

# Delaware Identity in the Cherokee Nation

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## *Abstract*

This article examines how the Delawares responded to the challenges that living among the Cherokees posed to their identity. It also focuses on the question of how this forced co-residence developed and what the United States' role in the matter was. The multifaceted threats to Delaware identity are at the center of the article, as are the responses and strategies applied by various factions of the Delaware tribe in reaction to those challenges. The different strategies and their motivations are analyzed, along with the effects they had on the tribe, its unity, and its communal identity. By focusing specifically on matters of land tenure, legal identity, internal strife between modernists and traditionalists, the article explains why Delaware tribal identity managed to survive after having been at the brink of disaster and why both of these developments are intrinsically linked to the forced co-residence with the Cherokees.

Today, some people, including scientists, criticize Native Americans for supposedly having lost their true identity. They are presumed to be at least partly assimilated into mainstream society or to have lost key elements of their culture. Other scholars have opposed this assumption.<sup>1</sup> It is not unusual that the 'white' mainstream society posed and maybe still poses the greatest danger to Indigenous communities. But what is often overlooked is that there were more dangers to tribal identities than direct or indirect pressures by mainstream America and the U.S. government. Factors considered to be crucial for identity are, for example, history, language, and culture.<sup>2</sup> Land or territory is also sometimes cited.<sup>3</sup> The loss of one or more of these markers may result in damage to or even

loss of native identity and mainstream assimilation. Over time, legal identity has become another factor of the utmost importance to tribes. After all, federal recognition comes with a number of benefits and the loss of it in the long run can render grave consequences. The threats to identity are multifold. The Delawares, coming from a history of repeated removals, in 1867 were forced to vacate their Kansas lands and to move with the Cherokees, who were forced to receive them.<sup>4</sup> Therefore, the Delawares in the Cherokee Nation, after being removed and losing their lands once again, had to defend themselves and their tribal identity not only against the Americans but also against the Cherokees, while at the same time addressing the threat to their legal identity. The experiences of the Delawares in the Cherokee Nation serve as a perfect example of the complexity of the threats tribal identities had to weather.

In the following discussion, Delaware history and life among the Cherokees will be briefly sketched before the consequences of the tribe's involuntary co-residence are examined. The Delawares were literally "people of the first frontier," living in the East and by the sea.<sup>5</sup> Originally, they occupied the large inter-river drainage basins between the lower Hudson and the Delaware Rivers.<sup>6</sup> Some people even lived in the middle Chesapeake area, extending Delaware territory over what is today southeastern Pennsylvania, southeastern New York, as well as Delaware and New Jersey.<sup>7</sup> As historian Patricia Nelson Limerick stated, "Some tribes were removed repeatedly, undergoing what was essentially a refugee experience, forced to migrate into the territory of other tribes."<sup>8</sup> This is exactly what happened to the *Lenape*, as the Delawares called themselves. For them, all post-contact history was a history of removal. Various (splinter) groups of the tribe were removed so many times that it is hard to keep track, but central stops along the way were Ohio, Indiana, Missouri, and Kansas, before the final destination, Oklahoma. Only the very last removal, the one from Kansas to Oklahoma, was based on the Indian Removal Act of 1830.<sup>9</sup>

The Delawares started to lose their land almost immediately upon their first contacts with Europeans. Many of these newcomers bought it cheaply by their own standards, and often, especially in the very beginning, the Indians did not understand the concept of the sale of land. They thought they just let other people share it but that no one would actually exclude them from using it. Yet over time, they did get used to the notion of permanent land sales. Still, over the years they lost their lands time and time again, made treaty after treaty, often trying to compromise instead of resorting to war. On one occasion a Delaware chief even proposed a separate state of the Union for all Native Americans—in what is commonly referred to as the first treaty between the U.S. and an Indian Nation.<sup>10</sup> But the conditions of the treaties were violated or reasons were found to make them invalid in the eyes of the Americans. The Delawares always ended up as the losing party, no matter what means they resorted to. They were the first tribe removed from their original homelands along the Delaware River to Ohio, then to Indiana, Missouri, and Kansas.<sup>11</sup> A brief respite of not even forty

years was given to them in Kansas, the last stop before their final removal to what was to become Oklahoma. In Kansas, at least some tribal members were given the chance to construct flourishing farms and make a comfortable living. While being far from uneventful, especially once again to growing white intrusions and a demand for *Lenape* land, these years could be described as relatively peaceful in comparison with what was still in store for the tribe.

The relatively tranquil time the *Lenape* experienced in Kansas turned out to be only the calm before the storm; it led to their ultimate removal. Yet their dislocation never reached the same sad fame as the Trail of Tears of the Five Civilized Tribes in the 1830s. The Delawares' removal was less spectacular. They lost their Kansas lands by means of treaty and, when they had nothing left, agreed to go to the Indian Territory. But this was a slow process, initiated by the Kansas-Nebraska Act in 1854 that created the Territory of Kansas and brought new legal conditions. This action led to new negotiations about the land and to four treaties between 1854 and 1866 that eventually deprived the Delawares of all their land and left them no choice but to leave, to once more vacate what had been their home. The invasion of the land had started earlier by settlers, squatters simply moving in and taking over the Indians' land, stealing their horses and cattle and cutting down their trees to build houses on Indian ground.<sup>12</sup> The Delawares were not American citizens and could not go to court to keep the settlers and squatters out.<sup>13</sup> Nor did the government help to do so in spite of agreements fixed in the treaties to leave this land exclusively to the Delawares. In addition, the U.S. government also accommodated the railroads, which also coveted Indian lands. Two of the Delaware removal treaties involved essentially the sale of lands to the railroads. Like most concurrent Indian treaties, this action included an acknowledgment of dependence on the Government of the United States that was to "invoke its protection and care."<sup>14</sup>

All the *Lenape* could do about the depredations was ask the government for compensation.<sup>15</sup> For instance, many Delaware treaties also arranged for payments to reimburse the tribe for losses induced by whites. Still the trespassing continued. The local government representatives would not commit political suicide by helping the non-voting Indians. So in the same year (1860), that the Treaty of May 30 introduced the allotment of the diminished reserve, the Delawares sent a delegation to Oklahoma to decide whether to move there, or someplace else in Indian Territory, or to stay where they were as United States citizens. No decision was made at that point in time. The allotment following the treaty left them with 80 acres per person and the rest, the so-called surplus, went to railroad companies. This incident was repeated in 1862, following yet another treaty concerning Delaware land tenure.<sup>16</sup> But still the tribe was sympathetic to the American government, or maybe just trying to make it sympathetic, when in 1862, 170 out of 201 Delaware men between 18 and 45 years of age volunteered to fight for the Union against the South.<sup>17</sup>

On July 4, 1866, the final treaty to remove the Delawares to Oklahoma was signed. A delegation of the Delawares looked at the lands available to them and

decided to relocate within the boundaries of the Cherokee reservation. A treaty between the Cherokee Nation and the U.S., signed shortly after the Delaware treaty, allowed the latter to settle “civilized Indians friendly with the Cherokees” on their territory.<sup>18</sup> But in order to be able to settle there, the Delawares had to make another compact, this time with the Cherokee Nation. On April 8, 1867, the two tribes entered into an agreement, which they had been negotiating for quite some time. The Cherokees sold land to the Delawares: 160 acres for every man, woman, and child on the enrollment list. Yet when the tribe’s representatives came to Washington to sign the agreement, a few terms of it had been changed from the version previously agreed to by the Delawares. For instance, the new wording spoke of incorporation of the *Lenape* into the Cherokee Nation, possibly suggesting the dissolution of Delaware tribal ties. The members of the Delaware tribe settled on the reservation were to “become members of the Cherokee nation, with the same rights and immunities and the same participation (and no other) in the National Funds as Native Cherokees.”<sup>19</sup> Furthermore, all children were to “be regarded as Native Cherokees.”<sup>20</sup> They even had to pay to obtain Cherokee citizenship. This and other legal ambiguities of the Articles of Agreement were to have the gravest impact on the legal identity of the *Lenape* and also endanger their identity as a tribe.

The Delaware delegates sent to sign the agreement did so in spite of its modification from the agreed-upon version and probably at least partly due to the pressure from the government officials present. They had been authorized to sign the Articles of Agreement and, presumably, also to accept or refuse any changes thereof, as was customary.<sup>21</sup> Yet that written authorization was based on a bona fide agreement between the delegates and their tribe, on the unwritten premise that the former would act in the best interest of the tribe and not to consent to any changes that would be unacceptable to the community. The authorized document itself was probably considered just one of many bureaucratic items the government officials insisted on. Furthermore, just because it was Delawares who brought this fate upon fellow Delawares that does not make it right and certainly does not absolve the Cherokees or the U.S. government from blame.<sup>22</sup> After all, the President of the U.S. cannot single-handedly determine the fate of the entire Nation. There is a system of checks and balances to prevent just that. The Delawares subsequently refused to ratify the Agreement, to no avail. Their protests were futile, their system of checks and balances simply ignored.

The movement to Oklahoma began in December of 1867 and continued during the spring and summer of 1868, 35 years after the removal of the Choctaws who had been the first to suffer that fate.<sup>23</sup> Each family had to make its own preparations and arrangements and traveled at its own expense. Many people joined together but some traveled separately. Sometimes the men had to return later to get the remainder of their belongings.<sup>24</sup> They had to travel a distance of 180 to 200 miles until they arrived in Indian Territory. They were not accompanied and supervised by the military, as had been the case, for instance, with the

Cherokees. There was no force needed to remove the Delawares from what had been their home for close to 38 years. About a thousand of them survived, and they had for a long time attempted to live peacefully with the Europeans. But there was no immediate cause for removal, either.<sup>25</sup> On the contrary, they had lived on their Kansas lands for 38 years, and in 1862 had fought for the Union.<sup>26</sup> Clearly, they posed no threat to the U.S., they were simply viewed a nuisance and an obstacle. People coveted their land and so the *Lenape* once again had to leave. Other tribes before and after them found themselves in similar situations. This was a continuation of the very first policy used in dealing with Native Americans.<sup>27</sup> Indian Territory was simply the latest measure to take away their land. But removal in itself was nothing new to the Delaware tribe.

It was far from easy for them. But as traumatic as this renewed removal was for the Delawares, its effects proved to be just as bad or worse. "A majority of the Delawares protested incorporation with the Cherokees up until the time that they had to move, but they were forced to do so by the whites."<sup>28</sup> Clearly they were aware that the threat to their legal identity was also a threat to the survival of the tribe as such. The *Lenape* then proceeded to settle on the Little Verdigris River, in accordance with the terms of the agreement. This area was not set aside exclusively for the *Lenape*, but they were allowed to settle on plots not already taken by Cherokees. Some Cherokees moved in shortly before the Delawares arrived to make a profit by selling them the best land again. Other Indians—Cherokees as well as Osages—also harassed many Delawares.<sup>29</sup> The latter had formerly claimed the land the *Lenape* were now settling on. By 1868, John Sarcxie, himself a non-English speaking signatory of the Articles of Agreement, wrote to Cherokee Chief Lewis Downing, unsuccessfully asking him for a cancellation of the agreement.<sup>30</sup> At this time, however, the monies due the Cherokees under the agreement had not yet been paid.

Not surprisingly, discontent among the Delawares soon grew.<sup>31</sup> A significant number of them had been opposed to the agreement in the first place and the situation they then found themselves in did not do anything to change their opinion. In addition to the threat to their legal identity, they also saw their new lands endangered, along with the peaceful life at least some of them may have hoped for. In February 1870, Chief John Connor reported: "a Bout one Hundred of my people are not satisfied."<sup>32</sup> In July of the same year Superintendent Hoag reported to the Commissioner that the number of the dissatisfied Delawares had risen to about 300 people.<sup>33</sup> Both of these estimates are probably conservative ones. The superintendent informed his superior that these Delawares petitioned for a home among the Quawpaws and Peorias, "where they can live in peace."<sup>34</sup> The Quawpaws had already stated their willingness to sell the Delawares some land.<sup>35</sup> Enoch Hoag clarified that the Delawares were not dissatisfied with the land in the Cherokee Nation but that "they are insecure in the enjoyment of their civil rights" because they received no protection from the Cherokee laws.<sup>36</sup> Enoch Hoag went on to report that "several murders were committed, and no power to arrest and hold the perpetrators" and he even acknowledged that the

"Indians made great sacrifices in the exchange of their valuable lands in Kansas for their new homes south."<sup>37</sup>

A *Lenape* who experienced various kinds of typical harassment was James Simons, one of the 985 Delawares removed from Kansas to the Indian Territory.<sup>38</sup> Very probably he was among the last members of the tribe to do so, one of the group of Captain Fall Leaf, who had opposed removal to the very last.<sup>39</sup> For the latecomers this also meant having to choose from a smaller selection of lands available to them than the ones who had arrived earlier. What then happened to James Simons occurred because too many of the *Lenape* were trying to pick a piece of land and to settle down. Instead of the unoccupied lands they had been promised, they found a quadrangle of timbers laid out on a lot, put there by some Cherokee. This "construction" counted as an improvement and put the Cherokee in the position to sell the land, even though the Delawares had already paid a lump sum for it. So before James Simons could settle down on the lot he had picked he had to purchase it once again. One Cherokee sold as many as five lots like this.<sup>40</sup> After Simons had finally bought a piece of land, for \$100, other parties drove him off.<sup>41</sup> But this was not by far the end of the troubles for the *Lenape*. He finally managed to build a house but still never got a chance to enjoy it, due to what he himself called "the bad disposition" of his neighbors. Once, while Simons was sick at home, someone fired shots into the house.<sup>42</sup>

Sadly, James Simons was not a singular case. Even the Indian agents admitted that not all was well in the treatment the Delawares received from the Cherokees. A number of murders committed against *Lenape* were reported. Consequently, in June of 1870, James Simons and others asked Superintendent Hoag for their share of the *Lenape* funds because a group of them had already "made an arrangement with the Peorias for the purchase of the land acquired by them of the Quawpaw Indians."<sup>43</sup> Maybe mindful of what happened with the Cherokee agreement, this time, it seems the Delawares drew up one with the Confederate Peoria, Wea, Piankashaw and Kaskaskia Indians without any outside intervention or involvement.<sup>44</sup>

Not waiting for the outcome of this, James Simons, along with 21 discontent families, a total of about three hundred people, moved away from the homes they had already purchased.<sup>45</sup> He later came to be considered one of the headmen of the so-called seceding, wild, or Neosho Delawares, mostly made up of the band of traditionalist Chief Sarcxie.<sup>46</sup> Repeatedly, they wrote to the Bureau of Indian Affairs, describing the problems of the Neosho Delawares with the Cherokees, asking the Government for help "to treet with any other tribe for a home."<sup>47</sup> They wanted the U.S. to continue protecting the Delawares as a tribe, instead of a part of the Cherokee Nation.<sup>48</sup> Under no condition whatsoever were they willing to tolerate the loss of their legal identity. They even stated they would rather lose the lands they had paid for and buy new ones among other Indians than to let this happen.<sup>49</sup> As Simons saw it, the Cherokees "are doing all in their power to keep us under their rule."<sup>50</sup>

The situation was not about to change for the better. In June Superintendent Enoch Hoag reported that the number of *Lenape* on Peoria lands was about to increase to over 500.<sup>51</sup> The Neoshos claimed to have been deceived by their chiefs about the status they would have after moving to Indian Territory.<sup>52</sup> More likely, the chiefs themselves had been surprised by the modified agreement. The conditions on the stretch of land the Neoshos intended to buy seemed to have been infinitely better than what the Delawares had to deal with inside the boundaries of the Cherokee Nation. Consequently, almost half of the tribe eventually went to live there.<sup>53</sup> The moving of such large numbers does speak very clearly concerning the situation they found themselves in.

Yet, even though they had made all the necessary arrangements with their host tribes and were willing to give up their land and money to the Cherokees, the Neoshos were not allowed to stay on the lands newly settled by them. The Secretary of the Interior concluded that the Kaskaskias had no right to sell their land without congressional approval and that no part of the Delawares could be allowed to secede after having signed the agreement with the Cherokees.<sup>54</sup> The Department of the Interior would not allow the Delawares to set a costly precedent other tribes surely would want to follow. The secession also caused more internal friction among the *Lenape*. In November of 1871, John Connor and others wrote to the Secretary of the Interior, complaining about the beneficial treatment the Neoshos had supposedly received by Superintendent Hoag and that by making payments to them at all, he had recognized James Simons and others as chiefs and councilors. This seems to indicate that the traditional chiefs felt threatened by the Neoshos' chiefs.<sup>55</sup>

The Neosho Delawares were forced to move back after about a year or two.<sup>56</sup> But their situation turned out to be worse than before. They were yet again driven off their lands in the Cherokee Nation.<sup>57</sup> In 1873 some of the Neoshos, and among them James Simons, again reported living in fear due to harassment and specifically the burning down of their houses, which seems to have been a relatively frequent occurrence.<sup>58</sup> The internal differences partly caused by the secession were not remedied merely by the return of the Neoshos.<sup>59</sup> Also, due to the mixed settlements of Delawares and Cherokees, it was still hard to even attempt to keep up some kind of tribal organization. "Geographically, there was no *Lenape* Indian community in which an intact social organization could be preserved."<sup>60</sup> The payment of annuities for a while seems to have been the only occasion for the entire tribe to meet.

The mistreatment the Delawares experienced in the Cherokee Nation was not limited to the original dissenting *Lenape*. Someone who also greatly suffered from it was Isaac Journeycake, whose brother Charles was one of the assistant chiefs. Charles Journeycake, usually sympathetic to the "white" cause, tried to intervene on behalf of his brother.<sup>61</sup> Isaac himself was characterized by Superintendent Hoag as a "very enterprising farmer and stock raiser and . . . influential in advancing the Delawares in industry."<sup>62</sup> In October of 1871, marauders destroyed Isaac's house. In 1878 a Cherokee murdered him,

presumably.<sup>63</sup> He was, by far, not the only victim from the conflicts between Cherokees and Delawares.<sup>64</sup>

Maybe it was the death of his brother that finally made Charles Journeycake realize that something needed to be done to improve the Delawares' situation. Consequently, soon the entire tribe petitioned Congress to be removed to its own reservation, on the grounds that the Cherokees executed their laws unjustly and because of the occurrence of several murders committed against *Lenape*, to mention just a couple of the grievances from the petition.<sup>65</sup> The petition pointed towards the way they perceived the treatment they received from the United States. "Our people are now and ever have been loyal to the United States Gov't, but our immediate neighbors were in arms during the recent Rebellion and its most ardent supporters and are bitter towards those who remained loyal to the Gov't. Hence an almost daily annoyance to us. – our nights are made fearful from their threatening presence and the pursuit of business is constantly interrupted from the necessity to act on the defense."<sup>66</sup> It stated furthermore that the tribe previously had attempted to solve the matter among themselves and the Cherokees. The Delawares therefore had "petitioned the Cherokee Council to cause our district to be set apart, so that we might have offices from our own tribe to execute its laws, but this was refused us and we are discouraged."<sup>67</sup> In the name of the entire tribe, the signatories, among them head chief James Connor, Charles Journeycake, John Sarcoxie, Captain Fall Leaf and others, requested a separate reservation to be set aside within the Cherokee Nation.<sup>68</sup> They illustrated the hopelessness and desperation of the tribe, explaining that "some of our people are moving away and living with other tribes, willing to sacrifice their own lands and home for an uncertain residence with those more peacefully disposed."<sup>69</sup>

It is not clear if the petition ever made it to Congress but even if it did, it was to no avail. By this time, the United States already were planning on dissolving all the reservations to finally achieve the complete integration of all Indians into mainstream society.

Yet, while open questions about the legal identity of the Delawares remained, at least in their wish to have their own reservation, the Delawares were once again united, as the petition clearly shows. They also held together against their involuntary hosts, the Cherokees. Legally, however, they continued in the same ambiguous state as before. The U.S. government still held monies in trust for the *Lenape* tribe after the payment to the Cherokees in 1869. It did so through direct communication with the *Lenape* chiefs and council, which it also used in overseeing Delaware affairs.<sup>70</sup> In 1868 Acting Commissioner of Indian Affairs Charles Mix stated, "As the Delawares have not yet dissolved their tribal organization and become members of the Cherokee Nation they must be treated and dealt with as Delawares."<sup>71</sup> The *Lenape* in 1877 certainly had no interest in combining with the Cherokees or dissolving their tribal organization.

Even though there are no records about the election of the head chief after 1872, Charles Journeycake is referred to as head chief from 1877 until his death



in 1894. Also in 1877, settlement chiefs still seem to have existed.<sup>72</sup> These settlements may or may not have been more or less identical with the old clans/phratries of Wolf, Turkey, and Turtle, but the fact alone that Delawares headed Delaware settlements indicate that they to some extent upheld their tribal organization. "The tribe increasingly defined itself by the decisions of the entire tribe acting in general council."<sup>73</sup> Yet, while this was a departure from the old traditions, it was also a convincing show of unity by the tribe. After Journeycake's death, a body that became known as the Delaware Business Committee was installed—upon request of the United States.<sup>74</sup> The traditional duties of the former chiefs were taken over by a ceremonial chief.<sup>75</sup>

The chiefs, and later the Business Committee, did well in overseeing matters of interest to the *Lenape* tribe. "By 1898, the Delaware settlements boasted a council house and two churches, two schools along the Caney River, two schools along the California River, and one on Lightning Creek – all built and paid for by the Delaware Tribe."<sup>76</sup> The council also employed physicians and raised money for their pay, since the federal government would not allow them any of their own money for that matter.<sup>77</sup>

Probably the best indicator for the separateness in which the Cherokees and Delawares continued is the low intermarriage rate. "Of the first 212 Delaware marriages after the removal, only 5 were with blood Cherokee, and only by those Delawares born after 1890."<sup>78</sup> The *Lenape* also continued to speak their own language, which is decidedly different from the Iroquoian Cherokees' native tongue.<sup>79</sup> The *Lenape* language was spoken fluently well into the twentieth century.<sup>80</sup> English, if spoken at all by Delaware tribal members, was usually the second language.

The problems between the Cherokees and Delawares continued. In a court case initiated in October 1894, Charles Journeycake, in his function as principal chief, secured the Delaware tribe their share of Cherokee funds.<sup>81</sup> The court, in the matter *Cherokee Nation v. Journeycake*, in November 1894 decreed "that the Delawares were, by the agreement of 1867 . . . entitled to equal rights in proceeds from the sale of lands or any other income disbursed."<sup>82</sup> This ruling finally resolved the question about money rights, which had caused considerable tensions and resentment in 1883. That year, the Cherokees had been given \$300,000.00 as payment for certain lands, and had voted to have it paid out on a per capita basis. The payments had gone to Cherokees by blood only, excluding Cherokee Freedmen and Shawnees as well as the Delawares. Upon their protest, Congress had been forced to appropriate money for the latter, too. However, the Cherokees held no claim to any of the remaining *Lenape* monies and did not share in their annuity payment, which went on until 1893.

With the *Journeycake* ruling, at least the money question had been resolved. Yet the land problem remained, as was to become all too apparent with impending allotments. And again the so-called surplus was sold to non-Indians. Even though Cherokees and Delawares were two distinct entities in matters of identity, and though the Delawares' legal status still remained partly unresolved, the latter still resided within the territorial boundaries of the Cherokee Nation.

Accordingly, when allotment hit United States Indians with the General Allotment (Dawes) Act in 1887, the *Lenape*, "having accepted citizenship in the Cherokee Nation . . . were powerless to keep their Cherokee hosts from accepting allotment in 1902."<sup>83</sup> So the Delawares were informed that they would be taking their allotments as Cherokee citizens only. Upon their protest, a provision of the Curtis Act of 1898 set aside 157,600 acres to be exempt from allotment until the situation was cleared up.<sup>84</sup> In 1904 the Supreme Court in the case *Delaware Indians v. Cherokees* determined that the original *Lenape* settlers had purchased a life estate of 160 acres each.<sup>85</sup> Hence only the 198 still alive were to receive that amount of land, and the remainder was limited to the regular Cherokee allotment.<sup>86</sup> This court ruling resolved the still lingering land question, though not to the Delawares' favor.

In July of 1902, Congress had ratified the agreement concerning allotment, which had been negotiated with the Cherokees. But since the process of allotment itself took longer than the government had expected, it passed the Five Civilized Tribes Act (1906) to provide for a limited continuation of tribal government—but Cherokees choose to completely disband their government.<sup>87</sup> In the following years, chiefs were only appointed when needed for the purpose of disposing of tribal assets. Significantly, on the enrollment cards of the Five Civilized Tribes, the Delaware Indians were enrolled as a separate group within the Cherokees.<sup>88</sup>

While the negotiations about allotment continued, oil was found on *Lenape* lands.<sup>89</sup> "Then . . . the Cherokee government took the position that the Delawares did not have any ownership rights to the lands they then occupied and had paid for."<sup>90</sup> The Delawares protested, also pointing to assurances made to them by the Department of the Interior in 1867. In August 1898 it once again came to a suit, in which Richard C. Adams, John Bullette, and two New York attorneys represented the Delawares.<sup>91</sup> Significantly, the U.S. was not a party in the suit. "By deserting the Delawares, the government left them unaided in an impossible situation in which it had helped to place them."<sup>92</sup> As seen above, the Court of Claims had already ruled that the Delawares had only a right of occupancy. To this ruling, the Supreme Court later added that the surviving registered Delawares also had the right to an allotment of 160 acres. Historian C.A. Weslager concluded, "Since the United States had refused to be a party to the Delaware-Cherokee suit, the rights of the Delawares under their treaty of July 4, 1866, with the United States was not determined. That treaty—and the prior treaty of 1861—had clearly guaranteed the Delawares full ownership of lands to which they moved and which were intended as their permanent homes."<sup>93</sup> In the meantime, settlers overran Indian Territory.<sup>94</sup>

Therefore the *Lenape*, after having taken up residence within the Cherokee Nation, were powerless to contest allotment, even though they had had some success in suing for their rights under the 1867 agreement. "The legal ambiguities created by the final version of the Articles of Agreement between the Delaware and the Cherokee remained unresolved during the meager twenty-five year residence within the Old Cherokee Nation."<sup>95</sup> In the future it would cause

infinitely more problems for the *Lenape*. Money and land rights had been resolved, but the central question about the legal ambiguities inherent in the agreement had not been addressed. At first sight it may seem like the Delawares had signed away their legal identity with this document, but other signs speak against that. The United States kept *Lenape* assets in trust and oversaw Delaware affairs, directly interacting with the chiefs of the tribe and not with the Cherokees. The U.S. had kept up the government-to-government relationship with the tribe it had also had pre-removal. More importantly, no legislation was ever passed specifically limiting or terminating the inherent sovereignty of the Delaware Tribe.<sup>96</sup>

In 1903 the Delaware Tribe began to prosecute various claims against the United States for numerous uncompensated treaty obligations. The Delaware Business Committee agreed to a settlement and to drop all pending suits. Consequently, in 1904, the *Lenape* received a final payment to settle all their remaining claims against the U.S. To arrange for this transaction, Congress enacted legislation in regards to the payment, which also clearly recognized the tribe. Congress specified the monies to be paid to the Delawares "as said tribe in council shall direct."<sup>97</sup> The act also unequivocally recognized the tribal authorities.

The tribal council then passed a resolution, defining the membership criteria of the tribe and its political representatives. Tribal membership was affixed to the tribal role drawn up by Agent Pratt in 1867. The surviving *Lenape* listed on this role and their descendants were the ones who constituted the Delaware tribe. Thus tribal membership was directly connected to the last step of removal. The final roll came to be known as the 1906 Delaware Per Capita Roll, and listed over 1,000 members. Tribal membership has been defined on the basis of that roll ever since.<sup>98</sup>

One legal view became important. "Of primary significance in clarifying the Delawares as a separate tribal entity was the 1905 opinion issued by the Comptroller General, at the request of the U.S. Attorney General and the Secretary of the Interior, addressing whether Congress intended the appropriations for individual Delaware Indians, or for the Delaware Tribe as a political tribal entity."<sup>99</sup> In this opinion, the Comptroller General determined that the appropriation was for the Delaware Tribe of Indians, and not for the individual descendants of Delawares. Furthermore, he specifically determined that under Article 15 of the Treaty of 1866 with the Cherokees, the Delaware Tribe removed to Cherokee country, but there maintained its tribal organization as a separate band of the Cherokee Nation. Yet the Comptroller General also recognized the Delawares' right to participate in all Cherokee funds, which it had acquired along with citizenship in the Cherokee Nation.<sup>100</sup> The Department of Interior and the Department of Justice then adopted this opinion. Accordingly, it was finally reaffirmed that, although the *Lenape* had purchased full citizenship rights in the Cherokee Nation, the tribe also purchased the right to preserve its separate tribal organization, and continue as an inherent sovereign, separate and distinct from the Cherokees.<sup>101</sup> So the legal status of the Delaware tribe was resolved for the time being, at a point in time when the Cherokee Nation itself was at the brink

of disappearance. Yet for a short time the *Lenape* continued their dual membership in the Delaware and Cherokee tribes. But, even with this clarification of their legal status, the *Lenape*'s troubles were still far from over. The legal battle continues to this very day.<sup>102</sup>

In the years following their removal, the Delawares did not just vanish from view. They were quite articulate, repeatedly voicing concerns about the tribe and all matters connected to it.<sup>103</sup> Their actions were aimed at the preservation of their tribal organization and identity. And, even though it may seem strange at first glance, so was the consent to removal. Kansas, for close to 40 years home to the main body of the *Lenape*, in the late 1850s did not offer the tribe the conditions it needed to thrive. On the contrary, the prevalent situation at the time severely endangered the Delawares. Matters got worse with the effects the Kansas-Nebraska Act had on the area and its inhabitants. After the Civil War, the Delawares' living conditions once again deteriorated drastically.<sup>104</sup> In Kansas they had no future as a tribe. Removal to Indian Territory, and even to the Cherokee Nation, was preferable and must have seemed like a logical step. Yet even while taking this crucial step, the correspondence between various *Lenape* and government officials reveals that the preservation of their tribal identity was of prime importance to them. They repeatedly and specifically stated that they wanted "to maintain their nationality," to use their own words.<sup>105</sup> Even the internal conflict, which arose over the changed terms of the agreement with the Cherokees, only serves to illustrate how much the removing Delawares cared about the preservation of their tribal ties. Everyone who removed opted for the preservation of these tribal ties; only the ones who permanently remained in Kansas chose to give up their tribal affiliation. Different groups just happened to have varying opinions on what was best for the tribe.<sup>106</sup> But conflicts between traditionalists and modernists occur in every society. In any case, both groups repeatedly emphasized tribal ties and their identity as Delawares. While the conduct of the chiefs and delegates sometimes may have been questionable, there is no evidence that in spite of occasionally seeking their personal favor or letting themselves be pressured, they did not also have the tribes' interests at heart.

As it turned out, however, removal to Indian Territory did not bring the relief the modernists had probably expected but instead all the bad consequences the traditionalists had feared. Accordingly, the internal friction, which had developed—or maybe had been aggravated—after the signing of the modified agreement, got progressively worse.<sup>107</sup> This friction climaxed with the ongoing exodus of the Neosho Delawares, yet did not mend immediately upon their return. But when living within the Cherokee Nation finally got unbearable for all its members, the tribe was once again internally united in their quest for a new reservation.

In spite of all their troubles while cohabiting with the Cherokees, the *Lenape* did not lose their sense of identity, even though they were fractionalized for a while. They were still Delawares even to the Cherokee Nation, as becomes only too apparent by the mistreatment the Delawares, the "others," received from

them. The Cherokees' wish to completely incorporate the Delawares was probably more born out of a desire to keep in control than by the intent to really merge the two tribes into one. And it was not as if the Cherokees had voluntarily invited the *Lenape* to join them, but they had been forced by the U.S. to accept them within their territorial boundaries. To an extent, it is understandable that the Delawares, fiercely refusing to give up their tribal ties and to surrender control to the Cherokee Nation, were considered by the latter as intruders, troublemakers, and undesirable if not for their money.<sup>108</sup> The U.S. government had forced the Delawares onto the Cherokees, probably aggravating the latter's internal problems. Some of them seem to have taken their discontent out on the Delawares. Others simply may have viewed them as a chance to make money after the disastrous Civil War years. Also, the *Lenape* may have been a pawn in the internal and external battles of the Cherokee tribe. In any case, their discontent in some way is understandable and largely due to U.S. intervention.

To some extent the Delawares continued separately in the eyes of the officials of the United States government who were seemingly unaware of the legal ambiguities created by the agreement of 1867. Even these men, also in a state of confusion, had many practical reasons for instance the payment of annuities, to refer to them as Delawares or as Cherokee-Delawares. On the enrollment cards prepared by the staff of the Commission to the Five Civilized Tribes between 1898 and 1914, the Delaware Indians adopted by the Cherokee tribe were enrolled as a separate group within the Cherokee.

So what the officials in charge of the *Lenape*'s removal were probably hoping for—a slow disappearance of the tribe—never did occur. Most Delawares probably initially did not realize what the Articles of Agreement meant for them. Two of the four Delaware delegates still signed this document using x-marks, obviously dependent on the assistance of an interpreter.<sup>110</sup> To many of the tribal members, it probably was not a contradiction to be Delawares while being incorporated into the Cherokee Nation. They were used to dealing with different worlds while remaining *Lenape*, Delawares. They had lived with other tribes before, without ever facing the possible loss of their (legal) identity. Or maybe they just did not see any other option in the face of losing their land to white settlers and railroads. Maybe to the delegates it seemed preferable to follow the wishes of the U.S. officials than to put up a fight they knew would prove to be in vain. One should also not forget that the white officials present urged them to sign. Some tribal members protested immediately and almost incessantly against what they perceived to be the end of their tribal existence as Delawares.

The years following removal revealed that the *Lenape* did not just vanish from view. They were quite articulate, especially the dissenting ones known as the Neosho Delawares. In fact, it seems that they became more articulate over time, learning to use the white man's weapons, taking their claims to the officials and to the courts.<sup>111</sup> They used these weapons against the U.S. and also against the Cherokees. In this fight against the prevalent conditions the tribe united again.

They had survived the incident of removal, neither unharmed nor unchanged, but still alive. The Delawares as a tribe survived removal damaged but still able to recover. They were, after hard years of adjustment to life among the Cherokees, given the chance to rediscover and also to reconstruct their identity, and they grew stronger in the process. Maybe living in a doubly hostile environment, with both mainstream and Cherokee society largely against them, made the *Lenape* realize even more how precious their tribal identity was to them. This later enabled them to successfully fight the revoking of their federal recognition. In that respect, the increased outside oppression may actually have served to ultimately help ensure the survival of Delaware tribal identity.

After removal, things had appeared bleak for the Delawares, bringing immediate fragmentation and other grave consequences, but in the end these challenges may even have been beneficial. This observation sheds light on an important point. Often, it is not immediately understandable what constituted success for the Native Americans—yet their judgment really is the important one. Patricia Nelson Limerick has once spoken of a history of misreadings. It would be a further misreading not to accept native self-judgement.<sup>112</sup> Yet this was naturally not always a uniform one. The Neosho Delawares, who temporarily left the main body, protesting the conditions under and also to which they had removed, in their petitions asked that the Government keep up its protection. They wanted to continue in the position of wards, dependent on the Government, and wanted their common tribal property to be protected. They probably saw the only way for tribal survival in the continuation of the established ways. The modernist chiefs of the main portion of the Delawares seemed to see their goal in advancing their people, in a different, an individual, way. So even among the Delawares there were diverging measures of success.

These views may have to an extent been linked to blood quantum and how it was perceived. Among the *Lenape*, the full bloods seem to have been the more traditionally thinking and acting members of the tribe, while the modernists apparently were recruited from among the so-called half-breeds.<sup>113</sup> While the agents and government officials concerned with the Delawares found the half-breeds to be more to their taste, they were not held in such high esteem by the traditionalist, full blooded Delawares.<sup>114</sup> The latter felt betrayed by the half bloods, in particular the chiefs, over the Articles of Agreement and their move to the Cherokee Nation. They seem, to an extent, to have taken up the labels that were attached to blood degree by their white surroundings. But the full bloods turned the judgment around and were proud of their (pure) Indian blood and looked with disdain on the half-breeds and their political behavior. Perhaps the attitudes displayed were indeed at least partly or indirectly a matter of blood quantum. The so-called half-breeds were very likely raised in a different way, since one of their parents or grandparents was of European extraction and consequently had been exposed to corresponding influences. The full bloods, again, were almost certainly raised and educated in a more traditional way, making them more traditional as adult-age, too. The tribal leaders, in this phase of *Lenape* tribal

history, were often recruited among the half-breeds, possibly at least partly due to outside intervention. But leadership was not really the decisive element, as has already been seen. The chiefs needed followers and those had to be persuaded that all was done in the best interest of the tribe. That was the case only after the exodus of the Neoshos had ended and the whole tribe, traditionalists and modernists together, tried to have their own settlement area set apart.

In the end, these two groups came together once again when trying to have their own territory set aside. The judgments of the situation and the tribe's chances varied, as seems only natural when more than a few people try to form a conclusion. Therefore, leadership, in both groups, seems to have been more about the ability to unite the tribe than to simply pass and enforce decisions.

So the question about the definition of success is not an easy one to answer. In the end, the different strategies negotiated and applied by the different factions among these tribes both seem to have worked. In the case of the Delawares, the discussion of their post-removal history has, because of the continued legal fight for their tribal identity, often been reduced to the legal question. And while a certain obsession with the restoration of their temporarily lost recognition is only too understandable, it also short-changes the Delawares as a tribe.<sup>115</sup> While the fight for their identity did become an important motivation and unifying influence, being a Delaware was not limited to this fight. There are, for instance, *Lenape* ceremonial life and a variety of community programs, including language classes.

Naturally, the tribe has changed in the process of adaptation and, also over the years, has adapted to the situation and the world around them. But they have retained a certain spirit of tribal identity; have insisted on a collective existence, consequently, clearly making the fight successful in that respect. Had they tried to maintain their communities and their identity unchanged they surely would have perished in the attempt. Many times it has been viewed as something of a loss, a surrender, and consequently as a negative thing to adapt, to change.<sup>116</sup> Some people say that a society, after 400 years of white contact has changed so much that they are not "true" Indians anymore. Yet somehow these purity requirements do not seem to apply to the changes in "white" society, there it is a positive, a natural development. Identity cannot survive unchanged. An unchanging sense of identity is a dead one. The Delawares are not dead.

The Delawares insisted on their own, unique identity, which no one else could share.<sup>117</sup> They rejected all the other choices presented to them. And there had been other choices even beside an identity as Cherokees, which at best could be called a limited choice since they were supposed to be forced into it without there really being any welcome for them by the native Cherokees. It would be somewhat understandable, if the Cherokees were resentful of the *Lenape*. The former tribe was forced to accept so-called friendly tribes among them due to the backing a fraction of their tribe had given to the Confederates during the Civil War. The Delawares in their midst were a living reminder of that injustice. During the negotiation of the agreement, they had attempted to have

the *Lenape* incorporated into their nation. If they were forced to accept them at least then they would have to answer to Cherokee law—and to pay good money for it.

The Delawares may also have had the choice of becoming U.S. citizens, and, while the “United States bludgeoned them with guns, diseases, and administration, . . . it also welcomed them with open arms.”<sup>118</sup> Of course, this welcome was only extended to those prepared to give up their tribal identities and turn into Americans.<sup>119</sup> The Delawares, like many other Indians, “rejected both the pressure and the opportunity, struggling to preserve distinct, indigenous communities that for a long time promised little more than poverty and powerlessness.”<sup>120</sup> This point can only partly be explained by political and economic circumstances but also needs the inclusion of the Indians’ view of the world, of their attachment to their ethnic and tribal identity.

Anthropologist Thomas Hylland Eriksen ascertains that, in order for “ethnic membership to have a personal importance, it must provide the individual with something he or she considers valuable.”<sup>121</sup> Their tribal ties gave the Indians something they could not get anywhere else, a sense of belonging, which they could not obtain from white society in quite the same way. Benedict Anderson, scholar of nations and nationalism, in his *Imagined Communities*, has shown that every community larger than face-to-face basis is an imagined one. The Delawares were still part of a genuine face-to-face community. As anthropologist Richard Adams has clarified, “‘Community,’ of course, implies much more than merely an organized aggregate of co-residents. This involves daily interactions and familiar patterned behavior, internal factions and alliances, love and hatred, but with all, it also involved a recognition of common good and, if necessary, common defense against outsiders.”<sup>122</sup> Among the *Lenape* everyone knew everyone, probably even when the Neosho Delawares spent away from the main tribal settlement areas. Even while there was some discontent with the elected tribal leaders, the institution of the tribe as such still offered its members something the abstract, the imagined, nation state that was the U.S. could not give them. As already seen, the Cherokee Nation, the only other option open to the *Lenape*, was not receptive to them at all but only to their money. Had the exodus of the Neosho Delawares lasted much longer, it may very likely have had repercussions on the tribe as such. But since they were forced back, ironically the government, which was really trying to break them up and assimilate them into the mainstream society, took a decisive step towards maintaining the cohesive nature of the tribe. Soon, the entire tribe took steps for what Adams has called a “common defense against outsiders,” thereby uniting once again.

With the community not restored but on the way to recovery of the internal unity, the Indigenous group post-removal once again acquired a certain measure of control over matters of identity. “To the extent possible, Indian peoples have been selective about what aspects of the outside world they incorporate into their cultures. . . . They have used their internal unity . . . to incorporate the



changes forced upon them on the best terms that they could muster.”<sup>123</sup> Today, they look back with pride at their greatest achievement—to survive.

In fact, the onslaught from the outside that came along with modernization attempts only served to strengthen those ethnic ties, which did survive. “Ethnicity has not only proved resilient in situations of change; it has also often emerged in forceful ways during the very processes of change which many believed would do away with it.”<sup>124</sup> Removal and the quickly ensuing allotment were among those processes, which in the end failed to bring about the results anticipated. As Eriksen has pointed out, “there is no necessary contradiction between modernisation and retention of ethnic identity—on the contrary, it can be argued that in many cases certain aspects of modernisation are required for identity maintenance to be successful. ... Rather, it is the relative ability of specific minorities to master the changes and utilise new technologies and political possibilities for their own ends.”<sup>125</sup> As seen, the tribes did just that. The *Lenape* used the white man’s weapons successfully after they had survived removal. They repeatedly sued for their rights in court, applying the white man’s system against the Cherokees and the U.S. Historian Linda Gordon has keenly stated, “Whether histories have a happy ending or not depends on when the chronicler ends the tale.”<sup>126</sup> Had this tale been immediately after removal, things would have looked bleak for the Delawares. Yet while removal certainly had a grave impact on them, it was the years to follow that really put them to the test by not giving them a respite to overcome removal, which by itself had not been able to achieve its goals. Still, it seems almost like a miracle that the tribe managed to preserve any identity at all. Yet it was no miracle. The *Lenape* worked hard for their survival. They proved themselves fit in the fight against what could be called the most deadly predator on earth, to borrow native scholar activist Ward Churchill’s allegory, their fellow human beings. To quote Richard Adams, “Given the overwhelming advantages that states enjoy over unfavored ethnicities, it is surprising not only that the latter have continued to exercise a decisive role historically, but that they have been emerging into ever greater prominence in recent decades.”<sup>127</sup> In this (un)natural selection process the *Lenape* had ample occasion to prove their fitness by weathering all well or bad intentioned policies applied towards them.<sup>128</sup>

The history of the Delawares at times seems like a tragic story made for Hollywood. As early as 1851, in his introduction to the revised edition of *The Last of the Mohicans*, James Fenimore Cooper observed that the Delawares were the first tribe to be dispossessed, and the “seemingly inevitable fate of all these people, who disappear before the advances, or it might be termed the inroads of civilization, as the verdure of their native forests fall before the nipping frost, is represented as having already befallen them.”<sup>129</sup> While this, as already seen, was not really true, it was correct for the tribe as Cooper knew them, or rather, as he believed them to be. But, significantly, Cooper saw a link between the dispossession and the disappearance of the tribe. Later authors, among them many historians and anthropologists, concur, “possession of land is crucial

to the survival of aboriginal people as a nation."<sup>130</sup> This aspect is so for very practical reasons as well as for spiritual ones.

Even though it could hardly be expected to find an unchanged tribal identity even if there had been no contacts with Europeans at all, the mere existence of change has often been used as evidence against Indigenous societies. Many times it has been viewed as something of a loss, a surrender, and thus a negative thing to adapt, to change. As one of the foremost native scholars Vine Deloria, Jr., has explained, "the flexibility of the tribal viewpoint enables Indians to meet devastating situations and survive. But this flexibility is seen by non-Indians as incompetence."<sup>131</sup> Yet, identity needs to be flexible. Things may have been "better" before but an identity changed is better than an identity lost. Identity cannot survive unchanged. An unchanging, undeveloping sense of identity is a dead one. As Cornell and Hartmann stressed, "Ethnic identities are constructed, but they are never finished."<sup>132</sup>

Tribal, Indian, or ethnic identity is not about meeting a certain number of criteria on some scientist's checklist.<sup>133</sup> "The loss or retention of a particular formal trait, therefore, does not necessarily indicate a change or lack of change in identity. Thus, a group identity can be reproduced through changing formal traits as well as through a resolute adherence to, or observation of, those traits."<sup>134</sup> Native American identity most certainly is not about some kind of racial or cultural purity. Again it was Vine Deloria, Jr., who has made it clear: "Primitive purity is sometimes attributed to tribes. Some tribes keep their rituals and others don't. The best characterization of tribes is that they stubbornly hold on to what they feel is important to them and discard what they feel is irrelevant to their current needs. Traditions die hard and innovation comes hard. Indians have survived for thousands of years in all kinds of conditions. They do not fly from fad to fad seeking novelty. That is what makes them Indian."<sup>135</sup> Among others, in the context of Native American Studies, native sociologist Duane Champagne has also criticized the purity concept: "Societies are not stagnant . . . they have an inherent tendency toward change, although core cultural features may endure for centuries."<sup>136</sup>

The core of Delaware identity, the will to persist as a tribe, has survived all onslaughts from the outside, like removal, dispossession, the threats to their legal identity, the temporary loss of federal recognition, as well as the attempts to integrate them into mainstream American or Cherokee society. The Cherokee Nation, serving as an unwitting tool of the U.S., also posed a serious danger to Delaware identity, which the latter tribe barely managed to weather. Living among the Cherokees, the *Lenape* did not have a unified settlement area and it was therefore hard for them to keep up their tribal unity. They also felt continuously threatened by the Cherokees, who probably felt like the Delawares had been forced upon them and that it was only fair to get something in return. Removal and the threat of Delaware legal identity that came with it, also had a very disruptive effect on the tribe. Both were the direct result of United States policy, which indirectly also caused the pressure from the Cherokees. For a while, all

these factors, along with others not mentioned here caused serious fragmentation and the temporary exodus of the Neosho Delawares.<sup>137</sup> It pitched the modernists against the traditionalists, also illustrating the problems brought about by the varying degrees of assimilation present among the *Lenape*. The doubly hostile environment in which the tribe was forced to live eventually resulted in a unification of the factions in the quest for a reservation of their own. The belief in kinship and common descent, in a shared history and culture survived the threats

While certain elements of Delaware culture and identity have changed over time, they needed to do so to survive. And the tribe fought for a chance to rebuild and live the community. In order to do this, a few things were crucial to them, like a land base, for spiritual and practical reasons. The preservation of their legal identity was also of some importance even though the Delawares proved that they could survive without it during the seventeen years they had lost it.<sup>138</sup> They always knew who they were and still are. Yet federal recognition and especially its monetary benefits allowed them to actively promote their tribal identity, for instance by offering language classes and community programs.<sup>139</sup> And while the most important thing was that the Delawares themselves knew who they were and are, the mere fact that this was not officially acknowledged also must have weighed on them.<sup>140</sup> Their renewed and continuing fight for federal recognition proves that it was and is important to them to be recognized as a tribe. In the end, Delaware sense of identity proved to be stronger than all the threats it experienced over time. The belief in the tribe always managed to unite them and to help them pull through.

### Notes

1. See Joane Nagel, *American Indian Ethnic Renewal. Red Power and the Resurgence of Identity and Culture* (New York and Oxford: Oxford University Press, 1996), 71.

2. History is important primarily in the sense of common descent and claim to kinship. Symbols, as well as certain emotional or irrational factors also should not be underestimated.

3. Anya Peterson Royce divides the crucial factors into material and ideological ones. See Anya Peterson Royce: *Ethnic Identity. Strategies of Diversity* (Bloomington: Indiana University Press, 1982), 57f and 105f. On the importance of territoriality, see De Vos, George, "Ethnic Pluralism: Conflict and Accommodation," in George De Vos and Ida Romanucci-Ross, eds., *Ethnic Identity. Cultural Continuities and Change*, 2nd edition, (Chicago and London: University of Chicago Press, 1982), 11f. See also and Augie Fleras and Jean Leonard Elliott, *The Nations Within. Aboriginal-State Relations in Canada, the United States, and New Zealand* (Toronto: Oxford University Press, 1992), 2.

4. As will be seen in the following, another option was to remain as U.S. citizens.

5. "People of the first frontier" is a term sometimes used in the literature to describe that it was the coastal tribes who first had to deal with European ventures into their land. The expression was used by T. J. C. Brasser in the article "The Coastal Algonkians: People of the First Frontiers," in Eleanor Burke Leacock and Nancy Oestreich Lurie, eds., *North American Indians in Historical Perspective* (New York: Random House, 1971).

6. Estimates stemming from the early European arrivals range from 8,000 to about 12,000 members of the entire tribe.

7. For instance, "Manhattan" is a *Lenape* word, meaning "island."

8. Patricia Nelson Limerick: *The Legacy of Conquest. The Unbroken Past of the American West* (New York and London: Norton, 1987), 216.

9. The Delawares signed a total of 20 (ratified) treaties. Many of them served to remove them from the lands they were holding at the time. For the treaty of 1778, see Charles J. Kappler, *Indian Affairs, Laws and Treaties, Volume II - Treaties*, Washington, Government Printing Office, 1904, 3-5. They were also signatories of the treaties of 1785 (Kappler, *Indian Affairs*, 6-8), of 1789 (Kappler, *Indian Affairs*, 18-23), of 1795 (Kappler, *Indian Affairs*, 39-45), of 1803 (Kappler, *Indian Affairs*, 64-65), of 1805 at Fort Industry (*American State Papers: Indian Affairs I*, 696), of 1805 at Fort Industry (II) (Kappler, *Indian Affairs*, 77-78), of 1805 near Vincennes (Kappler, *Indian Affairs*, 80-82), of 1809 (Kappler, *Indian Affairs*, 101-103), of 1814 (Kappler, *Indian Affairs*, 105-107), of 1815 (Kappler, *Indian Affairs*, 117-118), of 1817 (Kappler, *Indian Affairs*, 145-155), of 1818 (Kappler, *Indian Affairs*, 170-171), of 1829 at Little Sandusky (Kappler, *Indian Affairs*, 303-304), of 1829 at James Fork at the White River (Kappler, *Indian Affairs*, 304-305), of 1832 (Kappler, *Indian Affairs*, 370-372), of 1854 (Kappler, *Indian Affairs*, 614-618), of 1860 (Kappler, *Indian Affairs*, 803-807), of 1861 (Kappler, *Indian Affairs*, 814-824), and of 1866 (Kappler, *Indian Affairs*, 937-942).

10. This was the Treaty of Fort Pitt (September 17, 1778). In its sixth article the following passage is to be found: "And it is further agreed between the contracting parties should it for the future be found conducive for the mutual interest of both parties to invite any other tribes who have been friends to the interest of the United States, to join the present confederation, and to form a state whereof the Delaware nation shall be the head, and have a representation in Congress." See Kappler, *Indian Affairs*, 3-5.

11. Various splinter groups left the main body of the tribe along the way. In the following, I will follow the main body only.

12. At the same time, the slavery question was also violently "discussed" and created a situation from which the Indians suffered badly.

13. The question of the legal status had been determined by the decision of the U.S. Supreme Court in person of Chief Justice Marshall in 1832 during the Cherokee fight against removal following the Indian Removal Act of 1830 within the federal court system (*Worcester vs. Georgia*). He declared the Indians to be "domestic dependent nations" and therefore like a ward to the United States, their guardian. See among others Robert Remini, *The Legacy of Andrew Jackson* (Baton Rouge: Louisiana State University Press, 1988), and Robert F. Berkhofer, *The White Man's Indian: the History of an Idea from Columbus to the Present*. (New York: Knopf, 1978).

14. From the treaty of 1854 (U.S. and Delaware Tribe of Indians). See Kappler, *Indian Affairs*, 614-618. The treaties of 1860 and 1866 include similar language of dependence and resulting promises of protection. See Kappler, *Indian Affairs*, 803-807 and 814-824.

15. Other tribes in similar situations opted to go to war.

16. The first of the land cession treaties which eventually cost the Delawares their lands in Kansas took place in 1854 and assigned 80 acres of land to each member of the Delaware tribe. One ratified in 1860 gave preference to railroad companies in the land purchase and also gave them perpetual right of way. The treaty of 1861 arranged in more detail the sale of land to railroad companies and methods of payment. And finally, the treaty of 1866 arranged for the permanent removal of the Delawares from Kansas to Indian Territory. This was also the last treaty between the Delawares and the United States. For the treaty of 1854, see Kappler, *Indian Affairs*, 614-618, for the one of 1860, Kappler, *Indian Affairs*, 803-807, for the one of 1861, Kappler, *Indian Affairs*, 814-824, and for the treaty of 1866, see Kappler, *Indian Affairs*, 937-942.

17. However, more problems and confusions were created when Fall Leaf, a Delaware "war chief" was given leave due to an illness and, conforming to their traditions and habits, the remaining Delawares soon followed him home. See letter dated December 4, 1863, from

Fall Leaf, "Captain for the Delawares," to J. W. Armstrong. National Archives, M234, roll 276.

18. Treaty between the USA and the Cherokee Nation, 1866. See Kappler, *Indian Affairs*, 947.

19. *Ibid.* The enrollment list was later to become very important during the discussions of compensations. See a reprint of the Cherokee agreement in Richard C. Adams: *A Delaware Indian Legend and the Story of Their Troubles* (Washington, D.C.: n.p., 1899).

There are conflicting views of this in the literature, even coming from the same author. In *The Delaware Indians*, Weslager takes the view that the Delawares did not become Cherokee citizens for a couple of years after moving to Oklahoma, but in *The Delaware Indians Westward Migration* he clearly states that they did in fact obtain Cherokee citizenship. See Clinton Alfred Weslager: *The Delaware Indian Westward Migration: With Texts of two Manuscripts, 1821-22, Responding to General Lewis Cass's Inquiries about Lanape Culture and Language*, Wallingford: Middle Atlantic Press, 1978, and Clinton Alfred Weslager, *The Delaware Indians. A History* (New Brunswick: Rutgers University Press, 1972). After reviewing a copy of the original treaty there can be no doubt about it that the Delawares on the official tribal list of those moving to Oklahoma really became official members of the Cherokee tribe. For a reprint of the original document see Elmer J. Sark, *One Hundred Years in Oklahoma* (n.p.: no year). It is, however, possible that there was not a general understanding of the conditions since the Delaware delegates did not have a legal representative, two of them were furthermore illiterate and how much of the agreements the other two could read and understand remains a mystery. For early complaints on this subject see Adams, *Delaware Legend*.

20. *Ibid.*

21. Usually the chiefs signed a document "duly authorizing" the delegates.

22. And all three parties were involved in the making of the Articles of Agreement between the Delawares and the Cherokees.

23. They were the first tribe to be removed on the legal basis of the Indian Removal Act of 1830.

24. How much of these were left after their absence is not clear.

25. Shortly after the Delaware removal, removal as a policy came into disuse.

26. In post-war, there were numerous troubles over the failure to compensate these Delawares.

27. It has often been said that assimilation and extermination were the only measures practiced with regards to Native Americans. Yet removal was used as a substitute or a preceding step for both.

28. Herbert C. Kraft, *The Lenape: Archaeology, History, and Ethnography* (Newark: New Jersey Historical Society, 1986), 238.

29. See Letter (November 24, 1871) from John Connor to Columbus Delano, Secretary of the Interior. National Archives, M234, roll 280.

30. In a letter to Captain Sarcoxie (November 13, 1868), Lewis Downing regretted to hear that the Delawares were not satisfied in the Cherokee Nation but would not allow them to settle west of the 96<sup>th</sup> meridian, claiming they would then only experience more hardships. University of Oklahoma, Western History Collections, 3/198.

31. Even the ones who had removed early were not content and, among other things, complained about the exorbitant prices charged by merchants. See letter (March 10, 1869) from John Connor to Agent Thomas Murphy. National Archives, M21, roll 89.

32. Letter (February 2, 1870) from John Connor to Commissioner of Indian Affairs Ely S. Parker, National Archives, M234, roll 280.

33. Letter (July 22, 1870) from Superintendent Enoch Enoch Hoag to Commissioner of Indian Affairs Ely S. Parker, National Archives, M234, roll 280.

34. *Ibid.*

35. See letter (July 2, 1870) from Agent Mitchell from the Neosho Indian Agency to Superintendent Enoch Hoag. National Archives, M234, roll 280. The document does not supply agent Mitchell's first name.

36. Various government officials report on partiality shown by Cherokee officers to Cherokee offenders. See for instance letter (July 1, 1871) from Special Agent Mitchell to Superintendent Enoch Hoag. National Archives, M234, roll 280.

37. Letter (July 22, 1870) from Superintendent Enoch Hoag to Commissioner of Indian Affairs Ely S. Parker, National Archives, M234, roll 280.

38. When the last Delawares moved to Oklahoma there were only 985 names on the official enrollment list drawn up by the Delaware agent in February of 1867. This list derived its main importance from the fact that it established membership in the main body of the Delawares and thus the birthright for future generations. Various letters by James Simons himself and others present his case and that of the Neosho Delawares, usually corresponding with their agent or the Commissioner of Indian Affairs. See primarily National Archives, M234, roll 278, M234, roll 280 and M234, roll 866.

39. Newcomb believes the last tribal members to leave to have also been the poorer ones. See William W. Newcomb, Jr., *The Culture and Acculturation of the Delaware Indians* (Ann Arbor: University of Michigan Press, 1956), 102.

40. See letter (July 1, 1871) from Special Agent Mitchell to Superintendent Enoch Hoag. National Archives, M234, roll 280. Another letter claims that one single person in this manner sold six lots. See letter (April 4, 1871) from Cherokee Agent Jones to Commissioner of Indian Affairs Ely S. Parker, National Archives, M234, roll 104. The document does not supply the first name of Agent Jones.

41. See letter (July 1, 1871) from Special Agent Mitchell to Superintendent Enoch Hoag. National Archives, M234, roll 280.

42. Why this happened does not become clear from the evidence presented in James Simon's letters.

43. Letter (July 2, 1870) from James Simons and others to Superintendent Enoch Hoag. National Archives, M234, roll 280.

44. See Articles of Agreement (May 26, 1871). National Archives, M234, roll 280. The language contained therein does not indicate any involvement of government officials or trained lawyers.

45. Agent Murphy from the Neosho Agency affirmed these numbers. See letter July 15, 1870) from Agent Murphy to Superintendent Enoch Hoag, National Archives, M234, roll 280.

46. See letter (February 22, 1871) from Superintendent Enoch Hoag to Commissioner of Indian Affairs Ely S. Parker, National Archives, M234, roll 280.

47. Simons in a letter (undated) to the Commissioner of Indian Affairs. See National Archive, M234, roll 280.

48. They even invoke the principle of wardship. See letter (January 25, 1871) from James Simons and others to unknown recipient. National Archives, M234, roll 280.

49. See letter from James Simons to the Commissioner of Indian Affairs (not dated), National Archives, M234, roll 280, letter from Captain Fall Leaf to General James Blunt (not dated), National Archives, M234, roll 280, letter (June 22, 1871) from Superintendent Enoch Hoag to Commissioner of Indian Affairs Ely S. Parker. National Archives, M234, roll 280, and letter (July 1, 1871) from Special Agent Mitchell to Superintendent Enoch Hoag, National Archives, M234, roll 280.

50. Letter (January 25, 1871) from James Simons and others to unknown recipient. National Archives, M234, roll 280.

51. See letter (June 22, 1871) from Superintendent Enoch Hoag to Commissioner of Indian Affairs Ely S. Parker, National Archives, M234, roll 280.

52. See letter (July 1, 1871) from Special Agent Mitchell to Superintendent Enoch Hoag, National Archives, M234, roll 280.

53. See Gina Carrigan and Clayton Chambers, *A Lesson in Administrative Termination: An Analysis of the Legal Status of the Delaware Tribe of Indians* (n.p., 1994), 19.

54. See letter (August 2, 1871) from Secretary of the Interior Columbus Delano to the Commissioner of Indian Affairs, National Archives, M234, roll 280.

55. Judging from a letter (April 4, 1871), it was Charles Journeycake who called the Agents' attention to the secession in the first place. See letter (April 4, 1871) from Cherokee Agent Jones to Commissioner of Indian Affairs Ely S. Parker, National Archives, M234, roll 104.

56. Weslager claims they returned after one year. See Weslager, *Migration*, 229. The sources seem to prove a somewhat longer absence, indicating the first to secede in 1869 and the last returning in 1871. See letter (July 31, 1872) from Superintendent Enoch Hoag to Commissioner of Indian Affairs Francis A. Walker, about the destitute situation the Neoshos found themselves in one year after moving back. National Archives, M234, roll 61.

57. See letter (July 31, 1872) from Superintendent Enoch Hoag to Commissioner of Indian Affairs Francis A. Walker, National Archives, M234, roll 61.

58. Letter (July 25, 1873) from James Simons and others to Superintendent Enoch Hoag, National Archives, M234, roll 61.

59. See for instance letter (April 26, 1873) from Superintendent Enoch Hoag to Commissioner of Indian Affairs Edward Smith, National Archives, M234, roll 62.

60. Weslager, *Migration*, 229. See also Newcomb, *Assimilation*, 106, for settlement patterns, their origins and effects.

61. See letter (October 20, 1871) from Charles Journeycake to Superintendent Enoch Hoag. National Archives, M234, roll 280. Enoch Hoag's letter to Secretary Columbus Delano may have been in response to this one.

62. Letter (October 30, 1871) from Superintendent Enoch Hoag to Secretary of the Interior Columbus Delano. National Archives, M234, roll 280.

63. See National Archives, M234, roll 870. (Letter from Charles Journeycake to Indian Agent Marston, May 7, 1878) The document does not supply Agent Marston's first name.

64. See National Archives, M234, roll 870. In the same letter as mentioned above, Charles Journeycake talks about the murder of Wilson Sarcoxie by Cherokee Eben Brown. See also a letter from Agent Marston to Commissioner Era Hayt from May 9, 1878. National Archives, M234, roll 870. But there are also earlier cases of murders committed against Delawares and by Cherokees. See National Archives, M234, roll 866. Here, various Delawares in an undated letter lay out the situation to Secretary of the Interior Columbus Delano. While they complain mostly about one specific case, the wording suggests that others have taken place. Yet another conflict resulting in death is sketched in a letter dated August 8, 1870, from Agent Craig to the Commissioner of Indian Affairs. (The document does not supply Craig's first name.) In this case, a young Delaware is attacked by a Cherokee and happens to kill him in self-defense. The Agent reports the Cherokee to be a member of one of the bad families settling in the immediate neighborhood of the Delawares and continuously causing trouble there. See National Archives, M234, roll 103.

65. See Weslager, *Delaware Indians*, 428.

66. Petition (undated) from various Delawares to Secretary of the Interior Columbus Delano. National Archives, M234, roll 866. While the petition itself is not dated, the roll it is on is made up of correspondence from 1876 and 1877. A letter from the Commissioner of Indian Affairs, written in February 1877, already refers to the wording and contents of this petition. See letter (May 7, 1877) from Commissioner of Indian Affairs to Secretary of the Interior. National Archives, M234, roll 866. Gina Carrigan and Clayton Chambers quote a different petition (February 24, 1877), addressed to the Senate. See Carrigan and Chambers, *Administrative Termination*, 20.

67. Petition (undated) from various Delawares to Secretary of the Interior Columbus Delano. National Archives, M234, roll 866.

68. *Ibid.* They also asked for their share of the monies due them, which the Cherokees had not paid them. Former head chief John Connor had died in 1871, shortly after Anderson Sarcoxie had passed away. In 1872 his brother James, probably in part due to an intervention by the Central Superintendence, had succeeded John Connor. Assistant Chiefs were Charles Journeycake and James Simons. See also Carrigan and Chambers, *Administrative Termination*, 21.

69. *Ibid.*

70. *Ibid.*, 20.

71. Letter (October 9, 1868) from Acting Commissioner of Indian Affairs Mix to Agent Murphy. National Archives, M21, roll 88.

72. See letter (February 12, 1877) from Agent Marston to Commissioner of Indian Affairs John Q. Smith. National Archives, M234, roll 867. Cana is also found in the spelling of Caney.

73. Carrigan and Chambers: *Administrative Termination*, 21. Weslager also states that General Council involved the entire tribe. See Weslager, *Migration*, 238.

74. The Business Committee, in accord with the request, consisted of five men.

75. This will be briefly discussed in the chapter on post-removal history. After Journeycake's death on January 3, 1894, the tribe was officially without leader for over a year.

76. Carrigan and Chambers, *Administrative Termination*, 20.

77. *Ibid.*

78. *Ibid.*, 25.

79. The Delawares kept speaking their language even after that. In Oklahoma that language was Unami, whereas the Canadian Delawares spoke Munsee. See Ives Goddard, "The Delaware Language, Past and Present," in Herbert Kraft, ed., *A Delaware Indian Symposium*, Harrisburg: The Pennsylvania Historical and Museum Commission, 1974.

80. See Carrigan and Chambers, *Administrative Termination*, 24.

81. See Weslager, *Migration*, 236.

82. Weslager, *Delaware Indians*, 449.

83. Robert S. Grumet, *The Lenapes* (New York and Philadelphia: Chelsea House Publishers, 1989), 85. The Dawes Act (General Allotment Act of 1887) gave 160 acres to each family. All others over the age of 18 were to receive 80 acres each. Selection was possible. It was effective until 1934 (when the Indian Reorganization Act was passed). Some tribes, like the Five Civilized Tribes, were exempt. The Dawes Act linked citizenship to private land ownership. Indians were subject to state law only if they lived on allotted lands and were born within the limits of the United States. Allotment was originally intended as a protective measure that would preserve adequate holdings for Indians to earn a livelihood and, by the trust provision, to keep them from selling their land at low prices. The trust period was supposed to last 25 years. A provision arranged for an annual survey and allotment of lands. The surplus was offered to non-Native settlers. Generally, mixed bloods received fee simple titles, whereas full bloods got trust patents. See Rebecca L. Robbins, "Self-Determination and Subordination. The Past, Present, and Future of American Indian Governance," in M. Annette Jaimes, ed., *The State of Native America. Genocide, Colonization, and Resistance* (Boston: South End Press, 1992), 93. One amendment (1901) of the Dawes Act declared every Indian in Indian Territory to be a U.S. citizen. With this amendment the Delawares received U.S. citizenship.

84. The Curtis Act (1898) provided for the forced allotment and eventual termination of the Five Civilized Tribes.

85. A court ruling by the Indian Court of Claims in 1937 also determined that the Cherokees did not own the lands they and the Delawares lived on and which they had sold to the latter. They only had the right of occupancy and consequently could not sell them to the Delawares but could only confer that right of occupancy. Yet this and various other judgements in the 1930s did not seem to have found occasion to doubt that Delawares still existed as a tribe—even though some dealt with the events from 1866-67.



86. See also below on the role the discovery of oil played in all this. The question remains why, then, the tribe in 1869 still had had to pay the full amount agreed upon to the Cherokees even though due to the deaths enroute 200 less than thought actually did move onto Cherokee lands. See E. B. Smith, ed., *Indian Tribal Claims Decided in the Court of Claims of the United States* (Washington, D.C.: University Publications of America, n.d. ), compiled in 1947, 436-470.

87. Under the Five Civilized Tribes Act, the tribe would have disappeared with the death of the last of the members it had at the time.

88. See National Archives, M1186, roll 1.

89. This matter is somehow intertwined with allotment.

90. Weslager, *Delaware*, 450. See also Smith, *Indian Tribal Claims*, 467.

91. For more on Richard Adams, see Richard C. Adams: *Legends of the Delaware Indians and Picture Writing*, edited and with an introduction by Deborah Nichols (New York: Syracuse University Press, 1997).

92. Weslager, *Delaware Indians*, 451.

93. *Ibid.*, 454.

94. In 1907, Oklahoma received statehood.

95. Carrigan and Chambers, *Administrative Termination*, 31.

96. *Ibid.*, 100.

97. 33 Stat. 222 (1904).

98. See Carrigan and Chambers, *Administrative Termination*, 32.

99. *Ibid.*, 33.

100. *Ibid.* The opinion also stated that only the Delawares choosing to keep their tribal ties and moving to the Cherokee Nation could maintain a claim to tribal membership.

101. *Ibid.*

102. The tribe is still waiting on the outcome of a legal suit between them and the Cherokees, on the matter of their legal identity, with clear implications for their federal recognition.

103. In fact, they seem to have gotten more articulate over time, learning to voice their concerns and demands in a way the officials would understand and act upon. The two court cases briefly discussed above were only two examples of the times the Delawares look to amend their situation by using the white man's weapons.

104. This becomes all too apparent looking at the letters from Agent Pratt and others, reporting on the destruction brought about by squatters and others and how the Delawares suffered from the effects. See National Archives, M234, especially rolls 274-278.

105. Letter (June 13, 1867) from various Delawares to the Commissioner of Indian Affairs. National Archives, M234, roll 278. This is but one example for the application of the term "nationality." For others see the correspondence by Fall Leaf and Anderson Sarcoxie, quoted above.

106. It is not up to me to judge the delegates who signed the modified agreement but it would be interesting to see if such a document, signed in a similar situation and under comparable circumstances, would be considered legally binding.

107. I think it is possible that the friction developed along the lines of older problems but I am not able to determine this from the sources available.

108. See letter (February 17, 1874) from W. P. Adair to Commissioner of Indian Affairs Edward Smith. National Archives, M234, roll 63. Adair, a Cherokee, pronounced the Delawares as a tribe or nation to be at an end, in connection to payment purposes and Cherokee control.

109. It would be interesting to research the intertribal attitudes and to find out if tribal members thought in degrees of "Delawareness." However, the sources available do not suffice for such an undertaking.

110. The other two were Charles and Isaac Journeycake. The brothers could be counted among the modernists and may have considered it better to sign, for whatever reasons.

111. Maybe cases like the one won for the Cherokee Freedmen and along with them for the Delawares and the Shawnees by Milton S. Turner in 1888 encouraged the Delawares to use this option for themselves. Turner won for his clients, the Cherokee Freedmen, a pro rata share of some land proceeds of the Cherokees. Others to profit from this decision were the Shawnees and Delawares incorporated in the Cherokee Nation. See National Archives, M574, roll 81.

112. I am not saying that that judgement should be accepted without reservations. After all, today being federally recognized today comes with monetary benefits.

113. See various letters in the National Archives, all M234, rolls 103, 275, 276, 279, and 364. As to the appropriateness of these labels, I have not sufficient information to pass judgement. But they were probably more a general indication of the state of miscegenation and admixture than a reliable statement of blood degree. According to the Indian Agent, in 1868, three-fourths of the tribe was full bloods. See National Archives, M234, roll 279 (letter to Commissioner of Indian Affairs Taylor, dated February 27, 1868).

114. See National Archives, M234, rolls 276 and 279.

115. The Delaware tribe had lost federal recognition between 1979 and 1996.

116. See also the introductory section.

117. On numerous occasions, they spoke out against the inclusion of white men into their annuity payments. While this was of course also motivated by the desire to keep the money it should also be viewed as an expression of identity since it did not happen to all the whites trying to join the tribe.

118. Stephen Cornell and Douglas Hartmann, *Ethnicity and Race: Making Identities in a Changing World* (London: Pine Forge Press, 1998), 150. However, I have my doubts about how receptive and welcoming mainstream society really was when it came to Indians.

119. This option was generally present in removal treaties. See Vine Deloria Jr. and Clifford Lytle, *American Indians, American Justice*, 8th ed. (Austin: University of Texas Press, 1997), 18.

120. Cornell and Hartman, *Ethnicity*, 150.

121. Thomas Hylland Eriksen, *Ethnicity and Nationalism. Anthropological Perspectives* (London and Boulder: Pluto, 1993), 33. Eriksen also allows for outside pressures as a factor in the ascription of ethnic identity.

122. Richard N. Adams, "Strategies of Ethnic Survival in Central America," in Greg Urban and Joel Sherzer, eds., *Nation-States and Indians in Latin America* (Austin: University of Texas Press, 1991), 193.

123. John E. Kicza, "Introduction" in John E. Kicza, *The Indian in Latin American History. Resistance, Resilience, and Acculturation* [Jaguar Books on Latin America] (Wilmington: Scholarly Resources, 1993), xi.

124. Eriksen, *Ethnicity*, 33.

125. *Ibid.*, 127.

126. Linda Gordon, *The Great Arizona Orphan Abduction* (Cambridge: Harvard University Press, 1999), 314.

127. Adams, *Strategies of Ethnic Survival*, 191.

128. The allegory of prey and predator, though generally fitting, has one important weakness. All non-human predators kill mainly or only to satisfy their needs; greed seems to be a prerequisite of human predators.

129. For the novel, see James Fenimore Cooper: *The Last of the Mohicans*, Oxford: Oxford University Press, 1983 (reprint). Quote taken from Brian W. Dippie: *The Vanishing American: White Attitudes and U.S. Indian Policy* (Lawrence: University of Kansas Press, 1982) 24.

130. Augie Fleras and Jean Leonard Elliott, *The Nations Within. Aboriginal-State Relations in Canada, the United States, and New Zealand* (Toronto: Oxford University Press, 1992), 2.

131. Vine Deloria, Jr., *We Talk, You Listen; New Tribes, New Turf*, (New York: Macmillan, 1970), 13.

132. Cornell and Hartmann, *Ethnicity*, 80.

133. I realize that the thoughts in this paragraph may seem a little outdated to those who dedicate themselves to the study of identity. Yet somehow antiquated attitudes seem to survive very long when it comes to passing judgement on Native American identities. Therefore, I do see the need to once again address these problems here.

134. Richard N. Adams, "Strategies of Ethnic Survival in Central America" in Greg Urban and Joel Sherzer, eds., *Nation-States and Indians in Latin America* (Austin: University of Texas Press, 1991), 200.

135. Vine Deloria, Jr., *Custer Died for Your Sins. An Indian Manifesto*, 3rd ed. (Norman and London: University of Oklahoma Press, 1989), 16.

136. Duane Champagne, "Change, Continuity, and Variation in Native American Societies as a Response to Conquest" in William B. Taylor and Franklin Pease, eds., *Violence, Resistance, and Survival in the Americas: Native Americans and the Legacy of Conquest* (Washington and London: Smithsonian Institution Press, 1994), 214.

137. Other pressures were or instance exerted by settlers and traders, or by the alcohol problem.

138. Yet even while it officially did not exist, the Delaware Tribe provided a number of services for its members and kept running the tribal headquarters.

139. Federal recognition is to this day threatened by the Cherokees attempts to have the Delawares legally incorporated into their nation.

140. There also were problems with health care, as many Delawares were forced to enroll within the Cherokee Nation and to obtain a Certificate Degree of Indian Blood stating that they were Cherokee Indians, in order to receive health care.