejohn would soon rise to national prominence as a spokesman for the Cherokee interests in the Little Tennessee River valley. The removal and study of their ancestors’ remains disturbed some Cherokees, and Hawk Littlejohn brought this issue, along with the destruction of the valley, to the forefront. He claimed to be fighting to preserve the valley because of the cultural and religious significance it had to him as a Cherokee, but his story, and his motives, were much more complicated. Littlejohn’s involvement demonstrates how changing discourses of Indianness, and the memory of removal, could be effectively exploited to bring attention to the controversy, even by those who were not necessarily Cherokee.<sup>51</sup>

Littlejohn claimed that he was born in the Big Cove community of the Qualla Boundary in western North Carolina. His mother died giving birth to him and his father left him with his grandparents and moved to Oklahoma. By the time Littlejohn was 15, both of his grandparents had also died, leaving him to fend for himself. He claimed that his grandfather “...left me 76 cents and a muzzle-loading rifle. I took the rifle apart, put it in a bag and walked out on Route 19 and started hitch-hiking.” Littlejohn wandered the country for years, taking odd jobs when he could. Eventually he found himself on an Apache reservation in Arizona, and after becoming involved in a local controversy

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<sup>51</sup> Don McBride to Earl Boyd Pierce, August 30, 1967, in National Archives and Records Administration, Record Group #142, Tennessee Valley Authority, Natural Resources, Office of Tributary Area Development, box #38, folder 230 Tellico May – Dec 1967.

between Tucson police and local Indians, he decided to move back to the Qualla boundary to work on improving conditions for the Cherokees.<sup>52</sup>

While Littlejohn attacked TVA for proposing the Tellico Dam, he also targeted the University of Tennessee (UT) archaeology department for disrespecting the remains of Cherokees buried in the valley. By 1972, UT archaeologists had removed dozens of bodies and over 500,000 artifacts from the valley floor. When some of these artifacts were put on display at the university's McClung Museum, "...Littlejohn showed up...and offered dramatic but silent prayer..." in front of numerous media representatives. Littlejohn dismissed TVA's claims of gaining Cherokee permission to engage in the digs by questioning W.W. Keeler's authority to speak for the Cherokee people. He wrote that:

[t]hey got their so-called permission from Mr. Keeler, the chief of the Western Band of Cherokee. Mr. Keeler is a white man of one-thirty-second of Cherokee blood, appointed by the President as Chief—this was due to the fact that he is vice-president of Phillips Petroleum Co.

Littlejohn's attack against Keeler raises a number of interesting questions about what constitutes an 'authentic' Cherokee. Not only does he mention what he considered to be Keeler's low blood-quantum, but he implicitly casts doubt on his legitimacy as Principal Chief of the Cherokee Nation. Keeler was originally a presidentially appointed Chief, but was elected by popular vote the previous year in the Cherokee Nation's first election since Oklahoma statehood. Keeler had also been chief executive officer of Phillips since 1968. Implicit in Littlejohn's critique is the idea that no 'real' Cherokee would support the archaeological work being done in the valley. While many Cherokees did oppose the

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<sup>52</sup> William Thomas, "The Hawk in Anger," *Mid-South Magazine*, December 10, 1972, in *The Tellico Dam: Magazine articles, 1964-72, supplement*, TVA Corporate Library, Knoxville, TN.

archaeological work being done, others saw it as an opportunity to learn more about their culture; there was no one way that Cherokees felt about archaeology.<sup>53</sup>

In September of 1972, a delegation of EBCI government officials visited the archaeological digs in the valley, and showed that they too knew how to draw on popular images of Indians in garnering public support. Unlike the Cherokee Nation's officials, the EBCI representatives came away from the meeting disgusted with the treatment of their ancestors' remains. An article by Wolfetown Councilmember Jonathan Taylor relayed their reaction to the digs:

There were two graves open and the skeletons of the two bodies were still laying there. I looked at Chief Noah Powell as he viewed the bodies of his ancestors and there seemed to be tears in his eyes...I wonder what the top people in TVA would do if they were to catch a crew of men from the Eastern Band of Cherokee Indians digging up their parents and ancestors?

Echoing Hawk Littlejohn's earlier critique, Taylor commented on the Cherokee Nation's reaction, saying, "...it seemed they didn't want to get involved and were going to let the white man handle the situation, but I feel the Eastern Cherokees will not sit still and let TVA do this to us." Taylor positioned himself, and the Eastern Band, as legitimate protectors of the Cherokee history contained in the valley while dismissing the decision of the Cherokee Nation's leadership to let "the white man handle" it, rather than

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<sup>53</sup> "Letters: Indian Protests UT Digging," *Maryville-Alcoa Times*, October 16, 1972 in *The Tellico Dam: News Stories, Mar. 1, 1972 – Dec. 27, 1972, supplement, vol. 6* in TVA Corporate Library, Knoxville, TN; Wheeler and McDonald, *TVA and the Tellico Dam, 1936-1979: A Bureaucratic Crisis in Post-Industrial America*, 154; "Letters: Indian Protests UT Digging."

admitting that one could be Cherokee and believe that archaeological work could benefit the Cherokee people more than the preservation of the valley.<sup>54</sup>

But what are we to make of Powell and Taylor's account of the meeting? Was Powell truly moved to tears, or were his tears part of a performance of the "crying Indian," designed to draw upon the memory of removal and discourses of Indian sadness to protect Cherokee interests? According to Gary Carden, who worked as a correspondence writer for the Eastern Band during this period, when Noah Powell returned from viewing the archaeological work in the valley he smiled and said, "So, how was the show?" Coming one year after the debut of Keep America Beautiful's "Crying Indian" campaign on Earth Day in 1971, the image of an elderly Indian chief crying over the graves of his ancestors was one that was sure to provoke public sympathy. While it would be easy to assume that Powell's performance reflected an insincerity on the part of the Eastern Band, he may have simply seen this as the best tactic available for advancing Eastern Band interests. Even if he personally did not mind archaeological work, his constituents were demanding action, and he, as their Principle Chief, delivered in dramatic fashion.<sup>55</sup>

But Powell was not the only Eastern Band leader who drew on the image of the crying Indian in an effort to benefit his people. According to Carden, most Cherokee leaders had:

been schooled and well trained and they knew how to portray the hurt, offended, abused, Native American. That was a good role you know. And then Jonathon Ed

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<sup>54</sup> Jonathan Taylor, "Fight to Save Little Tennessee Valley Continues," *Cherokee One Feather*, September 13, 1972.

<sup>55</sup> Interview with Gary Carden, 2005; "Crying Indian" Keep America Beautiful, debuted April 20, 1971.

Taylor, he was good at it. Ed's major appeal was that when he went to Washington to get money for the Cherokees, Ed had a reputation, he could cry on cue. And he would stand up there with tears running down his face. You broke the treaties, you did this, you did that, you did this you did that, oh when can we learn to trust you, you know, and it was all bullshit.

While Carden takes a very cynical view of Taylor and Powell's performance of the "crying Indian," and perhaps it should be noted that Taylor was later indicted for embezzling funds from the tribe, their use of it was more complicated than it might initially appear. Like the Crying Indian commercial, Cherokee leaders could also draw upon the memory of Removal and Cherokee sadness to sway the public in their favor. Essentially, discourses of Indianness, while problematic, were used as tactics for protecting and exercising tribal sovereignty. While the Eastern Band, in a pre-NAGPRA era, had very little actual power over the treatment of their ancestor's remains, their effective use of the media could act as an appendage of the tribal government, pressuring non-Indian leaders into acting according to their wishes. The image of a sad Indian, particularly a sad Cherokee Indian, crying over the graves of his ancestors in a valley they were forced to leave, offered a powerful tool that Cherokee leaders could use when dealing with either the media or politicians.<sup>56</sup>

The Eastern Band had not signed on to the Environmental Defense Fund's case, but in August of 1972 it issued a statement opposing the Tellico Project due to the threat it posed to Cherokee sites in the valley. The statement, which was signed by Principal Chief Noah Powell, Vice-Chief John A. Crowe, and Tribal Councilmember Jonathan L. Taylor, opposed the completion of the Tellico Dam because it would flood "...the heart land of the Cherokee," and "...the last place that the...Eastern and Western Bands [sic]

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<sup>56</sup> Carden, 2005.

history remains.” The three officials ended their statement by saying, “[w]e sincerely think that flooding a whole race of people’s history and heritage off the map should deeply be reconsidered.”<sup>57</sup>

The disturbance of Cherokee remains by archaeologists seemed to offend many Cherokees at least as much as the actual flooding of the valley. Gary Carden recalled a confrontation between Vice-Chief John Crowe and archaeology students from the University of Tennessee. According to Carden, Crowe was “very traditional” and “skeptical of white people in general.” Carden and Crowe drove out to one of the dig sites along the Little Tennessee River, and Crowe began abbrating one of the students excavating a burial site. Crowe reportedly asked the student where his grandfather was buried, and then said “Well you wouldn’t mind if I went up there and dug him up, would you, that’s what you’re doing to my grandfather!” Eastern Band leaders, unlike those in the Cherokee Nation, took a much more confrontational approach to TVA, questioning western methods of knowledge production, adopting the tactics of Indian radicals, and effectively utilizing the memory of removal and non-Indian conceptions of Indianness in their fight against the Tellico Dam.<sup>58</sup>

The Eastern Band even enlisted Hawk Littlejohn in their efforts to get Governor Dunn’s support, including him in a delegation that met with the governor in 1972 to oppose the archaeological work and flooding of the valley. In a picture of the meeting Littlejohn can be seen peering between the shoulders of EBCI government representatives John Crowe and Jonathan Taylor. Following these accomplishments, a

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<sup>57</sup> “Cherokees Fight Tellico,” *Knoxville Journal*, August 29, 1972 in *The Tellico Dam: News Stories, Mar. 1, 1972 – Dec. 27, 1972, supplement, vol. 6* in TVA Corporate Library, Knoxville, TN.

<sup>58</sup> Interview with Gary Carden, April 5, 2005.

reporter for the *New York Times* predicted, “that Mr. Littlejohn might become the same kind of folk hero as Rosa Parks.” While he enjoyed success and celebrity in his fight against the dam, it did not come without a cost. Littlejohn stated that he had “so many threatening phone calls” that he had to get an unlisted number. Others reportedly “threw a rock through the windshield” of his car and “ripped off the radio antenna.” The attacks even went beyond mere property damage, as Littlejohn claimed that someone “hit me in the mouth and ruined my partial plate.” Littlejohn also complained that his outspoken activism had prevented him from finding work in the Knoxville area. He stated that “[t]hey don’t black-ball Indians, you know, they red-ball ‘em. Knoxville is a TVA town. Nobody wants to hire a trouble-maker.”<sup>59</sup>

In a 1972 letter from TVA Chairman Aubrey Wagner to Hawk Littlejohn, Wagner hoped to find common cause with Littlejohn by embracing the memory of Cherokee Removal. Littlejohn had written him hoping to tone down the rhetoric between himself and TVA and find a more conciliatory approach, stating that he did not want TVA to be an “enemy” of the Cherokee. Wagner responded by saying that:

TVA has never considered the Cherokee people as an “enemy,” and I hope the reverse is also true. However, we do have a traditional and common enemy in the forced flight of Valley people from this region, whether under the oppressive conditions of 135 years ago or in the continued migration today to some overcrowded metropolis in a fruitless search for a better way of life.

The irony of simultaneously being engaged in the forced removal of families from the valley in order to make it livable for other people—much like the forced removal of the

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<sup>59</sup> “Dunn Pledges Every Effort to halt Work on the Tellico Dam,” *Chattanooga News-free Press*, October 3, 1972; *The New York Times*, as quoted in *Mid-South Magazine*, December 10, 1972, in *The Tellico Dam: Magazine articles, 1964-72, supplement*, TVA Corporate Library, Knoxville, TN.

Cherokees made the land seem more hospitable to the ancestors of those currently being removed—seemed to have been missed by Wagner. But it nonetheless demonstrates the role he and others within TVA saw themselves serving. While some had to move, they ultimately saw their work as enabling people to live there rather than driving people out: Removing the few for the good of the many.<sup>60</sup>

On February 28, 1973 Littlejohn went on the Open Line radio program at WETE along with Fran Mashburn, to talk about Indian rights, particularly in relation to the Tellico Dam. Earlier that morning about 1500 miles away, members of the American Indian Movement, along with local Oglala Lakota people, had engaged in a standoff with US government and military personnel in the small village of Wounded Knee. While discussions of Wounded Knee began the program, Littlejohn and Washburn quickly turned their attention to the Tellico Project and the disturbance of Cherokee remains in the valley. Washburn relayed how she and Littlejohn had previously tried to get the University of Tennessee to clean up the trash around the grave sites and to prevent them from being destroyed by rain or the elements, but little had been done to change the conditions at the sites. She reserved her animosity especially for Worth Greene, who presented himself as a go-between for TVA, UT, and the Eastern Band because of his claims to Cherokee ancestry. Washburn described Greene by saying that he “has few credentials as an archaeologist and does a sloppy, sloppy job.”<sup>61</sup>

In a 1973 interview, UT archaeologist Albert Guthe defended the archaeological work being done at Tellico from Hawk Littlejohn’s and the Eastern Band’s attacks, and

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<sup>60</sup> Aubrey Wagner to Hawk Littlejohn, 11/1/72 in University of Tennessee, McClung Museum, Guthe Files, Tellico Project—Cherokee View.

<sup>61</sup> Open Line Program, 2/28/73, in University of Tennessee, McClung Museum, Guthe Files, Tellico Dam Project Controversy.



pointed out that while some Cherokees were offended by it, many others supported his work. Guthe said that he had heard “considerable protest” from “self-proclaimed supporters of the Cherokee,” but that neither the Cherokee Nation, nor the Eastern Band of Cherokee Indians (EBCI) had opposed his work. He further defended himself by citing Cherokee participation in the actual archaeological work, “[w]e have had Cherokee boys employed, working on our sites. In fact, some of them worked in 1971 on the site of Chota.” Guthe argued that his work was benefiting Cherokee people by saying that “some of the Cherokees who have visited us have said my goodness you people are able to tell us a great deal more about ourselves than we actually had learned.”<sup>62</sup>

While the controversy over the archaeological work did not die out, Littlejohn began to get involved with the formation of new Indian organizations within the state of Tennessee and gradually removed himself from the Tellico controversy. He formed a group called the “Brotherhood of Southern Indians” through the Tennessee Council on Human Relations. In an interview, Littlejohn drew on the language of Red Power to explain the mission of the organization, to unite Indians throughout the state of Tennessee, by saying that “ Traditionalism is the answer to the Indian’s problems...they have a proud heritage and history that must be preserved.” He further critiqued the legacy of assimilation programs by saying that “[t]oo many Indians have never been taught their culture due to the government schools run by the Bureau of Indian affairs. Once the children were even punished for speaking the native language.” A brochure for the

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<sup>62</sup> “WETE Open Line Program,” March 7, 1973 in National Archives and Records Administration, Record Group #142, Tennessee Valley Authority, Natural Resources, Office of Tributary Area Development, box #37, folder 230 Tellico 1973.

organization included a picture of a stoic looking Indian man with several eagle feathers on his head, holding his arm out towards the words:

THIS IS OUR LAND: OUR PURPOSE: A SINGLE TWIG BREAKS, BUT THE BUNDLE OF TWIGS IS STRONG: We the Brotherhood of Southern Indians, unite to reclaim our heritage. We unite to regain our birthright, our civil rights, our right to live in dignity and rest in our mother earth in peace.

By combining generic Indian imagery with the language of “civil rights,” Littlejohn likely hoped that the brochure would resonate with Indian people throughout the South. The organization promised to be open to any Indians in Tennessee who were at least ¼ Indian and paid \$1 per year dues. When TVA heard about the new organization they contacted Earl Boyd Pierce to see if he knew anything about it. Pierce spoke to Peter Claussen at TVA and gave him “the names of three people who were associated with antitribal efforts in Oklahoma and who he understands may be involved in the Southeastern Tribes movement.” Two of the three were none other than Sol Tax and Robert Thomas, the same anthropologists Pierce believed were part of a communist conspiracy to overthrow the Cherokee Nation.<sup>63</sup>

Soon after this the Principal Chief of the Eastern Band, Noah Powell, passed away and the Eastern Band’s resolve to follow through with the Tellico Project began to weaken. Immediately after Powell’s death a delegation from the Eastern Band, represented by Worth Greene, went to hear TVA officials give a talk on how they planned to protect Chota. At the meeting Worth Greene, the archaeologist for the University of Tennessee, spoke on behalf of John Crowe about the historical importance

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<sup>63</sup> “Tennessee Tribes Being Organized,” *Knoxville Journal*, 2/6/73; “THIS IS OUR LAND” brochure for Brotherhood of the Southern Indians; H. Peter Claussen to Corydon W. Bell jr. 3/2/73, in

of the Chota townhouse. Greene drew upon the memoir of Lt. Henry Timberlake to describe the town and structure, and listed a number of important nineteenth-century leaders associated with it, including Attakullakulla, Kanagatuckco, Oconostota, and Nancy Ward. Greene stated that he “could go on, and on, being at least somewhat of a historian and archaeologist because of my love of history especially those of my kin, my blood, the Cherokees.” Greene went on to talk about the death of his good friend Noah Powell, claiming he was with Powell on the night before he died and Powell said to him “John, I’d like for you to do all that you can to help our people in any way in which that you might help them, and I would like for you at any time to make yourself welcome in my home or with other members of the Qualla Boundary.”<sup>64</sup>

Greene, who had been specifically attacked by Hawk Littlejohn and Fran Washburn for his role in the archaeological work at Tellico, then moved on to the purpose of the meeting, asking for the preservation of Chota and that archaeological work be done respectfully. While Greene argued for the preservation of Chota and the eventual return of Cherokee remains, he couched it in terms that would enable archaeologists to retain control of Cherokee remains for essentially as long as they felt was necessary, saying “And when, and if, there are graves uncovered, at a suitable time, a suitable place, after all studies have been completed, we would like to ask that the bones of our people be reinterred. Now we make this request in humble submission.”<sup>65</sup>

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<sup>64</sup> Noah Powell Dies; Cherokee Indians’ Eastern Leader,” *The Asheville Citizen*, 4/5/73; Remarks by Dr. Luke Ebersole, Mr. Aubrey Wagner, and Worth Greene,” 5/10/73 in University of Tennessee, McClung Museum, Guthe Files, Cherokee Visit to Chota, 73.

<sup>65</sup> Remarks by Dr. Luke Ebersole, Mr. Aubrey Wagner, and Worth Greene,” 5/10/73 in University of Tennessee, McClung Museum, Guthe Files, Cherokee Visit to Chota, 73.

It is important to note how Worth Greene, supposedly the spokesman for the Eastern Band, described the people he claimed to represent. A few days before the meeting a TVA memo indicates that Worth Greene was funneling the Tennessee Valley Authority information about the group coming over from Cherokee, such as the fact that some of the council members and elders “felt that the TVA invitation was a ‘trick’” to gain support by the Qualla Boundary Cherokee of the Tellico Project. Perhaps this explains why, when TVA offered to drive them to Asheville and fly them across the mountains on TVA’s private jet, the Eastern Band refused, instead taking their own buses and private cars. Greene, on the other hand, suggested that the Cherokee were “simple mountain folk who do not understand nor do they want to be involved with formal arrangements, board rooms, motels, airplanes, etc.”<sup>66</sup>

Why would Greene describe the people he claimed to belong to and love as “simple mountain folk,” who did not understand modern institutions as complex as motels? According to numerous sources, archaeologists, activists, and citizens of the Eastern Band, Greene apparently invented his Cherokee ancestry, going so far as to dye his hair black to appear more Indian. Jeff Chapman and Gerald Schroedl, archaeologists from the University of Tennessee who worked with Greene, stated in an interview that they sincerely doubted Greene’s claim of being Indian, and that they suspected Greene was essentially a “double agent” pretending to speak for Cherokee interests against the TVA while in actuality he was funneling information back to the Tennessee Valley Authority. Greene’s questionable ancestry becomes all the more fascinating, as he apparently bore a special hatred for Hawk Littlejohn, the other self-proclaimed

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<sup>66</sup> Memo, Corydon Bell to H.N. Stroud, 5/2/73

spokesmen for the Cherokee—but one who offered a critique of the very methods of producing knowledge that Greene promoted.<sup>67</sup>

Hawk Littlejohn faded from the Tellico controversy after the early 1970s, but he continued his struggle for Indian rights until his death in 2001. In the intervening years he worked on a number of environmental causes and taught traditional medicine at the University of North Carolina-Chapel Hill (UNC). Littlejohn also served as a consultant for the Smithsonian Institute and the North Carolina Museum of History. In addition to his work as an activist and healer, he became renowned as one of the world's best Native American flute makers. Following his death, a packed memorial service was held for him at Asheville, North Carolina's Thomas Wolfe Auditorium, featuring such prominent musicians as Rita Coolidge, R. Carlos Nakai, and Mary Youngblood, who wished to show their respect for this fallen artist, activist, and healer.<sup>68</sup>

The only problem with Hawk Littlejohn is that he, like Worth Greene, does not appear to have been Cherokee at all. Historian John Finger wrote that the Federal Bureau of Investigation and TVA began to circulate rumors that Hawk Littlejohn was not Cherokee, but rather a white man from Ohio. After these rumors surfaced, Littlejohn disappeared from the Tellico controversy, but obviously did not give up his adopted identity. Gary Carden was a former employee of the EBCI who met Littlejohn when he was working at UNC-Chapel Hill. Carden stated that:

...well, Hawk was that strange thing. I think Hawk was a hustler, but I admired him. He was a hustler, I think he was. Most of that was bullshit, the stuff he was

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<sup>67</sup> Interviews with Jeff Chapmen and Gerald Schroedl, Mac Pritchard, and Kirk Johnson.

<sup>68</sup> Marcianne Miller, "A Prayer for Hawk Littlejohn: Musicians gather to honor Cherokee Flutemaker," *Mountain Xpress*, January, 24, 2001.

doing. But he was good at it, he was good at it. A lot of Cherokees tried to do the same thing that he did, but they could not do it. They didn't have the charisma or the appeal or whatever that he did...The Cherokees have always been plagued by fake Cherokees...I've always thought that the give away for a fake Cherokee was a pretty name. Now if his name is Tooni, or Swimmer, or Big Meat, or Crow or Owle, he's probably Cherokee. But if he is Floating Eagle Feather, if he is Snow Bear, if [s]he is Princess Pale Moon, ...you see these are real people, you know, you've got a total fake.

Although not Cherokee, Littlejohn nonetheless played a key role in bringing national attention to the Cherokee interests in the Little Tennessee River valley. What remains to be understood is why Littlejohn was so successful in gaining media attention while other, actual Cherokees, were not. While Littlejohn's success was certainly aided by his charisma, he also was able to effectively utilize mainstream conceptions of how an authentic Indian activist was supposed to act. Rather than using the court system or behind-the-scenes negotiations, as many other Cherokees had, Littlejohn often relied on dramatic protests to gain media attention. He presented himself as a young, male, warrior for his people and earned the title of being "the most militant figure in the movement to stop TVA from building the Tellico Dam...". Littlejohn's lack of Cherokee ancestry arguably may have aided his ability to effectively tap into contemporary Euro-American understandings of how Indian protestors should act. Rather than being bound by the baggage of an actual understanding of what it was to be Cherokee, Littlejohn had little choice but to draw on popular conceptions of what an Indian was supposed to be. His effective exploitation of these conceptions, along with his innate charisma, propelled him

to the forefront of debate over who had the authority to determine the fate of the Little Tennessee River valley.<sup>69</sup>

By late 1973 the Environmental Defense Fund's case was lost, and while they continued to appeal it, those too were exhausted by early 1974. People like Thomas Moser, who had refused to move and held out hope that the dam would be stopped, once again grew disheartened as TVA's land acquisitions continued apace. In fact, the continued removals of people from the valley fed directly into the acquisition of artifacts and the knowledge they represented. A letter from Beverly Burbage, TVA's top condemnation attorney, to Earl Boyd Pierce in early 1974 discussed their common interest in archaeology, saying that "we have filed a condemnation case to acquire the lower half of Citico and should also have title to Toqua within 60 days. In summary, things are moving; and we shall keep you informed in the future." The forced removals of local landowners in the 1970s made possible further archaeological excavations of the ancestral homes of those first removed in the 1800s.<sup>70</sup>

While most Tellico opponents were disheartened by the court's ruling, Pierce was elated. Pierce wrote to Peter Claussen, the director of TVA's Office of Tributary Area Development, "It is clear to me that the court is not only a brilliant Judge but highly capable of protecting the rightful interest of litigants who may appear before him. I am very happy that TVA won this case." The following year, Alfred Guthe wrote to Martin

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<sup>69</sup> John Finger, *Cherokee Americans*, 155-6; see also Wheeler and McDonald, *TVA and the Tellico Dam*, 154-55; Interview with Gary Carden, April 5, 2005; William Thomas, "The Hawk in Anger"; I have been told by several other people who knew Hawk Littlejohn, both Cherokee and non-Indian, that his story was in fact a fabrication. His real name was apparently Larry Snyder, and he still has family members in Ohio.

<sup>70</sup> Beverly Burbage to EBP, 3/21/71 in Cherokee National Archives, Earl Boyd Pierce, box 37, folder Tellico Dam—TVA.

Hagerstrand, the Executive Vice-President of the Cherokee National Historical Society in Oklahoma, to let him know that artifacts recovered from the excavations at Tellico were available for loan to the museum in Oklahoma. With the Cherokee National Historical Society profiting from the resumption of work on Tellico, the Eastern Band of Cherokee Indians also reassessed its stand on the project.<sup>71</sup>

The Eastern Band's government endorsed TVA's plans for building a reconstruction of Chota on the shores of the proposed reservoir, and requested that artifacts "which have historical and cultural significance" be returned to the EBCI to be used in its Cherokee Museum and Cultural Center. TVA offered the EBCI a similar agreement to that which it had with the Cherokee Nation to loan artifacts for display in its museum. The Eastern Band's request for the artifacts may at first appear to be contradictory for a government that had opposed the archaeological work to begin with, but two factors were largely at work in their decision. First and foremost they felt that the control and ownership of those artifacts, if removed, should be in the hands of Cherokees, rather than non-Indian anthropologists. And second, there was a significant number of Eastern Band Cherokee who, while opposed to the dam, were supportive of displaying artifacts in their museum, which promised to increase tourism to the reservation. While

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<sup>71</sup> Earl Boyd Pierce to H. Peter Claussen, October 31, 1973 in National Archives and Records Administration, Record Group #142, Tennessee Valley Authority, Natural Resources, Office of Tributary Area Development, box # 37, folder 230 Tellico 1973; Alfred Guthe to Martin A. Hagerstrand, November 19, 1974 in National Archives and Records Administration, Record Group #142, Tennessee Valley Authority, Natural Resources, Office of Tributary Development, box # 37, folder 230 Tellico 1974.



both the EBCI and Cherokee Nation had once again withdrawn from the fight over Tellico, the controversy and Cherokee involvement in it were far from over.<sup>72</sup>

### **Conclusion**

So what are we to make of the presence of so many fake Cherokees: Johnny Cash, Hawk Littlejohn, Worth Greene, and Iron Eyes Cody? How do we account for the diversity of opinions on the Tellico Project and the strategies taken by Cherokees—either for or against it? How do we account for the image of the “crying Indian” and the choice to either embrace or resist it? What role does the earlier Cherokee Removal have in this modern day removal of people from the Little Tennessee River valley?

All of these issues can be accounted for by placing this controversy within the context of the long process of Cherokee Removal from the Southeast. The Eastern Band’s relegation to a small corner of the mountains left them economically impoverished and dependant on capitalizing on the performance of Indianness as both a strategy for everyday life and as a larger strategy for protecting the interests of their nation. The Cherokee Nation in Oklahoma was led by business leaders who were at least initially appointed by the federal government, and thus felt threatened in their legitimacy as leaders of the nation. In order to negotiate their precarious position, they followed a strategy for sovereignty that has its origins in the fight against Removal: proving their equality through adaptation, using United States’ institutions as a means for protecting

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<sup>72</sup> John Crowe to Edward H. Lesesne, September 13, 1974 and Edward H. Lesesne to John Crowe, September 20, 1974, in National Archives and Records Administration, Record Group #142, Tennessee Valley Authority, Natural Resources, Office of Tributary Area Development, box #37, folder 230 Tellico 1974.

their interests, and actively fighting against discourses of Indianness that present them as being anything other than just as “civilized” and “advanced” as non-Indians.

The memory of Cherokee Removal also became entwined with the Environmental and American Indian movements and the modern day removal of people from the lower Little Tennessee River valley. The “Crying Indian” marked the confluence of these two social movements during the early 1970s and also became a powerful tool for those hoping to stop the modern day removal. But why are Indians seen as being “sad,” while so many other minority groups have been oppressed, but have not become a universal symbol for tragedy? Would a crying African American have elicited the same response in another commercial? I would argue that Cherokee Removal during the Trail of Tears, one of the first great “stains” in non-Indian America’s memory of itself, forever created the connection of Indians and sadness, one that was obviously only bolstered by other genocidal acts against Indian people. But for Cherokee people this connection was even stronger, and could be used as an even more powerful tool. Paired with the centuries-old connection between native people and the natural world, the “Crying Indian” came to represent how the United States had erred in its treatment of the natural world—and Indians, as symbols of nature, were tragically vanishing along with the America’s unspoiled lands and waters.

But it was not simply Cherokees who could claim that identity and use that image. People who are not recognized as Indian, or who are not socially included in any American Indian community, have claimed Cherokee ancestry arguably more often than in any other Indian nation. I contend elsewhere in this dissertation that the diasporic elements of removal can legitimately account for some of this, but what are we to make

of the high numbers of imposter Cherokees, who have no legitimate claim to being Indian, much less Cherokee? Why do so many, from Hawk Littlejohn and Worth Greene to Iron Eyes Cody, not claim to be Apaches, Lakotas, Mohawks, or other famous Indian nations? The answer to this lies in the long legacy of Cherokee Removal. It created an image of Cherokees as first and most simply, famous Indians. Everyone knows who the Cherokee are because of the Trail of Tears, but if a non-Indian were to claim to be a Pima many non-Indians (and some Indians!) would be left scratching their heads. Second, Cherokees were “civilized” Indians who were wrongly forced down the Trail of Tears. So by claiming Cherokee ancestry, non-Indians symbolically strip themselves of the more negative warrior image of Indians and position themselves as a noble, yet sad, *romantic* Indian. For those looking to make a career out of pretending to be an Indian to a mostly non-Indian audience, claiming to be a peaceful, tragic, Cherokee Indian could be much more powerful than any other less well-known, less sympathetically depicted, tribe.

Despite the flurry of imposter Cherokees and temporary success of the Environmental Defense Fund’s case, by late 1973 and early 1974 the Tellico Project looked like it would continue unabated. But then a new hope appeared in the muddy waters of the lower Little Tennessee River valley. A small fish swam back and forth through the water, probably out hunting snails like it normally did. What it found was not a snail, but rather it looked through the water and saw the mask of David Etnier, who scooped it up, took it to his lab, and later named it the snail darter.

## Chapter 4: Snail Darters and other Endangered Species:

### The Last Removals in the Lower Little Tennessee River Valley

The Cherokee Nation is not a party to this suit. The United Kettoah [sic] Band of Cherokee Indians, one of the plaintiffs in this action...does not speak for or on behalf of the Cherokee Nation.

Similarly, the Eastern Band of Cherokee Indians...is not a part of the Cherokee Nation, and it does not speak for or on behalf of the members of Cherokee Nation.

Although few of us have visited the Tellico area, we are grateful to TVA, because when it acquired the land for the Tellico project, it caused extensive archaeological work to be performed in the area.

The importance of this area to the Cherokee people lies in the increased knowledge of Cherokee culture and history that has been made available to all Cherokees through TVA's efforts. If it were not for the Tellico Project, much of this knowledge might never have been recovered.

The village sites in the lower Little Tennessee River are important to the cultural history of the Cherokee Nation, but are not a part of its religion.

*-Excerpts from the Affidavit of Ross Swimmer, Principle Chief of the Cherokee Nation, October 24<sup>th</sup>, 1979.*

The people know what is right and what is wrong. They know that the white man can not [sic] build by destroying. Our forefathers were on this land a long time and we must share the knowledge which has been passed on to us from olden times. The traditions of the white man are not old enough for them to have learned from the land or to have learned from u-ne-tla-nv-hi of nature. The people must show the white man the way or else they will destroy everything.

*-Excerpt from the Affidavit of Goliath George, citizen of the Eastern Band of Cherokee Indians, October 8<sup>th</sup>, 1979.<sup>1</sup>*

In these quotations Ross Swimmer and Goliath George both claim to speak for the Cherokee people, but have very divergent understandings of what it means to be a modern Cherokee. I have included these extended quotations because they demonstrate

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<sup>1</sup> Affidavits of Ross Swimmer, Goliath George, and Lloyd Sequoyah, in *Ammoneta Sequoyah, Richard Crowe, Gilliam Jackson, the Eastern Band of Cherokee Indians, the United Kettoah Band of Cherokee Indians, et al, v. Tennessee Valley Authority*, United States Court of Appeals, Sixth Circuit, 620 F.2d 1159.

some of the central themes that this chapter will explore: Cherokee identity, the production of knowledge, and strategies for protecting Cherokee sovereignty. Buried within these quotes are statements about what each of these men claim it means to be Cherokee. For Ross Swimmer, being Cherokee means, in part, embracing a history that is separate from the United States, but also embracing western understandings of knowledge and knowledge production to better understand that separate history. In contrast, Goliath George, implicitly rejects those methods of knowledge production, and claim that being Cherokee is inextricably tied to sacred places and the knowledge connected to those places. In a sense both men see the Little Tennessee River valley as an important source of knowledge about what it means to be Cherokee, but where they differ is in their understandings of what that knowledge is and how that knowledge is gained and passed on.

What is perhaps not readily apparent in these quotations is how each of these men are employing strategies to protect and strengthen the sovereignty of their nations—strategies born out of the struggle over removal. For Ross Swimmer, and other political leaders of the Cherokee Nation during the 1960s and 70s, the strategy they employed consisted of arguing that the Cherokee Nation was compatible with modern America. Much like the early nineteenth-century efforts to prove Cherokee “civilization,” the Cherokee Nation had been actively engaged in a program of rebuilding their nation throughout this period, but did so by working through formal political channels, publicly rejecting radicalism and popular conceptions of Indianness, and openly embracing “mainstream” American values such as capitalism and western science.

Meanwhile, Goliath George and others in the Eastern Band, employed a very different strategy to protect their nation. As discussed in previous chapters, it too was born out of their own struggles after Removal, and also combined with elements of the Red Power movement. Rather than embracing the Americanness of their nation, they argued that the continuation of separate Cherokee nations benefited non-Indians by offering them a wealth of knowledge that was critical for all people, not just Cherokees, to understand. Instead of working under the premise that Cherokees were just as modern as non-Indian Americans, they argued that the foundations of modern America were flawed and that their nation was needed to protect the United States from itself. In order to carry out this strategy citizens of the Eastern Band—and later the United Keetoowah Band of Cherokee in Oklahoma—embraced both formal tactics of political protest, such as lawsuits and congressional testimony, and the tactics of other protest movements during the 1960s and 70s by staging dramatic protests. In the process of doing this they also played on popular discourses of Indianness to achieve their goals—essentially putting on performances designed to maximize public support by acting in ways that drew upon non-Indian understandings of what it meant to be Indian.

These strategies played out through the story of three new removals that, ultimately, paved the way for the Tellico Dam Project to be completed: the removal and relocation of endangered snail darters, the removal of the last land owners from the valley floor, and finally, the removal of Indian burials from the river valley by archaeologists. While these contemporary removals differed significantly from Cherokee Removal, its memory was used as a means to interpret them. Against the backdrop of these new removals, Cherokees were divided over whether to embrace the environmental

movement, western methods of producing knowledge, and what kind of image of Indian peoples they wanted to project. These divisions, which have roots going back to the first removal from the Little Tennessee River valley, ultimately led to the failure of those opposed to the Tellico Dam Project as a last ditch lawsuit under the newly passed American Indian Religious Freedoms Act. By conflating ethnic identity with national identity and ignoring the separate historical trajectories of the three Cherokee Nations since the removal era, the courts accepted the position of the most populous Cherokee nation that the valley was not central to Cherokee religious beliefs.

### **The Removal of the Snail Darter**

While the Tellico project was being delayed by the Environmental Defence Fund's (EDF) lawsuit, an anti-dam ichthyologist from the University of Tennessee named David Etnier went snorkeling on the Little Tennessee River hoping to find any rare or endangered species that could be used to stop the dam. What he found was a 3-inch fish that belonged to the perch family. Not only was the snail darter, as it came to be called, endangered, but it also turned out to be an entirely new species. Etnier's find came four months before the enactment of the Endangered Species Act of 1973 (ESA), which was worded in such a way that it placed the protection of endangered species above any other consideration. The Secretary of the Interior listed the snail darter as endangered on October 8, 1975, adding that the "...impoundment of water behind the proposed Tellico Dam would result in total destruction of the snail darter's habitat." TVA objected to its

listing, but continued to operate under the assumption that previously authorized projects would not be bound by the newly passed law.<sup>2</sup>

The Endangered Species Act of 1973 was in part a continuation of previous efforts to provide legal protection for species facing possible extinction, but it went much farther than any legislation that had preceded it. Previous laws sought to regulate interstate trade in plants or animals, such as the Lacey Act of 1900, the Migratory Bird Conservation Act of 1929, and the Bald Eagle Protection Act of 1940, but these acts were limited in that they focused on the commercial sale or transport of endangered species, but did little to protect the habitats that were necessary to their survival. Around the same time as the passage of the Lacey Act, the National Park Service, National Forest Service, and numerous state park programs were started throughout the country and provided some degree of habitat protection (if endangered or threatened species happened to fall within the boundaries of those lands), but that protection was generally not tied directly to the preservation of particularly threatened species. Additionally, creating opportunities for recreational activities was often given higher priority than ecological concerns. Parks depended in part on drawing visitors for their funding, so any efforts to preserve local ecosystems had to be weighed in consideration of its potential impact on tourism.<sup>3</sup>

As discussed in the previous chapter, Congress passed a series of increasingly strong environmental laws and policies during the 1960s and 70s, such as the Wilderness Act of 1964, the National Environmental Policy Act of 1969, the Clean Air Act of 1970,

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<sup>2</sup> As quoted in *Tennessee Valley Authority v. Hill, et al*, United States Supreme Court, 437 U.S. 153.

<sup>3</sup> *Lacey Act* 16 USCS § 701, May 25, 1900; *Migratory Bird Conservation Act*, 16 USCS § 715s, Feb. 18, 1929; *Bald Eagle Protection Act of 1940*, 16 USCS § 668, June 8, 1940; Carolyn Merchant, *American Environmental History: An Introduction* (New York: Columbia University Press, 2007), 196-197.



The Clean Water Act of 1972, and the creation of the Environmental Protection Agency in 1970. Part of this flurry of new laws included legislation intended to specifically provide protection for endangered species. 1966 Congress passed the Endangered Species Preservation Act, which authorized the federal government to purchase lands for the preservation of habitat, as well as create a list of endangered species. It did not, however, require most federal agencies to actively protect endangered species, nor did it address the commercial sale of those species. In 1969 the act was amended to address this latter concern, but the law still lacked the teeth needed to effectively protect the habitats that were critical to the survival of these species.<sup>4</sup>

The passage of the Endangered Species Act of 1973 went far beyond any previous environmental laws in the degree of protection it afforded species. Unlike many past laws, which were limited to a particular species or class of flora or fauna, the ESA provided protection to any plant or animal species that either the US Fish and Wildlife Service or the National Marine Fisheries Service determined to be threatened or endangered. Furthermore, it authorized those agencies to designate areas as “critical habitat” for endangered species, and prohibited all federal agencies from authorizing any activities that would be detrimental to those habitats. While the act did not address private development, it indirectly regulated any private development that needed federal permits to proceed.<sup>5</sup>

As with any newly passed law, determining how the ESA would be interpreted and implemented turned out to be complicated. The Tennessee Valley Authority maintained that the ESA did not apply retroactively to projects that were already funded,

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<sup>4</sup> Merchant, 196-199.

<sup>5</sup> *Endangered Species Act of 1973*, 16 USCS § 1531-1544, Dec. 28, 1973.

though it nonetheless began a program of transplanting snail darters into the nearby Hiwassee River. In a perhaps unintentional nod to the previous Cherokee Removal from the valley, the *Knoxville News-Sentinel* ran an article saying that TVA had successfully rounded up and removed “Little T Natives” to a portion of the Hiwassee River they claimed was similar to the Little Tennessee. TVA continued the process of herding up and removing the snail darters—whose presence presumably threatened the development of the region—to the less desirable waters of the Hiwassee River for the next several years.<sup>6</sup> Congress agreed with TVA’s stance and continued to allocate funds for the project in 1976.

Nothing more might have happened with the snail darter if it were not for a law student named Hank Hill. Hill, who was friends with some of David Etnier’s biology students, approached one of his law professors about writing a ten-page paper on the potential use of the Endangered Species Act to stop the Tellico Project from destroying the critical habitat of the snail darter. His professor, Zygmunt Plater, was a young lawyer already interested in the rapidly growing field of environmental law, and encouraged Hill to follow through with his idea for the paper. Plater and Hill decided to move forward with the lawsuit, funding it through the sale of “save the snail darter” t-shirts. One of those shirts drew on the popularity of the hit film “Jaws” and depicted a snail darter near the surface of the water that was about to be eaten by a great white shark. The shark’s snout and teeth spelled out the letters T-V-A. What originally started as a topic for a law

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<sup>6</sup> “TVA Calls Snail Darter Shift Success: Little T Natives Surviving in Hiwassee River,” *Knoxville News Sentinel*, 6/11/75.

school research paper ended up resulting in one of the most significant environmental lawsuits in United States history.<sup>7</sup>

Around that time Eastern Band businessman and political leader Bob Blankenship heard about the lawsuit and contacted Plater to find out more about the its potential to stop the dam. During the mid 1970s the Cherokee nations remained relatively silent on the issue of the Tellico Dam. TVA had won its only significant legal challenge against the Environmental Defense fund and worked out arrangements with the Cherokee Nation and Eastern Band to share the archaeological resources with them. In an era before the passage of the American Indian Religious Freedoms Act (AIRFA) and the Native American Graves Protection and Repatriation Act (NAGPRA), Cherokees creatively used indirect means to protect areas that were culturally and religious significant to them. As discussed in the last chapter, they used this approach with the Environmental Defense Funds case under the National Environmental Policy Act (NEPA), but once that failed they had to reevaluate their relationship with TVA.<sup>8</sup>

During this period numerous groups attempted to bring the EBCI back into the opposition's fold, but to little avail. Everyone from the Sierra Club to the Fort Loudon Association to the Tennessee Office of Conservation sought the EBCI's support in the fight against Tellico. Gary Carden recalled that throughout the 1970s groups from Tennessee sought Eastern Band support for the project, but that after the loss of the NEPA case, the Eastern Band was reluctant to reinvolve itself. Archaeologists working on digs in the area "were at their wit's end because they had been doing excavations in Tellico for a long time" and wanted Cherokee support, "the problem is that the Cherokees

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<sup>7</sup> Interview with Zygmunt Plater, 2009.

<sup>8</sup> Interview with Plater.

in the long run probably disliked the archaeology department [of the University of Tennessee] more than they did the TVA.” In addition to the pleas from non-Indians, many citizens of the EBCI also lobbied the tribal government to take a more active stance against the Tellico Project. Carden continued saying:

...I remember a group of full bloods that bitterly fought Tellico all the way through. I remember a petition that was brought in...some of it was written in Cherokee...there was a letter on top of it that was written by Ammoneta Sequoyah, who was at that time the medicine man of the Cherokee. And he had taken the trouble to write his entire protest in Cherokee. It was a beautiful thing...[and] it all just got thrown in the corner and nothing came of any of it.<sup>9</sup>

By writing his letter in Cherokee syllabary, Sequoyah not only positioned himself as a defender of traditional Cherokee beliefs and practices, but also drew attention to the fact that the dam would flood his ancestor Sequoyah’s birthplace. As one of the most revered people in Cherokee history, Sequoyah, through the invention of a separate writing system for Cherokee people, symbolized both the unique adaptations made by Cherokee people, as well as their defense of Cherokee independence and sovereignty. While the Eastern Band government was initially reluctant to re-involve itself in the controversy, Bob Blankenship saw the case’s potential as another tool to protect the Eastern Band’s interests, and followed the case closely. Following Blankenship’s call, Plater drove over the mountains to meet with him in Cherokee to brief him on the case, opening the door for the Eastern Band to once again take part in the opposition to the Tellico Dam.

In April, 1976, the United States Fish and Wildlife service designated a portion of the Little Tennessee River valley as the “critical habitat” for the snail darter, setting the stage of Plater and Hill to file a lawsuit against TVA the following month. The Audubon Council of Tennessee and the Association of Southeastern Biologists joined them in their

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<sup>9</sup> Interview with Gary Carden, April 5, 2005; Interview with Plater.

suit. Robert Taylor presided over the case in the US District Court for the Eastern District of Tennessee, and had a history of ruling in favor of the Tennessee Valley Authority. Taylor did not dispute that the completion of the dam would likely destroy the critical habitat of the snail darter, but ruled that the law was not intended to affect previously authorized projects, and that Congress's intent had been made clear by providing additional funding for the project after the snail darter was listed as endangered.<sup>10</sup>

Plater appealed the ruling to the US Sixth Circuit Court of Appeals, which agreed to hear the case the following October. When the Court of Appeals handed down its ruling the following January, they overturned Judge Taylor's ruling and stated that he had overstepped his authority in dismissing the case. Judge Anthony Celebrezze delivered the Court's opinion by opening with a reference to the already considerable judicial history of the Tellico Project, "For the third time in five years we are called upon to resolve a dispute between environmentalists and the Tennessee Valley Authority (TVA) over the legality of the Tellico Dam and Reservoir Project." He went on to say that the Endangered Species Act plainly put the priority of protecting endangered species above any other consideration, and lacked any language that would exempt previously authorized projects. The court's ruling halted TVA from continuing with the project until it was able to comply with the ESA. While the ruling provided temporary relief for those opposed to the project, TVA quickly appealed to the United States Supreme Court.<sup>11</sup>

Back in Cherokee, Carden was put in charge of organizing a conference at the Holiday Inn (owned by Bob Blankenship) that was intended to bring together representatives from all of the opposition groups to clarify their objections to the project.

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<sup>10</sup> *Hill v. Tennessee Valley Authority*, 419 F. Supp. 753 (1976).

<sup>11</sup> *Hill v. Tennessee Valley Authority*, 549 F.2d 1064 (1977).

Speakers included representatives from the Eastern Band, the United Southeastern Tribes, the Fort Loudon Association, the Tennessee Endangered Species Committee, and the Little Tennessee Valley Alliance. In the conference program, EBCI Principal Chief John Crowe wrote that “[t]he Cherokee Indians have a personal interest in the fate of the Little Tennessee Valley. Our ancient towns, sacred burial grounds, and the birthplaces of our most illustrious ancestors are located there.” Crowe continued, linking Cherokee interests to those of other opponents of the dam, saying “However, we are not unmindful of the other issues: the needless destruction of farmlands, wildlife, trout streams, and a magnificent scenic river.”<sup>12</sup>

The Eastern Band Tribal Council also passed a series of resolutions opposing the Tellico Project. In April of 1977, they passed two resolutions related to the Tellico Project. The first condemned the efforts to exempt the Tellico Dam from the Endangered Species Act and proposed the establishment of “proper commemorations...to preserve the heritage and accomplishments of the Cherokee people.” The second reiterated the EBCI’s long-standing opposition to the project, and requested “direct involvement in the proposed alternatives” to the dam, as well as “wholeheartedly endors[ed]” proposals to return the lands “in whole or in part to the Cherokee people.” The final resolution they passed in 1977 in relation to the Tellico Project followed shortly after the conference, and formally endorsed Cherokee participation in the Little Tennessee River Alliance’s development of alternative plans for the valley.<sup>13</sup>

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<sup>12</sup> Ibid.; Program, “The Tellico Dam Project: The Real Issues,” June 10, 1977, in University of Tennessee, Special Collections, Papers of the Tennessee Endangered Species Committee, MS-1328, box 1, folder 8.

<sup>13</sup> Resolution #1 (? Number unclear), April 7, 1977, Resolution #83, April 7, 1977, Resolution # 439, June 20, 1977, in EBCI Resolutions, Sequoyah Birthplace Museum.

In a 2009 interview, Plater admitted that learning to work within the Cherokee community took some adjustment. He remembered attending one meeting in Cherokee when he was urging the tribal council to pass a resolution against the dam. He was under a tight deadline and needed the resolution for part of the case against the dam. The meeting went on and on as various different people got up to speak their mind on the subject, when finally he stood up and interrupted an elder to interject a point. As soon as he had done it he realized that he had committed a major faux pas, as everyone in the room fell silent. The elder paused, and then continued his statement as if nothing had happened. Plater lamented that it was a “terrible [thing] to lay white scheduling” on a Cherokee community.<sup>14</sup>

Plater also faced difficulties when the University of Tennessee denied him tenure in 1976. The tenure committee claimed that his denial was not politically motivated, but some members did claim that his involvement with the Tellico lawsuit distracted from his duties at UT. Additionally, members of the Tennessee Bar Association accused him of ethics violations for his involvement in the case, but those charges were eventually dismissed. Despite these attacks, Plater went on to have a prestigious career in environmental law, first at Wayne State University during the remainder of the Tellico controversy, and now at Boston College. He led Alaska’s legal task force following the Exxon-Valdez oil spill, organized the first United Nations conference on human rights in Africa, and served as a consultant on the famous groundwater contamination case of *Anderson, et al v. W.R. Grace, et al* lawsuit, which later served as the basis for the movie

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<sup>14</sup> Interview with Plater.

*A Civil Action*. Throughout these hurdles, Plater continued to take the lead in the snail darter case during its final phase.<sup>15</sup>

The United States Supreme Court agreed to hear TVA's appeal of the lower court's ruling, and heard arguments in April of 1978. The Eastern Band, Environmental Defense Fund, and the East Tennessee Valley Landowners' Association filed amicus curiae briefs in support of the upholding the lower court's ruling. While the Court was divided in its opinion, Chief Justice Warren Burger wrote for the majority in upholding the lower court's interpretation of the ESA and therefore halted completion of the Tellico Project until it was in compliance. Justice Powell wrote a dissenting opinion, and was joined by Justice Blackmun, in which he argued that the prior approval of the project should make it exempt from the ESA. Justice Rehnquist also dissented, but instead argued that the District Court was within its discretion in dismissing the case, and thus should not have been reviewed by the higher courts.<sup>16</sup>

Plater did not know it at the time, but he heard later on that one member of the Supreme Court was staunchly in his corner. Justice William Brennan, who signed onto the majority opinion in favor of protecting the snail darter, reportedly sent one of his clerks to secretly attend a "save the snail darter" meeting. While he was there the clerk purchased one of the t-shirts they had been selling to help fund the lawsuit. Plater only found out years later that while he wore a snail darter t-shirt under his suit when he made his case before the Court, Justice Brennan was also wearing a save the snail darter t-shirt underneath his robe.<sup>17</sup>

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<sup>15</sup> Murchison, 181; Interview with Plater.

<sup>16</sup> *Tennessee Valley Authority v. Hill*, 437 US 153 (1978).

<sup>17</sup> Interview with Zygmunt Plater, 2009.



The Court's ruling was a major victory for environmentalists and forced the Tennessee Valley Authority to begin considering alternative plans for the Little Tennessee River valley. David S. Freeman replaced staunch Tellico supporter Audrey Wagner as Chairman of the TVA board, and President Carter also appointed Richard Freeman (no relation) to the TVA board in 1978. The addition of these two new individuals steered TVA away from a hard-line stance towards completing the project and created an atmosphere supportive of alternative plans for the Little Tennessee River valley. One option called for completing the dam as originally planned (provided that it was exempted from the ESA), while another alternative involved removing the earthen portion of the dam, thereby preserving the river in its current state. Both of these options came with economic development plans for the excess land that TVA had seized, which totaled 21,500 acres above the proposed high watermark. A third option mentioned in the report called for preserving the river, and selling off all of the excess lands at auction. This option would have done nothing to stimulate the economy of the Tellico area, though it would have refunded part of the cost of the project.<sup>18</sup>

While TVA developed a series of "official" alternatives, opponents of the dam drew up similar plans to preserve the river in its present state and have the land TVA purchase set aside as either a national park or other protected lands. These plans included promoting the river for canoeing and fishing, as well as highlighting the archaeological and historical significance of the valley to both Cherokee and, more broadly, American history. These plans included the possibility of numerous signs, historical markers, as

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<sup>18</sup> "Alternatives for Completing the Tellico Project," prepared by the Tennessee Valley Authority, December, 1978, in National Archives and Records Administration, Record Group #142, Tennessee Valley Authority, River System Operation-Environment Aquatic Ecology Program Correspondence, box # 6, folder 832 E 16 Tellico Project 1974.

well as model villages or other sites of historical tourism, which could be accessed by a designating a “Cherokee Trail” route throughout the valley.<sup>19</sup>

While TVA officials seemed resigned to the possibility of not completing the Tellico Project as they had originally planned, Tennessee’s congressional delegation was determined to side-step the Supreme Court’s ruling by having the Tellico Project exempted from the Endangered Species Act. Following the Supreme Court’s ruling in *Tennessee Valley Authority v. Hill, et al*, Tennessee Senator Howard Baker introduced a bill amending the Endangered Species Act. While the amendment did not specifically exempt the Tellico Project, it created an Endangered Species Committee that would decide whether federally funded projects could be exempted from the ESA if the benefits of completing the project outweighed the potential risk to endangered species.<sup>20</sup>

President Carter, upon signing the amendments to the ESA into law, sought to mitigate the potential backlash against what was seen as a weakening of the protections afforded by the ESA. Carter suggested that while the new committee would have the power to exempt projects, he hoped that they would be “exceedingly cautious in considering exemptions” and stressed that the amendments ultimately strengthened the act by authorizing additional funds for habitat protection, increasing penalties for commercial violations of the act, and improving the consultation period before species were listed.<sup>21</sup>

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<sup>19</sup> Report on Discussions With the Eastern Band of Cherokee Indians, July 11, 1978, in Zygmunt Plater Collection.

<sup>20</sup> Murchison, 141.

<sup>21</sup> “Statement by the President,” 11/10/78, Jimmy Carter Presidential Library, State Officers Counsel, Lipshutz, box 47, folder Tellico Dam Litigation, 1/77-9/79 cf o/a 440.

Despite concerns that the committee, which was authorized to weigh the risk to endangered species against the potential economic impact of enforcement, would exempt the Tellico Project, it ruled unanimously in opposing the Tellico Project. This committee, which came to be known as either the “God Committee” or the “God Squad” heard arguments both for and against finishing the Tellico Project, and ruled on January 23, 1979 in favor of protecting the snail darter despite the fact that the dam was 95% complete. The Secretary of the Interior Cecil Andrus was on the committee, and after they announced their decision he said, “[f]rankly, I hate to see the snail darter get the credit for stopping a project that was ill-conceived and uneconomical in the first place.”<sup>22</sup>

Local residents, faced with the continued possibility of being evicted to make way for the project, grew frustrated and cynical over the willingness of lawmakers to re-write laws in favor of TVA. In a 1977 interview, Asa and Nellie McCall, elderly residents in the valley, explained how the controversy had shaped their views on government, as well as religion. Asa said “They’ve been after us now pretty near nine years. They’ve damaged my health, my finance, my religion too.” His wife, Nellie, said that she “didn’t know anything like this could happen in the United States.” Asa explained their frustration over how the laws did not seem to apply to TVA:

They’re havin’ a time of it makin’ laws to suit TVA, ain’t they? Ever’ time TVA runs into breakin’ the law, they just go change it. The Courts don’t make ‘em go by it. They get amendments to the law [if that doesn’t work] they have to replace it, and it’s got to be good or better, and the law don’t rule a thing anyway when you have a trial about what TVA is doin’. It’s just rigged up—they’re writin’ the laws.

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<sup>22</sup> Cecil Andrus, as quoted in William Bruce Wheeler and Michael J. McDonald. *TVA and the Tellico Dam 1936-1979: A Bureaucratic Crisis in Post-industrial America*, (Knoxville: The University of Tennessee Press, 1986), 208-12.

The McCalls held out hope that the involvement of environmentalists, Cherokees, and others would prevent Congress from exempting the project, but that hope proved to be short-lived.<sup>23</sup>

Two years prior to that, a federal marshal, accompanied by six carloads of TVA employees, attempted to force the McCalls to allow TVA appraisers onto their property. Mrs. McCall had recently been released from the hospital, and fearing for her health, her husband refused to let them enter their house. A younger tenant named Bill Rader ran up to assist McCall, and brought a leashed Doberman Pinscher with him. The dog “seemed to really scare the marshal” and he called for two additional carloads of marshals to serve as reinforcements. Eventually it was agreed that the marshals and TVA employees would not enter the house, but Rader was arrested for interfering. He was searched by the marshals and placed in a police car—when Rader reached into his shirt and pulled out a pistol the marshals had missed and turned it over to a local sheriff. Despite the full pressure of the federal government weighing on them, the McCalls would stay in their home for another four years.<sup>24</sup>

After the Endangered Species Committee issued its decision in favor of protecting the snail darter, it appeared as if the opponents of the Tellico Dam had succeeded in stopping it. However, supporters of the dam quickly organized and introduced measures in both the House of Representatives and the Senate that would exempt the Tellico Project from the ESA. An amendment was attached to the Energy and Water

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<sup>23</sup> Interview with Asa and Nell McCall, 3/22/77, in University of Tennessee, Special Collections, Tennessee Endangered Species Committee, box 1, folder 4.

<sup>24</sup> Larry Cote, “Two Men, Dog Back Down Marshal, TVA,” *The Loudon County Herald*, 2/27/75, in University of Tennessee, Special Collections, Tennessee Endangered Species Committee, box 3, folder 1.

Development Appropriation Bill of 1980 before it was passed that exempted the Tellico Project from the ESA and “any other law” that might impede the project’s completion.

This amendment:

...was introduced in violation of House rules against attaching substantive legislation onto appropriation bills without sufficient notice to all Congressmen. It was introduced at a time when there were approximately 15 members on the floor of the House. It was not printed in the Congressional [R]ecord. It was not read on the floor, nor described, in violation of the House rules. It was not debated. The amendment was passed by a voice vote. The whole process took 42 seconds.

The Senate initially rejected the amendment, but then backed down under pressure from the House.<sup>25</sup>

The Carter Administration was divided over how it should proceed with the Tellico Project. President Carter had previously taken the radical step of opposing additional funding for nineteen waterworks projects throughout the United States. The President considered these “pork-barrel” projects that wasted taxpayers’ money and provided little benefit for the majority of Americans. Rather than being applauded for reducing federal spending, he alienated the congressional delegations from the mostly western states that were denied funding for the project. Additional attacks on waterworks projects, such as the Tellico Dam, was sure to further inflame tensions between the President and Congress.<sup>26</sup>

President Carter, and the environmental movement as a whole, found a new enemy in a resurgent conservative movement that connected environmentalism with the

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<sup>25</sup> “Plaintiffs’ Application for Temporary Restraining Order and/or Preliminary Injunction,” in *Ammoneta Sequoyah, Eastern Band of Cherokee Indians, United Keetoah Band of Cherokee Indians, et al v. Tennessee Valley Authority*, United States Court of Appeals, Sixth Circuit, 620 F.2d 1159.

<sup>26</sup> Paul E. Scheele, “President Carter and the Water Projects: A Case Study in Presidential and Congressional Decision-Making,” *4 Presidential Studies Quarterly* (1978): 348.

left, and sought to roll back many of the environmental reforms of the past decade—in particular the Endangered Species Act. One of the most outspoken opponents of act was a man President Carter would come to know well over the next few years, Ronald Reagan. In a radio broadcast against the ESA, Reagan likened guilt over the extinction of species to a form of liberal guilt, saying:

How much do you miss dinosaurs? Would your life be richer if those giant pre-historic flying lizards occasionally settled on your front lawn? ... We as humans share a feeling of guilt because as our numbers HAVE increased we HAVE contributed to the disappearance of some species by destroying their habitat or hunting them down for food, fun and feathers. And sometimes our guilt makes us forget those thousands of species that simply ceased to exist before men ever appeared in the primeval swamp.

Ronald Reagan's radio address from July 6, 1977 continues its critique of the Endangered Species Act of 1973 by highlighting two projects that he claims it needlessly obstructed: the Dickey-Lincoln dam in Maine and the Tellico Dam in east Tennessee. After touting the Tennessee Valley Authority's power generation estimates for the Tellico Dam and disparaging the snail darter for its similarity to other darters, Reagan attacked environmentalists for using the ESA "simply to halt construction of projects they don't like" without regard for the jobs these projects provided. What is striking about the support of Reagan and other members of the New Right for the Tellico Dam is that only twelve years earlier conservatives were some of the project's harshest critics.<sup>27</sup>

Ronald Reagan made two additional broadcasts about the snail darter 1977. Reagan criticized environmentalists as "outright professionals riding the cause for their own purposes..." and "special interests" who "get attention out of proportion to their

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<sup>27</sup> Ronald Reagan, radio broadcasts, "Furbish Lousewort," July 6<sup>th</sup>, 1977 in *Reagan's Path to Victory: The Shaping of Ronald Reagan's Vision: Selected Writings* (New York: Free Press: 2004), 197-198.

members.” Media outlets began joining the fray and lent their support to conservative efforts to undermine the ESA by suggesting that environmentalists were hijacking the federal government for their own purposes. Columnist Joan Beck at the *Chicago Tribune* wrote “If that three-inch snail darter...can hold up a vast hydro-electric power project because its environment is threatened, could not that endangered species called the Americanus Taxpayerus Poor-Sappus adapt the environmental impact statement for protection too?” She continued by stressing the image of a victimized taxpaying public, subject to unnecessary regulation by environmental elites: “Despite what the environmentalists say, the world can survive without the lousewort and even without the snail darter. But there’s no way it will endure in anything like it’s present form without the Americanus Taxpayerus Poor-Sappus.” While the snail darter appeared to offer the best legal approach for stopping the dam, it quickly overshadowed the other issues involved in the project, and began to turn public opinion against the environmental movement. As environmental historian Albert E. Cowdrey has noted, the “image of a dam stopped by a ‘minnow’ proved irresistible to journalists” and dampened support for environmental regulation nationwide.<sup>28</sup>

In addition to contending with the New Right’s critique of environmentalism, Carter may also have been pressured not to oppose completion of the Tellico Project in exchange for passage of the Panama Canal treaties. Senator Howard Baker had been threatening opposition to the treaties, and open opposition to the Tellico Project may

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<sup>28</sup> Ronald Reagan, radio broadcasts, “Energy II,” October 18, 1977, and “Snail Darters,” November 29, 1977, in *Reagan’s Path to Victory: The Shaping of Ronald Reagan’s Vision: Selected Writings* (New York: Free Press, 2004), 213-15, 231-32; Joan Beck, “Taxpayers Need Rescue, Just Like the Lousewort,” *Chicago Tribune*, September, 26, 1977, B2; Albert E. Cowdrey, *This Land, This South: An Environmental History*, (Lexington: University of Kentucky Press, 1996), 183-184.

pushed Baker into publicly opposing the treaties, and thereby jeopardizing their ratification by the Senate. Carter scheduled a meeting with Senator Robert Byrd to seek his advice prior to meeting with Howard Baker. The President scribbled a cryptic note on the memo, which may have alluded to a possible connection between the passage of the Panama Canal treaties and the Tellico Project. The note simply read “Panama-Baker-Amend-TV.” While the note did not directly state that Carter traded the Tellico Project for the passage of the Panama Canal treaties, Senator Baker ended up supporting the treaties, which were ratified by the Senate in March and April of 1978.<sup>29</sup>

When Carter was faced with the Energy and Water Development Appropriation Bill, he either had to sign it, and alienate himself from environmentalists who had been strong supporters of the administration, or veto it, and risk a potential backlash from Congress. Administration officials prepared talking points memos for three potential responses: vetoing the bill, signing it but asking Congress to rescind funding for the Tellico Project, or signing the bill as it was. The memo supporting vetoing the bill suggested that the project not only violated the ESA, but was also uneconomical, that it undermined the exemption process created the previous year, and that the broad language of the bill exempted Tellico from “any” law, including safety or other concerns beyond the Endangered Species Act. The memo supporting rescinding the Tellico funding claimed that the bill was basically sound, and that the President hoped to avoid a fight over the veto by asking Congress to repeal that portion of the bill. The final memo framed the issue by saying it was a “difficult decision” but that the President wanted to

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<sup>29</sup> “Meeting with Senator Byrd,” 1/10/78, in Jimmy Carter Presidential Library, Office of Secretary of State, HF, box 67, folder 1/11/78.



“end the controversy of the Tellico project” so that Congress could “focus on priority issues.”<sup>30</sup>

A memo prepared for the president by the deputy director of the Office of Management and Budget suggested that failing to veto the bill would be inconsistent with the criteria the president had used in evaluating other waterworks projects. While deputy director John White indicated that the prior approval of the Tellico Project made it somewhat unlike the other projects Carter had opposed, he also listed four ways that the Tellico Project failed to meet the criteria he used had established:

- (1) Strict enforcement of environmental statutes (this would include the Endangered Species Act);
- (2) Strict application of economic evaluation criteria;
- (3) A requirement that a non-structural alternative be considered as each project is planned and evaluated; and
- (4) A requirement that water conservation be given consideration in planning and evaluation of each water project.

An internal poll of the various agencies and departments in the Carter administration demonstrates how divided they were in what they recommended the President do in response to the bill. The Department of Interior, Department of Commerce, and Council on Environmental Quality all suggested he veto the bill, while the Office of Management and Budget supported signing it with rescission, and the other affected agencies recommended approving the bill as it was.<sup>31</sup>

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<sup>30</sup> “Talking Points: Veto,” “Talking Points: Sign and Propose Rescission,” and “Talking Points: Sign and Propose No Rescission,” in Jimmy Carter Presidential Library, Office of Secretary of State, Al McDonald, box 24, folder Energy and Water Development Bill: Appropriations and Tellico Dam, Tenn, 9/79.

<sup>31</sup> “Memorandum for the President,” 9/21/79, Jimmy Carter Presidential Library, State Office Counsel, McKenna, box 144, folder Tellico Dam, 3/78-9/79 o/a 5329.

Zygmunt Plater remembered getting a call from President Carter on the evening of September 25, 1979, to tell him that he had decided not to veto the appropriations bill, thereby clearing the way for the Tellico Project to move forward. In a 2009 interview Plater recalled that it was clear that the President was calling to apologize for not vetoing the bill, but ultimately lacked the political muscle to risk a contentious veto fight with Congress.<sup>32</sup> While at the time all appeared lost for the snail darter, the relocated population thrived in the Hiwassee River, and after other populations of snail darters were discovered living in other nearby rivers, the fish was eventually taken off of the endangered species list.<sup>33</sup>

Despite letting environmentalists take the lead in opposing the Tellico Project, the Eastern Band had remained actively involved behind the scenes supporting the effort. Plater was in his office in Washington D.C. with Dan McCoy, chairman of the Eastern Band Tribal Council, when the president called. At the same time, Bob Blankenship was across town meeting with officials from the Sierra Club when the fateful call came through. The president's call signaled the end of another phase of the fight over the Tellico Dam, but despite how dim their chances may have seemed at the time, another hope remained for opponents of the dam. Bob Blankenship remembered asking Plater about the possibility of arguing that the Cherokee peoples' First Amendment rights were being violated by the project. It was decided at the time that the ESA offered a better hope for stopping the dam, but after the passage of the American Indian Religious

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<sup>32</sup> Interview with Plater.

<sup>33</sup> Cowdrey, 184.

Freedoms Act in 1978, Cherokee hopes were renewed, setting the stage for the final fight over the Tellico Dam.<sup>34</sup>

### **Religion, the Land, and Cherokee National Identity**

Following President Carter's signing the Energy and Water Appropriation Act in September of 1979, the Eastern Band quickly responded by passing yet another resolution opposing the project. This resolution claimed that the Cherokee peoples' rights were being violated under the newly enacted American Indian Religious Freedom Act. This act, which came into law on August 11, 1978, stated that "it shall be the policy of the United States to protect and preserve for American Indians their inherent right of freedom to believe, express, and exercise the traditional religions of the American Indian, Eskimo, Aleut, and Native Hawaiians." But what gave opponents of the dam the most hope, was that it specifically mentioned religiously important places, saying that it was "including but not limited to access to sites, use and possession of sacred objects, and the freedom to worship through ceremonials and traditional rites." The EBCI's resolution also provided funding for its attorney to file suit against TVA on behalf of the tribe.<sup>35</sup>

Prior to the passage of AIRFA, the United States had a long history of interfering with American Indian religious practices. The government went so far as to turn over reservation schools to the control of Christian religious groups, who not only discouraged the practice of native religions, but also attempted to use their influence to indoctrinate students in their particular sect of Christianity. At times the government directly outlawed various religious practices, such as the use of peyote by the Native American Church, or

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<sup>34</sup> Interview with Plater.

<sup>35</sup> Eastern Band of Cherokee Indians Resolution no. 427, October, 9, 1979; *American Indian Religious Freedom Act*, Public Law 95-341—Aug. 11, 1978.

the Ghost Dance religion during the late nineteenth century. What was even more common than outright suppression of religious beliefs was the fact that American Indians were often denied access to the sacred sites that were central to religious practices. AIRFA promised to change all of this by specifically recognizing the right of Indian peoples to the same First Amendment protections that were guaranteed to everyone else, and most importantly for the Tellico situation, by promising them access to the places that were important to their religious practices.<sup>36</sup>

Prior to the passage of the Energy and Water Appropriations Act, the Eastern Band had already begun exploring the potential use of AIRFA in relation to the Tellico Project. Woody Sneed, an Eastern Band citizen, lawyer, and member of an Executive Branch task force charged with consulting Indian nations on the implications of the American Indian Religious Freedom Act, called a meeting in Cherokee to address the Tellico issue. Sneed had previously served as a White House Fellow to Richard Nixon, and remained active in the Bureau of Indian Affairs and the Department of Interior. Representatives from the National Park Service, the Great Smoky Mountains National Park, and the Tennessee Valley Authority were also invited to attend. While they discussed the collection of herbs as well as the ongoing archaeological work in the valley, no permanent agreements were reached as a result of the meeting.<sup>37</sup>

While the Eastern Band was working through the court system to stop the dam, many EBCI citizens joined in a last-ditch effort to increase public support for their cause. Borrowing from the tactics of other protest movements during the 1960s and 70s, the

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<sup>36</sup> See Peter Nabokov, *Where the Lightning Strikes: The Lives of American Indian Sacred Places* (New York: Penguin Books, 2006), xv-xvi.

<sup>37</sup> "Minutes of Task Force Meeting," 6/29/79, in Cherokee National Archives, Earl Boyd Pierce, box #52, folder Sequoyah et al, 2 of 2.

EBCI helped organize a weekend-long protest rally was held on the banks of the Little Tennessee River near the site of Chota, the former Cherokee capital. The United Keetoowah Band (UKB) of Cherokee Indians from Oklahoma joined the Eastern Band in their lawsuit and also sent several representatives to the rally. Thomas Moser went to the campout to show his support. Moser said "...there was a crowd there, a big bunch of people. And people made speeches about it, some of the Indians did, a lot of Indians were there...It was pretty up there, big valley, big bottom, you know it was beautiful up there...I could understand why they made that their main place." Zygmunt Plater remembered attending the rally and said that it was "really wonderful" seeing all of the people that turned out. While over 1,500 Cherokees and others from Oklahoma, Colorado, and the throughout southeast gathered to voice their opposition to the dam, others actively worked to quiet those voices.<sup>38</sup>

Along the main road to the campout, roughly five miles from Chota, someone had hung an effigy of an Indian from a telephone pole, presumably as a warning to the opponents of the dam. As people arrived at the actual site of the protest, they found over 150 pounds of nails scattered in the road. After the rally had gotten underway, an anonymous phone call alerted local and TVA police that a bomb was hidden near the stage. The police forced the crowd to move away from it for several hours until they had secured the bomb and declared the area safe. Once the bomb had been removed the rally was allowed to continue. Police investigating the incident revealed that the bomb contained 16 sticks of dynamite and blasting caps, but no detonator, indicating that the

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<sup>38</sup> "Bomb Discovered at Tellico Rally," *Asheville Citizen-Times*, reprinted in *The Cherokee One Feather* (NC), 24 October 1979, pg 1, 6; Interview with Thomas B. Moser, October 14, 2005.

bomb was never intended to go off. While no arrests were made, it is likely that supporters of the dam, who were determined to silence its opponents, placed the bomb and the nails at the site to cause as much disruption as possible to the rally.<sup>39</sup>

The UKB's involvement in the Tellico controversy may have been an attempt to position itself as an alternative voice for Cherokees in Oklahoma, and, reaching back to their roots in the removal process, one that fought to protect what they considered to be traditional Cherokee beliefs and practices. As discussed in previous chapters, the UKB and the Cherokee Nation largely worked in concert during the mid-twentieth century. Once the Cherokee Nation renewed holding elections in 1971 and 1975, a rift developed between the two nations, as more conservative UKB members felt that they were being excluded from the new governments. As historian Georgia Rae Leeds has noted, absentee ballots were the deciding factor in both elections, which resulted in the election of W.W. Keeler and Ross Swimmer as Principal Chief, respectively. UKB members felt that their own leadership had not done enough to represent their interests in the election, and moved to hold a special election, renewing the UKB as a Cherokee nation that would "once more reflect the will of the full-blood members" and distancing the organization from the Cherokee Nation. John Hair, who was elected Vice-Chief during the special election, was sent to attend the campout at Chota to demonstrate UKB opposition to the Tellico Project.<sup>40</sup>

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<sup>39</sup> Ibid; "US Agents Begin Rally Bomb Probe," *Asheville Citizen-Times*, reprinted in *The Cherokee One Feather* (NC), 24 October 1979, pg 6.

<sup>40</sup> Georgia Rae Leeds, *The United Keetoowah Band of Cherokee Indians in Oklahoma* (New York: Peter Lang Publishing, Inc., 1996), 72-82; Sarah Cardin, "When My Eyes Close Forever, Don't Forget My Bones," 11-14, in private collection of Sarah Bivens.

The affidavits submitted by Eastern Band citizens demonstrate both their reasons for opposing the project and their ability to effectively utilize the media to achieve their goals. The significance of the valley to the religious beliefs of some left them no choice but oppose the dam. As quoted at the beginning of this chapter, one man, named Goliath George, stated that

“[o]ur forefathers were on this land a long time and we must share the knowledge which has been passed on to us from olden times. The traditions of the white man are not old enough for them to have learned from the land or to have learned from Unetlanvhi of nature. The people must show the white man the way or else they will destroy everything. . . . I believe in Unetlanvhi, that all seeing eye is looking and listening to all that I say and all that I say is true. To me faith, belief, [and] prayer changes things. Since I heard about this dam, I have been on my knees about these things many times.

Goliath George’s testimony did more than simply say why he opposed the dam, it also appealed to discourses about Indians that were popular with the counterculture. As discussed in the previous chapter, Indians were seen as important symbols of where American culture had gone wrong, particularly in regards to its relationship with the environment. George claimed that the spiritual beliefs of the Cherokees offered lessons to non-Indians who, in his mind, were destroying the earth.<sup>41</sup>

An important part of the testimony provided by Cherokees dealt with establishing that the valley had remained an important part of Cherokee religious practices, and that they had often made pilgrimages to the valley. Goliath George offered one of the most compelling accounts of this, by describing a prophecy made by a Cherokee medicine man in the late nineteenth-century. He said that an adelohosgi, or Cherokee spiritual leader,

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<sup>41</sup> Affidavit of Goliath George in *Ammoneta Sequoyah*, Richard Crowe, Gilliam Jackson, *the Eastern Band of Cherokee Indians, the United Kettoah Band of Cherokee Indians, et al, v. Tennessee Valley Authority*, United States Court of Appeals, Sixth Circuit, 620 F.2d 1159.

spoke from a stump on Long Ridge, overlooking the Little Tennessee River valley. He told the group that was with him that in four or five generations, the valley would be covered with water and their ancestors “would be looking up through a wall of glass.”<sup>42</sup>

Roughly four or five generations later, two brothers, who were descended from the early nineteenth-century Cherokee leader Sequoyah, also testified to the importance of the valley to their religious practices. Lloyd Sequoyah, who was eighty years old when he testified, stated that he had visited Chota twice in 1919 to collect medicinal herbs and to play stickball on the fields of his ancestors. His brother, Ammoneta Sequoyah, was likely the last Cherokee to live along the Little Tennessee River. In a fitting reversal of the encroachment of European settlers in the early 19<sup>th</sup> century, Ammoneta Sequoyah himself squatted on the land around Chota from 1945 to 1950. He stated that “I was not sure who owned the land at Chota when I arrived there. I heard that 3 or 4 people owned the land around Chota while I lived there, but I knew Chota was Cherokee land.” In an ironic twist of history, several Euro-American families were forced off of the land during Sequoyah’s stay due to their failure to pay taxes on the land. Since he had no title to the land, he owed no taxes, and managed to stay without being evicted. Sequoyah continued to travel to the area three or four times a year to collect medicinal herbs, as both he and his brother Lloyd were practicing medicine men. The area around Chota contained many

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<sup>42</sup> Goliath George, *Affidavit in Ammoneta Sequoyah, Richard Crowe, et al, and the United Kettoah Band of Cherokee Indians v Tennessee Valley Authority*, United States Court of Appeals, 6<sup>th</sup> Circuit, 620 F.2d 1159; 1980 U.S. App., plaintiff’s exhibit P, 8 Oct. 1979, Swain County, NC.



important medicinal herbs that were likely planted there by the medicine men of the past.<sup>43</sup>

The Sequoyah brothers testified that the survival of the Little Tennessee River valley was directly connected to the fate of all Cherokees, and indeed of all of humanity. Lloyd Sequoyah recalled the story of the Beaded Belt, which was made at Chota when the Cherokees still owned the land. The Belt served as a “spiritual guide” to the Cherokees, with the white strip that ran down the middle of it symbolizing the proper path for them to follow. When he was a child, his mother told him a prophecy about the Belt, saying that some harm would come to the place where the Belt came from.

Sequoyah continued, saying:

If Chota and these lands are flooded the people will violate the path of the Belt. The people will move out of the white area of the Belt into the black area of the Belt, because this is not what the people should do.... When this place is destroyed, the Cherokee people [will] cease to exist as a people, then all of the peoples of the earth will cease to exist.

The Sequoyah brothers further protested against the destruction of areas where they could collect medicinal herbs, whose strength depended in part on growing on land where Cherokee ancestors had been buried. Like they had previously done with their letter to the tribal council, the Sequoyah brothers, along with a few other Eastern Band citizens, wrote their affidavits in the Cherokee syllabary that their ancestor had invented. Despite

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<sup>43</sup>Lloyd Sequoyah, *Affidavit in Ammoneta Sequoyah, Richard Crowe, et al, and the United Kettoah Band of Cherokee Indians v Tennessee Valley Authority*, United States Court of Appeals, 6<sup>th</sup> Circuit, 620 F.2d 1159; 1980 U.S. App., plaintiff’s exhibit F, n.d Oct. 1979, Swain County, NC; Ammoneta Sequoyah, *Affidavit in Ammoneta Sequoyah, Richard Crowe, et al, and the United Kettoah Band of Cherokee Indians v Tennessee Valley Authority*, United States Court of Appeals, 6<sup>th</sup> Circuit, 620 F.2d 1159; 1980 U.S. App., plaintiff’s exhibit D, 11 Oct. 1979, Swain County, NC. Emmaline Driver and Myrtle Driver were also descendants of Sequoyah who fought against the flooding of the Little Tennessee River valley.

the fact that they were fluent in English, they likely hoped that the symbolic power of presenting their appeals in the system of writing invented by their ancestor would strengthen their testimony.<sup>44</sup>

Some Eastern Band citizens felt that the loss of the valley was a tragedy, but that it could not be avoided. Other issues, such as the proposed expansion of a highway through Cherokee, North Carolina, seemed like more pressing threats than the flooding of lands that had already been lost. The proposed extension of US 441 would displace thirty-nine Cherokee families, who felt like their government was more interested in helping out wealthy Cherokee businessmen than in respecting their rights. Many felt frustrated because they had no recourse other than to the Tribal Council. One homeowner said, “[w]e have no place to go with our protest. We can’t go to the state as they have no jurisdiction and the federal people won’t hear us. They say we must take it to the Tribal Council and we know we can’t get any relief there.” Marion D. Cucumber wrote a letter to the editor of the *Cherokee One Feather* arguing in favor of dropping the Eastern Band’s resistance to the Tellico Project. Cucumber wrote that “it seems to me also that we should settle our own domestic problems before we venture out in crusades to others. We have highway and land problems, etc. that need no evaluation because of the frequent encounters we have with them. He further critiqued the emphasis on the Tellico Project, rather than more local concerns, by arguing that “[t]his action leads me to believe that our ancestors are being used as a ‘scapegoat’ of sorts...we’ll continue to exhaust our Tribal Funds to pay for a case that will inevitably result in a lost cause.” Other Cherokees saw

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<sup>44</sup> Affidavits of Ammoneta Sequoyah and Lloyd Sequoyah, in *Ammoneta Sequoyah, Richard Crowe, Gilliam Jackson, the Eastern Band of Cherokee Indians, the United Kettoah Band of Cherokee Indians, et al, v. Tennessee Valley Authority*, United States Court of Appeals, Sixth Circuit, 620 F.2d 1159.

the highway construction and the Tellico Dam as connected, and fought against both. In an affidavit against the Tellico Dam, Myrtle Driver said:

First they will take more land for roads. We see it happening now. New highways through Qualla Boundary. The state [is] not caring about how many years some of these people have worked and saved to build their homes. Soon the white man will take everything we have- they will figure out a way to do this.

Despite these internal conflicts over the Cherokee's role in the Tellico controversy, the EBCI went ahead in its opposition.<sup>45</sup>

In addition to divisions over the Tellico Project among citizens of the Eastern Band, the Cherokee Nation had in fact given its support to TVA, and actively fought against the EBCI's attempts to stop it. TVA officials had maintained a friendly relationship with the Cherokee Nation throughout most of the Tellico controversy. After the EBCI resumed its opposition, TVA officials went to Tahlequah, Oklahoma to get the support of Ross Swimmer, who succeeded W.W. Keeler as Principal Chief of the Cherokee Nation, leading to its split with the UKB. Swimmer gave them an affidavit in which he said that the "village sites in the lower Little Tennessee River are important to the cultural history of the Cherokee Nation, but are not part of its religion." As the quotes at the beginning of this chapter demonstrate, Swimmer argued that the Tellico Project itself had been beneficial to the Cherokee people because of the very archaeological work that citizens of the Eastern Band found so objectionable. For Swimmer, this work strengthened the Cherokee Nation by revealing much about its history. Due to

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<sup>45</sup> "Protestors Mar Press Day Events," *The Cherokee One Feather* (NC), 23 May 1979, page 3; Marion D. Cucumber, "A Lost Cause," *Cherokee One Feather*, 7 November 1979, page 2; Affidavit of Myrtle Driver in *Ammoneta Sequoyah, Richard Crowe, Gilliam Jackson, the Eastern Band of Cherokee Indians, the United Katooh Band of Cherokee Indians, et al, v. Tennessee Valley Authority*, United States Court of Appeals, Sixth Circuit, 620 F.2d 1159.

Swimmer's position as the leader of the largest Cherokee Nation, his affidavit severely undermined the efforts of other Cherokees to protect the valley.<sup>46</sup>

To bolster their case, TVA also submitted an affidavit from Edward H. Lesesne, Director of the Division of Water Resources within the Office of Natural Resources at TVA. A substantial portion of his testimony was devoted to detailing the cooperation between the Tennessee Valley Authority, the Cherokee Nation, and, at times, the Eastern Band of Cherokee Indians. Lesesne recounted the participation of Eastern Band citizens in the archaeological work, the Cherokee Nation's decision to support the Tennessee Valley Authority's efforts, and even an agreement the TVA worked out with the Eastern Band to halt the removal of Indian graves from the valley after June 14, 1978 (which will be discussed in a later section). The agency further promised to reinter those graves above the high-water line, according to Cherokee wishes.<sup>47</sup>

Judge Robert Taylor, of the United States District Court, followed his earlier decisions regarding the Tellico Project and dismissed the case, denying their plea for an injunction to halt the dam on November 3, 1979. The Eastern Band attempted to bypass the lower courts and appeal the case directly to the Supreme Court, but it was denied. The Eastern Band and UKB then went to the US Court of Appeals, but they would not be able to stop the dam before the water began to back up. The Sixth Circuit of the United States Court of Appeals issued a ruling on April 15, 1980, against the Cherokees. While the court claimed to sympathize with their plight, it did not believe that the Cherokees

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<sup>46</sup> Affidavit of Ross Swimmer, as quoted in *Tellico Dam and the Snail Darter*, by Jim Thompson and Cynthia Brooks, (Knoxville: Spectrum Communications, 1991), 119.

<sup>47</sup> Affidavit of Edward H. Lesesne in *Ammoneta Sequoyah, Richard Crowe, Gilliam Jackson, the Eastern Band of Cherokee Indians, the United Kettoah Band of Cherokee Indians, et al, v. Tennessee Valley Authority*, United States Court of Appeals, Sixth Circuit, 620 F.2d 1159.

presented proof that the Little Tennessee River valley was indispensable to an organized religious belief system. They recognized that some individual Cherokees held these places to be sacred, the court ruled that this did not meet the necessary standard to qualify as an “infringement of a constitutionally cognizable First Amendment right.” Since this was not established, in the eyes of the court, it did not rule on whether or not the government had a “compelling interest” in flooding the valley.<sup>48</sup>

In treating the three Cherokee nations as one unified people, the court effectively ignored how Removal’s legacy continued to shape the Cherokee present. Even if Ross Swimmer’s testimony could be taken as representative of contemporary religious beliefs within the Cherokee Nation, he was in no way representative of the religious beliefs of Cherokees within the Eastern Band and United Keetoowah Bands. The physical dislocation of Removal, along with the divisions created by internal political and cultural changes within the Cherokee Nation—which were started in part to avoid removal—led to the creation of the three separate Cherokee nations for the previous one hundred and fifty years. By ignoring the unique historical and religious trajectories these three individual nations took over that period and treating them as a single unified people, the courts effectively silenced the continuing violence of Removal.

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<sup>48</sup> *Sequoyah et al, v. Tennessee Valley Authority*, 480 F. Supp. 608; *Sequoyah, et al v. Tennessee Valley Authority* 449 U.S. 953; *Ammoneta Sequoyah, Richard Crowe, Gilliam Jackson, the Eastern Band of Cherokee Indians, the United Kettoah Band of Cherokee Indians, et al, v. Tennessee Valley Authority*, United States Court of Appeals, Sixth Circuit, 620 F.2d 1159.

## Remembering Removal

While the Cherokees were fighting against Tellico in the courts, the few remaining landowners along the Little Tennessee River were forcibly removed. Three families remained in their homes, despite being evicted by the Tennessee Valley Authority. The Ritcheys, McCalls, and Mosers were all sent letters on October 12, 1979 stating that they had until November 9 of that year to leave. All three let the deadline pass without moving, so TVA got a court order on November 13 requiring US marshals to assist in their forced removal. The Ritcheys worked out an agreement allowing them to move out on November 14, but the McCalls and Mosers remained.\* Steve Payne, who moved to the Tellico area shortly after the closing of the dam, remembered seeing the eviction of Nell “Hattie” McCall on television, saying, “...I lived in Wyoming when all this was going on and I saw them carry Hattie McCall in her chair off her porch, and I remember thinking what in the world is going on in east Tennessee. I found out when I got here.” Thomas Burel Moser was the last resident who remained. In a recent interview, Moser recalled the day he was forced out:

So when there's fifteen of them [marshals] come in, you know, they put my behind in the road. [They] took a high-lift, tore the house down, took another and dug a hole and pushed the house in it and covered it up. Hauled all my furniture off, well I didn't have much, I took most of it out, but it's a hell of a strain on you, 'cause you know you're going to go, but you don't know when, but you know that you are. For a long time there I didn't know what was going to happen. You know they, they would come around a whole lot, but along in the end they bring papers, you got to do this, you got to do that, well I wouldn't do none of it. I didn't do anything, I just sat right there and told them that I'd be the last one to leave and I was the last one to leave. It's a strange feeling you know. Nowhere to go.

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\* There seems to be some dispute about when and how the McCalls moved out. A book, written at the request of Tellico supporters says that they moved out willingly on the 13<sup>th</sup>, but the people I interviewed stated otherwise.

Two weeks later, on the morning of November 29, 1979, the floodgates on the Tellico Dam were lowered, and the waters began to back up.<sup>49</sup>

Both Cherokees and non-Indians observed the haunting similarities between the modern day removal along the Little Tennessee River and that of the earlier Cherokee Removal. Many Cherokees' comparisons to Removal dealt less with the actual relocation of landowners, and tended instead to focus on TVA's flooding of the valley and the removal of burials and desecration of sacred sites. A Cherokee woman named Marilou Awiakta wrote that "Tellico had become a Lake of Tears... Tears from everyone who loved the beautiful valley of the Little Tennessee and had tried in vain to save it. And tears welling up from the bottom of the lake, from the eyes of the Cherokee ancestors." Awiakta wrote that a young Cherokee man told her that "Tellico is the removal all over again. First our ancestors. Then our history. Then us."<sup>50</sup>

Several Cherokees and others also made comparisons to the Trail of Tears in their affidavits in support of the *Ammoneta Sequoyah, et al v. Tennessee Valley Authority* case. Mary G. Ross, a descendant of Cherokee leader John Ross, who led the Cherokee Nation during the first removal, said, "[t]his action by the Tennessee Valley Authority in many respects is the 20<sup>th</sup> century equivalent of the Trail of Tears." Jonathon "Ed" Taylor stated, "I feel that the day President Carter signed the appropriation bill was the darkest day in the history of the Cherokee people since the Removal, when Jackson pushed through here, with the aid of another Georgia political group, and removed the Cherokee

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<sup>49</sup> Jim Thompson and Cynthia Brooks, 121-3; Interview with James "Hank" McGee, Reed A. Davis, and Steve Payne, August 19, 2005; Interview with Thomas B. Moser, October 14, 2005.

<sup>50</sup> Marilou Awiakta, *Selu: Seeking the Corn-Mother's Wisdom* (Golden, CO: Fulcrom Publishing, 1993), 61, 44.

people to West of the Mississippi.” Roy French, a Tribal Council representative from the Big Cove community said, “today, we are getting the same treatment with this Tellico Dam issue as our forefathers received during the Removal of the Cherokee people in 1838 and 39. Congress spoke with a forked tongue then and they’re still speaking with a forked tongue now.” Charles Hudson, an anthropologist from the University of Georgia who specializes in Southeast Indians, wrote an affidavit in which he said, “[f]irst we removed the Cherokees from the Little Tennessee River, and now we are about to remove every trace their habitations left along the banks of this glorious river.”<sup>51</sup>

For non-Indians, they tended to interpret their own experience of being forced from their homes through the lens of Cherokee Removal. Steve Payne, who went on to operate a campground along the shores of the new reservoir, said “...well the government said, Charleston, South Carolina go west and we’ll give you [Cherokee] land if you settle it. And Charleston came west and settled it, and two hundred years later the government says, hey, we want it back, and they took it.” Tom Moser made a similar comparison, saying:

...The Indian land grab, the TVA did the same thing. They always shit people out of it. Even you know, back years ago, they just come in and take your place, like the Indians, and then they run them off again somewhere else, and then they came in here and [did] the very same thing. Not any difference really. They probably didn’t give the Indians much for their land, and they didn’t give us nothing either.<sup>52</sup>

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<sup>51</sup> Affidavits of Mary G. Ross, Jonathon Taylor, Roy D. French, and Charles Hudson in *Ammoneta Sequoyah, Richard Crowe, Gilliam Jackson, the Eastern Band of Cherokee Indians, the United Kettoah Band of Cherokee Indians, et al, v. Tennessee Valley Authority*, United States Court of Appeals, Sixth Circuit, 620 F.2d 1159.

<sup>52</sup> Interview with James “Hank” McGee, Reed A. Davis, and Steve Payne, August 19, 2005; Interview with Thomas B. Moser, October 14, 2005.



For non-Indian landowners in the valley, the memory of Cherokee Removal enabled them to make sense of their own dispossession by placing it in a longer series of forced dislocations from the valley. Like the Cherokees before them, the federal government was forcing them to leave a place that had both physically and spiritually nourished them, backed by the promise that their removal would ultimately be for their own good.

Even though the waters of Tellico had begun to back up, the EBCI filed one last lawsuit attempting to temporarily halt the flooding of the valley. The Eastern Band of Cherokees, along with the United Keetoowah Band from Oklahoma, argued that the flooding should be stopped until the 1,140 burials that were removed from the Tellico area were re-interred in the valley. They contended that the refusal to rebury these remains was racist, pointing out that while the graves of white people were reburied with dignity above the water, the Indian remains were put in boxes and shipped to the University of Tennessee to be studied. They originally requested that TVA rebury the remains in their original locations in the valley, but after TVA refused, saying that it would abide by a previous agreement to rebury Cherokee remains above the high-watermark, the Cherokees decided to take legal action. This suit was eventually struck down, but the Cherokee's fight over the remains was far from finished.<sup>53</sup>

### **Continued Tensions**

Back in the valley, acts of violence and sabotage increased as the controversy dragged on, and the eventual closing of the dam did little to lessen the tensions. Frustrations over both the perceived injustice of the forced removals of local landowners,

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<sup>53</sup> "Suit Filed with 6<sup>th</sup> Circuit," *The Cherokee One Feather*, 5 December 1979, page 2.

along with the lack of immediately apparent benefits from the Tellico Project, led some valley residents to lash out in anger and TVA. Tom Moser recalled that “there was a lot of equipment that was torn up. They put pine burners down the exhaust pipes on the turbos, you know, and two or three of them was run into the river.” In addition to the damage done to TVA equipment, the lives of some surveyors and others associated with TVA were threatened. Steve Payne stated that “people were hooking dynamite up to the [bull]dozers, they were shooting at them, just shooting at surveyors in the woods and stuff.” He leased a campground from TVA, and was threatened on numerous occasions after moving to the area:

...a lot of people back in the 80s...would cuss me because they thought I worked for TVA, and I was a private contractor. I didn't work for them, I was just a private contractor that managed the campground under my company name, Outdoor Adventures. People would threaten me, [saying that they were] going to burn me out, I mean this was daily in the 80s. They was just, [they] tried to run me over...

While Tom Moser was not involved in any of the sabotage or acts of violence, he sympathized with those that were, saying, “[w]hen you finally get to the point where you don't care, I mean, you just take so much and finally that's it. You get pushed and pushed and pushed, and so, after a while you get to where you can't go anywhere. Your back's against the wall.”<sup>54</sup>

Government officials in Tennessee apparently feared that radical American Indian groups might also try to seek revenge for the flooding of Tellico. Chattanooga and Red Bank, Tennessee SWAT teams staged a counter-terrorism exercise in December 1979, that was covered by local newspapers and centered on a hypothetical group of American

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<sup>54</sup> Interview with Tom Moser, October 14<sup>th</sup>, 2005; Interview with James “Hank” McGee, Reed A. Davis, and Steve Payne, August 19, 2005.

Indian terrorists who had taken hostages and threatened to blow them up. The “terrorists” wanted the federal government to stop the flooding of the Little Tennessee River valley, and to turn it into a national cemetery instead. After the SWAT team killed the Indian leader, the others fired a series of rocket attacks at the police. Unfortunately for the SWAT team, the “Indian terrorists” managed to kill all of the team members as well as the hostages in the exercise. The highly publicized nature of the Chattanooga SWAT team’s exercise against the perceived threat of Indian violence contrasts with the complete lack of coverage of actual acts of violence and sabotage committed by non-Indians, and contributed to the perpetuation of discourses of Indian savagery and violence.<sup>55</sup>

No Cherokees were ever known to be involved in acts of violence or sabotage, but a group of Tellico area residents calling themselves the Scarecrow waged a campaign of sabotage and intimidation against TVA during the 1980s. The group took its name from a 1985 song by John Mellencamp, which used the image of a scarecrow standing in the rain to symbolize the loss of farms and farm culture. Melancamp’s song primarily focused on the loss of farms to foreclosure, but also struck a chord with local residents who saw their own farming communities as being under attack by the Tennessee Valley Authority.<sup>56</sup> While the Scarecrow never physically harmed anyone, the group burned down numerous TVA buildings in protest of TVA’s seizure of farmland. Perhaps the group’s greatest coup came when it bombed the new headquarters of the Tellico Reservoir Development Agency (TRDA). TRDA was established to resell the excess land that was seized as part

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<sup>55</sup> Dan Narron, “Chattanooga SWAT Team Faces Indian Terrorists in Drill,” *Chattanooga New-Free Press*, reprinted in *The Cherokee One Feather*, 12 December 1979, page 1.

<sup>56</sup> John Mellencamp, “Rain on the Scarecrow,” Mercury Records, 1985.

of the Tellico Project. TVA and TRDA wanted to sell the land to industries and development companies to build manufacturing plants and residential communities along the shores of the newly created reservoir.<sup>57</sup>

After the Tellico controversy had largely passed, TVA attempted to improve its relations with the EBCI by agreeing to build a museum in honor of Sequoyah. TVA granted the Eastern Band an easement on a parcel of land near the birthplace of Sequoyah, the inventor of the Cherokee syllabary, and paid for the construction of a museum in his honor. While TVA had originally agreed to this in 1981, the easement was not signed until 1984.<sup>58</sup>

On the day the Sequoyah Museum was scheduled to open, numerous TVA officials and representatives from the EBCI arrived to celebrate the occasion. The dedication was disrupted, however, when a bomb threat was called in by someone claiming to represent the Scarecrow. Gary Carden was present at the dedication, and described the event:

Lot[s] of Cherokee crafts people and artists came and gave things to the museum. And the governor of Tennessee, or his representative showed up, the big wheels of TVA all came. Max Ramsey was the big dog then...and they had this platform built outside the museum and all these people [were] over there making speeches about their love of the Cherokees and their determination to see that this aspect of the Cherokee tragedy be corrected...well in the midst of all this hypocrisy, which is what it was, they got a phone call that said that a bomb had been planted in the museum. ...Well the Scarecrow called the museum and said...‘I planted a bomb and the museum is going to blow up at 11:00, you better get the hell out of there,’ and [that] was [at] about 10:30. They came outside and announced it and you

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<sup>57</sup> Interview with Gary Carden, April 5, 2005; Interview with Tom Moser, October 14, 2005.

<sup>58</sup> “Grant of Easement By the United States of America to Eastern Band of Cherokee Indians for the Memorialization and Associated Activities,” contract no. TV-61206A, Sequoyah Birthplace Museum, Museum Director files, folder marked Domestication Papers.

have never seen people, I mean those people were gone in nothing but a flash, zoom, zoom, zoom...

While the Scarecrow's threat turned out to be a hoax, tensions in the Little Tennessee River valley would continue to run high for years to come.<sup>59</sup>

### **Bridging the Gap: Archaeology and the Eastern Band**

The final years of the Tellico controversy illustrate continued tensions between archaeologists and Cherokee citizens, but also demonstrate changes occurring both within the profession of archaeology and within American Indian communities. Internal changes at the McClung Museum showed willingness on the part of the University of Tennessee to distance itself from the Tennessee Valley Authority, and began a process of renegotiating their relationship with American Indian peoples. This process was by no means easy, but it is important in that it mirrored larger changes going on throughout the United States.

As evidenced by the debates surrounding the Tellico controversy, the treatment of American Indian remains by archaeologists became an increasingly heated issue throughout the 1970s and 1980s. Museums throughout the United States had regularly displayed Indian remains as part of their exhibits, but during the 1980s a number of changes began to occur that gradually radically reshaped the relationship between Indian peoples, museums, and archaeologists. Nation-wide concern for these issues was roused during the Longest Walk in 1978, a protest march by native peoples from across the United States to Washington D.C.. As protesters moved from town to town, they were horrified by the treatment of remains they found in museums across the country. Shortly

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<sup>59</sup> Interview with Gary Carden, April 5, 2005.

after that, a nationwide group called American Indians Against Desecration was formed, and ten years later the Native American Graves Protection and Repatriation Act was passed, with the intent to end the relationship between colonialism and artifact collection and display.<sup>60</sup>

In the Little Tennessee River valley, the issue was not the exhibition of remains, but rather their removal from the valley so that they could be studied by archaeologists and physical anthropologists from the University of Tennessee. UT attempted to institute a number of changes in the late 1970s to improve their relationship with the Eastern Band of Cherokee Indians. Ted Guthe, who was “enamored with TVA money,” was removed as director of the McClung Museum and replaced by Jefferson Chapman, who had been leading excavations in the valley. Unlike Guthe, Chapman was willing to publicly oppose the project and support alternatives that would preserve the archaeological and cultural resources in the valley.<sup>61</sup>

Newly appointed as Director of the McClung Museum, Jeff Chapman wrote to TVA Chairman David Freeman and Assistant Secretary of the Department of Interior Robert Herbst, to voice his support for the alternative to flooding the valley. Drawing on the language of the snail darter controversy, Chapman wrote that “First and foremost is the need to recognize that the prehistoric and historic resources in the reservoir area are also an endangered species.” He continued, arguing that the cultural resources were in fact more threatened by the proposed reservoir than the snail darter, saying, “Archaeological sites are non-renewable resources; they cannot be transplanted to

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<sup>60</sup> Kathleen S. Fine-Dare, *Grave Injustice: The American Indian Repatriation Movement and NAGPRA* (Lincoln: University of Nebraska Press, 2002), 78-79, 118.

<sup>61</sup> Interview with Zygmunt Plater.

another river.” Chapman concluded by stating that he “strongly advocate the non-reservoir alternative for the sake of the non-renewable cultural resources that are present in the Valley and we sincerely hope that the need to preserve these will be given full recognition in the decision making process.”<sup>62</sup>

While Chapman even went so far as to testify before Congress opposing completion of the dam, the relationship between the University of Tennessee and the Eastern Band remained tense. A series of meetings were held at the McClung Museum between TVA officials, archaeologists from the University of Tennessee, and representatives of the Eastern Band in the summer of 1978 over the possible reburial of Cherokee remains in the valley. The meeting was called because of “a lack of communication between UT anthropology department and the Eastern Band of Cherokee Indians,” and officials hoped that resolving the issue of the burials could go a long way towards smoothing over tensions between the two groups. The Cherokee Nation had also been contacted about the meeting, but “it was felt that [they] did not want to get involved in this matter about the Tellico Dam.”<sup>63</sup>

TVA officials sought to reassure the Eastern Band that the archaeological resources would be protected and that they would be open to the possibility of reburying Cherokee remains. Prior to the meeting David Freeman stated that “he would be very sensitive to the Eastern Cherokee’s sentiments concerning the reburial and assured them that the major sites were being patrolled, protected and severe vandalism [had been]

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<sup>62</sup> Jefferson Chapman and Gerald F. Schroedl to David S. Freeman and Robert I. Herbst, 8/17/78, in University of Tennessee, McClung Museum, Chapman Files, Tellico Alternative Cherokee 78-9 MTNGS.

<sup>63</sup> “Minutes of Meeting,” 6/21/78, in University of Tennessee, McClung Museum, Chapman Files, Tellico Alternative Cherokee 78-9 MTNGS.

stopped.” Duane King, Director of the Museum of the Cherokee Indian, stated that he did not think the “tribe would...be willing to participate if the dam is closed,” and stressed that “the reburial issue needs to be resolved soon as sentiments are getting strong and serious.”<sup>64</sup>

While it was tentatively agreed that the Cherokee remains would be reburied in the valley, the exemption of the Tellico Project from the Endangered Species Act by President Carter’s signing of the Energy and Water Development Bill, created renewed concerns of the archaeological resources in the valley. The day after Carter failed to veto the bill, Jeff Chapman wrote to David Freeman urging him to abide by the laws governing the preservation of archaeological resources, despite the broad language of the bill. Chapman wrote that

I sincerely hope that your agency will, in any case, recognize the unique and significant prehistoric and historic resources still remaining in the valley and will in good faith fund that which is necessary to reach compliance...I must also advise you that the decision to inundate will likely stimulate a new surge in vandalism and grave robbing at several sites during this interim period. I strongly encourage you to see that another pillage similar to that of 1976-1977 does not occur again.

Chapman’s concern over grave robbers is important because it raises a number of issues about who the ownership of artifacts and remains in the valley.<sup>65</sup>

Following the closure of the dam, this contest over who truly owned the remains would come to the forefront, as Cherokee leaders and archaeologists from the University of Tennessee disputed which remains should be returned and when. Principal Chief John

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<sup>64</sup> “Minutes of Meeting,” 6/22/78, in University of Tennessee, McClung Museum, Chapman Files, Tellico Alternative Cherokee 78-9 MTNGS.

<sup>65</sup> Jefferson Chapman to S. David Freeman, 9/26/79, in University of Tennessee, McClung Museum, Chapman Files, Tellico Alternative Cherokee 78-9 MTNGS.



Crowe demanded all of the Indian remains be returned to the Eastern Band, calling the TVA officials “grave robbers.” The University of Tennessee maintained the position that the 185 burials they had identified as Cherokee would be returned to the Eastern Band to be reburied, but that the roughly one thousand other remains would be retained by the museum for further study. After it was disclosed that UT planned on transferring the Cherokee remains to Louisiana State University for further study, TVA officials intervened and called a meeting between Cherokee leaders, TVA representatives, and archaeologists from the University of Tennessee. The United Keetoowah Band also passed a series of resolutions involving the excavation of burial sites, and specifically called on the Tennessee Valley Authority to return “to the Cherokees all sacred mortuary goods [they] retrieved.”<sup>66</sup>

The McClung Museum issued a press release seeking to clarify its position on the remains and explain its refusal to return those that were not positively identified as Cherokee. In the release, they highlighted the importance of the remains in the museum’s collection by lamenting the burial sites that were destroyed by unauthorized collectors, “only a small percentage of the burials in the valley were located and excavated by professional archaeologists; unfortunately, a larger percentage was destroyed by the illegal digging of relic collectors.” The release explained how the remains were identified as Cherokee or non-Cherokee by the context in which they were found, and laid out three reasons for deciding to keep the non-Cherokee remains:

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<sup>66</sup> “Indians, TVA Seek Grave Treaty,” newspaper clipping, no date, in University of Tennessee, McClung Museum, Chapman Files, Tellico Alternative Cherokee 78-9 MTNGS; Leeds, 104.

- (1) The ethnic affiliation of the prehistoric remains from the Tellico Reservoir is uncertain and there is no concensus [sic] among researchers whether they are Creek, Cherokee, or some other extinct group.
- (2) Since the cultural affiliation is uncertain, it is, therefore, felt that no living group has the right to dictate how, where, or when the reamins [sic] of a prehistoric society are to be reburied.
- (3) Finally the prehistoric human remains should be retained as part of the study collections that expand an appreciation and understanding of our nation's heritage.

The presumption of the McClung Museum, that “no living group” (apparently aside from the group working at the McClung Museum) has the right to decide that the remains should be reburied, struck both Cherokees and non-Indians as hollow. Mary Martin Floyd, a resident of Strawberry Plains, Tennessee, wrote to *The Knoxville News-Sentinel* that “chills caused from hearing the *Star Spangled Banner* and the pride in being an American diminishes every time I hear or read about such things as TVA's recent refusal to reinter all of the skeletal remains of the Cherokee Indians removed from the ground at Tellico Dam.” Floyd invoked the memory of the Trail of Tears by placing this latest controversy within the long history of colonial acts against the Cherokee:

Has Mr. Dean ever taken the time to read about the “trail where they cried,” best known as the “Trail of Tears”? This is history, but here again I fail to see what was democratic about the whole affair. What else can the Indians do for this country? They've had to give up their land, then finally settle for the territory the Government so “graciously” offered as restitution, they lost many of their loved ones over the Trail of Tears; their original burial grounds were desecrated, and now they refuse to return these remains. Unbelievable!<sup>67</sup>

Robert Youngdeer, newly elected Principal Chief of the Eastern Band, quickly began working to reclaim the bodies that were being stored at UT—in the process

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<sup>67</sup> “TVA Chided for Not Reburying Cherokee Indian Remains,” *The Knoxville News-Sentinel*, 10/21/81, in University of Tennessee, McClung Museum, Chapman Files, Tellico Alternative Cherokee 78-9 MTNGS.

threatening to use another famous trail to prevent the burials from ever being reclaimed by archaeologists. When Youngdeer went to Knoxville to reclaim the remains, UT officials attempted to have him sign a document giving them the right to exhume the bodies if they wanted to study them in the future. Youngdeer reportedly responded, “No, you look at these bones for the last time today, because you’ll never see them again...I think I’ll probably start hiking the Appalachian Trail, and every time I go out I think I’ll bury four or five of these folks somewhere along the trail, and I won’t tell you where they are.” While Youngdeer did not follow through on his threat to scatter the burials throughout the Appalachians, he “ended up doing even better than that. He got a backhoe and dug an awesome hole and put those relics in it and poured concrete on top of them so that they could never get to them again.” Eventually 192 remains were turned over to the Eastern Band, within 191 being reinterred at a burial mound at the Sequoyah museum, and the body of Oconostota was reburied in a separate grave near his original resting place, adjacent to the Council House at Chota.<sup>68</sup>

**Conclusion:**

Throughout the involvement of the Cherokee nations in the controversies surrounding the Tellico Dam, the legacy of Cherokee Removal continued to exercise a profound influence on the decisions Cherokee people made, the strategies they employed to protect their sovereignty, and the ways Indians and non-Indians talked about the about

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<sup>68</sup> Interview with Gary Carden, April 5, 2005.

the removal of burials from the valley, the removal of snail darters, and the removal of non-Indian residents from the lower Little Tennessee River valley.

For environmentalists, the fight over the Tellico Project was in some ways a high-watermark for their movement. The *Tennessee Valley Authority v. Hill* case set a landmark precedent that still stands thirty years later, and solidified the Endangered Species Act as one of the United States' most stringent environmental laws. But in the process, the snail darter's small shadow hid from the public all the other reasons people had for opposing the dam, and ultimately gave a surging New Right movement ammunition for rolling back environmental regulation. Once the Tellico Project had been exempted, environmentalists and local landowners were dependant on the Eastern Band and United Keetoowah Band to stop the project, but once again the long legacy of removal worked to shape the Tellico Dam controversy. The dam was closed, the people were removed, and the valley was flooded.

In their response, leaders of the Cherokee Nation, very much conscious of their identity as both American and Cherokees, stressed an interest in protecting Cherokee sites and ensuring that they could learn about their history through the archaeological work in the valley. However, they felt that the loss of the valley would do nothing to Cherokee religious practices. In regards to strengthening their nation, which they were simultaneously rebuilding, they saw maintaining strong relations with the Tennessee Valley Authority as significantly outweighing the loss of the valley and actively sought to distance themselves from discourses of Indianness that aligned them with the counterculture.

Leaders of the United Keetoowah Band, who became increasingly divided from the Cherokee Nation throughout the Tellico controversy, positioned themselves as the protectors of traditional Cherokee culture in Oklahoma, and used the Tellico Project as a means of distancing themselves from the Cherokee Nation. But by aligning themselves with the Eastern Band in the fight over the Tellico Project, the two nations, separated for two centuries, were brought closer together, and established a relationship that has continued to this day.<sup>69</sup> The Eastern Band of Cherokee Indians positioned itself as much more sympathetic to the demands of Indian radicals, and actively criticized the United States' legacy, and continuation, of colonialism against American Indian peoples. In the process they drew on discourses of Indianness, popularized by the counterculture, to draw non-Indian support to their cause. By working together to pressure the Tennessee Valley Authority and the University of Tennessee, they were able to negotiate the repatriation of at least some of the Indian remains removed from the valley, letting them rest once more along the shores of the now swollen and stilled Little Tennessee River. In the decades following the closing of the dam, a Cherokee presence would once more emerge along what remained of the Little Tennessee, bringing with it new conflicts over memory, Cherokee identity, and nationhood.

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<sup>69</sup> Leeds, 104.

## **Chapter 5: Timberlake's Town:**

### **Memory, Development, and the Reclamation of Identities**

Cherokee history, and particularly the history of Cherokee Removal, played a central role in the controversies surrounding the Tellico Dam, and was one of the main reasons opponents tried to stop the project. But the history of interaction between Cherokees and Europeans in the valley was also a central reason why the Tennessee Valley Authority thought the project would be a success. In both TVA's initial plans for developing the area, as well as the reality of how development occurred in the post-dam era, the Cherokee history of the valley was promoted as one of the major advantages of the project. At the center of TVA's plans for developing the valley was a community they planned on calling Timberlake, after Lieutenant Henry Timberlake, a British officer during the eighteenth-century who has come to be seen as a defender of Cherokee rights—particularly the right to remain unmolested along the banks of the Little Tennessee River.

In 1762, Henry Timberlake took a delegation of Cherokee officials from the Overhill communities on the lower Little Tennessee River valley to London to meet with King George III. The previous winter, Timberlake, along with a subordinate named Thomas Sumter, and an interpreter, had traveled by canoe to the Cherokee towns on the lower Little Tennessee River. Timberlake was sent as a peace emissary for the British following the siege on Fort Loudon during the French and Indian War. While living in the Cherokee Nation, he mapped out the towns in the valley, noting who the leaders of

each town were as well as the populations of men in each town so that future British (or as the case ended up being, American) military forces would have the intelligence they needed to launch an assault against the valley.<sup>1</sup>

Their interpreter died in route to England, effectively limiting the political importance of the trip (though they did still meet with King George III), but the Cherokee delegation was nonetheless wildly popular with the people of England. Every public appearance they made was followed by the press, and often resulted in “rioting and mischief” by the throngs who turned out to see them. Newspapers such as the *Public Advertiser* reported on their activities and listed announcements of where the Cherokees planned to visit. “Great crowds” of rowdy people would swarm to see them, often encouraging the Cherokees to join them in drinking. After being ordered to cease making public appearances, the delegation was sent back to the Cherokee Nation, and Timberlake and Thomas returned to the colonies. Both Timberlake and his assistant had spent their own funds to pay for the trip, expecting to be reimbursed by the government. Both were denied their requests, but Timberlake was at least able to use his salary to temporarily keep his creditors at bay. His assistant was not so lucky, and after the colonial government of South Carolina denied his request for reimbursement, he was imprisoned in Virginia for failure to pay his debts. He eventually bribed his way out of prison and escaped back to South Carolina, though he likely never got over his frustration and anger at the treatment he received from the British government. Fifteen years later, that assistant was by then known as Brigadier General Thomas “the Game Cock” Sumter of

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<sup>1</sup> Duane H. King, “Introduction,” *The Memoirs of Lt. Henry Timberlake: The Story of a Soldier, Adventurer, and Emissary to the Cherokees, 1756-1765* (Cherokee, NC: Museum of the Cherokee Indian Press, 2007, xxiv-xxvi, 62-64, 137n182-n185.

the South Carolina Militia, and would become renowned for his role in driving General Charles Cornwallis out of the Carolinas into Virginia—eventually resulting in the British surrender at Yorktown in 1781.<sup>2</sup>

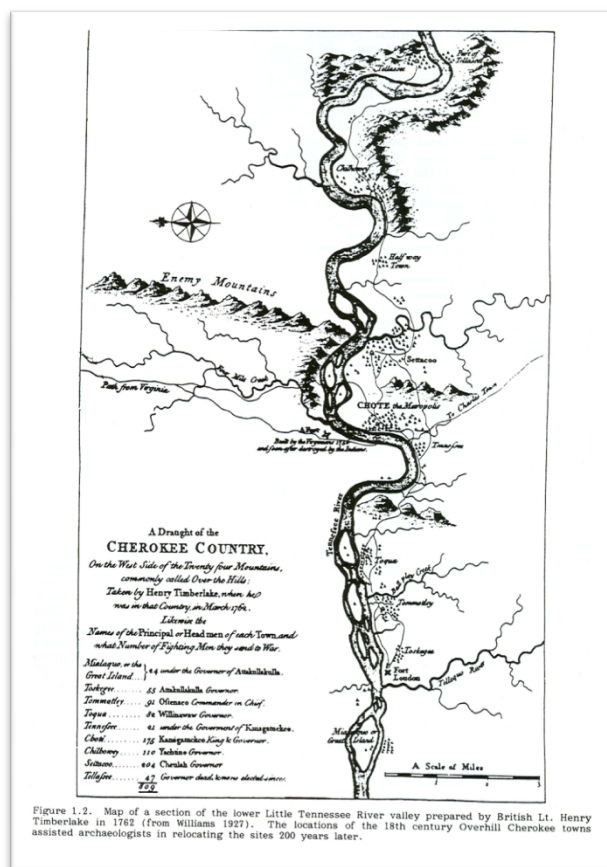


Figure 3: Timberlake's Map of the Overhill Towns<sup>3</sup>

While Timberlake was working to pay down his debts, he was approached by another group of Overhill Cherokee who hoped to go to England and convince King George III of the need to enforce the boundary established by his Proclamation of 1763. Timberlake initially wanted nothing to do with it, but after gaining sponsorship from a local colonial family, they accompanied Timberlake and the Cherokee delegation to

<sup>2</sup> Ibid., xxvi-xxviii.

<sup>3</sup> Henry Timberlake, "A Draught of the Cherokee Country..." as reproduced in Jefferson Chapman, *Tellico Archaeology: 12,000 Years of Native American History: Revised Edition* (Knoxville: University of Tennessee Press, 2001), 4.



England in 1764. As ethnohistorian Duane King has written, “If the 1762 trip was a disaster, the one in 1764-65 was a genuine catastrophe.” Both of the sponsor family members who went on the trip died, as well as two of the five members of the Cherokee delegation. Once there, they were not able to gain an audience with anyone of any importance, so the political aims of the trip once again failed. At one point an imposter even donned Indian clothing and presented himself, and presumably charged admission, as the leader of the Cherokee delegation, Chucatah. Along with confusion resulting from a group of Mohawks traveling throughout England at the time, Timberlake was accused of trying to profit from making public appearances with the delegation. The broke and desperate Timberlake tried to defend himself by arguing that “Had I showed them, I should not have been under such anxiety to have them sent away; I should have wished their stay, or been able to have sent them back without any inconveniency in raising the necessary money for that purpose.” Eventually the British government paid for the return of the Cherokees, and Timberlake was placed in debtors’ prison, where he wrote his memoirs in an effort to clear his name. He died the following September.<sup>4</sup>

In 1969, the Tennessee Valley Authority sought to honor Henry Timberlake by naming a new model community after him on the shores of the Tellico Reservoir. The reservoir itself was going to flood the sites of the Cherokee towns he visited and would permanently still the strong current he paddled against that winter of 1761. In planning this community, TVA was both reaching back to its roots in regional development, as well as embracing modern ideas about environmental living, mixed income housing, and the importance of recreational opportunities. The project would also be a pioneering

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<sup>4</sup> Ibid., xviii-xxx, 83.

public/private partnership, with the often-criticized government agency working with corporations to help create the new city. As the legal fights over the project stalled its completion, the corporate partners backed out, and eventually the Tennessee Valley Authority abandoned their ambitious plans for the city.

Development still happened in the years following the completion of the dam, but it was not the same kind of model community approach that TVA had promised. While some industry came to the area, the majority of development was exclusive residential communities that largely excluded local residents, resulting in local tensions over the influx of new people. One way that the new development conformed to TVA's original vision was by drawing on the Cherokee history of the area to create an aura of both exoticism and authenticity. Naming subdivisions after Cherokee people or places both rooted these new developments in a deep past, and yet also gave the impression of traveling to a foreign locale, which complemented the recreational opportunities of the reservoir and surrounding mountains.

This chapter argues that one of the great ironies of the Tellico Dam is that the flooding of the valley, and the resulting removal of residents, snail darters, and Cherokee remains and artifacts, made the Cherokee history of the valley more visible than ever before—but also led to contests over the ownership and scope of that history. In addition to the use of Cherokee names for various developments, TVA partnered with Cherokees in sponsoring numerous historical sites and monuments to the Cherokee heritage of the area. The controversy over the dam, as well as the larger Red Power movement and changes in both racial attitudes and public policy towards Indians, also led to a surge in people reclaiming (or in some cases, simply claiming) Cherokee identity. While these

monuments are largely silent on the struggles surrounding the flooding of the valley itself, they quickly became rallying points where people claiming Cherokee ancestry would gather to publicly embrace that identity.

The development of the valley in the post-dam era raises a number of questions about the nature of identity, historical memory, and the meaning of tribal sovereignty. Who controls the narrative of Cherokee history told by the museums, monuments, and developments? How might tying the Eastern Band to the economic success of the reservoir shape the history told through their historical attractions? Do area residents have a right to claim Indian identity if their ancestors were in fact Cherokees displaced by removal? What does this mean in terms of their claims on historical sites in the area? If their identity as Cherokees is accepted as a product of the colonial violence of removal, should they then have the same political status, including federal recognition, as the Eastern Band, the United Keetoowah Band, and the Cherokee Nation? The closing of the Tellico Dam inadvertently set off another chain of controversies over the development of the valley, the immediacy of the colonial past, and the meaning of Cherokee identity.

### **Remembering Timberlake**

From the beginning of the project, the Cherokee history of the area was considered one of the primary selling points in attracting development to the resold lands. TVA's 1963 report on the project claimed that the "unique combination of favorable terrain, good-quality water, favorable climate, easy accessibility from population centers, *unusual historic interest*, and scenic attractiveness are exceptionally promising for shoreline development for industry, home sites, and recreational use (emphasis added)."

TVA assumed that none of these benefits would be realized without the flooding of the valley, so the agency considered it “reasonable that the value of these benefits should be credited to the project.” From TVA’s perspective, the archaeological and historic value of the lower Little Tennessee River valley was not something that they had to work around to protect from the project, but rather was a key portion of what would make the project successful. The “unusual historic interest” of the area, largely due to its Cherokee past, made this valley above others particularly attractive for a project like the Tellico Dam.<sup>5</sup>

While TVA officials had not yet decided exactly what they planned on doing with the additional lands, they knew that controlling their development would be critical to generating the benefits they projected the dam would provide. They planned on setting aside 16,500 acres for a 10-year period “in order to assure that maximum benefits be realized through orderly and desirable shoreline development.” In essence, TVA planned on playing an active role in the location and planning of residential and industrial developments, as well as controlling how the historic value of the area could be capitalized on in order to boost the overall economy of the area.<sup>6</sup>

By January of 1967, the Tennessee Valley Authority was beginning construction on the dam and debating whether or not to move ahead with a planned community or allow less regulated development to occur in the valley. A report titled “Proposed Land Development in the Tellico Project Area” laid out four alternative uses for the additional lands, as well as the TVA’s recommendation for how to proceed. The report suggested that the project would create four thousand industrial jobs and twenty-five hundred supporting jobs over a twenty-five year period, which would require the creation of

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<sup>5</sup> Ibid., 40.

<sup>6</sup> Ibid.

additional housing to support all of the new workers and their families, which they projected at thirty thousand people. The four alternatives laid out by TVA were

(1) residential growth in scattered subdivisions, (2) a physically separate and full-fledged community, (3) residential growth as an adjunct or expansion of an existing community or communities in the area, and (4) an industry and amenity oriented community adjacent to the reservoir which could be planned as a whole but built in increments as the demand occurs.

While the first proposal could provide for the creation of a “walk to work” community, TVA dismissed it because the “widely dispersed nature of the industrial complex” would mean that the distance would be further than most people would be willing to walk. Also, the residential areas would then have to be so small that they “could not offer the amenities necessary to attract a highly desirable socio-economic cross-section of the metropolitan population. Foreshadowing the eventual fate of the project, they also suggested that the development along this model would produce “no major expansion” for the existing towns of Vonore and Greenback.<sup>7</sup> The second and third alternatives were also dismissed by TVA officials. The creation of a “suburban ‘new town’” would require too long to develop a large enough population to create the benefits TVA hoped the project would produce. The third alternative, expanding an existing town, was rejected because the only suitable location was Lenoir City, which was already expanding as a suburban area into the area of the project.<sup>8</sup>

The fourth alternative called for the creation of a new community “along the reservoir” (emphasis in original) that could be centrally planned, but developed

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<sup>7</sup> “Proposed Land Development in the Tellico Project Area,” 7-9, National Archive and Records Administration, Record Group #142, Tennessee Valley Authority, Natural Resources, Office of Tributary Area Development, box #38, folder 230 Tellico Jan-Feb. 1967.

<sup>8</sup> Ibid., 9-10.

incrementally to meet demand. TVA counted on the recreational opportunities and scenic attraction of the area to generate immediate demand, saying “the appeal of an attractive and protected waterfront location would help to sustain early development until it is economically feasible to provide the variety of services and attractions expected of a modern ‘new town.’” Its central location would also make it close to the planned industrial developments, making it convenient for future workers at the plants they hoped would be built. The report “recommended that TVA plan for an induce the development of a reservoir-oriented community along the lines just outlined.”<sup>9</sup>

By March of 1969, TVA’s Regional Planner James L. Gober was ready to go public with what they were then calling “Tellico New Town.” Gober gave a presentation to the Knoxville Chamber of Commerce about the model community in the hopes of gaining the Chamber’s support for the project. In an effort to appeal to the business-oriented group, Gober stressed that the project was “a unique opportunity...for a joint public-private demonstration of new community building to serve the National as well as the regional interest.” Likely in response to the decline of urban centers across the United States at this time, he trumpeted the community as offering an “alternative in the future urbanization of this country.” As historians such as Thomas J. Sugrue have shown, urban decline in the mid-twentieth century was linked to racial politics, as Euroamericans, and capital, fled the inner cities for the suburbs. Gober’s plans called for the town sought to avoid the problems of contemporary urban centers by bringing “all social, economic, and racial groups in the community fabric.” As part of his presentation he showed slides of what the model community would look like in the year 2000: a scenic waterfront

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<sup>9</sup> Ibid., 10.

community with a scattering of modernist high-rise buildings and moderately dense development—though with plenty of green space remaining for recreational opportunities.<sup>10</sup>

Three months later, TVA officials decided that the model community should be given a name other than Tellico, since there was already a Tellico Plains in the project area, and focused their search on the Cherokee history of the area. In looking for a new name, TVA officials established two criteria: “First, it should have a local or historical basis in keeping with past TVA policy concerning project names. Secondly, it should contribute to the new community image TVA will want to create at Newtown.” Of the seventeen identified possible names for the town, thirteen stemmed from the area’s Cherokee past. Ten of those were the names of Cherokee towns, while other possibilities were Sequoyah, Tahlequah, and Timberlake. By late August TVA officials had selected the name Timberlake for the new model community, stating that not only had Timberlake’s map been used in the ongoing archaeological projects in the valley, but that “with respect to the new community image, Timberlake is well suited to the water orientation, wooded character, and mountain view characteristic of the Newtown site.” While TVA officials wanted to incorporate the area’s Cherokee history as a selling point for the project, they chose to go with an English colonist’s name, who was associated with the Cherokee, to signify Cherokee history, rather than any of the available Cherokee alternatives. Almost two hundred and four years to the day after Henry Timberlake died

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<sup>10</sup> “Tellico New Town,” 3/3/69, National Archives and Records Administration, Record Group #142, Tennessee Valley Authority, General Managers Files, Board of Directors, Smith-Wagner-Hays-Welch Corresp., box #25, folder 230 Tellico 1969-70; Thomas J. Sugrue, *The Origins of the Urban Crisis: Race and Inequality in Postwar Detroit* (Princeton: Princeton University Press, 2005), xviii.

penniless and stranded in London, the Tennessee Valley Authority resurrected his name for a town in the valley that both made him a celebrity and led to his downfall.<sup>11</sup>

In the midst of TVA's lawsuit with the Environmental Defense Fund, TVA Chairman Aubrey Wagner defended the project to Tennessee's Governor Winfield Dunn, in part by stressing the economic and environmental benefits of Timberlake community. In order to keep up with the increasing costs of the dam, Aubrey Wagner estimated that the community would now house 50,000 people and that the town "would incorporate the most advanced planning and environmental protection to insure that the highest quality of living would be maintained for its inhabitants, which it is estimated will reach 50,000 people over the 25-year period." The inclusion of environmental considerations was both a reflection of larger concerns in the United States over environmental issues, and also aimed at deflecting attacks made on the Tellico Project by environmentalist organizations like the EDF.<sup>12</sup>

Attacks on the project were not limited to environmentalists. Local resident Irma Witt O'Fallen objected to the use of Henry Timberlake's name for the model city in a letter to the *Knoxville News-Sentinel*:

It is indeed ironic that the Shangri-La envisioned by TVA is to be called Timberlake, presumably in honor of Lt. Henry Timberlake.

This "honor," if Lt. Timberlake were here today, would be termed a sacrilege, or at best, the lowest form of hypocrisy.

Lt. Timberlake died in 1765, in the pitiful state of bankruptcy. He was using his own funds to help the Cherokee maintain this very land in question (namely

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<sup>11</sup> "Possible Newtown Names" and "Memorandum" 8/27/69, in National Archives and Records Administration, Record Group #142, Tennessee Valley Authority, Natural Resources, Office of Tributary Area Development, box #38, folder 230 Tellico July-Dec. 1969.

<sup>12</sup> Aubrey Wagner to Winfield Dunn, 12/17/71, in National Archives and Records Administration, Record Group #142, Tennessee Valley Authority, Natural Resource, Office of Tributary Area Development, box #38, 230 Tellico July-Dec. 1971.



Chote [Chota], Toskegee, Tommotley, Toqua, Citico, etc.), not being able to acquire any reimbursement from the Government when it was the Government that sent Lt. Timberlake on his mission. He died with these matters still “hanging” in the courts.

Have we progressed so little in these 200 years?

Would we destroy forever the land where Lt. Timberlake lived with the Cherokee, fought through the courts to preserve for the Cherokee, dying with and for this cause, and then name the cause and/or result of this destruction...”Timberlake” ?

Rank hypocrisy justifies this benevolence, and if this utopian city should ever exist, may I suggest that it more honestly be called “Wagnersville.” (emphasis in original)

O’Fallen’s attack on the project came at the same time that the Eastern Band was actively opposing the project as well as the archaeological work being done in the valley. By depicting Timberlake as a non-Indian who gave his life in support of protecting Cherokee lands, her critique of the project highlights the potential destruction of the very lands that Cherokees hoped Timberlake could help them protect. O’Fallen’s use of the term Shangri-La also captures the exotic appeal TVA hoped to incorporate into the community by drawing on its Cherokee past. But by using the name Timberlake, TVA also marked the proposed community as a Euroamerican place in the present, while at the same time highlighting the Cherokee *past* of the area.<sup>13</sup>

Despite the attacks on the project, TVA moved ahead with seeking a corporate partner to make their public/private vision of Timberlake a reality. TVA records indicate that 43 corporations were targeted as possible partners for the project, including a veritable “who’s who” of American corporations: Anheuser-Busch, Goodyear Tire and Rubber, W.R. Grace, Hallmark Cards, International Paper, Metro-Goldwyn-Mayer,

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<sup>13</sup> “Timberlake Called Unfitting Title for TVA’s Tellico City,” *Knoxville News-Sentinel*, 2/23/73, in *The Tellico Dam: News Stories: Jan. 1, 1972-Feb. 29, 1972, supplement vol. 5*, TVA Corporate Library, Knoxville.

Phillips 66 (Chaired by Cherokee Nation Principal Chief W.W. Keeler), Standard Oil of California, Westinghouse, US Steel, and the Walt Disney Corporation. TVA files contained a plethora of rejection letters, many thanking TVA for considering them, but stating that they had no interest in participating in the project. A US Steel representative commented that the “concepts for this project are imaginative and striking” but that their current obligations preclude them “from a participation in such an extensive project at this time.”<sup>14</sup> Two companies initially expressed interest in the project, the Aluminum Company of America (ALCOA), who already had a significant presence in the area, including their own community of Alcoa, and Boeing Corporation. Of the two, Boeing enthusiastically pursued the project and set up a series of meetings with TVA officials on how they could collaborate on the project. While there were some technical and legal issues to be worked out, TVA officials left the meeting feeling like Boeing’s proposal was “a good one.” Their vision for the project included making the city water-oriented, assuming that not only would industries use barge traffic for much of their shipping, but also that “[r]esidents, who will have convenient marinas near nearly every home, may drive the family boat most of the way to the office. Or possibly go by some sort of commercial water transportation.”<sup>15</sup>

The Cherokee Nation also sought to have a hand in the development of Timberlake, hoping that the model city would include a number of historically themed

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<sup>14</sup> “Corporations” and W.H. Lang to Lynn Seeber, 2/6/73 in National Archives and Records Administration, Record Group #142, Tennessee Valley Authority, Natural Resources, Office of Tributary Area Development, box #37, 230 Tellico 1973.

<sup>15</sup> Robert C. Hatfield to Lynn Seeber, 1/26/73, Memorandum 3/16/73, Memorandum 3/21/73, and Memorandum 3/23/73, in National Archives and Records Administration, Record Group #142, Tennessee Valley Authority, Natural Resources, Office of Tributary Area Development, box #37, 230 Tellico 1973; Carson Brewer, “Timberlake Can Be Marvel City,” *The Knoxville News-Sentinel*, 1/9/72, c-1.

attractions. In a report written by Martin Hagerstrand, the executive director of the Cherokee Heritage Foundation, he suggested a series of possibilities for capitalizing on the Cherokee history of the area. Among his suggestions were “an outdoor drama, an Indian-oriented theme park, an ‘Indian-style’ summer camp, and a series of controlled archaeological digs in which amateurs could sate their mania for unearthing Indian treasures.” While TVA was eager to retain Cherokee Nation support for the project, they were horrified by some of Hagerstrand’s proposals, especially the idea of amateur archaeological digs, calling it a “disaster and outrage.” TVA continued to work with the Cherokee Nation on their plans for the valley, but largely rejected the proposals for Timberlake.<sup>16</sup>

TVA’s plans for the model city began to unravel as state and federal agencies expressed reluctance to support the project. The Tennessee Department of Conservation refused to sign a Memorandum of Understanding with Boeing Corporation in regards to the project and the Governor of Tennessee, Winfield Dunn, had come out in opposition to the Tellico Project as a whole. Additionally, the US Department of Housing and Urban Development (HUD) expressed its reservations about the project to Boeing. By 1974 HUD notified TVA and Boeing that the \$30-\$40 million in federal grants they hoped to receive would not be authorized, citing the instability of congressional funding and the Tellico Project’s ongoing legal problems. By March of 1975 Boeing officially withdrew

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<sup>16</sup> Wheeler and McDonald, 177-179; Wheeler and McDonald incorrect state that the Eastern Band was pushing for these attractions, which they described as “each more tasteless than the last.” Hagerstrand was the non-Indian director of the Cherokee Nation’s historical society (and an amateur archaeologist), thus it is possible no Cherokees played any part in making the suggestions. However, it is somewhat unlikely that he would have made these suggestions to TVA without clearing them with Earl Boyd Pierce or Principle Chief W.W. Keeler first.

from the project, largely because of the lack of potential for federal funds to cover the bulk of development costs.<sup>17</sup> Despite the increasingly unlikely outlook for TVA to develop any sort of model community, they continued to refer to their development plan as the “Timberlake Shoreline Management Plan” into 1977. Ultimately the name Timberlake would be dropped, as would the ambitious plan to develop a model community on the shores of the Tellico Reservoir. What resulted instead was much more akin to the first alternative for development, a series of scattered subdivisions along the reservoir, none of them within walking distance to the nearby factories, and many of them did not even cater to local workers.<sup>18</sup>

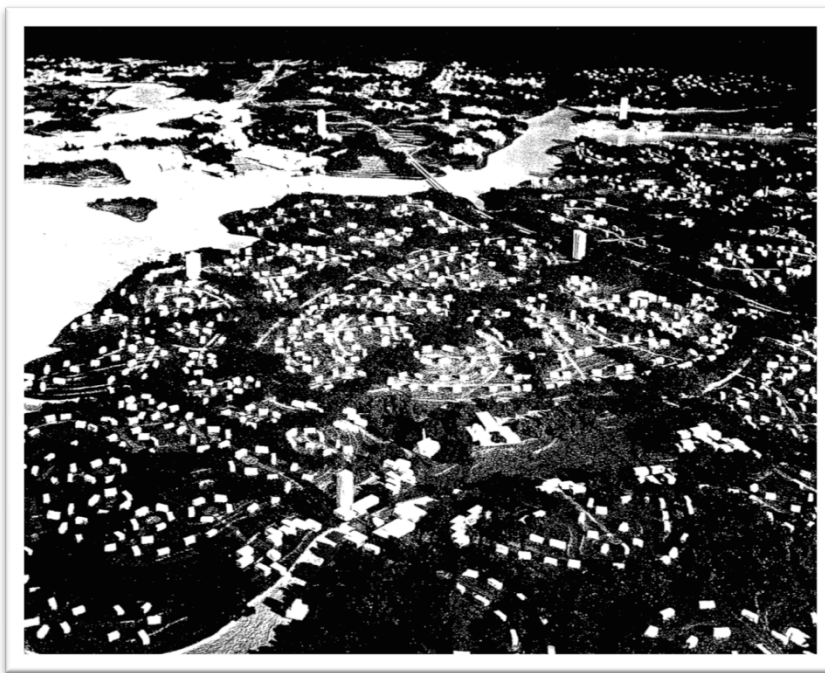


Figure 4: Timberlake Model 1<sup>19</sup>

<sup>17</sup> Wheeler and McDonald, 176-177, 181-183.

<sup>18</sup> “Timberlake Shoreline Management Plan,” 5/2/77, in National Archives and Records Administration, Natural Resources, Office of Tributary Area Development, box #37, file folder 230 Tellico 1977.

<sup>19</sup> Image taken from National Archives and Records Administration, Record Group #142, Tennessee Valley Authority, General Managers Files, Board of Directors, Smith-Wagner-Hays-Welch Corresp., box #25, folder 230 Tellico 1969-1970.



Figure 5: Timberlake Model 2<sup>20</sup>

### **Residential and Industrial Development**

Following the lengthy fight over the snail darter and changes to the Board of Directors at TVA, the plans for developing the lower Little Tennessee River valley underwent significant changes. The dream of building a model community had disappeared, and TVA found itself not only having difficulty creating any kind of development, but reduced funding and increasing costs of finishing the Tellico Project forced them to make a number of cuts to the plans that remained. By the early-to-mid 1980s, the memory of the snail darter fight began to fade from the media, and some

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<sup>20</sup> Image taken from National Archives and Records Administration, Record Group #142, Tennessee Valley Authority, General Managers Files, Board of Directors, Smith-Wagner-Hays-Welch Corresp., box #25, folder 230 Tellico 1969-1970.

industries and residential developers were attracted to the area. While the mixed-income, centrally planned utopia of Timberlake never developed, what formed in its place was a series of exclusive residential communities and a smattering of factories, built around a reservoir that lived up to TVA's claims of its potential for scenic attractiveness. These new developments, which largely catered to retirees from other regions or upper-middle class professionals from Knoxville, created tensions with long-time valley residents, many of whom were forced out of their homes to make way for these new communities. And while these new developments failed to deliver on the diverse promises of Timberlake, they did follow its example by capitalizing on the area's Cherokee heritage to boost home sales and attract new residents.

Almost a year after the gates on the Tellico Dam were closed, the escalating costs of finishing the project forced the Tennessee Valley Authority to scale back many of their plans for the valley. The cost of constructing a parkway by the reservoir increased to \$700,000 and was not previously covered in the budget. The canal, which would connect the Tellico Reservoir to the Fort Loudon Reservoir, increased in cost by \$1.4 million dollars. The cost of "cultural and historic preservation, archaeological work, and snail darter recovery" also increased over what was projected in their original budget. Added to this, congress cut \$1.4 million from their budget for the project. To make up the difference TVA cut funding for snail darter recovery by two hundred thousand dollars, cultural and historic preservation by one hundred thousand dollars, and cut funding for the creation of a "living Indian village" by another one hundred thousand dollars. Additionally, \$2 million dollars were cut from recreational development plans for the project. While TVA was not abandoning its plans to capitalize on the Cherokee history of

the area, the escalating costs of critical components of the project, such as roads and the canal, which were essential to the industrial and recreational potential of the project, combined with decreasing congressional support to limit reduce TVA's once expansive plans for developing the valley.<sup>21</sup>

In another effort to make up for the budget cuts for the Tellico Project, TVA officials decided to retain the money used from selling the lands in order to help pay for the escalating costs of the project. TVA's General Counsel, Herbert Sanger, wrote a memo in November of 1980 arguing that despite the fact that TVA had previously stated they planned on returning the proceeds from the sale of lands to reduce the overall cost of the project, they could retain those funds if they were needed for accomplishing the goals of the project. Sanger stated that section 26 of the TVA act enabled them to retain proceeds necessary for operating dams and reservoirs. While this had previously been restricted to the physical operation of the dams and reservoirs, as well as the costs associated with electricity, he argued that since the purpose of the project was economic development "actions taken by TVA with regard to Tellico Reservoir lands designated for development which enhance their utilization for industrial and recreational purposes can be viewed as part of the operation of the Tellico reservoir project." While former TVA Chairman Wagner had discussed the return of profits from land sales to the treasury during appropriation hearings in 1966, Sanger pointed out that he was not definitive in his statement that this would actually occur. Rather, Wagner said "we would expect to return to the Treasury our recoveries from the sale of shoreline lands (emphasis in

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<sup>21</sup> Memorandum, 11/20/80, in National Archives and Records Administration, Record Group #142, Tennessee Valley Authority, River System operation-environment, Aquatic Ecology Program Corresp., box #6, folder 832 E 16 Tellico Project 1974-.

original).” Sanger concluded that “it seems to us this may be properly viewed as simply a statement of what TVA expected would occur under the law governing the matter...”<sup>22</sup>

Sanger also suggested that TVA develop another organization to handle the sale of lands and management of the property, and then, if any funds were left over they would transfer them back to the TVA. TVA could then presumably transfer those funds back to the Treasury. The Tennessee Valley Authority created another organization, the Tellico Reservoir Development Agency (TRDA), to manage the development of lands around the Tellico Reservoir. Creating the TRDA also enabled TVA to transfer the lands to it and not have to manage their sale to private developers, in the process creating a buffer between the TVA and the development process. It also sidestepped concerns over the agency using selling lands for private development that it acquired through the use of eminent domain. Lands that were actually acquired through condemnation procedures (such as Tom Moser’s property) were still set aside for public use, but those that were acquired by purchase (backed up by the threat of condemnation) were mostly set aside for private development. Having TVA transfer management of the lands to the TRDA, who would then sell them to private developers, shielded them from claims that they were abusing eminent domain laws. TVA officially transferred the lands to the TRDA on September 23, 1982, but continued to exercise oversight over the project.<sup>23</sup>

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<sup>22</sup> Herbert S. Sanger to W.F. Willis, 11/25/80, pg 1-3, in National Archives and Records Administration, Record Group #142, Tellico Industrial Files, box #7, folder Tellico Reservoir Development Agency, January 1982 thru June 1982.

<sup>23</sup> Ibid.; Wheeler and McDonald, 218; “Sale of Tellico Development Land-Contract No. TV-60000A With The Tellico Reservoir Development Agency,” in National Archives and Records Administration, Record Group #142, Tellico Industrial Staff Files, box #7, folder Tellico Reservoir Development Agency, July 1982 thru December 1982. In 2005 the Supreme Court ruled in *Kelo v. City of New London* that government could seize



By the spring of 1981, TVA officials were continuing to worry about the economic prospects of the project. The Adolph Coors Company expressed some interest in building a plant on the reservoir to take advantage of the abundant water supply, but they ultimately backed out. Further cuts to TVA's budget made industrial development an increasingly unlikely occurrence. One TVA staffer responded to the cuts in funding for industrial development by saying "We consider this amount insufficient to fully carry out our program responsibilities at Tellico. Any further reduction of this fund would seriously jeopardize the economic development activities we should accomplish in the near term, and what the local governments expect." Warning that the failure of industrial development would equal a failure of the project as a whole, he wrote "these potentials [economic development] were a major justification for the project." While the project looked for a time like it would be a complete failure, development did eventually come to the Tellico area.<sup>24</sup>

Far from the utopian Timberlake, in mid-1982 the only development seriously interested in moving to the Tellico area was a toxic waste processing facility. Upon hearing about the possibility of the facility being built at the reservoir, officials for the three-county area were aghast. TVA staffer Kati Menendez relayed the reaction of Steve Campbell, a consultant for the counties, when he heard about the facility and called her saying "it made no difference whether it would be a dump or a plant or whether toxic waste or just garbage was processed. He was adamant that no reputable developer would

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private land for private development if it was for the "public good." Previously eminent domain was legally restricted to lands that were seized for "public use."

<sup>24</sup> "Tellico Reallocation of Funds," 4/23/81, in National Archives and Records Administration, Record Group #142, Tellico Industrial Files, box #7, folder Tellico Reservoir Development Agency, January 1982 thru June 1982.

come near Tellico if such a facility located at Tellico and that this concept is inconsistent with what is envisioned for Tellico development.” In the end, the Tellico reservoir was not even suited for a toxic waste facility, as the interested party backed out after investigating the soil types at the potential site. While TVA officials were undoubtedly upset by the loss of a potential industry, local boosters who had supported the project were relieved that their new reservoir’s first industry would not be a toxic waste facility.<sup>25</sup>

Throughout 1983 and 1984 the plans for industrial and residential development slowly began to come to fruition, though they differed markedly from the ambitious plans TVA had for the Timberlake community. While the Tellico Reservoir Development Agency was successful in luring industry to the area, the residential development of the valley largely focused on exclusive upscale communities and retirement homes. Many of these sought to capitalize on the area’s Cherokee past to increase the allure of their communities by connecting native imagery with the water-based, active lifestyle they promised potential homebuyers. Additionally, the influx of new people to these communities created tensions with long-time residents, many of whom were displaced to make way for the newcomers.

The first plant to locate to the Tellico area was built by the Sea Ray boat company, who manufactured small boats and jet skis. Sea Ray proposed to buy nearly forty acres of land along the reservoir to build a seventy-eight thousand square foot factory to built small boats designed for fishing and recreation. While their proposal

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<sup>25</sup> Kati Menendez to Richard L. Morgan, 6/2/82 and C.H. Dean, Jr. to Lamar Alexander, 10/21/82, in National Archives and Records Administration, Record Group #142, Tellico Industrial Staff Files, box #7, folder Tellico Reservoir Development Agency, July 1982 thru December 1982.

called for TVA to build a wastewater treatment plant, gas line, and other additions costing a total of \$1.8 million dollars, their contract was approved on April 19<sup>th</sup>, 1983, the same day construction started on the plant. It promised to hire between 200 and 350 employees, almost all of them coming from the local population. It looked like some of the promised benefits of the project were finally coming to pass.<sup>26</sup>

Shortly before the announcement of the Sea Ray plant, TVA also began negotiations with the state of Tennessee to set aside part of the land as a Wildlife Management Area. In late December of 1982 TVA officials met with representatives from the Tennessee Wildlife Resources Agency (TWRA) to discuss designating some of the lands taken by the Tellico Project as a Wildlife Management Area. While some officials were concerned that setting aside the land for wildlife management might conflict with TVA's goals of promoting recreation, Ron Field of TVA's Wildlife Program stated that it would not conflict with their plans, and in fact it would provide benefits for both TVA and TWRA by enabling them to set regulations on hunting, provide greater control over public access, and promote wildlife in the area. The lands they suggested setting aside included much of the area upstream from Vonore and Highway 411, the major access route to the Tellico area. Eventually some of the lands were set aside as Wildlife Management areas while other portions became part of the Cherokee National forest.<sup>27</sup>

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<sup>26</sup> Jack Hammontree to Howard B. Sain, 4/12/83 and Howard B. Sain to Tish B. Jenkins, 4/22/83, in National Archives and Records Administration, Record Group #142, Tellico Industrial Staff Files, box #7, folder Tellico Reservoir Development Agency, Jan-April 1983.

<sup>27</sup> Memorandum, 1/6/83, in National Archives and Records Administration, Record Group #142, Tellico Industrial Staff Files, box #7, folder Tellico Reservoir Development Agency, Jan-April 1983.

By June of 1983, two companies expressed interest in developing residential communities at Tellico, Cooper Communities Inc. and Christian Perspectives Inc. Christian Perspectives was interested in developing a “family resort” and “second home development” on a few hundred acres of land along the reservoir, but TVA ultimately rejected its proposal because the offer was “below market value.” Cooper Communities Inc. proposed a much more expansive vision, building a community on 3,800 acres along the shores of the reservoir. TRDA sent fifteen representatives to Arkansas aboard one of TVA’s planes to inspect one of Cooper Community Inc.’s previous 20,000 acre developments in Hot Springs. News of the potential development broke, though it reported it as a “retirement community.” TVA officials responded by calling the article “misleading” because the proposal was not “limited to a retirement village.”<sup>28</sup>

Cooper Communities proposal soon swelled to developing 4,806 acres of land and paying TRDA \$10.4 million dollars for the land as well as in developing services and amenities. The highlights of the new development were to include “one 18-hole championship golf course; one golf clubhouse; one recreation center with swimming and tennis; and one yacht and country club facility of approximately 50,000 square feet.” TRDA reached an agreement with Cooper Communities Inc to develop a master plan for the property on September 22, 1983. The following year Cooper Communities presented

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<sup>28</sup> “Biweekly Key Topics Report,” 6/2/83, and “Article from the 8/11/83 News-Sentinel Titled “retirement Community Proposed,” 8/23/83, in National Archives and Records Administration, RG #142, Tellico Industrial Staff Files, box #7, folder Tellico Reservoir Development Agency, May-August 1983.

their master plan to TRDA, calling the new development “Tellico Village.” The master plan was approved unanimously by TRDA in September of 1984.<sup>29</sup>

The new development by Cooper Communities, Tellico Village, differed significantly from TVA’s initial vision of a multi-racial, economically diverse community on the shores of the Tellico Reservoir. While the development did include some modestly priced interior homes (i.e. without views, water access, or golf course access), these were still far beyond what most residents were paid for the land they lost to make way for the project. On average, local residents were paid \$330 dollars per acre for land that TVA took for the project (adjusted for inflation, that would be \$1803.09 per acre by 2009). Tellico Village currently offers a variety of home sites, with those closest to the water going for as much as \$1,695,000 for a six-bedroom home on 1/3 of an acre. Even the least costly home currently available (as of October 2010) was selling for \$109,000 for a two-bedroom home on ¼ of an acre. Waterfront lots without homes (or permits for docks) were selling for over \$100,000, putting them far out of reach for many long-time area residents. The promises of racial diversity also failed to materialize, as the Tellico Village area is 96% Caucasian (as of 2010).<sup>30</sup>

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<sup>29</sup> “Following the public trust mandate...” and “Biweekly Key Topics Report—Tellico Project,” 9/23/83, in National Archives and Records Administration, Record Group #142, Tellico Industrial Staff Files, box #7, folder Tellico Reservoir Industrial Files, Sept.-Dec. 1983; John A. Cooper to TRDA, 9/12/84, and TRDA to William F. Willis, 9/20/84, in National Archives and Records Administration, RG #142, Tellico Industrial Staff Files, box #6, folder Budget: Reference.

<sup>30</sup> Wheeler and McDonald, 245; Inflation rate based on 1970 as generic sale year (most took place in late 1960s and early 1970s), using inflation calculator at <http://www.westegg.com/inflation/>, (accessed 10/11/10); Information taken from Tellico Village Homes for Sale and Knoxville Homes for Sale, <http://www.tellicovillagehomepro.com/>, (accessed 10/6/10); Neighborhood and Demographics Information, <http://www.movoto.com/neighborhood.aspx>, (accessed

Over the years additional industries and residential communities were built at the Tellico Reservoir, but these too failed to live up to the expectations created by TVA when they proposed the Tellico Dam Project. By 2001 TRDA claimed that 5,300 jobs had been created either directly or indirectly because of the project (a considerable number, though short of the 6,600 jobs TVA predicted by 1995), though it is impossible to know how many jobs might have been created if one of the alternatives to the project had been implemented. Unemployment did decrease significantly from the early 1980s when it was at 18%, down to less than 9% by 2004. Many of the developments, exemplified by the gated “Rarity Bay” community, catered exclusively to wealthy retirees. Rarity Bay offers condominiums starting at approximately \$200,000, and ranging all the way up to waterfront lots selling for \$660,000—for just the lot, a home is not included in the price. The developers of the 960 acre Rarity Bay community are upfront about the exclusive nature of the neighborhood, saying on their website:

*Living at Rarity Bay is not for everyone.* If you’re looking for a waterfront, golf, resort-style East Tennessee community, than [sic] Rarity Bay is for you. We would love to show you this great Tennessee real estate opportunity and have you meet *the exclusive group* that makes up our Rarity Bay Family (emphasis added).

TVA’s projections for development were correct in assuming that the reservoir would generate development from people interested in the scenic beauty of the area. The developments around the Tellico Reservoir were listed as “America’s Top 100 Golf Communities,” as well as “Best Places for a Vacation Home,” and “among the best

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10/6/10)\* Demographic information is for all of the town of Loudon, which Tellico Village is considered part of).

places to retire.” However, much of the development that occurred excluded those that were most directly affected by the project.<sup>31</sup>

With the influx of new people into the area, tensions broke out between those who were displaced by the dam, but remained in the area, and the newcomers. For many of the longtime residents the cultural differences between themselves and the new residents, many of whom were from the Midwest or Northeast, increased what would have been already substantial tensions by creating a fear that not only had they lost their land, but they also were losing their culture. One local resident, Mary Hendershot, had mixed feelings about the influx of people to the valley. In 2004 she served as director of the Monroe Area Council for the Arts and appreciated the support her work received from many of the people that moved into the area, but also said that local support had largely disappeared because they were “overwhelmed by the unfamiliar faces” at events. In an interview with *Metro Pulse* magazine she also recounted a 1992 meeting of the Tellico Property owners association when “A fellow got up, talking about the voter-registration drive,” the man stated in a Midwestern accent that “This year, we’re the new kids on the block. But 10 years from now, we’re gonna be the *bullies* on the block.” The pronunciation of the name of the town of Vonore has also been a sore spot between longtime residents and newcomers. The town had been traditionally pronounced “VAHN-

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<sup>31</sup> Tellico Reservoir Development Agency, Annual Report, 2001; Jack Neely, “Tellico Dam Revisited,” *Metro Pulse*, 12/9/04, pg 18, in Fort Loudon State Historical Site, clippings file (Neely points out that national unemployment also declined during this period, but that the Tellico Project likely contributed significantly to that amount. He also cited two figures, 9% from the Monroe County website, and 5% from the county economic director); Rarity Bay—Properties, <http://www.raritybay.com/properties.php>, (accessed 10/6/10); Rarity Bay—Community, <http://www.raritybay.com/community.php?id=080710104330157118100827>, (accessed 10/06/10); Rarity Bay—News and Events, [http://www.raritybay.com/news\\_and\\_events.php](http://www.raritybay.com/news_and_events.php), (accessed 10/06/10).

ore,” but increasingly is called “Von-ORE” by people who moved into the series of developments along the shores of the reservoir.<sup>32</sup>

Steven Payne also expressed frustration over the change in language and culture. Payne was originally from the upper reaches of the Little Tennessee River in North Georgia, but moved to the Tellico area in the early 1980s to operate a campground at the reservoir. He reacted to the influx of new people by saying that it’s “changing the whole way of thinking, way of talking.” Payne saw the influx of northerners into the area as threatening an Appalachian language and culture that had already been under attack, saying, “I remember when I was in school, if you talked your native language, the English teacher would correct you. ‘Cause a poke, and a dope, and a whoopin’—that’s not the way you’re supposed to talk.” James McGee, a former Principal of the nearby Greenback School, stated that he knew two people who had quit their jobs with the county government because of confrontations with newcomers. McGee claimed that they could not put up with the sarcasm of people from up North. Calling them up and coming in their office and cussing and so forth. That’s not the way you get things done down South.” Tom Moser, who was the last resident forced out of his home to make way for the dam, stayed in the area and also expressed frustration at the changing culture:

Yeah it made a pretty big impact, all the people you know around here are gone, they moved to different places. ...and of course it’s worse now [that] you’ve got all these people in here that you don’t know, don’t want to know. It’s like that bunch this morning [when I met him at a local gas station for coffee], they’re alright, but they’re just not our kind of people. I’m kind of old fashioned about

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<sup>32</sup> Jack Neely, “Tellico Dam Revisited,” *Metro Pulse*, 12/9/04, pg 19. I personally also heard people voice their frustration over the changing of pronunciation for local places during my trips to the area. In addition to Vonore, Chillhowee, Fort Loudon, and several other places were points of contention between newcomers and longtime residents. Not only were people displaced, but in a sense, their language was also being displaced by people with different accents and pronunciations of local places.



things like that, an old southern tradition I guess, but it's just the way I feel, you know. If they're not from here—not from [the Tellico area], but the South—they ain't shit. It don't sound good but I can't help it.

Moser went on to add that a common bumper sticker in the area stated “We don't give a damn how you did it up North.” For many of the local residents, even in an area that was heavily divided during the Civil War (and where slavery was relatively absent), the fallout from the Tellico Project seems like a second coming of Reconstruction. With the federal government having a heavy hand in shaping the area and modern day carpetbaggers moving in, feelings of powerlessness and disenfranchisement, fueled anger and frustration about the development that followed the Tellico Dam.<sup>33</sup>

Local residents also complained about the enormous profits being made off of land they were forced to sell at rates that many considered unfair. James McGee stated in an interview “the only thing you'll probably hear people upset about is that the fact that the people that owned the land didn't reap the benefits. You know the ideal thing would have been ok, we're going to take this land and we'll pay you x-amount of dollars. But if and when it sells, you are going to share in the profits. But that didn't happen.” The shear wealth that was generated off the land that these people had been forcibly removed from struck many local residents as unjust, and a further insult added to their frustration from having to leave their homes in the first place.<sup>34</sup>

Perhaps adding to the tensions, new developments in the valley tended to bypass local non-Indian history in marketing their developments, highlighting instead the history of the people first removed from the area. While some of the developments drew on

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<sup>33</sup> Interview with Reid Davis, Steve Payne, and James McGee; Interview with Tom Moser.

<sup>34</sup> Interview with Reid David, Steve Payne, and James McGee.

water-based imagery for marketing their communities, others reached back into the valley's Cherokee past to create an image of exoticism to complement the waterside life of leisure they promised. Tellico Village, perhaps more than any other development, enthusiastically incorporated Cherokee elements into its design and marketing. Tellico Village's account of its "Origin," describes the area's Cherokee history:

Long before the white man took over the river and the land, the Cherokee Indians claimed the Little Tennessee River as their own. They believed it was a special river. Its waters brought them purification of soul and body as well as providing food and transportation. They located their villages along its shore, some of which carried names familiar to modern-day Tellico Villagers—Chota, Toqua, Tommotley, Tanasi, Chatuga, Coyatee, and Kahite.

This origin story effectively tells potential homebuyers that while the Cherokees are gone, access to their mysteries and the healing power of their water will be at their fingertips if they purchase a home in Tellico Village. Newcomers to Tellico Village can spiritually connect with the landscape through the valley's native past, while simultaneously divorcing the valley from being a Cherokee place in the present. As Philip Deloria has argued, "Americans wanted to feel a natural affinity with the continent, and it was Indians who could teach them such aboriginal closeness. Yet, in order to control the landscape they had to destroy the original inhabitants." By relegating Cherokees to the valley's past—and centering the valley's present on "the white man," developers promised potential homeowners the ability to engage in the mystical allure of the valley's native past, while feeling secure in its Euroamerican present and future. At the same time, by skipping over the previous one hundred and fifty years of non-Indian development, it

obliterates the history of non-Indian communities in the area, excluding long time residents from narratives of the area's past.<sup>35</sup>

As the last quote hinted, Tellico Village also incorporates Native American, and frequently Cherokee, names and words into the names of streets, buildings, and subdivisions. As a reporter for *Metro Pulse* pointed out:

Tellico Village sports dozens of native-American [sic] names on its clubs and roads and golf courses. With a Tecumseh Lane, Court, Way, Point, Place, etc., that famous Shawnee chief gets more attention here than you might expect him to, considering he wasn't a Cherokee and never lived near here, and considering he was an avowed enemy of the United States, dedicated to the violent resistance to all white settlement west of the Appalachians.

And then there's Tanasi Lagoon, and Tanasi Golf Course. Tanasi Place, Tanasi Way, Tanasi Lane, Tanasi Court, Tanasi Circle, Tanasi Point, Tanasi Trail, Tanasi Drive. All of this development would have been unlikely, of course, if the real Tanasi were not underwater.

Sequoyah Road leads to the Yacht and Country Club, alongside Sequoyah Point Villas; some under construction, they're brick, of identical gable design.

Tuskegee, Sequoyah's underwater home, is several miles upriver from Sequoyah Point.

All of these names provide Tellico Village residents—and potential residents—with a sense that the place is grounded in an authentic past, while at the same time making it seem exotic and foreign, without the fear of actually encountering anyone exotic or foreign. The very name of Tellico Village is itself derived from a Cherokee word, and affixing “village” to it conjures up the small communities of Cherokees that once lived along the banks of the now stilled Little Tennessee River. Emphasizing the area's Cherokee past shapes how home owners and visitors encounter the landscape around them. Instead of just seeing beautiful mountains reflected on a reservoir, their view of the

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<sup>35</sup> Worth Wilkerson, “Tellico Village Origins,” <http://tvpoa.net/origins/>, (accessed 10/6/10); Philip J. Deloria, *Playing Indian* (New Haven: Yale University Press, 1998), 4-5.

landscape is filtered through an impression of the area having a deep past, one tied to a “simple” time, when people lived in harmony with nature. The combination of an Indian past and scenic present offers residents the impression that they too can recapture that simple life by purchasing a home on the shores of Lake Tellico.<sup>36</sup>

But Tellico Village planners did not stop at merely naming streets and buildings after the area’s Cherokee past, they also planned on decorating the interior of some of their building with works of art aimed at capturing the Cherokee essence of the valley. A brochure for Tellico Village from 1988 describes how they hired Diana Hudgens to do a “series of paintings that record some of the heritage of the Cherokee people who lived along that part of the Little Tennessee River that is now Tellico Lake.” Once finished, the paintings will “be placed in the Chota Recreation Center, the Toqua Golf Center, and the Yacht and Country Club.” The artist grew up in Wyoming and Montana, but discovered later in life that her great-grandmother was Cherokee. While she claimed to be 1/8 Cherokee, she was not an enrolled citizen, but stated that she “would very much like to be an enrolled member of the Cherokee Nation,” saying “I think it is very important for anyone who can get on the rolls to do it, to be proud of their heritage and pass it down. It is important, too, to the tribe that they have an accurate count.” As will be discussed later in this chapter, the politics of Cherokee identity also became very heated during this same period.<sup>37</sup>

Following the most recent removal of people from the Little Tennessee River valley, this series of developments offered some of the benefits promised by TVA in its

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<sup>36</sup> “Tellico Dam Revisited,” pg 20.

<sup>37</sup> “Tellico Village Life,” Summer 1988, pg 4-5, Sequoyah Birthplace Museum, Museum Director Files, clippings file.

plans for the Timberlake community, but failed to deliver on many others. Instead of a racially and economically diverse area along the shores of the reservoir, locals were treated to an overwhelming white and upper-class series of subdivisions that they were largely excluded from. Tensions between longtime area residents and many of the newcomers, especially those from the North, grew increasingly heated as the influx of people began to change the culture of the area. At the same time, these same subdivisions sought to profit from the people who were first removed from the valley, ironically making Cherokee history more visible than before the dam. However the history it depicted was a sanitized one, driven by a market that aimed at presenting an enticing otherness, bereft of any hint of the past struggles and contemporary pain Cherokee people felt because of the loss of the valley. As the next section will discuss, these developments were not the only ways that Cherokee history was being retold and made visible along the banks of what once was the Little Tennessee River.

### **Historical Markers and Museums**

As developers were moving in to build industrial and residential projects along the shores of the reservoir, Cherokees, the Tennessee Valley Authority, and the state of Tennessee worked together to turn the reservoir area into a historic district that would highlight the Cherokee history of the valley. Historic structures such as Fort Loudon and the Tellico Blockhouse were rebuilt or restored to tell the story of Euro-American settlement in the area, a museum was built to honor the birthplace of Sequoyah and describe his contributions to Cherokee—and world—history, and a series of memorials

were constructed at Tanasi and Chota, in addition to a burial mound to protect the remains of those Cherokees that were disinterred as a result of the archaeological work prior to the flooding of the valley. While these “technologies of memory,” as Marita Sturkin has dubbed objects or places that convey historical narratives, tell a more rounded version of Cherokee history than the paintings, street names, and golf courses of Tellico Village project, the politics behind their construction silenced much of the contentious debates that preceded their creation. While the attractions do highlight the Cherokee past of the valley, the active role played by the Tennessee Valley Authority in the creation and maintenance of these structures, combined with the Eastern Band gaining an economic interest in the development of tourism in the valley, effectively silenced any inclusion of the conflicts over the creation of the dam itself or the resulting archaeological work.<sup>38</sup>

While talks had gone on between the Eastern Band of Cherokee Indians, the Cherokee Nation, and the Tennessee Valley Authority about how to commemorate the valley’s Cherokee past since the early 1970s, after the closing of the dam in 1979 these plans began to become a reality. An organization called the Tellico Historical Foundation formed in 1980 with the express goal of helping to shape the development of the valley’s potential for historical tourism, as well as restoration. In an “unofficial” meeting of the

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<sup>38</sup> See Marita Sturkin, *Tangled Memories: The Vietnam War, The AIDS Epidemic, and the Politics of Remembering* (Berkeley: University of California Press, 1997) and Michel-Rolph Trouillot, *Silencing the Past: Power and the Production of History* (Boston: Beacon Press, 1995). Sturkin defines technologies of memory as any physical item or place that conveys a historical narrative, including museums, monuments, historical markers, photographs, etc. Trouillot’s work examines how the creation of history necessarily silences some facts through the production of a narrative, and that those silences are reflective of larger structures of power operating on both the author and the archival process. While Trouillot focused on the production of written history, Sturkin’s broader approach enables us to look for Trouillot’s silences in all the places history is narrated.

Board of Directors on July 19, 1980, they met with TVA officials to discuss the possible role of the organization in contributing to the development of the area. Members included Jeff Chapman of the University of Tennessee, Charles Hall, Mayor of Tellico Plains and a major booster for the Tellico Project, Marvin Bailey, a journalist and “expert on Cherokee Indian history,” and medical Doctor McCarthy DeMere, who served as Chairman of the Board, as well as several others. Maxwell Ramsey, the Director of TVA’s Cultural Resources division, represented TVA.<sup>39</sup>

The meeting was contentious, with members disagreeing over everything from the TVA’s sincerity in working with them to whether historical accuracy or tourist appeal should be the driving force behind their work. Max Ramsey made a presentation explaining that the state of Tennessee owned the site of Fort Loudon (and was currently working on a restoration and welcome center), but that TVA owned all the surrounding land and planned on developing the area itself with its own funds. Furthermore, any activities the Foundation wanted to undertake would require approval from TVA, and necessitate a detailed proposal. Jesse Mills, Director of TVA’s Technical Library, stated that “TVA could not acquire the money from Congress year after year to maintain the improvement contemplated to the Fort and surrounding area,” but stressed that the area “remains a potentially great site for tourism.” Craig Hughes, the Executive Secretary for the Foundation, “challenged” Ramsey by saying that “the trivial amount of money TVA could put into the Fort and surrounding area would not adequately develop it and would cheapen a valuable historical asset to the State and nation.” After Dr. DeMere reiterated

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<sup>39</sup> Minutes of Board of Directors of Tellico Historical Foundation, Inc. and Tellico Area Officials at ALCOA, Tennessee, 19 July, 1980,” in University of Tennessee, McClung Museum, Chapman Files, folder Tellico Historical Foundation.

the need for the area to “appeal to tourists,” Marvin Bailey stated that “he was more interested in the historical aspect of the Tellico area than in appealing to tourists.” There appeared to be little about either the purpose of the organization or its relationship to TVA that the Board could agree on.<sup>40</sup>

One area that the Board did agreed on was that they, unlike TVA, could likely bring together representatives from both the Eastern Band and Cherokee Nation. They had sent invitations to both Duane King, Director of the Museum of the Cherokee Indian and spouse of an Eastern Band citizen, and Earl Boyd Pierce of the Cherokee Nation to join the organization. Both accepted, but neither attended the July 19 meeting. Hughes stressed the importance of the Foundation as a neutral third (or, as the case may be, fourth) party in being able to bridge the divide between Cherokee nations and TVA. The Eastern Band was still in negotiations with the TVA over the return of human remains from the valley. Hughes stated that “this hatred between TVA and the Cherokees seems almost impossible to settle.” Bailey and Charles Hall “tacitly agreed.”<sup>41</sup> The following month Ramsey said that he was simply responding to claims that “if the Foundation does not step in and do something, nothing [would] be done...” by indicating that TVA had already done significant work at “Tellico Blockhouse, Fort Loudon, and Chota” and would continue to do so even if the Foundation did not exist. He also stated that TVA had an agreement to rebury Cherokee remains since 1974, but that since they were “still in litigation” any resolution would require “further consultation.” While relations between

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<sup>40</sup> Ibid.

<sup>41</sup> Ibid.



the Foundation and TVA seemed to relax, TVA's increasing budget cuts likely contributed to the gradual fading out of the organization.<sup>42</sup>

By 1984 TVA's funding situation had improved, as had relations with the Eastern Band of Cherokee since their protracted negotiations over the return of Cherokee remains had ended, enabling them to continue with their plans for developing the area as a historical tourism district. Throughout the final years of the fight over the dam, TVA had proceeded with plans to build a island over the original site of Fort Loudon and a peninsula over the site of the Chota Council House, in preparation for building reconstructions or monuments above the original locations of those structures. TVA had also directed that archaeological work be done to uncover the foundation of the Tellico Blockhouse—which was above the high-water line of the reservoir—in order that it too could be turned into a site of historical tourism. The Tellico Blockhouse was a small fort that housed US Indian agents during the late 1700s and early 1800s, and was the site of numerous treaties between the Cherokees, Chickamaugas, and the United States.<sup>43</sup>

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<sup>42</sup> Maxwell D. Ramsey to Craig Ian Hughes, 8/12/80, in Cherokee National Archives, Earl Boyd Pierce, box #58, folder Tellico Historical Foundation B of D. The last reference I found to the organization was a letter dated 10/29/80 referring to a future meeting on 11/12/80, following a meeting with the Full Council of the Cherokee nations on 11/6/80. The letter stressed the importance of “a good turnout [for the 11/12/80 meeting] so there can be a broad consensus on Foundation decisions and a strong mandate to carry those decisions out.” It is unclear from the records I have whether lack of sustained interest or TVA's increasingly tight budget led to the end of the Foundation, but one of the major developments they discussed, an Indian Village, was cut from TVA's budget shortly after the 11/12/80 meeting. See Craig Ian Hughes to Members of the Executive Board of Directors, Tellico Historical Foundation Inc., 10/29/80, in CN, Pierce, box #58, Tellico Historical Foundation B of D; Memorandum, 11/20/80, in National Archives and Records Administration, Record Group #142, Tennessee Valley Authority, River System Operation-Environment, Aquatic Ecology Program Corresp., box #6, folder 832 E 16 Tellico Project 1974-.

<sup>43</sup> Maxwell D. Ramsey to Craig Ian Hughes, 8/12/80, in Cherokee National Archives, Earl Boyd Pierce, box #58, folder Tellico Historical Foundation B of D.

But in 1984 the Tennessee Valley Authority began to move forward with plans to create a museum to honor the valley's most famous former resident, Sequoyah, which would be administered by the Eastern Band of Cherokee Indians. The Sequoyah Birthplace Museum contains exhibits on the history of Sequoyah, as well as the history of the Little Tennessee River valley unearthed by the archaeological excavations in the area, but it remains silent about the contentious fights over the very methods that make the exhibits possible. TVA agreed to grant an easement to the Eastern Band for approximately 46 acres along the shores of the Tellico Reservoir in May of 1984 for the construction of the museum as well as the building of a burial mound. Despite TVA giving the Eastern Band the right to use the area, it maintained strict control over the activities that could occur there, as well as any plans the Eastern Band had for developing the land. The easement allowed for recreational activities and "memorialization of the American Indians' presence in the Tellico Reservoir project area," but also stated that any commercial developments would require approval of TVA. TVA also retained the right to revoke access and use of the easement if the Eastern Band was found to be in violation of the contract, giving them ninety days to remove any improvements (such as buildings) or they would revert to TVA ownership. The contract specifically stated that the Eastern Band would "not construct, operate, or maintain buildings, facilities or structures of any nature" without having prior approval from TVA—who would likely consult with the TRDA before making a decision. The easement gave the Eastern Band access to one 44.6 acre parcel along the waterfront of an artificial island that also contained Fort Loudon, as well as a smaller 1.4 acre island in the reservoir. While the agreement called for TVA to pay for the construction of the museum and gave the Museum of the Cherokee Indian the

authority to operate it, the contract also guaranteed that TVA would maintain a significant amount of control over the historical narrative it conveyed.<sup>44</sup>

This linkage between TVA and the Sequoyah Museum was further cemented in 1980 and 1990, when the Eastern Band turned over operation of the Museum to the “Friends of Sequoyah.” The Board of Directors of the Museum of the Cherokee Indian passed a resolution on February 5, 1990 delegated responsibility to managing the Sequoyah Museum to the Friends of Sequoyah Board of directors, citing its distance from Cherokee, NC and the difficulty operating “the day to day accounting” and other business. The Friends of Sequoyah includes enrolled citizens of the Eastern Band, local residents of Cherokee ancestry, and local business leaders, but was also chaired by Max Ramsey, TVA’s Director of Cultural Resources. Charlier Rhodarmer recalled that the organization is really interesting because it includes people who at one time divided over the Tellico Project, but have now come together to make the Cherokee history of the valley more visible. Around the same time, Max Ramsey began working out a deal between the Tennessee Valley Authority and the Eastern Band to grant them another easement of land along the shore of the reservoir to develop a marina and resort complex.<sup>45</sup>

The idea for a resort was originally proposed in 1989, but was delayed until the 2003. The Eastern Band partnered with the Overhill Development Company to create a

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<sup>44</sup> “Grant of Easement By United States of America To Eastern Band of Cherokee Indians For Memorialization And Associated Activities,” contract No. TV-61206A, in Sequoyah Birthplace Museum, Museum Director Files, folder Grant of Easement; see also Eastern Band of Cherokee Indians, “Resolution No. 156,” 3/26/84, in Sequoyah Birthplace Museum, Museum Director Files, folder domestication papers.

<sup>45</sup> “Whereas, the Sequoyah Birthplace Museum...” in Sequoyah Birthplace Museum, Museum Director Files, folder domestication papers; Interview with Charlie Rhodarmer.

proposal for the resort, and was granted an easement for an additional 44 acres of waterfront property from TVA in 2004. Charlie Rhodarmer, the Director of the Sequoyah Birthplace Museum, claimed that the resort would add tremendously to the museum by enabling “us to do more programs, symposiums, lecture series and conference. We’ll be able to develop exhibits and cultural history programs” for the resort. While many local residents were suspicious that the Eastern Band would turn the resort into a casino, and it reportedly did explore that potential when the project was first proposed, Max Ramsey insisted that Tennessee laws prohibited TVA from engaging in gambling operations and that there were no plans for that at the resort (the rise of gaming will be discussed more fully in the next section). The resort as planned will eventually “include lake view villas with four units each, cabins, three restaurants, a lakeside beach and swim center, a lodge, retail shopping and specialty boutiques, a campground, RV park, conference center, canoeing, sailing, and kayaking facilities” at a cost of \$49,000,000. The “200 slip-marina” was completed by the summer of 2009, while the rest of the facilities were scheduled to be phased in over a seven to twelve year period.<sup>46</sup>

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<sup>46</sup> Rebecca Ferrar, “Bringing Tourists to Vonore’s Shore,” *Knoxville News-Sentinel*, 4/30/06; “Cherokees Plan Resort; TVA Would Have to Approve Development on Shore of Tellico Lake near Vonore,” *Knoxville News-Sentinel*, 06/14/03; Rick Laney, “First Phase of Sequoyah Lodge & Lake Resort Under Way,” *Dailytimes.com*, 4/30/07. <http://www.thedailytimes.com/apps/pbcs.dll/article?AID=/20070430/NEWS/704300304> (accessed 10/07/10); Observations of author during field work in 2009.



Figure 6: Sequoyah Birthplace Museum <sup>47</sup>

The combination of TVA oversight of the Sequoyah Birthplace Museum and surrounding lands, as well as the Eastern Band now having an economic interest in making the Tellico project a success, has resulted in a historic district that depicts pre-contact, colonial era, and Removal-era Cherokee history, but also shies away from any discussion of the controversies surrounding the construction of the dam, or much Cherokee history at all. The museum contains an impressive array of works written in the syllabary Sequoyah developed, as well as numerous displays on both the archaeological work performed in the Little Tennessee Valley as well as depictions of historic Cherokee life and culture. Behind the Museum sits a burial mound and marker, containing and commemorating the remains of 191 Cherokee individuals that were removed from the valley during the archaeological investigations. A plaque at the marker includes an engraved version of Timberlake's famous map of the Little Tennessee River valley, along

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<sup>47</sup> Sequoyah Birthplace Museum in Vonore, TN. Photograph by author.

with a brief statement about the remains, but it offers no hint of the struggle that occurred to guarantee their reburial at the site.<sup>48</sup>



**Figure 7: Burial Mound**<sup>49</sup>

Across from the Sequoyah Birthplace Museum, but on the same island, is Fort Loudon State Historic Park. As discussed in previous chapters, Fort Loudon had been restored and operated since the 1930s by the Fort Loudon Association, a major early opponent of the Tellico Project. During the 1970s the original site was covered with fill, creating what would be a large island in the reservoir. The fort was then reconstructed above the original site, and was turned over to the Tennessee State Park service in 1977 to operate, though TVA retained ownership of the surrounding lands. It was one of the first sites to open following the closure of the Tellico Dam, with work on the welcome center finishing in 1980. The Tellico Blockhouse was restored around the same time and

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<sup>48</sup> Based on observations of the author during numerous trips between 2005 and 2009.

<sup>49</sup> Burial Mound behind the Sequoyah Birthplace Museum. Photograph by author.

turned over to the Tennessee State Park service. It is located in a park across the reservoir from Fort Loudon.<sup>50</sup>

Upstream from the Sequoyah Birthplace Museum, burial mound, Fort Loudon, and the Tellico Blockhouse is a pair of markers memorializing the Cherokee mothertowns of Chota and Tanasi. Like Fort Loudon, the Chota site memorial is built on a peninsula constructed by TVA to cover the site of the original council house. The site abuts a wildlife management area, and contains a small parking lot with a tree and berry lined trail out to the end of the peninsula where the memorial is located. The monument consists of a concrete circle based on the dimensions of the original Council House, with 8 posts of varying size to mimic the original supports. One post reads “Cherokees in the Little Tenn. Valley” while the other seven posts bear the names and symbols of the seven Cherokee clans: blue, long hair, bird, paint, wolf, wild potato, and bear.<sup>51</sup>



Figure 8: Chota Memorial<sup>52</sup>

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<sup>50</sup> Ibid.; see also Minutes of Board of Directors of Tellico Historical Foundation, Inc. and Tellico Area Officials at ALCOA, Tennessee, 19 July, 1980,” in University of Tennessee, McClung Museum, Chapman Files, folder Tellico Historical Foundation; and “History” Fort Loudon State Historic Area, [http://fortloudoun.com/?page\\_id=10](http://fortloudoun.com/?page_id=10), (accessed 10/07/10).

<sup>51</sup> Based on observations of the author.

<sup>52</sup> Chota Memorial with Oconastota’s headstone in the foreground. Photograph by author.

Adjacent to the memorial is the gravesite of Oconastota, the 192<sup>nd</sup> Cherokee reinterred in the valley. Oconastota's was the only Cherokee grave that was positively identified, due to the fact that he was buried prostrate (rather than the customary fetal position) with a canoe and eyeglasses, which were found at his gravesite next to the original Cherokee Council House. Visitors frequently leave stones, feathers, or other items along the top and base of his headstone.<sup>53</sup>



Figure 9: Oconastota's Grave<sup>54</sup>

The final memorial in the Tellico area was constructed by the Tennessee Historical Commission Foundation and the Tennessee Valley Authority in 1989 to honor the site of Tanasi. The monument is an open octagon with a plaque briefly describing the history of the town and how it served as the basis for the name of the state of Tennessee, and contains engravings of the seals of both Tennessee and the Cherokee Nation. While the actual town site is predominantly underwater, the memorial is within sight of the peninsula over Chota, reflecting the historic relationship between the two towns. In the

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<sup>53</sup> Based on author's observations.

<sup>54</sup> Oconastota's gravesite and headstone at the Chota Memorial. Photograph by author.



center of the octagon is an image of a flame, symbolizing the sacred fire that once burned in the center of the Tanasi Council House.<sup>55</sup>



Figure 10: Tanasi Marker<sup>56</sup>

While the commemoration efforts undertaken by TVA, and demanded by Cherokees, have made the valley's Cherokee heritage more visible, they offer a narrative of that history that fails to highlight the contemporary struggles of Cherokees over the fate of the valley. The active role TVA has maintained in shaping the historical commemoration of the area, as well as the Eastern Band's economic interests in the success of the project (and, perhaps, a desire to move beyond the pains of past conflicts over the area), have combined to create a historical district that succeeds in educating visitors about the area's Cherokee history, but remains largely silent about the struggle over the dam itself. Even the modestly named Charles Hall Museum, in Tellico Plains, owned by long-time mayor and Tellico booster Charles Hall, does not include any

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<sup>55</sup> Based on author's observations, as well as the inscriptions on the memorial.

<sup>56</sup> Tanasi Memorial. Photograph by author.

references to the fight over the dam. Instead the museum houses a rather remarkable collection of guns, currency, antique appliances, and assorted other artifacts. By only concentrating on Cherokee history in the pre-removal era, these sites not only silence the fights over the dam, but also contribute to a narrative of Cherokee history as something that ended with the removal crisis.

The failure to fully depict the revitalization of the Cherokee nations during the 1960s and 70s, as well as the conflicts that developed out of that era, prohibits visitors from learning about one of the more exciting aspects of Cherokee history—the contemporary resurgence of active, organized, and powerful Cherokee governments. It also silences the role that the controversies surrounding the Tellico Dam played in defining the national identities of each of the Cherokee nations, and, as discussed in the last chapter, bringing the United Keetoowah Band and Eastern Band closer together after almost two centuries of separation. At the same time as the three federally recognized Cherokee nations were revitalizing, a movement swept the Little Tennessee River valley and much of the rest of the country, as people began to reclaim what they considered their own Indian identity, and in some cases they sought to create active, organized, and powerful Cherokee governments of their own.

### **Contesting Nations: Cherokee Descendant Groups**

The development of these monuments along the Little Tennessee River also had an unexpected result. The monuments were relatively silent on the conflicts surrounding the construction of the dam and reservoir, but the creation of the museum and historical markers created Cherokee spaces in the valley, which served to bring together people

who claimed Cherokee descent. While historians, such as Matthew Frye Jacobson, have argued that the rise of white-ethnic identity groups in the mid-to-late twentieth century was motivated by a desire to reject responsibility for past wrongs (such as slavery, or in this case, Cherokee Removal), the particular history of the Little Tennessee River valley suggests a more complicated scenario. While the same motives have doubtless inspired some individuals to claim Cherokee ancestry (whether real or fictive), the dispersal of Cherokee people during the removal process, along with a century of legal and social pressure to mask native identity, suggests that the embracing of native identity was not a sudden shift, only the public nature of that embrace. The museums, markers, and other historical developments in the valley developed after the closing of the Tellico Dam created a physical space where people claiming Cherokee descent could make those identities public.<sup>57</sup>

Two separate, but intertwined social movements swept the United States during the 1960s and 70s that changed the ways people thought of themselves as well as their ancestry. The Civil Rights movement led to the end of Jim Crowe throughout the southern United States, legally eliminating racial discrimination as well as discrediting the racial discourses that identified non-Euro-Americans as inferior. The Red Power Movement in some ways overlapped with the Civil Rights movement in its aims, but it differed at its core in its demand for what Charles Wilkinson calls “measured separatism.” What this means is that American Indian people not only wanted to end discrimination (in terms of access to work, housing, as well as objectionable depictions of Indian people), but they also demanded a greater recognition of the sovereign rights of

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<sup>57</sup> Matthew Frye Jacobson, *Roots Too: White Ethnic Revival in Post Civil Rights America* (Cambridge: Harvard University Press, 2006).

Indian nations as governments that were separate from the United States. While some demanded complete independence (for instance, the leaders of the Wounded Knee standoff), most wanted a recognition of existing treaty rights and a greater degree of control over internal affairs within the bounds of Indian nations. These two movements converged in the United States, and especially in the South, in the rise of numerous American Indian heritage groups and nations. No longer fearful of discrimination for claiming Indian identity, many individuals publicly embraced that identity for the first time and sought to reclaim that identity based on genealogical ties to Indian ancestors. The rise of these self-proclaimed nations was especially pronounced in the Little Tennessee River valley in the post-dam era, leading to both greater visibility of the area's Cherokee past—and present—as well as continuing conflicts over who has the right to speak for the Cherokee people.<sup>58</sup>

The rise of these nations was complicated by a few factors. First, the Bureau of Indian Affairs established a rigorous process in 1978 to recognize tribal nations, which promised a streamlined approach to dealing these claims. Many tribes had been demanding recognition by Congress for decades, but that process was also difficult and required sponsorship from an interested congressional delegate, whereas this new process was dedicated to dealing solely with the issue of recognition and provided set standards for recognition. The federal government also offered an increasing amount of services to federally recognized tribes, and tribal citizens, giving potentially recognized tribes a

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<sup>58</sup> See Charles Wilkinson, *American Indians, Time, and the Law: Native Societies in a Modern Constitutional Democracy* (New Haven: Yale University Press, 1988), 14-19 and Robert Williams, *Like A Loaded Weapon: The Rehnquist Court, Indian Rights, and the Legal History of Racism in America* (Minneapolis: University of Minnesota Press, 2005), xxv-xxvi.

financial incentive for claiming Indian identity, something that rarely existed in the past.<sup>59</sup> Also, starting in the late 1970s and accelerating during the 1980s, many Indian nations turned to gaming to stimulate their economies, arguing that their sovereign status allowed them to operate casinos even if they were within the boundaries of states where gambling was illegal. In 1988 Congress passed the Indian Gaming Regulatory Act, which formalized the right of Indian nations to operate gaming operations, but also restricted the conditions under which they could operate.<sup>60</sup>

The reduction in institutional racism and associated social stigma attached to non-white identity, the creation of a set method for granting federal recognition, and the sudden financial benefits associated with gaining federal recognition, or gaining citizenship within a federally recognized tribe, led to an explosion of interest in genealogical research, claims to Indian identity, and the formation of American Indian heritage organizations and non-recognized tribal groups. State governments also created processes for recognizing tribal nations, which were often much more lax than federal standards, and also carried with them potential financial benefits in the form of state grants or other forms of support. But with this explosion of interest in American Indian identity also came a sharp backlash, both from previously recognized Indian nations as well as non-Indians.

As discussed throughout this dissertation, there is a long history of imposter Indians, particularly ones claiming Cherokee identity. The added incentive of potential

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<sup>59</sup> One example would be during the allotment era when there were numerous examples of individuals claiming Cherokee identity in hopes of receiving a portion of Cherokee lands.

<sup>60</sup> For a wonderful discussion of the politics surrounding Indian gaming and the federal recognition process, please see Renee Ann Cramer, *Cash, Color, and Colonialism: The Politics of Tribal Acknowledgment* (Norman: University of Oklahoma Press, 2005).

financial rewards has undoubtedly led to many people claiming Indian ancestry who simply hoped to profit from it, regardless of whether they had any legitimate claims to Indian identity. As this dissertation has argued, colonial processes such as Removal left a very complicated legacy, including the diaspora of Cherokee people throughout the southeast, which raises questions about whether or not the descendants of those people, many of whom have inherited a sense of Cherokee identity, if not citizenship, have a right to claim American Indian identity. In other instances groups such as the Lumbee of North Carolina or the United Houma Nation and Pointe-au-Chien Indian community in Louisiana have long documented histories of existing as separate Indian nations, but for one reason or another fail to meet the standards set by the BIA's recognition process. If these individuals do have a legitimate claim to Indian identity, and a group of people with similar pasts organize into a governmental structure, do they then have a legitimate claim to recognition as an Indian nation, something they may have retained if it were not for the disruptive process of colonialism and American expansion?

The construction of memorials and markers along the valley created a physical space for groups claiming Cherokee ancestry to come together. The Sequoyah Birthplace Museum has become a very popular meeting place for people seeking to learn about their history, and Charlie Rhodarmer, the non-Indian director of the museum, has unwittingly found himself as both an arbiter of disputes and also a liaison between the Eastern Band and non-federally recognized groups. Among the numerous groups and associations in Tennessee are: the Native American Indian Association of Tennessee, the American Indian Association, the Indian Heritage Council, the American Indian Alliance, the Chattanooga Intertribal Association, the Native American Intertribal Association, the

Alliance for Native American Indian Rights, the Middle Tennessee Indian Lodge, the Aniywiya Native People, the Free Cherokee of Tennessee, the East Tennessee Indian League, Inc., the Elk Valley Band, the Overhill Indian Nation, the Tennessee River Band Chickamagua Cherokee, the Aniyunweya Nation, the Tennessee Native American Indian Council, the Heart Nation, the Southeastern Native American Alliance, the United Eastern Lenape Nation, the Tennessee Band of Cherokees—Earth Clan, the Etowah Nation, and the Chota Nation, to give but a few examples.<sup>61</sup>

In an interview Charlie Rhodarmer said that he has seen the full range of people coming in to ask about discovering more of their Cherokee ancestry. While some people join groups such as the Chota Nation (which is unrecognized and is not seeking state or federal recognition), others hope that they can trace their genealogy in order to gain citizenship with one of the federally recognized Cherokee nations:

When the casino was in the paper a lot...people thought we were building a casino at the resort and a lot of people that were wanting to get enrolled. You've got several categories of people. Some will come in and blatantly tell you that they want to get enrolled so they can get a check. Then you've got the group that you can kinda tell that it's about trying to get the check, but they don't come out and say it, but you've gotta go do your genealogy...They're not talking about their ancestors, you can kinda tell that their bottom goal is money. Then you've got people that don't even say anything about money, but will start throwing names out and say that they've run into brick walls. And they generally, and that's one of the ways to find which categories their in is if you can find their ancestor's name on one of the other rolls [historic lists of Cherokee individuals that do not count towards gaining citizenship]. If they're only after a check they don't care, but the other ones you can see a little smile and their faces light up when they find them on there.

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<sup>61</sup> Drawn from mailing list and other documents at the Sequoyah birthplace museum, as well as conversations with members of the Chota Nation.

While financial motives were clearly driving some people to claim Cherokee identity, many others were simply interested in learning more about their ancestors and their own past.<sup>62</sup>

Rhodarmer has also been asked to settle disputes between warring Cherokee nations. He recalled that one of the descendant groups split into various factions, with each claiming that they were wronged by the other. He said that a group would come in complaining about one of the others, and he would tell them they needed to speak with the Eastern Band, and that they were “just a museum.” Then, the next week, the other group would come in and complain about the first group, and Rhodarmer would listen patiently, saying “I listened to what they said, and I was sympathetic but there was absolutely nothing I could do for their situation.” At one point Rhodarmer was even promoted far beyond the rank of museum director by one of the groups, when they addressed a letter to him as the “Honorable Chief Charlie Rhodarmer.” The profusion of groups even caused confusion among some of the people associated with them, who were unsure of the connections between the descendant groups and the federally recognized tribes. Rhodarmer recalled one meeting when:

Two ladies showed up, one of them looked like she was a descendant, but the other was the real vocal one, and she wanted to know what the Eastern Band was doing with her friend’s land. She had this deed that said that her friend had given her land to the Etowah Band of Cherokee...and she was dating one of the sub-chiefs, and she deeded him the land and now she wanted it back. I had to tell her

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<sup>62</sup> Interview with Charlie Rhodarmer. For the Eastern Band and Cherokee Nation you need to be able to trace your descent from a person on either the Baker Rolls or the Dawes Rolls, respectively. These were lists made of Cherokee citizens prior to the allotment (or in the case of the Eastern Band, attempted allotment) of Cherokee lands during the late 19<sup>th</sup> and early 20<sup>th</sup> centuries. Other rolls were made at different times, so while these can prove that a person’s ancestor was Cherokee, it does not count towards contemporary citizenship for their descendants.



to call her DA and hire an attorney because the Eastern Band had nothing to do with it.

This confusion over recognized and unrecognized Cherokee nations is one of the primary concerns the federally recognized Cherokee nations have with these organizations, as will be discussed in more detail later.<sup>63</sup>

At one point Rhodarmer also had to intervene to keep unrecognized groups from mowing the lawns and doing other maintenance at the Chota Memorial site. He explained that the Museum, which is owned by the Eastern Band, had hired a contractor to mow the lawn around the Chota Memorial, but he could not tell whether the contractor had been doing the work because representatives from the Overhill Cherokee Nation had taken it upon themselves to mow the lawn around the memorial as well as pick up trash and debris. He had to ask them to refrain from mowing the lawn at the memorial, but said that they continued to organize clean ups at the site and take an active role in maintaining it. While Rhodarmer has encountered the full range of people claiming Cherokee identity, he described the people in the descendant groups by saying that “There’s some really good people in these organizations with some really good hearts.”<sup>64</sup>

For some people in the Little Tennessee River valley, the fight over the Tellico Dam served as a direct inspiration for reclaiming their identity as Cherokee people. Bill Land, a local resident who goes by the name of White Buck, serves as “Head Warrior” for the Chota Nation of Cherokees. In a 2009 interview Land said that his mother was from the Tellico area, but he was born in Michigan, and moved back to Tennessee as a child. He described growing up being told that he was “part Indian,” and wishing that he

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<sup>63</sup> Interview with Charlie Rhodarmer.

<sup>64</sup> Ibid.

could have dark skin and dark hair like two of his sisters, one of whom he described as being a “real Cherokee maiden.” He remembered being taken to the Tellico area as a child by one of his sisters who explained to him the controversy over the dam, saying she “told me that’s where the Indian village was and what was going on. And there wasn’t nothing I could do, I was just a kid. It made me aggravated and mad...that should be sacred land attended by Cherokee descendants...and instead the government got it and TVA patrols it.” Land continued to live in the area and started to research more into Cherokee culture and history, and eventually became a member of the Chota Nation, which he had been with for several years by the time of the interview.<sup>65</sup>

During the 1970s other individuals were prompted by the Tellico controversies to openly identify themselves as Cherokee. Donald D. Hildebrand, the Tennessee Department Commander of the American Legion, wrote an article in response to Tennessee Governor Winfield Dunn’s opposition to the Tellico Dam project. Hildebrand commended the Governor for his “...understanding concerning the disruption of Indian burial grounds...” He wrote that many of the veterans in East Tennessee had “vociferously” expressed their opinion on the Tellico project, and were motivated by their Cherokee ancestry. Another area resident of Cherokee ancestry wrote to President Nixon in an attempt to gain his support in the fight against the dam. Shantrell[?] Eldredge wrote, “[b]eing of Cherokee Indian heritage I cry to you to save the land of my ancestors. ...Please, please use your influence to stop TVA from drowning this land of beauty and history. ...Please listen to the Little People,” and save “...the land that the Creator gave us.” In the years following the closing of the dam, increasing numbers of people claiming

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<sup>65</sup> Interview with Bill Land/White Buck.

Cherokee ancestry began to organize into new Cherokee “nations,” though not without opposition.<sup>66</sup>

The Cherokee Nation in Oklahoma has played a lead role in seeking to stop the recognition and spread of new Cherokee nations out of fear that they misrepresent Cherokee culture. It produced a short film in 2009 arguing that the two hundred groups claiming Cherokee identity were fraudulent tribes, and at best were simply heritage organizations that lacked (and should continue to lack) any official status as Indian nations. According to the video, these groups were damaging public understandings of Cherokee identity by their inauthenticity, such as the frequent use of war bonnets and tipis, which historically were never used by Cherokees. Some groups also attempted to set up illegal gaming operations and sell crafts that they were claiming were Indian made. At other times groups have interfered in negotiations with state and local governments, claiming to speak for Indian interests despite their official lack of recognition. The video, titled “Cherokee Nation: What is a Real Indian Nation? What is a Fake Tribe,” stressed the historic government-to-government relationship shared by the three federally recognized tribes with the federal government as well as the citizenship status of their members. The video attacked many of the groups for not requiring proof of Indian

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<sup>66</sup> Donald D Hildebrand, “Indian Burial Grounds,” *Banner* (Nashville, TN), October, 12, 1972 in *The Tellico Dam: News Stories, Mar. 1, 1972 – Dec.27, 1972, supplement, vol. 6* in TVA Corporate Library, Knoxville, TN; Shantrell Eldredge to Richard M. Nixon, n.d., in National Archives and Records Administration, Record Group #142, Tennessee Valley Authority, General Managers Files, Board of Directors, Smith-Wagner-Hayes-Welch Correspondence, box #25, folder 230 Tellico 1971. While Mrs. Eldredge is likely saying “Little People” to refer to common working-class people, she may also be referring to the supernatural race of Little People that have reportedly given assistance to the Cherokee throughout their history.

ancestry, but made the further argument that ancestry alone does not give someone the right to claim Cherokee political identity.<sup>67</sup>

While some of the groups have sought to capitalize on Cherokee heritage, and as I have discussed in previous chapters, there is no doubt that Cherokee imposters continue to be a serious problem, there are some similarities between what these unrecognized groups were doing, and what was happening within the three federally recognized nations during the twentieth century. The same colonial processes of discouraging native religious beliefs and practices, encouraging assimilation through public education, and the pernicious influence of racial discourses in shaping how individuals thought about their own history and ancestry led to a loss of language, culture, and even effective government in the case of the Cherokee Nation. If anything, these influences were even more pronounced on small groups or families that were dispersed without the benefit of a cohesive tribal community for support. The United Keetoowah Band did not gain federal recognition until 1950, and did so largely to fill the void left by the collapse of the Cherokee Nation. Citizens of the Eastern Band, like Indians throughout the United States, often turned to the records of late nineteenth and early twentieth century anthropologists in seeking to regain parts of their cultural heritage that had been lost through the push for assimilation. The same impetus that propelled the Red Power movement across reservations and urban areas in the United States produced both the revitalization of federally recognized tribes as well as the surge in people reclaiming Indian identity and attempting to organize into tribal communities. What separates many of these groups from the three federally recognized nations is the shared experience of being members of

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<sup>67</sup> Cherokee Nation, “What is a Real Indian Nation? What is a Fake Tribe?” <http://www.youtube.com/watch?v=gp7Z4eiEuaw>.

a Cherokee community, who had no choice but to be identified as Cherokee people.

While the dispersal of Cherokee people was itself a product of US government policies, it (through no fault of the descendants of those individuals who left) has meant that they did not participate in the shared national experiences of those nations.<sup>68</sup>

In one of the more bizarre recent events involving Tennessee groups seeking recognition, six tribes were given state recognition in June of 2010, only to have it revoked by September. The six tribes, The Cherokee Wolf Clan, the Chikamaka Band, the Central Band of Cherokee, the United Eastern Lenape Nation, the Remnant Yuchi Nation, and The Tanasi Council, appealed to the Tennessee Commission on Indian Affairs to recognize them as legitimate Indian nations. State recognition opened up not only state grant opportunities but also bolstered support for potential federal recognition. The Cherokee Nation had actively opposed recognition of the tribes, and had been largely supported by state lawmakers. They had previously thwarted the Commission's efforts to recognize the same tribes, and refused to grant an extension to the Commission, which was set to expire within weeks of their recognition of the six tribes. The Cherokee Nation's lobbyist, Mark Greene, also pointed out that the members of the Commission skirted state regulations in granting the tribes recognition, and that some of the committee members were also members of the tribes in question.<sup>69</sup>

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<sup>68</sup> A good example of this would be the recent "Warriors of Anikituhwa" dance troop. This group of Eastern Band citizens have traveled throughout the United States performing traditional Cherokee dances that were recreated based on the writings of Henry Timberlake, as well as recordings of Cherokee elder Will West Long in the 1920s. For more information, see "Warriors of Anikituhwa—The Museum of the Cherokee Indian, <http://www.cherokeemuseum.org/html/anikituhwa.html>, (accessed 10/10/10).

<sup>69</sup> "Dying Commission Grants Recognition to Six Indian Tribes," 6/21/10 <http://blogs.knoxnews.com/humphrey/2010/06/dying-commission-grants-state.html>.

Two weeks after the meeting Greene filed a lawsuit against the Tennessee Commission on Indian Affairs for violating the Tennessee Open Meetings Act (TOMA). The Commission granted them recognition on June 19<sup>th</sup> without notifying the public about the content of the meeting and had previously discussed the issue in private, both of which were violations of the law. By the first week of September the Commission had worked out an agreement with Greene, admitting that its actions were illegal, and thus nullifying the recognition to the six tribes. The Principal Chief of the Central Band of Cherokees, one of the groups whose recognition was declared illegal, issued a statement in late August saying

It is tragic that the leaders of the State of Tennessee is again committing treason against the State of Tennessee constitution, the United States Constitution and genocide on the U.N. law against genocide. The Tribes in Tennessee have treaties and what they are doing is treason... We are asking that the U.S. Marshals step in and put a stop to what's going on.

Greene's lawyer suggested that while this case was over (since the Commission no longer legally exists it cannot appeal), the problem lies with the entire concept of state recognition, saying

The underlying idea of recognizing these bands of people who don't qualify as tribes under federal law or traditional notions of tribes has always been a bad idea. It creates confusion. It creates groups of people who don't have clear status. That's precisely why there needs to be one set of criteria and one set of laws that governs the recognition of tribes in the nation and that's the federal government.

Relying on the federal government to grant sovereign status to tribal government creates serious questions about the meaning and nature of tribal sovereignty. If sovereignty is something that stems from the federal government, then the federal government can presumably take it away at will. Leading sovereignty scholars like David Wilkins, himself a citizen of the North Carolina state-recognized Lumbee Nation, argues that

sovereignty must be understood as an inherent right of Indian nations, rather than something that is delegated to them by the federal government. The idea of inherent sovereignty comes from the fact that Indian nations existed before the constitution of the United States as separate political entities and thus springs from within those groups as a statement of their own identification as a separate polity (or, as I would add, from both within those groups and from recognition by neighboring Indian governments as separate sovereigns). Granting the federal government the authority to determine which nations are “real” and which are “fake” ultimately takes sovereign power away from Indian people. At the same time, the federal and congressional recognition processes are the only political systems currently available for addressing the claims of legitimacy stemming from groups seeking recognition. While the immediate conflict over extending state recognition to additional tribes in Tennessee ended, the underlying questions about who has the right to call themselves Cherokee, what the proper role of state governments should be in Indian affairs, and the meaning of tribal sovereignty, remain.<sup>70</sup>

## **Conclusion**

If Henry Timberlake were able to visit the Little Tennessee River valley today, he would certainly be shocked by the changes to the area, but there would also be many things he would find that were similar to the Cherokee world he knew in the 1760s. The loss of the river would be the most striking example of how the valley had changed, and the replacement of the Cherokee towns he knew with exclusive communities occupied by

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<sup>70</sup> Scott McKie B.P., “Tennessee Tribes Lose Recognition,” 9/7/10, <http://www.nc-choke.com/theonefeather/2010/09/07/tennessee-tribes-lose-state-recognition/>; David Wilkins and Tsianina Lomawaima, *Uneven Ground: American Indian Sovereignty and Federal Law* (Norman: University of Oklahoma Press, 2001), 5.

non-Indians would be another. However, many other aspects of the valley would be familiar to him. He would encounter many of the same names he heard in the 1760s: Chota, Tanasi, Tellico, Toqua, etc., except in today's valley they refer not to Cherokee towns, but to subdivisions, golf courses, and other developments. He would probably not be surprised to learn that two hundred years after he lived with the Cherokees along the Little Tennessee River, they were still fighting to retain some degree of control over the valley, even if they had long ago been forced out by Euro-American settlements. Also, it would likely come as no surprise to him that people were continuing to argue over who was a "real" Cherokee. And finally, he would encounter a valley that was indelibly stamped as a *Cherokee place*.

In the two centuries between when the majority of Cherokees were forced out of the valley and the controversies over the Tellico Dam, the Cherokee history of the valley had never disappeared, but it had become submerged. The politics of race, and even earlier, the very real fear of removal, kept many local residents who identified as Cherokee from proudly embracing their heritage and culture. Cherokee townsites had largely been converted to farmland, and most of the once great Cherokee structures, such as the Chota Council House, had long ago fallen into disrepair, and then disappeared. The only exceptions to this were the tall mound at Toqua, a log cabin rumored to have once belonged to the Cherokee leader Old Bark, and the constant stream of artifacts that local farmers uncovered each time they plowed their fields or walked them after a hard rain. The creation of the historical district, while it provides a narrative of Cherokee history that confines Cherokees to the past, also serves as a vehicle for making a Cherokee present visible. Places like the Sequoyah Museum offer a focal point for people of



Cherokee ancestry to learn about their history, as well as a place join together with individuals of similar pasts. The monuments and markers offer sites for the rejuvenation of ceremonies by groups claiming Cherokee nationhood, though their claims are hotly contested by the Cherokee Nation in Oklahoma. The claims to nationhood offer perhaps the greatest unresolved problem following the closing of the Tellico Dam. If these individuals, now coalescing into, in some cases, nations, were deprived of sovereignty and the ability to publicly embrace their identity by colonial forces, then does the continued denial of both constitute a further act of colonialism? How should their rights be weighed against those of the federal recognized Cherokee nations? Would the recognition of these newly organized nations, even if their members claims are legitimate, undermine the sovereignty of continuously existing Indian nations?

One of the great ironies of the Tellico Project is that by submerging the valley, Cherokee history in many ways emerged. The lands that first belonged to the Cherokee, then to predominantly non-Indian farmers, were turned over to development companies that actively incorporated the valley's Cherokee past into the subdivisions. The Eastern Band, Tennessee Valley Authority, and the state of Tennessee also worked together to create a series of historical attractions in the valley to commemorate the valley's Cherokee heritage. Added to this, the controversy over the Tellico Project, as well as the larger changes wrought by the Civil Rights and Red Power Movements, led to a reclaiming of Cherokee identity by people throughout the valley. Though they may look and act quite different from the Cherokee communities Timberlake encountered (and some may have little claim to legitimacy), the valley is home once more to numerous groups that identify themselves as Cherokee. And with the transfer of approximately

ninety acres along the reservoir from TVA to the Eastern Band of Cherokee Indians, a federally recognized Cherokee nation once more has a visible presence and land-base in the valley that was once the political and spiritual center of their nation, long before the pressures of removal divided the Cherokee people.

## Conclusion

Although the Tellico Reservoir flooded the Little Tennessee River valley and the Cherokee town sites along its banks, in 1996 the Eastern Band was able to re-acquire the land surrounding Kituwah,<sup>1</sup> arguably the most sacred Cherokee site, which lies in a scenic valley along the Tuckasegee River in North Carolina. Kituwah, which is just upstream from where the Tuckasegee meets the Little Tennessee, is considered the place where Cherokee religion originated, and where the Cherokee people first came together as a single nation. Like Chota and Tanasi in the lower Little Tennessee River valley, Kituwah was a mothertown, and as the birthplace of Cherokee nationhood, the mother of all mothertowns. While the town site once had a series of mounds, almost two centuries of farming obliterated two, and left only a slight rise indicating the central mound where the townhouse once stood. The purchase of Kituwah was a watershed moment in Cherokee history. It was the first significant expansion of Eastern Band property in almost a century, and came about as a result of the economic revitalization that accompanied gaming on the reservation. By purchasing Kituwah, Cherokees were reversing a trend that had been occurring for over two centuries—once more they were expanding their borders, and in doing so were able to place perhaps the most important Cherokee site under their care once again.<sup>2</sup>

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<sup>1</sup> Pronounced Gi-DOO-wah—also spelled Kituhwa.

<sup>2</sup> Barbara Duncan and Brett H. Riggs, *Cherokee Heritage Trails Guidebook* (Chapel Hill: University of North Carolina Press, 2003), 73.



Figure 11: Kituwah (on right) and Vonore, TN<sup>3</sup>

Tom Belt, a Cherokee Nation citizen from Oklahoma who had lived on the Qualla Boundary for a decade prior to the purchase, spoke about the importance of Kituwah to all Cherokees at the dedication of the site in 1997:

Over a century and a half ago, my great-grandmother and great-grandfather left these mountains never to return. Carrying with them only the memories of places and things, as they were force marched on an uncompromising road of sorrow and death to a place they didn't know a thousand miles away.

Along that road they buried centuries of past wisdom and the tiny hopeful souls of their future in four thousand unmarked graves. And they still continued on. When they reached their destination, they began carving wooden eating utensils, for they had nothing to eat with. And they also began to carve a new nation. But this was shortly to be taken away, and once again their home was wrenched away from their grasp. This time they were left as exiles in their own land. And still they continued on. For they carried with them yet the memories of places and things.

As a child I began to hear of these places and things, listening at my father's knee. Listening to the old men as they would tell stories of how things used to be, and speaking names of places they have never been. I learned then that we called ourselves Ani-Kituhwa, the people of Kituhwa. By then the name Kituhwa was more a term of reference and reverence than an actual place in our collective memory. I heard them lament the possibility of future generations losing this memory.

<sup>3</sup> Image from Google Maps, [www.maps.google.com](http://www.maps.google.com).

But I remembered. Upon entering adulthood, I found many others who also remembered. And in that land so far away, we talked and we sang of what it means to be Kituhwa. This is the strength and the deep meaning of Kituhwa. It has survived our trials and our times. My grandmother and my father, even though they spoke of this place, were never able to see it with their eyes. I now stand and see it with my eyes for them...

We are truly one people, one family. We are only separated by a short distance and a little time.<sup>4</sup>

Belt's speech reveals much about the power of memory and place, and its connection to Cherokee identity. Like the towns in the Little Tennessee River valley, Kituwah is a place Cherokees were raised knowing was central to their history as a people, and as such, central to their understandings of themselves as people. Over the dozen years following the purchase of the property, Cherokees renewed the religious practice of stomp-dancing at the site. While there were debates within the community about how the land should be used, it ultimately was preserved as a cultural and religious site. Community members also utilized the fertile lands along the river much as they had for centuries before the land was lost, by growing corn, squash, and other produce. But like Chota and Tanasi, Kituwah once more was threatened.<sup>5</sup>

In early 2010, Duke Energy Company announced plans to build a power substation within sight of the stomp-dance grounds at Kituwah, sending shockwaves throughout the Eastern Band. The plans called for the development of a forty-foot metal structure as part of the power transfer station, which many Cherokees as well as other concerned citizens feared would not only disturb the natural beauty of the valley, but would also desecrate the sacred grounds Cherokees had worked so hard to regain.

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<sup>4</sup> Tom Belt, quoted in Barbara Duncan and Brett H. Riggs, *Cherokee Heritage Trails Guidebook*, (University of North Carolina Press: Chapel Hill, 2003), 72-73.

<sup>5</sup> Based on observations by the author.

Because the project was considered an upgrade of existing power lines, rather than an entirely new project, Duke Energy did not have to seek any new federal permits, and thus was not required to consult with the Eastern Band before beginning the project.<sup>6</sup>

Immediately Cherokee citizens began to organize in opposition to the power station, but unlike during the Tellico controversy, this time all three Cherokee nations banded together to protect Kituwah. The Eastern Band passed a resolution on February 4 calling on the company to halt the project, and an Eastern Band citizen named Natalie Smith called on the United Keetoowah Band and Cherokee Nation to pass resolutions and send representatives to North Carolina to negotiate with Duke Energy. The Cherokee Nation soon passed a resolution condemning the project, and Principal Chief Chad Smith traveled to North Carolina to meet with company officials. George Wickliffe, Chief of the United Keetoowah Band, also wrote a letter condemning the project and the failure to consult with any Cherokees prior to beginning the project, but especially the UKB, saying, “And as the only federally-recognized tribe which retains the name "Keetoowah" [sic], [Kituwah] is to the United Keetoowah Band like Washington D.C. is to the Americans.” While the relations between the governments of the UKB and the Cherokee Nation are still tense, they joined together with the Eastern Band, presenting a unified Cherokee opposition to the desecration of Kituwah. Grassroots organizing also played a critical role in disseminating information about the threat to the site, as well as meetings and other developments related to it. A day prior to the passage of the Eastern Band’s resolution against the project, a web site and Facebook group were formed titled “Save Kituwah” that served as a clearinghouse of information about the project as well as a

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<sup>6</sup> Bruce Henderson, “Cherokee Tribe Opposes Duke’s Building Near Sacred Site,” *The Herald* (Rock Hill, SC), 2/12/10.

means of communicating with concerned people throughout the region and nation.<sup>7</sup> Faced with such unified Cherokee opposition, eventually Duke agreed not to build it near Kituwah. First, Swain County officials issued a moratorium halting the project in March of 2010, and then by early August, Duke Energy agreed to find another location, permanently removing the threat to the site.<sup>8</sup>

Tom Belt's closing remarks at the dedication of Kituwah about all Cherokees being "truly one people, one family" both illustrate the key to understanding why Cherokee efforts were successful in stopping the power station at Kituwah, but also what contributed to the failure of those Cherokees who opposed the Tellico Project during that controversy. While even during the 1960s and 1970s Cherokees were "only separated by a short distance and a little time," the traumatic events that caused that separation created not only political divisions, but also divisions in identity, culture, and history that rippled through both Cherokee and non-Cherokee peoples in the United States. That, combined

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<sup>7</sup> JoKay Dowell, "EBCI Woman Rallies Oklahoma Cherokees for Support Against Power Station," 2/15/10, *Native American Times*, ([http://nativetimes.com/index.php?option=com\\_content&view=article&id=3082:ebci-woman-rallies-okla-chokees-for-support-against-power-station&catid=54&Itemid=30](http://nativetimes.com/index.php?option=com_content&view=article&id=3082:ebci-woman-rallies-okla-chokees-for-support-against-power-station&catid=54&Itemid=30)); Cherokee Nation Resolution, ([http://savekituwah.org/index.php?option=com\\_content&view=article&id=53&Itemid=60](http://savekituwah.org/index.php?option=com_content&view=article&id=53&Itemid=60)); George Wickliffe to Whom it May Concern, 2/4/10, ([http://savekituwah.org/index.php?option=com\\_content&view=article&id=47&Itemid=54](http://savekituwah.org/index.php?option=com_content&view=article&id=47&Itemid=54)); "Save Kituwah," (<http://savekituwah.org/>); "Save Kituwah" (<http://www.facebook.com/#!/pages/SAVE-KITUWAH/288586372067>).

<sup>8</sup> John Murawski, "Duke Energy Won't Build Near Sacred Cherokee Site," *News Observer* (Charlotte, NC), 8/2/10, <http://www.newsobserver.com/2010/08/02/610677/duke-energy-wont-build-near-sacred.html>.

with the political and economic pressures to continue the dam, ultimately undermined their effort, and led to the project's completion.<sup>9</sup>

By exploring the role of Removal in framing the controversies surrounding the Tellico Dam Project, it demonstrates the central role the displacement of native peoples has had on the American experience. For non-Cherokees, the memory of Removal became both a symbolic tool as well as a means to interpret their own forced removals. While associating native people with the natural world was an established trope, environmentalists both renewed and reformulated this discourse to address the loss of habitat, pollution, and other perils of the modern world. Cherokees, even more than other native peoples, offered a powerful symbol to combat these environmental changes for a number of reasons. First, the Trail of Tears made Cherokees perhaps the most well-known Indian people in the United States. Secondly, their status as the quintessential "civilized" tribe made their image to the non-Indian public one different from other Indian nations that are often remembered from wars against the United States. The selective adoption of aspects of western politics, culture, and economics, also made the Cherokees more relatable to non-Indians because of the familiarity of the society they developed. And finally, Cherokees, beyond any other nation, were associated with sadness and injustice. While dozens of other Indian nations were forced to relocate, Cherokee Removal and the Trail of Tears forever cemented the connection between Cherokees, injustice, and American shame at past colonial acts. Because of these associations, Cherokees were critical allies for environmentalists in the fight against the Tellico Dam. Connecting the loss of the valley with the Trail of Tears evoked sympathy

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<sup>9</sup> Tom Belt, as quoted in Barbara Duncan and Brett H. Riggs, *Cherokee Heritage Trails Guidebook* (Chapel Hill: University of North Carolina Press, 2003), 73.



in the public, and environmentalists were able to work with the Eastern Band of Cherokee Indians in court cases that established major precedents in the interpretation of both the National Environmental Policy Act as well as the Endangered Species Act of 1973.

The simultaneous rise of both the Red Power and the modern environmental movement made these discourses about Indians even more powerful and relevant because of the ways native people were forcing themselves back into a national spotlight. The frustration and outrage of Indian people at the past and contemporary injustices committed against them made non-Indians confront the continuing legacy of colonialism in the United States. By bringing these issues to the fore, it also created a space for environmentalists to draw on those discourses surrounding America's Indian past to critique its contemporary treatment of the environment. Non-Indians, as self-proclaimed inheritors of the American landscape, were obligated to live up to the imagined ethos its previous owners. However, not all Cherokees appreciated being defined by non-Indian discourses.

The Cherokee Nation in Oklahoma rejected overtures from environmentalists precisely because they sought to project an image of Cherokee people as modern, progressive, and business oriented. The Eastern Band, on the other hand, chose to work within those discourses to protect their own interests, such as the disturbance of burial sites prior the flooding of the valley. While it is unknown whether Eastern Band success in their lawsuit under the American Indian Religious Freedom Act would have finally stopped the project, Cherokee divisions, which sprung in part from conflicts over the representation of Cherokee people, ended the last hope of environmentalists and others

for saving the valley. While Removal had led to the Cherokee people historically and legally being divided into three separate nations, the effects of that act were ignored by the court, leading to a ruling that considered all Cherokees the same, and favored the voice of one Cherokee leader over those of the other two nations.

The involvement of the three Cherokee nations in the Tellico controversy also raises questions about how we should think about the history of the Red Power movement itself, and more broadly, the revitalization of Indian nations within the United States during the latter half of the twentieth-century. While the narratives generally focus on dramatic protests and the increasing radicalization of Indian politics, the controversies surrounding the Tellico Dam indicate a much more complex story of American Indian revitalizations. The actions of the Eastern Band, and to some degree those of the United Keetoowah Band, fit fairly well within this narrative, but the Cherokee Nation rejected many of the tactics and motivations that have generally defined histories of the era: militancy, adopting the tactics of the Civil Rights and other movements, and attempting to use the media to draw public attention to their struggles. The Cherokee Nation arguably started from perhaps the weakest position of all three Cherokee Nations at the beginning of the fight over the Tellico Dam, but by the dawn of the early twenty-first century it was one of the largest and most powerful Indian nations in the United States, with over two hundred and fifty thousand citizens and an annual operating budget of almost six hundred million dollars in 2010.<sup>10</sup>

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<sup>10</sup> “How Many Cherokees Are there today?”  
<http://www.cherokee.org/Culture/79/Page/default.aspx>; *Cherokee Nation News Release*, December 15, 2010,  
<http://www.cherokee.org/Government/CouncilNews.aspx?Tab=Government>.

The CN accomplished this dramatic resurgence not by drawing on the more militant aspects of the Red Power movement, but rather by drawing on much older strategies for protecting Cherokee sovereignty, ones born out of the decades-long effort to prevent Removal. While Cherokee Nation leaders seemed content with the excavation of burial grounds or the flooding of town sites, they were also keenly interested in strengthening and rebuilding their nation, and simply did not consider those issues to be critical to the interests of their nation. The example of the Cherokee Nation suggests that there were any number of ways that Indian peoples worked to revitalize their nations during the Red Power era, and, at least in some cases, those hinged on rejected the tactics of Red Power altogether, even while they strongly embraced the idea of Indian sovereignty.

The controversies over the excavation of Cherokee burials and other sites in the valley also raised questions about the relationship between the destruction of those sites and the knowledge produced by them. As Ross Swimmer pointed out in his affidavit, if it were not for the Tellico Dam, the archaeological resources in the valley may never have been excavated, and certainly not on the scale that occurred during the project. While some Cherokees, like Swimmer, considered that the greatest benefit of the project, for others it was even more damaging than the flooding of the valley. While Cherokees were divided over the issue, by bringing attention to the treatment of American Indian remains, the production of knowledge, and the relationship between native peoples and academia, the Tellico Project also helped to advance discussions about the need for reforming the practice of archaeology, and more broadly, the relationship between American Indian nations and institutions of higher learning.

Cherokee history, and the history of Removal in particular, also framed the lived experiences of non-Indian residents of the valley as they coped with their own forced removals. While most valley residents were not forced out by the threat of violence (aside from those who remained until the days before the closing of the dam), many drew on the experience of Cherokees to give voice to the feelings of frustration and powerlessness that accompanied their displacement. The southern Appalachians had seen numerous forced removals of people: first the Cherokee, then in the twentieth century removals associated with the Great Smoky Mountains National Park, as well as those caused by numerous other Tennessee Valley Authority projects. Like Cherokee Removal, which was ostensibly promoted as beneficial to Cherokees in order to give them the time and space to become “civilized,” the Tellico Project was also aimed at bringing economic and social development to an area that was considered backwards and isolated from modernity. Valley people drew on the memory of Removal both during and after the controversy to make sense of the traumatic upheavals they endured, and also as a device to communicate to others the injustice they felt at what they considered to be an assault on their freedom, culture, and property.

Examining the Tellico controversies through the lens of Removal also makes visible the roots of the surge in late twentieth-century claims to native identity, complicating narratives about the surge in white-ethnic identity during that period. During and after the struggles over the Tellico Dam, individuals, some emboldened by the fight over the dam itself, and others encouraged by the decline in social and legal stigmas attached to non-white identity, began to publicly identify as Cherokee people. While some claims were fictional and motivated by greed or as an escape from the guilt

associated with whiteness, the diasporic effect of the long process of constricting Cherokee lands and eventual Removal of the majority of Cherokee people suggests colonial roots to many of the claims in the east Tennessee region. Initially fears of removal, which lingered for decades after the Trail of Tears, and then hardened racial hierarchies in the American South, discouraged people from publicly embracing Cherokee identity. Despite these hardships, that knowledge continued to be passed down through generations of people in the region, even if all that remained of Cherokee culture in many cases was the sense of the people as being a separate group. After the construction of the Sequoyah Birthplace Museum and a number of memorials, those sites served as focal points for drawing together people with similar histories. As those individuals began to organize into self-proclaimed “nations” of Cherokees, new controversies arose over whether they should have a status similar to the three federally recognized Cherokee nations. Uncovering the colonial roots of at least some claims to American Indian identity raises a number of questions about the status of such groups. How should Cherokee, or other native identities, be determined? If individuals were deprived of Cherokee citizenship due to past colonial policies, should their descendants have any claim to inclusion within federally recognized nations? Does denying them that status equate to a continuation of the violence of Removal? And if so, how can the United States make amends for the wrongs of past, while preventing fraudulent claims from occurring?

For the three federally recognized Cherokee nations, Removal was not only traumatic in its initial effects, but also contributed to divisions that have lasted well into the twenty-first century. The most fundamental division was the creation of three separate

nations of Cherokees during the prolonged struggle over Removal. But aside from the creation of separate nations, Removal also contributed to the development of separate national identities and strategies for protecting Cherokee sovereignty. Studying the influence of Removal on the Tellico Dam controversies, as well as on the separate histories of the three federally recognized Cherokee nations, offers a number of insights into the formation of national identities, the power of memory, and the disruptive and continuous effects of the forced dislocations of people. Tracing the influences of an event like Cherokee Removal not only illuminates the variety of ways people have drawn on the memory of that event, but also the more tangible, physical transformations that have occurred over the past two centuries. The Trail of Tears permanently linked Cherokee people to the larger narrative of American expansion and history, and in the process created a unique place in American historical memory and culture for Cherokee people. For Cherokees, the event not only played a key role in the narratives of their own national histories, but also offered a powerful representational tool to use when arguing against contemporary injustices. But perhaps the most tragic result of Cherokee Removal was not the deaths that occurred during the event itself, but the fact that divided and dispersed the Cherokee people. However, the unity shown in the recent successful defense of Kituwah gives hope that the three Cherokee nations might someday some day step out from behind the shadow of Removal and once again join together as “one people, one family.”<sup>11</sup>

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<sup>11</sup> Tom Belt, as quoted in Barbara Duncan and Brett H. Riggs, *Cherokee Heritage Trails Guidebook* (Chapel Hill: University of North Carolina Press, 2003), 73.

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