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Time and Nationhood: The United States and Indigenous Nations

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TIME AND NATIONHOOD: THE UNITED STATES AND INDIGENOUS NATIONS

A Thesis

Presented to

The Academic Faculty

By

Frederick Walter Tillman II

In Partial Fulfillment

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Introduction

Two hundred years ago an impactful type of community entered the human vernacular. This was the concept of a nation, commonly expressed as a group of people with a shared language, political structure, culture, and historical perspective, all occupying the same territory.¹ This means that a nation can be depicted racially, territorially, politically, economically, or all of the above, but in this project my focus is on temporal depictions of the nation. The passage of time is a concept that most people acknowledge and is a powerful point of connection when creating a shared sense of nationality. The goal of this study is to analyze themes and elements that provide members with a sense of moving together as one nation across time, termed “national time.” Many nations define national time differently, so I define national time broadly as follows: the use of temporal elements to link a community together by articulating a narrative of the passage of time, thus creating a community in the minds of members through a shared mobility. Because national time differs between nations, and within nations, a variety of communities must be studied to understand variation in the use of time. Indigenous and colonial nations can provide a sense of such variation because they have different origins but they also have common points of confrontation where rhetoric is focused on a common subject. One such subject is the mid-nineteenth century Indian Removal debate between the United States and the Cherokee nation. Various narratives of nationalism can be analyzed in the documents around Indian Removal. I examine these documents for the temporal rhetoric of the United States and the Cherokee nation. The Indian Removal debate consists of the United States trying to secure its future on the continent as a colonizer while the Cherokee nation is presenting its own

¹ Alys Eve Weinbaum, “Nation,” *Keywords for American Cultural Studies* 2007, ed. Bruce Burgett and Glenn Hendler, (New York: NYU Press, 2007), 166.

nationalism as an indigenous nationhood to prevent their removal. For my study I use discourse analysis to analyze the role of time in a selection of United States and Cherokee documents.

Thus, this study addresses the question: How are constructions of time in the documents advocating for and against Indian removal, helping to craft nationhood both for the United States and the Cherokee nation?

The time period for this study begins at the close of the 1820s as the tribes, particularly those in the southeast portion of the United States, such as the Chickasaw, Choctaw, Creek, Cherokee, and Seminole, were facing pressure to leave their territory. This pressure took the form of white settlers and Southern state governments supporting removal of the indigenous tribes. However, uprooting indigenous people was not an established United States federal policy at the close of the 1820s. Because the tribes were sovereign nations, the United States government made treaties with them to acquire new territory for white settlers.² However, when Andrew Jackson became president in 1829 that policy changed. Jackson supported the arguments in favor of removing the tribes. These arguments were connected to his version of nationalism that presented a manifest destiny where the future of the American nation could be found in westward expansion. This idea of a common destiny for the United States had temporal undertones, which contributed to a sense of a collective national movement across time to an ultimate conclusion. The tribes were presented as an obstacle to western expansion and, by extension, American destiny.³ The indigenous communities each responded to this threat in their own way. For the purposes of this study, the Cherokee are chosen for analysis, because of their presentations of nationhood from a variety of directions to oppose removal. The varying sources originate from the Cherokee campaign to oppose removal through addresses to citizens of the

² Ronald Satz, *American Indian in the Jacksonian Era* (Norman: University of Oklahoma Press, 2002), 1-6.

³ *Ibid.*, 9-31.

United States, memorials presented before Congress, and legal challenges in the courts. Each of these documents is a part of a concerted effort to present the Cherokee nation and represent national narratives that can be analyzed for their use of time. While the Cherokee are not the only tribe to have national narratives, they do provide a variety of print sources that express their nationhood. These documents from the United States can be analyzed to discover what degree time plays in United States nationalism as well as its role in Cherokee efforts to assert their nationhood.

This time period determines the type of sources and methodology used because nationalism was often circulated through print media at this time.⁴ In the nineteenth century both the Cherokee nation and the United States use the circulation and production of print to articulate forms of national identity. The method of print and discourse analysis will lend understanding to the importance of time in national narratives because this method allows for meanings to be discovered in those print narratives. What I am looking for in these documents are elements and themes expressed in temporal rhetoric. Four documents have been selected for this study, two from the United States and two from the Cherokee nation. Before these documents are identified and analyzed, it is necessary to review the literature of those who provide the intellectual foundation for this study to better understand how the study will add to that foundation.

⁴ Trish Loughran, *The Republic in Print: Print Culture in the Age of U.S. Nation Building, 1770-1870* (New York: Columbia University Press, 2009)

Part One: Review of the Literature

Before addressing the central questions of the study, the literature is covered below to provide an intellectual foundation for the work. A study of this kind must look at the nature of time, space, indigeneity, and the historical moment. The Scholars, discussed below, provide research on time and nationhood and studies from the historical perspective of removal in the early decades of the 1800s. I first address the concepts of space and time, given that both are areas the nation exists through. I then review scholarship from several disciplines that study indigeneity and Indian Removal, grouping these works from themes of nation, race, and policy.

Time, Space, and Nationhood

The literature covered below observes the important factors of time and space amongst scholars and the concept of national time. In his book *Republic in Time*, Thomas M. Allen points to competing accounts of how the people of the United States have perceived themselves in relation to time.⁵ According to Allen, making these arguments in textbooks, political speeches, and government policies can provide unifying thoughts on what action should be taken (for example, a moment of national expansion). Allen contends that there are many different actors providing different narrations of national time or a nation's journey through time and what that story calls on members to do in a particular moment.⁶ How the national actors seek uniformity is key in these narratives because it speaks to the need to define the community in rigid terms. The

⁵ Thomas M. Allen, *A Republic in Time* (Chapel Hill, NC: University of North Carolina Press, 2008), 3.

⁶ *Ibid.*, 1-5.

nation has historically been expressed as a group of people with a common language, political structure, culture, and historical perspective, all occupying the same territory.⁷ However, this rigid definition is difficult to realize in actuality, especially for the United States, which commonly has had differences rather than uniformity in the areas of language, political structure, culture, and historical perspective across the territory they control. United States expansion accentuates these differences rather than resolving them via homogeneity as the definition implies. Many scholars such as Thomas Allen and Benedict Anderson have argued that time can frame or keep framed the contours of national identity where affirmations on race, ethnicity, and policy link together a defined community moving along a shared timeline.⁸

Thomas M. Allen argues that leaders or groups can create their own notions about what the passage of time indicates for a country. As Allen asserts, “The heterogeneity of time itself provided opportunities for diverse agents with different interests to produce competing accounts of American national identity.”⁹ He argues leaders and groups strive for uniformity within a state as the earlier definition of the nation implies. However, leaders struggle in their arguments of uniformity because time is not homogeneous (holding the same meaning for all people) but rather heterogeneous, meaning differing things for different people. There has, nevertheless, been an attempt throughout United States history, according to Allen, to create a national time, a concept of time that is the same for all Americans. Elites inside the nation-state find that the creation of these concepts of historical progression can be used to drown out others, allowing for a consensus or at least a sense of majority agreement for action. Allen questions the ability of these conceptualizations to hold true because not one perception of national time is perfect, and

⁷ Burgett and Hendler, *Keywords for American Cultural Studies*, 166.

⁸ See Benedict Anderson, *Imagined Communities*, 3rd ed. (London: Verso, 2006), 22-36; Allen, *A Republic in Time*, 1-5.

⁹ Allen, *A Republic in Time*, 3.

thus they must continually be reinvented and changed to compete with many other views. To accomplish this, leaders “tell stories about time and especially how they provide accounts of national identity within time.”¹⁰ For example, Allen argues that Thomas Jefferson sought to defend against arguments that the United States’ spatial expansion would resemble the empires of conquest in Europe; instead Jefferson centered his political theory on the United States’ conquering of time.

According to Allen, Jefferson’s rhetoric was one attempt to provide for growth while addressing the paradox of United States expansion. Many felt growth was needed to provide for desires both economically and territorially, but in acquiring territory, the idea of the benevolent republic could be tainted. By taking territory, the United States as a nation resembled an empire of conquest that was not the virtuous republic seeking to lift others out of decadence but was concerned with its own betterment like the empires of Europe. However, Jefferson’s national time argued for an atypical empire not concerned with spatial dominance. The United States would be “an empire of liberty [that] would descend through time by changing and even fragmenting, taking on forms that could not be anticipated in the present.”¹¹ Jefferson believed that extending ideals of liberty or freedom, not only through continental expansion, but also across time, made them everlasting and justified the actions that the republic would take in actual space. Jefferson’s policy and political arguments needed to justify the rightness of spatial expansion by exchanging the conversation about space for one about time.¹² He argued that the ideals of the United States such as liberty, republican government, and democracy would exist across history and could be set up in any land. In this interpretation, wherever Americans went, their ideals went with them, and the physical space and the realities of taking that space mattered

¹⁰ Ibid., 4.

¹¹ Ibid., 46.

¹² Ibid., 22-26.

less than the continuation of American ideals. Jefferson's national time promised that the republic will exist across countless generations, achieving higher-levels of advancement; however, this would only occur with the actual movement west. In this view spatial conquest is not occurring; instead what is occurring is the preservation of the United States existence across an abstract "space" called time.

Allen observes Jefferson's struggle to define the United States within this interpretation of national time. An analysis of Jefferson shows that while the President was interested in space, he was equally interested in making "time the medium of nationalist thought [and] preoccupied with expansion and development through time."¹³ His argument was that Americans could stave off factionalism as the republic aged by expanding west if they were unhappy with their current locality. By having the liberty to move west, settlers could create their own politically equal realm based on core principals of liberty, republican government, and democracy.¹⁴ Therefore, the Louisiana Purchase and any expansion made it so the United States could have the space to fracture and change, allowing core principals to live on through generations rather than leading to revolution over unsolved differences. Allen argues that Jefferson presents a temporal rather than spatial account of how the nation should think of itself. Allen believes members use time to craft a nation in national time or journey through time that binds members together in said community. However, other scholars would look to spatial aspects of national narratives.

Myra Jehlen in her work *American Incarnation* points to physical space as the driving force of nationalism rather than time. The argument for spatially grounded study of the nation is that the United States exists exclusively on a material basis as a polity with geographic borders occupying physical space. Her argument is that the true medium that drives toward actualization

¹³ Ibid., 19.

¹⁴ Ibid., 39.

of national existence is the territory the United States occupies. Her study argues that European settlers perceived the North American continent as not being bound by the history of Europe and argues that settlers projected liberal individualism onto the land. She finds that the people of the United States, up to and through the mid-nineteenth century, thought of themselves as being distinctly set apart from nations of the “old” European world experiencing a historical decay. This view of transcending history or time made the territory the only medium in which the nation measured progress.¹⁵ Development would occur through land or territorial growth, and how the people of the United States viewed their nation is a reflection of this. Jehlen writes, “when Americans said ‘America’ they meant something they took to be fact: that their country, whose foundation defined and identified a previously vacant continent, represented a new and culminating development in world history and thus the fulfillment of progress.”¹⁶ This statement demonstrates how the United States populous viewed the land they occupied as a seemingly limitless expanse; thus they believed there was no need for Americans to be concerned about running out of territory over time. Settlers believed the privilege of unlimited physical space meant they were not subject to the same perceived decay over time that other nations experience. Jehlen demonstrates this by analyzing eighteenth- and nineteenth-century literature as the primary method of proliferating nationalism, which she argues created the conception of America as a physical rather than temporal incarnation.

However, as Allen points out, in contrast to Jehlen, Americans were in fact concerned about time as much as space, rather than dismissing the importance of that theme. While Jehlen observes literature from the eighteenth- and nineteenth-century, Allen highlights concerns about time in cultural pieces from the same period such as paintings, speeches, textbooks, and

¹⁵ Myra Jehlen, *American Incarnation* (Cambridge, MA: Harvard University Press, 1986), 1-5.

¹⁶ *Ibid.*, 20.

architecture. The commonality between Jehlen's sources and Allen's sources is that while they are grounding their work in different conceptions of the nation, all the sources tell a story or provide a narrative about how 'Americans' should perceive their nation. Allen argues the United States was deeply concerned about falling prey to decay as other nations had done in the past, so Americans sought to explain, using these cultural pieces, how the nation exists through time. Allen observes competing perspectives of how the United States is imagined in time, but the commonality between them is an attempt to address the temporality of the nation.¹⁷ By identifying the varying ways nations are styled using time, Allen adds to the work of Benedict Anderson whose study of nationalism has influenced scholars for decades. Anderson identifies time as a factor in his argument of nations as imagined communities but more importantly in how time is used to imagine the nation into existence.

Anderson begins by observing nations as "imagined communities" in his book of the same name. Nations are imaginary because members believe a communion exists when, in fact, it does not, given that they will never meet all of their fellow citizens.¹⁸ He then identifies the facets that facilitate this shared communion through connections like language, literacy, and a commonly shared timeline that links a society together in "modern times." Anderson points to the proliferation of script into common languages, allowing for access to differing truths, as well as the change in how members conceptualize the nation within a linear timeline. These changes give communities the ability to style or imagine themselves into various nations.

In an effort to demonstrate this imagining, Anderson describes the very important clock or calendar time that was spread through print and trade in the late eighteenth and early nineteenth century, resulting in the creation of a shared mode of thought. Anderson observes,

¹⁷ Allen, *A Republic in Time*, 22-58.

¹⁸ Anderson, *Imagined Communities*, 5-6.

“empty time is a precise analogue of the idea of the nation, which also is conceived as a solid community moving steadily down (or up) history.”¹⁹ This quotation demonstrates that time can be a connecting force in the way people perceive themselves in relation to others. Similar to how they imagine a communion of all members within a nation, they imagine all members existing along a shared timeline. So connections can be felt across distances. These connections are often the nations’ perceived movement forward or backwards in development. Time is a similar connection between people in the perception of shared movement along a timeline. Anderson’s argument is that communities now have the tools to share in so much more, for example a commonly shared imagined timeline and shared understandings about that timeline. To present this flow of time, Anderson uses stories in novels or newspapers that were being proliferated in the modern period. He points to a news story about the nation of Mali and people reacting to that story as members of varying nations. According to Anderson, “The novelistic format of the newspaper assures them that somewhere out there the ‘character’ Mali moves along quietly, awaiting its next reappearance in the plot.”²⁰ These cultural connections, like a newspaper story about Mali, can set a framework with those other nations or characters in an ever-progressing story. Thus we are all connected in the movement through time in which different national characters exist simultaneously with others in and along the same imagined timeline. However, because these cultural connections are being interpreted in novels or newspapers, the narratives they present can attempt to fill the empty temporal container with one national narrative.

In Anderson’s view, time provides connection for people, but his empty temporal container means that differing narratives can be presented for a nation’s passage through time. Allen elaborates on Anderson’s assertion of time as a “value-free temporal structure central to

¹⁹ Ibid., 26.

²⁰ Ibid., 33.

modern nationhood.”²¹ Members of the nation can use this connection as follows: to place their own interpretation on the empty structure, stating that the container holds the same meaning that is homogeneous to all, without competing imperatives. However, as Allen demonstrates, there are differing thoughts coming from different national actors or groups that struggle to achieve a uniform understanding of national time. They compete to set the contours of what came before and what comes next in the national story. In Allen’s view, national time is narrating the beliefs of the past, present, and future, crafting a common understanding of national history and identity, thus creating justifications for particular actions. Allen’s intellectual contribution is demonstrating that the United States seeks to define itself in progression through time but shows a variety of interpretations exemplified in paintings, textbooks and Thomas Jefferson’s political thought.²²

As discussed earlier, one of those interpretations of national time is Jefferson’s attempt to justify expansion, but this expansion invokes settler-colonialism. Jefferson’s justification for expansion is at the expense of indigenous people, who do not factor into his temporal fantasy of United States nation-building. The United States framework of colonialism must be understood because the colonial foundation is not separate from the national narratives of movement through time in which indigenous people are argued to not exist or are fading away, proliferating indigenous erasure. The first scholar I examine is Patrick Wolfe, who argues the colonial powers have a continuous concrete and abstract framework that seeks to eliminate the native through out time.²³

²¹ Allen, *A Republic in Time*, 7.

²² *Ibid.*, 11.

²³ Patrick Wolfe, “Settler colonialism and the elimination of the native,” *Journal of Genocide Research*, 8, no. 4 (December 2006): 387-409.

Colonialism, Indigeneity, and Indian Removal

Patrick Wolfe's study "Settler Colonialism and the Elimination of the Native" observes the relation between settler-colonialism and genocide. He puts forth that colonization is a "structure not an event,"²⁴ meaning that elimination of the Native is not something that occurred in the past but rather is an ongoing project of the colonizing power. The colonial project is always looking for a way to achieve elimination because, as Wolfe argues, the Native continues to be a factor of concern. This means that the principals of elimination continue to be present within the governing system to push out Native people or assimilate them, both of which seek an end to various indigenous societies. Settler-colonialism and genocide have a connection in the desire to erase indigeneity. Settler-colonialism takes many actions including mass murder, but that is just one of the eliminatory tools for the goal of acquiring and maintaining territory. According to Wolfe, elimination is not a given and these policies change over time in an attempt to achieve the dissolution of the indigenous peoplehood.

While observing different colonial projects, Wolfe also points to important commonalities, such as indigeneity, being presented as a racial category by the colonizers. As nations-states target areas for territorial expansion, they construct a racial difference between themselves and the indigenous population. Arguments of dispossession are made by colonizers toward the tribes, labeling them as an inferior racial group. As Wolfe points out, "Indigenous North Americans were not killed, driven away, romanticized, assimilated, fenced in, bred white, and otherwise eliminated as the original owners of the land but as *Indians*."²⁵ Native people were put into a racial category to highlight their difference as 'Indians' rather than their indigeneity.

²⁴ Ibid., 388.

²⁵ Ibid., 388.

This categorizing was a misdirection away from innate connections to the land and toward a more constructed identity. Wolf states, “the ideological justification for the dispossession of Aborigines was that ‘we’ could use the land better than they could.”²⁶ Creating the racial ‘other,’ who was described as inferior and backwards, provided for the logic of elimination, which is a justification for the eradication of the Native. There was an ever-present territorial greed, which tempted colonizers to make arguments about a supposedly inferior race having no use for the land they occupy. Rather, the fact remains that they have always been indigenous to that land and have a claim that supersedes the colonizer.

Wolfe seeks to point towards structural genocide, which is how colonial projects have commonalities like racialization of indigenous people, but differ in the way they carry out the elimination. For example, Wolfe argues assimilation into the colonizing society is another option for the nation-state striving for the elimination of the Native. Assimilation, like racialization, is another method that attempts to eliminate those who originally occupied the land. In the United States, assimilation involved placing members of tribes on sectioned plots of land to create individuals in the hopes that “without the tribe, though, for all practical purposes they were no longer Indians.”²⁷ In addition there was forced removal, which violated tribal sovereignty by violating native communities’ rights to territory. Both removal and assimilation demonstrate the complexities of colonialism. That complexity is the changing ways the colonial nation-state seeks to achieve elimination across time, an elimination that puts an end to the fact of being indigenous although the fact of being indigenous can never truly be eliminated.²⁸

Given the actions of the colonizing powers described by Wolf, the responses by the tribes were to articulate and assert their sovereignty. According to Kevin Bruyneel’s *The Third Space*

²⁶ Ibid., 389.

²⁷ Ibid., 397.

²⁸ Ibid.

of Sovereignty, the United States has carried out settler-colonialism throughout its national and policy history; however, tribes have responded by asserting their own sovereignty that overcomes the two boundaries (temporal and spatial) that colonization is built on. In order to analyze this response, Bruyneel's study asks the following question: "How has the United States as a people and a government – as a nation and a state – imposed temporal and spatial boundaries on indigenous people, for what purpose, and with what consequences?"²⁹ Bruyneel finds that the spatial boundaries are the legal and political institutions within government, which place physical restrictions on indigenous people. The temporal boundaries are narratives of development surrounding cultural, political, and economic progress. Bruyneel's study seeks to point out a political resistance to colonization, making arguments for rights and resources from both outside and within these boundaries that United States sovereignty imposed and thus exposing colonial rule. Bruyneel argues indigenous people are operating in a third space of sovereignty when they make these claims to land and self-government that transcend the spatial and temporal boundaries that the United States is built on.

To explain this third space of sovereignty, it is necessary to understand how the government often articulates that the tribes can either assimilate into the United States or be wholly separate from the nation but never allows either to occur. This claim is part of the spatial boundary because it is defining some rights as existing inside and others outside, placing them in two distinct locations. Secondly, political actors often present indigenous political thought as antiquated compared to the modern world so that Native sovereignty cannot be brought into the current era as a political issue. This is a temporal boundary arguing that these are people of a bygone era and to assert their sovereignty would hinder Native progress or take them back to that

²⁹ Kevin Bruyneel, *The Third Space of Sovereignty* (Minneapolis: University of Minnesota Press, 2007), XIX.

primitive state. Both of these arguments in time and space can be demonstrated in the rhetoric coming from social and political elites as well as the policies they implement. These boundaries constrain the indigenous population, but Bruyneel points out that the meager construction of the spatial and temporal limits allows for tribes to mount a response from the third space of sovereignty.³⁰

For Bruyneel, the third space addresses the temporal boundaries when Native Americans look beyond American political history to where indigenous tribes had self-government. Thus, indigenous self-government existed long before the United States government and still exists today though it is repressed. Regarding spatial boundaries, if tribes are to continue asserting themselves as independent and self-sufficient entities, members of different tribes must not be constrained by borders imposed by colonizers. Because Indigenous polities predate the United States and predate the observations of spatial constraints, “the focal point of analyses should be on how U.S.-indigenous politics, at its core, is a battle between an American effort to solidify inherently contingent boundaries and an indigenous effort to work on and across these boundaries, drawing on and exposing their contingency to gain – identity, agency, and autonomy.”³¹ This means that European and American colonizers throughout time have not respected governmental bodies while also violating spatial or territorial rights of the tribes, and the tribes should push past these boundaries that represent those violations.³²

One of Bruyneel’s examples is the Chippewa Indians (or Mille Lacs Band of Ojibwe) fighting to hunt and fish in areas in central Minnesota where they have been historically limited from doing so. From a temporal standpoint, this is a right that goes back many hundreds of years in their society but is also guaranteed to them through an agreement they entered into with the

³⁰ Ibid., 1-23.

³¹ Ibid., 6.

³² Ibid., xi-xxiv.

United States as a separate political entity. Native Americans, such as the Mille Lacs Band, seek to secure rights within the political system; by pointing to these agreements, they are also passing through the boundaries (temporal and spatial) by accessing lands historically denied to them.³³

The Mille Lacs Band, according to Bruyneel, are drawing power from making an argument of transcendence over the boundaries in both American time and space, occupying a third space of sovereignty.

Native sovereignty occupies a transcendent space that is not encumbered by the duality of being inside or outside United States jurisdiction.³⁴ Bruyneel has focused on both variables of time and space in relation to United States boundaries. Different Native American tribes and cultures may attempt to overcome these dynamics differently, but the commonality between them is that they all face threats that the boundaries imply. Bruyneel argues that the variables of both space and time are important to these indigenous communities and should be observed at crucial moments throughout history.

Scholars have observed other variables such as race thrust upon the tribes across history and how they feed into westward expansion. Historian Reginald Horsman centers his study entitled *Race and Manifest Destiny* on “why by the mid-nineteenth century many Americans were less concerned with the liberation of other peoples by the spreading of republicanism than with the limitless expansion of a superior American Anglo-Saxon race.”³⁵ There was a transition from leaders of the Revolutionary Generation wanting to spread republicanism to leaders of the Jacksonian period believing in a higher degree of racial distinction. Horsman argues that in the beginning of the American Republic there was a belief that the mission of the United States was to bring the ideals of republicanism to others, thus lifting those groups out of inferiority. This

³³ Ibid., xi-xvi.

³⁴ Ibid., 1-23.

³⁵ Reginald Horsman, *Race and Manifest Destiny* (Cambridge, MA: Harvard University Press, 1981), 6.

was an ethnocentric kind of manifest destiny where the United States would convert the differing peoples of the world to the United States governmental and economic system. Horsman, however, identifies a shift toward maintaining and growing the material status of the nation by imagining racial components of superiority. For example, the Founding Generation approached indigenous people as a race to be transformed and bettered by the ideals of the United States. In addition, after the revolution some thought African Americans might one day be freed. Yet, whites argued that blacks were never to be incorporated from their lower status because of their perceived inferiority to whites. This ideal of emancipation quickly faded, and “when basic interests were involved intellectuals thought hard to discover why blacks should be enslaved or Indians dispossessed.”³⁶

By the late 1820s, Southern slave-owners and Western settlers wanted to keep expanding westward. An argument for Anglo-Saxon superiority would be made for the perpetual subjugation of blacks in addition to the elimination of the tribes from their lands in the Southeastern region. Enlightenment thought was concerned with the general capacity of all humans to be bettered and incorporated into the republic. However, tribes were generally not happy to give up their land and eliminate their culture for the promise of assimilation. Enlightenment principals could not provide for Americans’ desires to gain the profit and territory that lay in Native land. Racial theories “to explain the apparent wide discrepancies between the achievements of different races” were created by political and social elites to justify dispossession and enslavement for the betterment of an exclusively white nationhood.³⁷ Horsman describes an expansion based on racial hierarchies rather than superiority of ideals. White colonizers perceived indigenous people as not having the capability for improvement and

³⁶ Ibid., 300-301.

³⁷ Ibid., 301.

could more easily be dispossessed as an inferior ‘other.’ Native Americans were deemed too primitive based on differences socially, economically, and governmentally, which were attributed to permanent racial status rather than their indigeneity. While Southeastern tribes had attempted to assimilate, it was still argued they could not use the land effectively in relation to whites. Jackson and others argued their destruction was soon to come if their inferior race remained alongside the white race. The results of these racial theories created for expansionist purposes were horrific in many respects, and included the continuation of slavery and the removal of the Native Americans beyond the Mississippi.³⁸

Horsman argues that national goals were articulated from a racial perspective in the era of Jackson. Removal presented the “inferior savage who blocked progress” as opposed to the teachable and noble savage as earlier generations had described indigenous people.³⁹ In addition, Jackson maintained that the tribes in the East were up against inevitable destruction because they were too primitive to survive surrounded by whites. However, it was not that the Native Americans were on the cusp of elimination but rather that steps were taken by the United States to make elimination a reality for the betterment of the white race. As Patrick Wolfe has stated, elimination is a guiding principle and during the late 1820s and early 1830s those associated with removal were trying to carry that principal out by moving them beyond the Mississippi. Horsman studies this history and provides some key evidence as to how national goals were expressed differently in the Jacksonian era to achieve elimination.

Michael Paul Rogin is a scholar who focuses on the Jacksonian Era and Indian dispossession in his work *Fathers & Children*. Similar to Horsman’s study, Rogin’s study observes that the United States emphasized differences and a new national vision to justify

³⁸ Ibid., 189-207.

³⁹ Ibid., 193.

conflict and dispossession of Native Americans. Rogin points out that Andrew Jackson and Indian Removal in many ways symbolized a new age in how the United States achieved dispossession of the Native American. With this in mind, Rogin asserts, “The primitive accumulation of Indian land by force and fraud, I argue, initiated the market revolution that created capitalist America, the political revolution called Jacksonian democracy, and the Cultural Revolution that established American national identity in the myth of the west.”⁴⁰ The Jacksonians fostered progression west to provide a fulfillment of national priorities on a variety of fronts, economically, territorially and politically. The issue of removal was where all these vast changes in the nation could come together around Andrew Jackson himself, who advocated for removal. What Rogin is concerned with is how this President’s removal policy represented varying components of the nation while unifying those concepts into one vision. Rogin seeks “to grasp what a historical subject made of his or her life, what meanings it acquired, how shared cultural symbols entered the personal project.”⁴¹ Rogin demonstrates that Jackson’s life, rhetoric, and policies were linked to cultural components that helped craft a paternal attitude toward what Jackson considered an irredeemable race for the ultimate goal of freeing land for the economic system.⁴²

Rogin argues that in the minds of Jacksonians, the tribes were less developed down the path of civilization in comparison to the United States. There was the paternal attitude of Jacksonian America; however, in reality the varying tribes represented different cultural institutions that challenged the ideals of United States liberalism, United States republicanism, and the free market. One of the most important differences from most Native tribes was that citizens of the United States owned land, dominated that land, and sectioned it off as individuals

⁴⁰ Michael Paul Rogin, *Fathers & Children* (New Brunswick, NJ: Transaction Publishers, 1991), xvi.

⁴¹ *Ibid.*, xxiii.

⁴² *Ibid.*, xv-xxix.

for advancement in the market. Many of the tribes treated land as communal and thus did not share this view. Such factors contributed to the paternal attitude, which is important because for a “partly conscious and partly unconscious set of symbols, historical power, its sources in human personality and liberal culture, and its consequences for red and white Americans.”⁴³ These sets of symbols can be manipulated to bring about particular effects, and elites in the 1800s would use them to great effect against indigenous people. Jacksonians put forth an argument where both ways the United States viewed indigenous people, as the noble savage and as the violent people, merged into an irredeemable childlike race unable to survive under the United States government and economic system. In Rogin’s view, it is not that there are competing interpretations of the indigenous people, such as the noble savage vs. the monster on the frontier, but rather that both of the tropes had a common purpose to subjugate the Native American.

To make this vision into reality, Jackson started by withdrawing federal authority and allowing the authority of the states to violate Native sovereignty. This was a strategic withdrawal because “the extension of state law was premised in the paternal tradition on the denial of Indian sovereignty.”⁴⁴ The denial of Native American sovereignty for state control made the individual indigenous person a citizen of that southern state rather than a member of the tribe. This allegedly opened the promised prosperity of individual achievement through betterment in the economic system since the Native Americans could now individually own and cultivate land. However, this was a false argument because overall, the people would still be cheated out of their land by the government, land speculators, and white settlers. As Native Americans continued to be violated on every level, an offer of paternalism could be made for removal. It was argued that because of Native Americans’ own inability to operate within the system,

⁴³ Ibid., 12.

⁴⁴ Ibid., 214.

Jackson would have to save the tribes by moving them west beyond the Mississippi. The blame was unfairly ascribed to the 'primitive' 'Indians' not being able to survive and prosper in the white society. To Jackson they were indeed an irredeemable childlike race that could not grow up and needed to be moved west to prevent their destruction.⁴⁵

These tactics were justified by paternalist representations of a childlike indigenous people needing protection. Couched in the paternalist language, Jackson supposedly offered the opportunity for all to succeed, but Jackson sought removal to provide more prosperity for white Americans at the expense of indigenous people. The indigenous people involved had no protection from being violated by the free market or by the federal and state governments. According to Rogin, "The extension of state law, the encouragement of intruders, and the employment of bribery and secret agents all undermined tribal integrity."⁴⁶ The key was to defend the right of the Indians to participate in the sale of their own land. They would then be cheated and pressured out of their land, an outcome that could then be blamed on their childish nature. Thus, this vindicates the belief that indigenous people did not belong in white society if they could not take advantage of free market opportunities that all Americans enjoyed. In reality, however, this was just a means to acquire their land.⁴⁷

Some historians such as Robert V. Remini have been tempted to label removal inevitable when observing Jackson. Remini's work *Andrew Jackson and His Indian Wars* follows the development of American Indian policy over the course of Jackson's life and into his presidency in the form of his writings, speeches, and the treaties he helped broker. Remini demonstrates a facilitation of removal by Jacksonians through pressure both governmentally and economically. For Andrew Jackson, Indian Removal policy begins in the early 1800s with the Indian conflicts

⁴⁵ Ibid., 206-17.

⁴⁶ Ibid., 225.

⁴⁷ Ibid., 206-230.

of that time. According to Remini, Jackson argued that to save the tribes, they had to be excluded from the United States through removal, and this belief formed while he was executing the policy of the government in the field of military service. Jackson, as a general, hoped that one day the government would take a more active role in facilitating removal. Participation in the Indian conflicts led him to believe that removal was the only way for all parties to live peacefully. Remini argues that Jackson felt that he could only achieve this solution from the White House, thus getting the government behind the policy of removal through legislative fiat.⁴⁸

Under Jackson's presidential administration Remini observes the United States' central goal of elimination and the differing ways Indians responded. Each tribe had its own breaking point, and the United States did not wait for that break to occur.⁴⁹ The reoccurring evidence in his research is the two disagreeable options given to the Native Americans, which were removal or subjugation by the Southern states. Each tribe responded or resisted in its own way. For example, the Cherokees fought in the courts, and the Seminoles resisted in the form of armed conflict.⁵⁰ While buying into the inevitability argument, Remini examines the differing reactions by the tribes. Remini argues that Jackson "saved the Five Civilized tribes from probable extinction."⁵¹ However, Jackson systematically bullied whole tribes of people off their lands with no protections against the states and settlers if they declined. While Remini has a more sympathetic portrayal of Jackson and his policies, scholars like Harry L. Watson challenges them. Watson provides a wide-ranging historical account of what he calls the age of Jackson.

In Watson's book *Liberty and Power*, the age of Jackson is described as a transition to universal white male suffrage, which would facilitate the growth of white nationalism. Watson

⁴⁸ Robert V. Remini, *Andrew Jackson and His Indian Wars* (London: Penguin Books, 2002), 206-253.

⁴⁹ *Ibid.*, 226-253.

⁵⁰ *Ibid.*, 206-238.

⁵¹ *Ibid.*, 281.

argues that Jackson held up the fullest status of citizenship as being a white man, thus distinguishing the general population more along the lines of race, ethnicity, and gender. Economic distinctions of inequality became more pronounced during this time but could be overlooked for a focus on white nationalism. Watson's study differs from Remini's work. The difference is that Watson argues that Jackson propagated a Herrenvolk or Master Race, where one or many groups are oppressed to defend the system of egalitarianism among the oppressors. Jackson's actions on Indian policy aligned with this narrative of what it meant to be a 'true' member of the nation, which was a white male.⁵²

The Indian tribes represented not only an obstacle to white expansion but also a race of non-whites with fundamental rights of land and sovereignty. The United States had acknowledged these rights in the treaties it had agreed to, which made it difficult to remove the Native Americans from their land in the East without violating liberty. However, as Watson points out, promoting liberty for the white race was the mantra of political parties while liberty for others was swept aside in the fight for white liberty. The dynamic of liberty and power is an important aspect for Watson's work, pointing to those such as Jackson who interpreted what promoting white liberty meant. Jacksonians changed what members of the nation should care about towards race by uniting whites in the privilege of being the ideal members of the nation. Jackson gave people subscribed thoughts about what constitutes true citizenship. These pronouncements of liberty fell along the lines of race and sex, which existed in all areas of the nation and were used as misdirection away from economic and sectional divisions.⁵³ Watson sees Jacksonian America as an attempt to set a distinction of what it meant to be a Native American in contrast to the idealized citizen promoted by Jackson himself. The age of Jackson was a time

⁵² Harry Watson, *Liberty and Power* (New York: Hill and Wang, 2006), 53-54.

⁵³ *Ibid.*, 17-41.

where several elites and groups were molding national understandings, particularly when it came to indigenous people, to achieve removal.

The research on setting national understandings of citizenship is important because stratifying membership allows for desired results, like Indian Removal, to be achieved. Rogers M. Smith, in his study *Civic Ideals*, states that the nation, from the beginning, places limits on those who are considered full citizens and it is inherent in the governing system. Smith states that defining civic status “provides elaborate, principled arguments for giving legal expression to people’s ascribed place in various hereditary, inegalitarian cultural and biological order, valorized as natural, divinely approved, and just.”⁵⁴ Indeed the tendency to qualify who can participate in the nation by keeping particular groups marginalized through laws based on their sex, ethnicity, and race makes up the inegalitarian impulse in United States history. The purpose of Smith’s work is to highlight inegalitarianism, which has been ignored in favor of republican and liberal principals. Smith gives weight to all of these principals in his work, which he believes all come together to construct United States citizenship laws. Smith identifies civic myths as where these principals come together to create a narrative “indicating how a political community originated, who is eligible for membership, who is not and why, and what the community’s values and aims are.”⁵⁵ From this quote, Thomas M. Allen’s notion of national time is similar to civic myths because elites use narratives of national history in order to find legitimacy for their actions and inform on who are the real members of the nation. The rhetoric of history is crucial because in both national time and civic myths it requires members of a community to form uniform accounts about themselves as a nation. In arguments such as these, all factors discussed are needed, including racial, national, spatial, temporal and policy components interpreted in

⁵⁴ Rogers M. Smith, *Civic Ideals* (New Haven, CT: Yale University Press, 1997), 18.

⁵⁵ *Ibid.*, 33.

singular narrative. In national time and in civic myths, factors converge for common affirmations about who gets to benefit from the nation and who gets marginalized.

Smith's approach, like Allen's, is to demonstrate civic myths as negotiated with many different assertions from deferent individuals and groups attempting to find national cohesion. Indeed, civic myths are where aspects of the nation come together to keep political resistance low to the new priorities such as Removal policy. For example, when Andrew Jackson creates civic myths, he is constructing narratives describing 'true' citizenship. Smith describes this as Jackson's bid for power: "Jacksonian Democrats presented America as a state-centric, commercial white republic, and they now defined that claim in terms of racial superiority rather than strained doctrines of consent."⁵⁶ This view is part of what Jacksonians presented to the nation and, according to Watson, Rogin, Horsman, and Smith, whose works I discuss above, indicates Indian removal was a key "inegalitarian measure."⁵⁷ However, Smith's civic myths, similarly to national time, are not necessarily singular views held by all within a nation. Indeed, conflicts will erupt between those at the center of the consensus and those at the margins who hold differing views. Thus, Jackson observed the United States Supreme Court, the Cherokee Council, and others provide their own views on the measures he was taking. In Smith's view, liberal, republican, and inegalitarian tendencies are presented as negotiated rather than uniform, and as such, civic myths, as with national time, differ between elites. As the elites do their best to craft uniformity and implement their arguments, they are "acting in relation to pressures- sometimes violent, sometimes economic, sometimes political and ideological- exerted by a wide range of constituent and rival groups inside and outside the country."⁵⁸ Smith is arguing that those who suffer and those who oppose the inegalitarian tendencies counter with their own

⁵⁶ Ibid., 198.

⁵⁷ Ibid.

⁵⁸ Ibid., 35.

arguments.

This literature has demonstrated that scholars find the civic myths, boundaries, racialization, and national time as methods used by the United States for dispossession leveled against indigenous people. Scholars, such as Jehlen and Bruyneel, have discussed the importance of spatial arguments in the production of colonialism, while Allen's and Anderson's works highlight the importance of time in United States empire-building in the nineteenth century. In addition, scholars suggest indigenous communities can respond in their own ways distinct to their tribe. While other scholars focus on areas, such as racialization, policy, and spatial aspects, in the narratives of the United States and Native nations, I make a primarily temporally-driven analysis. An exploration of time within the national narratives of indigenous and colonial nations to provide insight into said communities and how they approach concepts of temporality and nationhood.

Part Two: National Time - Themes of Time and Nationhood

The concept of time is useful to nations as a powerful component of imagining a community in a collective motion towards a limitless future and provides implications for their existence across history in relation to space or territory.⁵⁹ When members of a nation use time as the method to express their nationhood, they create a national time, and an overarching theme can be drawn from this observation. That theme is the passage of time, and in my study I will be determining whether this passage is described as linear or non-linear (depending on the arrangement of past, present, and future), whether it is exclusive or relative, whether it is described as improvement or existence across time, and what the implications for the respective nations are.⁶⁰ Given that the concept of the nation is a significant part of this study, it is important to note that the United States and indigenous communities, specifically the Cherokee, both contain elements expressed by scholar Anthony Smith in his definition of a nation. Smith says that a nation is a defined group with a common language, political structure, culture, and historical perspective, all occupying the same territory.⁶¹ The components of this definition are present in constructions of national time when a common language, political structure, culture, and historical perspective are placed within the construct of a timeline, connecting members together and allowing for them relate to one another in spite of inequality and exploitation within a society.⁶² Thus my definition of national time is the use of temporal elements to link a community together by articulating a narrative of the passage of time, thus creating a community

⁵⁹ See Anderson, *Imagined Communities*, 22-36; Allen, *A Republic in Time*, 1-5.

⁶⁰ *Ibid.*, 2-23.

⁶¹ Philip Spencer and Howard Wollman. *Nations and Nationalism: A Reader*. (New Brunswick, NJ: Rutgers University Press, 2005), 24.

⁶² Anderson, *Imagined Communities*, 5-7.

in the minds of members through a shared mobility, with national time differing between nations and within nations.

The United States: Elements in the Passage of Time

The United States and the Cherokee each have their own use of elements in describing the passage of time for their nations. Time is important to the United States because it is a way to present a movement from the past, to the present, and into the future as a linear and progressive journey of improvement toward modernity for all of its members to enjoy. Presidents, Chief Justices of the Supreme Court, and other leaders of Western nations would define modernity as how societies move from the primitive into modern existence with an improving economy, growing population, and particular form of government.⁶³ However, national time is not only used by Western nations; others, such as the Cherokee nation, seek to imagine their communities through these temporal articulations, and the creation of these narratives challenge the perspective of an exclusive progressive linear time that only the United States can move through. They would seek a more relative or inclusive approach while still describing their nation as moving through time.⁶⁴

From a United States perspective, descriptions of time are essential for determining when a nation has taken on conceptions like capitalism, republican forms of government, and the racialization of its subjects, thereby marginalizing others to allow subjugation of those the United States seeks to colonize or extend its empire over. The United States exhibits these qualities as the only way of advancing through time; thus, movement through time is exclusive to the United

⁶³ Spencer and Wollman, *Nations and Nationalism*, 44-45.

⁶⁴ Joseph Bauerkemper, "Narrating Nationhood: Indian Time and Ideologies of Progress," *Studies in American Indian Literatures* 19, no. 4 (2007), 27-53.

States as a nation.⁶⁵ United States institutions assert their nationhood across time as the ideal example against which all other communities are measured. If any people wish to advance towards modernity and not be relegated to a more primitive time, they must subscribe to particular qualities. However, these qualities are constantly reimagined as an ever-moving goalpost for those whom the United States seeks dispossess or dominate. Communities not of the United States polity can never quite achieve a prominent place in this national time; thus, members of other communities will be relegated to the past without particular qualities that allow them to travel across time. Therefore, influential members of the United States like presidents and Supreme Court justices describe “elements of an American dominion over time” and continued movement across time while describing other communities in antiquity and degradation across time.⁶⁶

National time for the United States becomes not just a tool for building the nation by articulating the passage of time, but also a tool for measuring and securing progress of the colonizing power’s improvement in comparison to that of indigenous nationhood. This is demonstrated in Laguna writer Leslie M. Silko’s assertion, “That linearity, that emphasis on making time all strung out on a string, that’s political. That’s what colonialists do.”⁶⁷ Silko is stressing linearity as part of colonialism because the political nature of the United States is to make their community the only one that progresses or improves down that timeline. The colonialists who construct that line attempt to secure the United States’ perpetual existence on the continent while marginalizing the indigenous nations as existing only in antiquity. According to Patrick Wolfe, there is an abstract and concrete eliminatory framework that seeks to maintain the hostile settler colonial society or nation by confusing, suppressing, or removing indigenous

⁶⁵ Allen, *A Republic in Time*, 11-12.

⁶⁶ *Ibid.*, 19.

⁶⁷ *Leslie M. Silko*, Film, Dir. Matteo Bellinelli, 1995, Films for the Humanities and Sciences.

presence on colonized territory. It remains to be seen whether constructions of national time made by leaders of the United States are a part of that framework and whether, by contrasting the United States with indigenous nationhood, they argue for the exclusion of people who do not fit with the ideal progression of the nation, relegating them to the past. Thomas Allen describes this action as “making time the medium for effusive nationalism, which the future itself would become American territory.”⁶⁸ Asserting a national time, members of the United States narrate a path marginalizing those who do not represent the aspects defined as modern and delegitimizing other communities’ rights to space. In this argument, the time of one society is at an end in a particular space, and the community must yield to the promising future of the ‘more advanced’ society. The logic is built on elimination where what matters is the continued mobility of a nation through time at the expense of those who are in the way of so-called progress, who are argued as having been erased over time due to lack of improvement. For example, philosopher and social anthropologist Ernest Gellner wrote, “We are not mobile because we are egalitarians, we are egalitarians because we are mobile. The mobility in turn is imposed on us by social circumstance.”⁶⁹ From this perspective, communities should be in constant movement from a primitive less free society to a more advance egalitarian nation-state. Nations like the United States argue that progresses moves toward a culmination by taking on a specific social context, economics, government, and culture that homogenize along a path (I would argue a temporal path) that all members share. This is expressed as national time where the passage of time through improvement achieves fundamental importance over spatial and territorial rights of indigenous tribes.⁷⁰

⁶⁸ Allen, *A Republic in Time*, 23.

⁶⁹ Spencer and Wollman, *Nations and Nationalism*, 45.

⁷⁰ Bauerkemper, “Narrating Nationhood,” 1-28.

The implications on indigenous communities such as the Cherokee are profoundly interesting because the perceived qualities of improvement that the above perception implies had already been adopted by the Cherokee nation. However, members of the United States government still crafted arguments that describe their nation as superior to those indigenous nations in the Southeast, and the Indian Removal still occurred. I seek to understand United States arguments using the theme of passage through time. Thus, I analyze the crafting of their own national time and the implications for indigenous communities. In addition, during this moment of indigenous struggle, each tribe responded in their own way. Specifically, Cherokee removal in the late 1820s and throughout the 1830s resulted in a response from a variety of directions in messages to Congress, speeches, and court opinions.

The Cherokee Nation: Elements in the Passage of Time

Through invasion, the Europeans attempted to place their perspective of time onto indigenous people while disrupting indigenous connections to the land and attacking indigenous cultures. The arrival of the colonialists has meant that the tribes have always had to highlight fundamental rights of land and community.⁷¹ While tribes may use the passage of time to argue their sovereignty and nationhood in ways that resemble the colonizers, differences still remain. Donald L. Fixico has stressed other temporal perspectives rather than only the clock based, linear, and progressive perspectives.⁷² While Fixico is problematic for his broad based claims, he is useful in indicating that indigenous uses of time can vary from the Euro-American perspective.

⁷¹ Jeannie Patton, *Time and Technology in Native American Indian Literature* (Pittsburgh, PA, NCTE Conference, November 21, 1993), <http://eric.ed.gov/?id=ED367998>.

⁷² Donald Lee Fixico, *The American Indian Mind in a Linear World: American Indian Studies and Traditional Knowledge*. (New York: Routledge, 2003), 1-21

Joseph Bauerkemper asserts that Native narratives of nationhood “depart from modern state-nationalism and the underpinning ideologies of progressive linear history.”⁷³ Bauerkemper points to the distinctly European and American notions of the linear progression of time that are believed to be leading to a culmination in a homogeneous society or one nation. For the colonial nation-state, this means that the destruction of indigenous nationhood and imagining a time when only one nation and one people will exist is a dream of indigenous erasure. Indigenous national time is not observed by colonialist nations because it often breaks with underpinnings of colonialist culminations of linear history. Tribes like the Cherokee are indigenous nations and, as such, use national time, and scholars suggest they do not use time in their arguments of nationhood in the same way as European and American nations.

For example, the Cherokee can more flexibly craft a sense of national existence, given that they are both an indigenous community and that in the early decades of the 1800s, many were appropriating ideals about nationhood from the United States.⁷⁴ Stephen Watson demonstrates this commonality in his study that cites, “[c]ongressional debates, memorials, letters to the editor, sermons, journals, and reports, everyone with an interest in Cherokee Indian Removal engaged in a common discourse – the language of civilization.”⁷⁵ Watson points out the appropriation and then a process of the Cherokee themselves, highlighting many of the qualities that the United States had argued were necessary to improve. The language of civilization used by the United States showed a desire for a paternalism that would improve “primitive” and “savage” indigenous tribes. This appropriation indicates that Cherokee national time can have elements of a fixed linear timeline similar to that of the United States if the Cherokee nation

⁷³ Bauerkemper, “Narrating Nationhood,” 28.

⁷⁴ Theda Perdue and Michael Green, *The Cherokee Nation and The Trail of Tears* (New York: Viking, 2007), 34-37.

⁷⁵ Stephen Watson, “‘If This Great Nation May Be Saved?’: The Discourse of Civilization in Cherokee Indian Removal.” (master’s thesis, Georgia State University, 2013), http://scholarworks.gsu.edu/history_theses/74.

describes the passage of time from point A (a more primitive and less free community) to point B (a modern and supposedly egalitarian nation-state).⁷⁶ They can also be similar to what Bauerkemper demonstrates, that some Native Americans see their nationhood as a “complicated and interactive web of contextual and decisive events rather than [a] linear narrative marching toward the righteous destiny.”⁷⁷ Descriptions of national time do not only have to define the passage of time as improvement or a march toward civilization, but instead progression can be argued as national existence across time, irrespective of improvement. This existence Bauerkemper observes is a network of temporal, cultural, and spatial aspects that are more inclusive and subjective than the United States, which uses its national time to exclude or seek to delegitimize other nations within time. What national existence across time means to a particular tribe can vary, but Cherokee scholar Daniel Heath Justice’s work identifies what constitutes Cherokee national existence in their community. The first is recognition of others’ sovereignty while not giving up their own, which denotes an inclusive mindset built on kinship between people; the second is asserting an eternal sovereignty of their own tribe across time; and the third is fostering communal connection of peoplehood through land, culture, and other aspects that strengthen national belonging.⁷⁸ These three elements of Cherokee national existence can be broken down within the theme of the passage of time to describe their national existence and also reinforce their connection to space or territory, and I will quickly observe each element.

The first element is kinship and can be found in what Justice observes as “the ability of Indigenous nationalism to extend recognition to other sovereignties without that recognition implying a necessary need to consume, displace, or become absorbed by those nations” for

⁷⁶ Spencer and Wollman. *Nations and Nationalism*, 44-45.

⁷⁷ Bauerkemper, “Narrating Nationhood,” 47.

⁷⁸ Daniel Heath Justice, *Our Survives the Storm: A Cherokee Literary History* (Minneapolis: University of Minnesota Press, 2006), 24-25.

Cherokees.⁷⁹ This is the understanding that the United States and the Cherokee have or should have a reciprocal relationship as fellow nations respecting each other's sovereignty, and this can be expressed across time through the telling of history, treaty making, and social relations between the two. Therefore, the treatment of the Cherokee in these respects demonstrated that the tribe was an independent nation. The Cherokee nations believe in commitments between communities while keeping intact the qualities that make them sovereign, which is the idea of a web of interconnection between nations having responsibilities to one another.

The second element is that the Cherokee people have had and will always have a sovereignty that holds more historical legitimacy by the fact of existing prior to the invasion by the colonizers. When the tribes point back to the fact of being forced off lands where their ancestors lived for time immemorial, it is a temporal reminder of the deep historical rights as nations to that land that predate the United States' claims. These temporal narratives highlight the violations in space perpetrated by the colonizer by reaching backwards to their rights that hold a historical legitimacy. This focuses the conversation on the violations of territory and sovereignty rather than on a supposed passage of time exclusive to the improvement of the United States. As Bauerkemper points out, this narrative of Native nationhood claims both a timeless existence and right to territory that "produces great anxiety for the United States in that it puts the lie to both Oklahoma statehood and the U.S. national narrative more broadly."⁸⁰ It disrupts that narrative created by the United States and Western national time of a continued temporal improvement of one nation and the temporal death of the other. Without a disruption of this narrative of indigenous erasure, the narrative allows the United States to assert a right to the supposedly vacant space that they are fated to fill.

⁷⁹ Ibid., 24.

⁸⁰ Bauerkemper, "Narrating Nationhood," 46.

The third element is when the Cherokee people assert their connection as a community and a nation in rights to territory, shared history, and culture, creating a peoplehood. Peoplehood is asserting an underlying unity that connects the individual indigenous person (such as a Cherokee) to the broader people as a whole (such as the Cherokee nation). While drawing strength from time, the narrative also goes beyond time to aspects of territory, culture, and other components, which create unity. Justice identifies the discourse of Cherokee nationhood as a way to “participate in the continual process of peoplehood, to return to the sacred fire of the Cherokee and add to its strength.”⁸¹ This is what those who take part in the imagining of Cherokee nationhood are doing; when crafting these narratives, they are strengthening an indigenous community.

These elements can vary in use depending on how different members of the Cherokee nation choose to construct national time. For example, these elements are important when fostering communal connection of peoplehood through land, culture, and any other aspect that strengthens the argument of national existence across time. It is important to note that different leaders within the Cherokee nation, like John Ross and Elias Boudinot, make arguments that draw from or move away from these elements and themes, as is the case with all narrators of national time.

National time for both nations outlined above has profound implications, implications not only for their own communities but also for their fellow nations that exist within the national time they create. The removal debate is connected to the core implication of the United States national time exclusion to fulfill a colonial intent of indigenous erasure. Removal is an attempt to make the dream of erasure a reality by arguing an end to indigenous nations in the East, and as such, the Cherokee would naturally resist such an argument and the consequences of said

⁸¹ Justice, *Our Survives the Storm*, 27.

argument leveled against them. The stakes were high at this moment in history, and conceptions of nationalism were proliferated within many sources because both nations believed their futures were at stake in the removal debate. I will observe a subset of sources from this moment in history from both the United States and the Cherokee nations, looking for temporal elements in assertions of their nationhood. These conditions can provide a demonstration of not only the malleability of the temporal medium but also fundamental implications of the different constructions of national time.

Part Three: Background and Method

Historical Context

In the 19th century, asserting a particular nationalism was accomplished through print media and in the context of debating removal the United States and the Cherokee nation produced such documents. The issue of removal arose in the 1820s, which marked a climax in the established approach in the United States of acquiring land from indigenous people through treaty making. The tribes, particularly those in the Southeast, including the Chickasaw, Choctaw, Muscogee/Creek, Cherokee, and Seminole, were being pressured to settle west of the Mississippi. More white settlers were occupying the land supported by the Southern states that wanted the Native Americans removed. However, removing indigenous people was not an established U.S. federal policy at the close of the 1820s given that the tribes were sovereign nations and that the United States, for decades, made agreements with the tribes to acquire new territory, treating with them as foreign nations. However, coming out of the War of 1812, leaders such as General Andrew Jackson had confidence in national might and the wealth that could be gained for white settlers from Native American land, thus prompting a change in policy.⁸² Jackson and those who followed him crafted and implemented a break with the past policy, by arguing for mass Indian removal. Jackson had fought against the tribes in many conflicts, and when he became president in 1829, he was the most powerful voice leading the government toward outright removal. The speeches he gave as president to Congress championed United States nationalism leveled against indigenous nationhood in an effort to remove Native Americans across the Mississippi. Given all of these contextual factors around Jackson, the arguments he made as President are significant. For this study, I draw from the President's first

⁸² Satz, *American Indian in the Jacksonian Era*, 1-6.

public arguments on the subject of removal in his “First Annual Message to Congress” on December 8, 1829.⁸³

However it is not just United States documents but also the response by indigenous communities that must be observed. Specifically the Cherokee constructed themselves as a nation on a variety of fronts. In this study, the Cherokee, as a particular indigenous community, will be observed as a nation presenting arguments that strengthen their own nationalism in the form of memorials to congress, in the form of speeches, and in the court cases producing legal opinions. Each of these represents a part of the strategy Cherokees used to resist removal in public relations, lobbying, and legal action, and each provides a particular description of Cherokee nationhood. I will analyze each document for the elements of Cherokee nationhood within the theme of the passage of time.

The Cherokees are a good example because as they became more connected as a nation there are national narratives produced in print documents to create a sense of that nationhood. In opposition to removal these national narratives are centered on constructions of Cherokee community. My analyses will focus on the importance of time within these constructions. A study that seeks to understand the relation of time and nationhood can draw much evidence from the documents that emerge as the Cherokee internalize qualities of western nations, like constitutional government and newspapers, to foster interconnection and the appearance of a modern nation. As Cherokees accepted the nation as the model to present their community, the use of time can be analyzed in their effort to accentuate nationhood. Two of the ways in which

⁸³ Ibid., 9-11.

nationhood was accentuated is the change in the governmental structure and interconnection though a newspaper called the *Cherokee Phoenix*.⁸⁴

For example, one of those increased connections was that governmental structures were codified in a constitution in July 1827 and gave the Cherokee the appearance of a unified nation-state, as well as a leader in the form of John Ross, to articulate messages from the Cherokee constitutional government to the United States constitutional government. Ross became the Chief of the Cherokee nation in 1828 and led the struggle against removal, resisting late into the process. An important document to observe is the memorial that Ross and the Cherokee council presented to Congress in 1830.⁸⁵ In this memorial, the Cherokees maintain themselves as an indigenous sovereign nation having the organization to contest the United States policy of removal on a number of fronts short of direct conflict. They organized to the extent of bringing cases before the Supreme Court, which they did once in 1831 (*Cherokee Nation v. Georgia*) and again in 1832 (*Worcester v. Georgia*). The first case in 1831 resulted in Chief Justice of the Supreme Court John Marshall providing an opinion that offered a measurement of United States and indigenous sovereignty. This illustration of the levels of United States and tribal nations has implications on both. The case outlines the level of authority that the colonizing power has over Native nationhood with a classification that is still in use, but contested, today. Marshall's classification recognizes tribal nations as "domestic dependent nations."⁸⁶ The memorial and the court opinions are connected to the historical context of both removal and Cherokee nationalism, making these documents important to analyze within my temporal analysis.

⁸⁴Theda Perdue and Michael Green, *Cherokee Removal: A Brief History with Documents*, (Boston: Bedford, 2005), 12-15.

⁸⁵ The Cherokee Council, "The Cherokee: The Memorial of the Cherokee Nation," W. W. Norton & Company, *America: A Narrative History*, 1830, http://www.wwnorton.com/college/history/america7/content/multimedia/ch11/research_02d.htm.

⁸⁶ Satz, *American Indian in the Jacksonian Era*, 44-46.

The *Cherokee Phoenix* newspaper, founded in 1828, was another aspect that connected the Cherokee community as a nation. The paper, which was reprinted in many major cities around the United States, allowed the Cherokee to proliferate their argument for nationhood on a large scale. It performed nationhood to the United States, and as such, the paper imagined white readers alongside Cherokee readers. This provided a sense of nationalism that was intelligible in multiple western communities, especially for the Cherokee who were trying to be recognized by members of the United States community. It also became a primary method of connection among the Cherokee people from town to town that made up their community. The idea of the nation became more solidified because the paper helped to keep members informed as to what affected them as a whole.⁸⁷ The paper provided connection through dates, names, and places for members to identify with. There was a date at the top of the page emphasizing a shared time. The name emphasized the Cherokee people, providing a sense of connection across many smaller communities. The editor of this paper was Elias Boudinot, and his speaking tour in 1826 was influential in the creation of the *Cherokee Phoenix* as he reprinted his remarks in a pamphlet initialed “An Address to Whites.”⁸⁸ This fourth document is chosen because it narrates Cherokee nationhood within the historical context of the removal debate.⁸⁹

These documents were chosen as potential descriptions of national time: “An Address to Whites,” the memorial of the Cherokee council led by John Ross, the Marshall opinion originating from the *Cherokee Nation v. Georgia* case, and Jackson’s message to congress. Broadly, documents from this time illustrate the colonial framework with a colonial power constantly trying to reinforce its tenuous claims to the North American territory and a Cherokee

⁸⁷ Perdue and Green, *Cherokee Removal*, 14-15.

⁸⁸ Elias Boudinot, “An Address To Whites,” in *Cherokee Editor*, ed. Theda Perdue (1826; Athens GA: University of Georgia Press, 1996) p. 67-79.

⁸⁹ *Ibid.*, 47.

nation arguing for fundamental rights to land and sovereignty.⁹⁰ The physical implications of nation building on the American continent, such as the dispossession and displacing of indigenous peoples are not separate; they are central to the project of colonialism. However, I seek to explore what role time plays in building the idea of a nation. I suspect colonialism will play a role to some extent in the case of the Cherokee nation and the United States. The reason I suspect this is the removal debate has its roots in the colonial thirst for land and desire to eliminate the tribes. In the documents of this historic moment, is time simply a tool to link people together into the conception of a nation, or is time less neutral when used by actors to craft a sense of national time? To be clear, my goal is not to chronicle Indian removal, the issues of removal, or the debate in its entirety, but rather to look at the varying temporal narratives of nationhood within this debate between two nations. The goal is to highlight how these different nations and those within these nations are using time as a medium for national construction and the varying implications of those constructions. Using these documents from the historical moment of Indian removal, an observation can be made to answer the following question: How are constructions of time in the documents advocating for and against Indian removal, helping to craft nationhood both for the United States and the Cherokee nation?

Methodology

Using discourse analysis, I will study documents and speeches around the Indian removal debate. Discourse, according to scholars Susan Strauss and Parastou Feiz, is “the social and cognitive process of putting the world into words, of transforming our perceptions, experiences, emotions, understandings, and desires into a common medium for expression and

⁹⁰ Wolfe, “Settler colonialism and the elimination of the native,” 387-409.

communication, through language and other semiotic media-reflecting bits of thought and bits of meaning.”⁹¹ A discourse analysis draws out the meaning that has been given to an aspect of the world through the use of a text or narrative. In the context of this study, during the 19th century, print media was the primary method to distribute thoughts about nationalism. This determines the types of sources and methodology I use because the Cherokee and United States national identity presented national narrative through print documents. The method of print and discourse analysis will be helpful in drawing out the meaning of words and statements describing the movement of those nations through time. Discourse analysis is useful to dissect how individuals and groups construct nations because it allows the language, narratives, and words to be analyzed as they create a sense of collective motion through time and thus a sense of national time. These texts and narratives have particular elements that construct nations with implications for those nations. The literature covered in my analysis demonstrates the use of narrative in the removal debate and more broadly to construct ideas about communities during this time. The Cherokee and the United States provide sources that present a national narrative, which I analyze from a temporal perspective. This is similar to how Stephen Watson observed the internalizing of the discourse of civilization by the Cherokee and its use by both the United States and the Cherokee nation.⁹² Watson highlights the adoption of the language of civilization and extracts the use of that language for analyses. Scholars who have studied documents from this moment in history have recognized the importance of language and narratives used by both nations. Priscilla Wald

⁹¹ Susan G. Strauss and Parastou Feiz. *Discourse Analysis: Putting Our Worlds into Words* (New York: Routledge, 2014) 16.

⁹² Watson, “If This Great Nation May Be Saved,” 1-52.

highlighted national narratives within the removal debate and thus a study from the perspective of temporal narratives can be conducted in line with past research.⁹³

A variety of methods can be used, but the most straightforward way is to identify repeating themes by reading the text and pulling out the elements of those themes in words and sentences as units of analyses.⁹⁴ In the sections above, I have identified the theme of the passage of time for my analyses and whether this movement is linear or non-linear, whether it is exclusive or relative, whether it is described as improvement or existence across time, and what implications are placed on the nations from that construction. These themes and elements come together to form a discourse of putting into words what constitutes Cherokee and United States nationhood through time. I will read each document carefully, pulling out those words and language that reinforce an overall sense of nationhood across time.

Many scholars have sought to use discourse analyses to understand how themes in documents, texts, and narratives are conveyed in words and phrases to solidify nationhood. Priscilla Wald is one such scholar whose theoretical structure, methodology, and historical context are useful in my study. In Wald's work, *Constituting Americans: Cultural Anxiety and Narrative*, she provides a model for this study. Her work concentrates on the construction of national narratives, which reinforce those imagined communities.⁹⁵ She is building on what Benedict Anderson described as nations styled by elites and groups in a collective imagining through the proliferation of literature.⁹⁶ Wald identifies meanings within political, governmental, and cultural texts to demonstrate how they build the nation in the minds of their members. For example, *Constituting Americans* centers on nation-building through narratives: "In the early- to

⁹³ Priscilla Wald, *Constituting Americans: Cultural Anxiety and Narrative Form* (Durham, NC: Duke University Press, 1995.) 14-106.

⁹⁴ *Ibid.*, 15-33.

⁹⁵ *Ibid.*, 1-10.

⁹⁶ Anderson, *Imagined Communities*, 5-7.

mid-nineteenth century, jurists, politicians, and journalists all, in their fashion, competed to forge narratives that would instantiate their visions of the Union and define what the United States Constitution called ‘We the People.’”⁹⁷ Wald focuses on sources from the early 1800s, such as the opinions set down by Chief Justice of the Supreme Court John Marshall, and analyzes them as articulations of the official story of ‘America’ as a nation. Wald finds that these official narratives passed down by elites like the Supreme Court often shape the nation. Wald chooses Marshall’s opinion from the Cherokee Supreme Court case *Cherokee Nation v. Georgia* for a similar reason as I have for my study: because it represents a narrative of nationalism with implications both on the United States and the Cherokee nation.⁹⁸

Documents will be analyzed through a careful reading of the text, highlighting and pulling out passages that contain common themes. These documents will be analyzed in a similar manner with how Wald uses her sources, which are studies of language in documents, pulling out the themes that create narratives of nationhood. Her approach was to draw sources from moments in history where narratives were proliferated through journalistic writing, fiction, film, and publications that reinforce the nations of the world in discourse.⁹⁹ I will conduct a study observing documents from the removal debate to find the proliferations of temporal narratives or national time from the Cherokee and the United States.

⁹⁷ Wald, *Constituting Americans*, 2.

⁹⁸ *Ibid.*, 20-47.

⁹⁹ *Ibid.*

Part Four: Analysis

Preliminary Analysis: Passage of Time

The passage of time is the core theme to observe in the documents, and as such, its importance as a component of national time should be explained when starting the analyses because of how the passage of time has been connected to the nation to legitimize its existence. The legitimacy of nations through a description of their movement across time can be described in language of improvement and can be told in a number of ways, such as economic growth, population growth, and spread of egalitarian ideals in constitutional republican government. Mobility, described through the development of these aspects, is how many nations, especially Western nations, explain the passage of time. Arguments of improvement are decidedly temporal because they describe where a nation has been and where it is going in the future. They see aspects of the nations providing a continuous betterment of their community across time. Scholars such as Ernest Gellner argue that nations see mobility as a journey toward modernity, progressing from a primitive community to an egalitarian nation-state. They view themselves in a state of progress from the beginning of their formulation as a nation, and their community can only die through a lack of progress.¹⁰⁰ Many nation-states find their legitimacy for continued existence in the same way G. W. F Hegel emphasizes. He describes nations as allowing groups of people to improve together towards the ultimate culmination in history. In his *Lectures on the Philosophy of World History* he says:

history is the expression of the divine process which is a graduated progression in which the spirit comes to know and realize itself and its own truth. Its various stages are stages in the self-recognition of the spirit; and the essence of the spirit,

¹⁰⁰ Spencer and Wollman, *Nations and Nationalism*, 40-47.

its supreme imperative, is that it should recognize, know, and realize it self for what it is. It accomplishes this end in the history of the world; it produces itself in a series of determinate forms, and these forms are the nations of world history.¹⁰¹

Hegel emphasizes a series of developments that are taken on by a nation across time so that communities move in a linear fashion from the primitive to a culmination in history. If a nation has not achieved particular qualities of development, that community is outside the progression of history. European nations and the United States had particular criteria for what constituted a modern nation and were eager to thrust this distinction onto other cultures, such as the indigenous people of America, who were deemed inferior. This was a central tenet of eighteenth and nineteenth century colonial projects.

For example, Thomas Jefferson and other early United States leaders were strong proponents of the so-called ‘civilization program’ to bring qualities of modernity to the indigenous people. The Federalists had started the program, but Jefferson had furthered it using treaties with dual purposes. The first and foremost of those purposes was to acquire land for white settlement and secondly to get indigenous nations to adopt agricultural practices, a sedentary way of life, and Christianity even though some of these qualities were already in practice by Native people. It should be noted that Jefferson assumed the Indians would either die off or be assimilated, not that their nationhood would advance to a higher level of sovereignty, continuing indefinitely.¹⁰² This program of civilization was tied to the notion of progress through both the United States’ expansions westward and their thrusting of perceived modern qualities onto the tribes. The Cherokee adopted many of these supposedly modern aspects of white culture

¹⁰¹ G. W. F. Hegel, *Lectures on the Philosophy of World History*, trans. H. B. Nisbet (Cambridge MA: Cambridge University Press, 1981).

¹⁰² Christian B. Keller, “Philanthropy Betrayed: Thomas Jefferson, the Louisiana Purchase, and the Origins of Federal Indian Removal Policy,” *Proceedings of the American Philosophical Society*. 144, no. 1 (March 2000), 39-66.

as a means of maintaining sovereignty and territory.¹⁰³ Therefore, when members of the Cherokee nation and the United States speak of civilization, it is attached to the notion of progression through time by adopting particular qualities that supposedly denote improvement via a nation's passage through time.

However, given that the presence of colonialism on the American continent is built on the destruction rather than the continued existence of those who occupy the land both physically and temporally, the action of "solidifying" and "improving" the indigenous nation-states is threatening to the colonizing power.¹⁰⁴ Improvement across the passage of time is in fact a trap that the colonizing power uses against indigenous peoples. Rather than an achievable goal, improvement is an ever-moving goal post that indigenous people can never reach. Improvement will only be used to measure indigenous people by describing them in antiquity, solidifying the supposedly civilized United States claim that their nation can better use the land. For example, the Cherokees creation of a constitution organized them further as a nation-state and asserted a perpetual existence as an independent self-governing people. This threatened the United States, which believed only one nation could perpetually exist on the North American continent across time. Therefore, it is not just improvement through civilization that is the concern of both nations, but also which nation is allowed to existence throughout the passage of time.

The Cherokee nation and the United States can describe the passage through time using existence across time to highlight aspects that have always made them a nation and that make them a nation in the present and future. The concern of existence rather than improvement was exemplified when Georgia's governor was pushing President John Quincy Adams for a

¹⁰³ Watson, "If This Great Nation May Be Saved," 1-54.

¹⁰⁴ Wolfe, "Settler colonialism and the elimination of the native," 387-409.

denunciation of the Cherokee nation's constitution.¹⁰⁵ Scholars such as Priscilla Wald have argued that the permanence written into the Cherokee constitution “posed an important symbolic threat to the Union. Cherokee sovereignty would validate a permanent Cherokee presence on lands that were considered by Georgia to belong to the state.”¹⁰⁶ The Cherokee had chosen to improve the organization of their nation by creating a constitution. However, while improvement rhetorically is a means to an end for the United States, this colonizing power finds actual improvement threatening to those colonial interests in the establishing of a permanent temporal existence for the Cherokee nation in physical space. The assertion of permanent existence is made by the Cherokee in their constitution saying that their nation would remain on the lands “solemnly guaranteed and reserved to the Cherokee Nation by the Treaties concluded with the United States.”¹⁰⁷ When they codified this language into their constitution, they were asserting a temporality of permanence for the Cherokee nation as well as a past legitimacy found in treaty making. The Cherokee council, in their memorial to congress in 1830, points to their past national existence (highlighted in the analyses below) by pointing to past treaties made and a constitution created as an independent nation. As observed in the following analysis, President Andrew Jackson believed that the action of creating a constitution or, in his words, “[erecting] an independent government”¹⁰⁸ was a threat to the past and continued temporal existence of the ‘American’ nation, which he argued would stretch across the whole continent with no caveats or carve outs for other nations. As discussed earlier, improvement is not the only way to describe the passage of time and overall national time; existence across time can also be used. The

¹⁰⁵ Perdue and Green, *The Cherokee Removal*, 59.

¹⁰⁶ Wald, *Constituting Americans*, 28.

¹⁰⁷ The Cherokee “Constitution of the Cherokee Nation,” Emmet Starr, Jack Gregory, and Rennard Strickland *Starr's History of the Cherokee Indians*, (Fayetteville, AR: Indian Heritage Association, 1967) 55-56.

¹⁰⁸ Andrew Jackson, “First Annual Message to Congress,” University of California Santa Barbara, The American Presidency Project, December 8, 1829, <http://www.presidency.ucsb.edu/ws/index.php?pid=29471>.

underpinning foundations of the nations (colonial or indigenous) seem to remain and dictate the way the passage of time is told in order to help the nation's ultimate goals. In the case of the colonial nation, that ultimate goal is indigenous erasure. In the analysis that follows, these elements of national time will be observed more thoroughly to better understand time as it is used by nations.

Four Variations of National Time

“An Address to the Whites”

One of the first public statements in the removal debate was from the Cherokee official Elias Boudinot, one of the foremost supporters of “civilization” in the Cherokee nation. Boudinot was a man who believed in the power of white education, having been educated by whites for much of his life. He had taken a white name and judged that the so-called improvements of adopting white culture could be good for the Cherokee nation.¹⁰⁹ In 1826 he was sent on a mission to travel the United States, soliciting donations for the betterment of the Cherokee nation, which would result in the creation of a newspaper called the *Cherokee Phoenix* with Boudinot as its editor. While traveling the United States, he reproduced a pamphlet entitled “An Address to the Whites.” The pamphlet contains a speech he was giving around the United States and presented to the First Presbyterian Church in Philadelphia on May 26, 1826. This address was written to present the Cherokee nation to whites outside their region and argue that the progression towards civilization of his nation should be encouraged and supported. Boudinot crafts Cherokee nationhood as a community with sovereignty over the territory it occupies,

¹⁰⁹ Perdue and Michael Green, *Cherokee Nation*, 45-47.

solidifying this status through the benefit of improvements. He argues that his people are progressing down a temporal path of civilization as other nations have done before.¹¹⁰

Boudinot begins by setting the framework for all nations in time. He describes the passage of time through a linear path for all nations but places indigenous tribes in a more primitive position along that timeline. He says that whites

at the bare sight of an Indian or at the mention of the name, would throw back their imaginations to ancient times. [But] [w]hat is an Indian? Is he not formed of the same materials with yourself? For “of one blood God created all the nations that dwell on the face of the earth.” Though it be true that he is ignorant, that he is a heathen, that he is a savage; yet he is no more than all others have been under similar circumstances. Eighteen centuries ago what were the inhabitants of Great Britain?¹¹¹

The notion that the Cherokee and other indigenous nations are less advanced than nations such as the United States and Great Britain is asserted here to begin the argument from his audiences’ pre-held beliefs of paternalism. Boudinot uses that logic of civilization to construct Cherokee national time from that mindset. He strings out time to connect all nations of the world that once occupied this supposed ignorant, heathen, and savage temporal setting along their improvement as nations down that timeline. An articulation of linear time is considered, given that these communities move from a primitive existence to become modern world powers, such as Great Britain. Boudinot argues the Cherokee are on the same temporal path but are behind and needing the assistance of whites to achieve a higher level of modernity, asking for their money and support to achieve further progress and pleading for the “temporal interests and eternal welfare”¹¹² of his people.

Boudinot uses language that denotes improvement as a nation moves through time in a way that whites can understand but makes it inclusive rather than exclusive to the tribes, but as

¹¹⁰ Boudinot, “An Address,” 67-68.

¹¹¹ Ibid., 69.

¹¹² Ibid.

the address continues, Boudinot singles out the Cherokee as an exceptional indigenous nation. To facilitate that inclusion, Boudinot connects the Cherokee to that same line of development as Great Britain, which is one of the powerful white nations, and this highlights the long history with the British that furthers their legitimacy by having a link to one of the great powers of the world. He also quotes the Bible (Acts 17:26) to present a common belief and beginning for all nations. The use of Christian language to contrast with words like ignorant and heathen asserted that Christian belief could link the Cherokee and whites together in a common ability to improve. Boudinot quotes Acts 17:26: “of one blood God created all the nations that dwell on the face of the earth.”¹¹³ This Christian language, coupled with the link to white nationhood, asserts a kind of temporal kinship between nations. Boudinot styles the Cherokee community in the minds of whites as a nation that began when the Christian god first created all the nations of earth from one man, indicating a common starting point for all nations across the imagined timeline. However, to accomplish this styling, he has to accept the premise that unless the Cherokee nation takes on particular qualities, like a common Christian belief, then Cherokee modernity will be measured as ignorant, heathen, and savage compared to the development of white Christian nations, such as the United States. He agrees that to be modern, particular qualities must be met, but his argument is that all nations have the ability to take them on and improve.

Boudinot uses words like savage, heathen, and ignorant to denote how behind indigenous people are in comparison to white nationhood but uses himself and the Cherokee nation to demonstrate the ability to catch up by internalizing United States qualities. Boudinot is presenting Cherokee modernity by pointing to his own life as an example of improvement across time. He says to the audience,

¹¹³ Ibid.

You here behold an Indian – but I am not as my fathers were – broader means and nobler influences have fallen upon me. – I first drew my breath; and in a language unknown to learned and polished nations, [but] I now stand before you delegated by my native country to seek her interests, to labor for her respectably and by my public effort to assist in raising to an equal standing with other nations of the earth.¹¹⁴

The temporal assertion here is the progress made from fathers to their sons in the so-called ‘polishing’ of their nation, from the past generation to Boudinot’s generation. Boudinot states his experience is an example of how the Cherokee have the ability to progress. He implies they are moving to a superior sovereignty that is not as easily violated by arguing that they have progressed through improvements that the Cherokee nation has already made in a generation to “catch up” with the United States. The tribe will rise in equal standing with the other modern nations of the world like Great Britain and the United States, who did not have their rights as nations constantly violated like indigenous nations. In the quotation below, Boudinot shifts his argument toward the white justification of that violation, saying that the days of questioning the level of improvement or modernity of indigenous people (specifically the Cherokees) has passed. He states, in a temporal fashion, that violations of sovereignty on the assumption of a lack of modernity is over: “The time has arrived when speculations and conjectures as to the practicability of civilizing the Indians must forever cease.”¹¹⁵

To demonstrate that the “time has arrived,”¹¹⁶ he articulates all that the Cherokee have, can, and will accomplish. Having already presented himself as an example of a new generation, he then presents the qualities that demonstrate the Cherokee ability to advance through time like Western nations, thus garnering a higher level of sovereignty given their modern state of existence. First, Boudinot makes it clear the Cherokee have begun a process that the world needs

¹¹⁴ Ibid.

¹¹⁵ Ibid.

¹¹⁶ Ibid.

to witness, implying the exceptional nature of his tribe: “It needs only that the World should know what we have done in the few last years, to foresee what yet we may do with the assistance of our white brethren, and that of the common Parent of us all.”¹¹⁷ This reiterates Boudinot’s understanding of national time as a common progression with other nations, denoting kinship between the nations of the world. This is a kinship in which, in the progression through time, fellow nations may enter into agreements, share resources, and provide newfound information, all of which assist in the advancement of the Cherokee nation. Boudinot asserts Christianity as the common link or parent of all nations; thus all communities have a common beginning, and this again demonstrates a quality of modern nationhood in adopting the Christian faith. Indeed, one of the qualities Jefferson hoped that the tribes would internalize would be the faith foreign missions were preaching inside the Cherokee nation.¹¹⁸ Boudinot furthers a notion of national time inclusive to the Cherokee but makes them an exceptional case by only pointing to the qualities of improvement that his nation has adopted.

Boudinot uses language that places the Cherokee within the passage of time but also asserts that those tribes who do not improve are doomed to extinction. He says,

Nor is it my purpose to enter largely into the consideration of the remnants of those who have fled with time and are no more-. They stand as monuments of the Indian’s fate. And should they ever become extinct, they must move off the earth, as did their fathers. My design is to offer a few disconnected facts relative to the present improved state, and to the ultimate prospects of that particular tribe called Cherokees to which I belong.¹¹⁹

While arguing for a more inclusive national time through which all nations can move, he stipulates that there are some who have accomplished improvement and others who have not.

Boudinot distinguishes the Cherokee by admitting that those tribes not improving or progressing

¹¹⁷ Ibid., 70.

¹¹⁸ Keller, “Philanthropy Betrayed,” 47-48.

¹¹⁹ Boudinot, in “An Address,” 70-71.

have no temporal place to exist other than the past. Boudinot stipulates that nations improve or they cannot exist across time. Boudinot reinforces the myth of the vanishing Indian, a central temporal narrative or fantasy of indigenous erasure propagated by United States colonialism. He internalizes the colonial use of time and nationhood by accusing indigenous tribes of not having developing qualities, which places their national rights to territory outside of current existence and in the past, never to return. However, according to Boudinot, this does not apply to the Cherokee because they have taken on the qualities of improvement that the United States demands. Boudinot accepts the premise of creating a higher-level national advancement along a timeline, measuring superiority in modernity compared to other communities, even between indigenous tribes.

Boudinot chronicles the improvement of the Cherokee nation, pointing to the adopted qualities to style his nation as moving forward in recent decades away from a primitive temporal state. That there has been population growth in the years between 1810 and 1824 is a quality used to demonstrate his assertion of “the rise of these people in their movement towards civilization.”¹²⁰ Boudinot uses phrases that denote forward motion and development, such as “movement towards civilization,”¹²¹ “the nation is improving,”¹²² and “the Cherokee have advanced so far.”¹²³ To complement these words that denote forward motion, Boudinot describes specific qualities the Cherokee have taken on that should make them a more modern nation, stating that the Cherokee have “forsaken their ancient employment”¹²⁴ for what he asserts as a more modern agricultural existence. More specifically, there are three improvements that are

¹²⁰ Ibid., 71.

¹²¹ Ibid.

¹²² Ibid., 72.

¹²³ Ibid.

¹²⁴ Ibid.

stressed in the address: the creation of letters, the translation of the New Testament, and organization of government under a constitution.¹²⁵

The most potent of these three examples is the organization of Cherokee nation-states by creating a constitution. Boudinot believes further organizing the Cherokee along republican lines would advance the citizens and government of the Cherokee to the democratic position of the United States. He argues, “As they rise in information and refinement, changes in it must follow, until they arrive at that state of advancement, when I trust they will be admitted into all the privileges of the American family.”¹²⁶ This statement has been interpreted by scholars as not an assimilationist argument but rather an internalizing of republican ideals of government.¹²⁷ In the above quotation, Boudinot is asserting that an organized government would refine, raise, and advance the Cherokee nation to the more privileged status of the United States. This language is articulating Western nationalist thought as outlined by political scientists, Philip Spencer and Howard Wollman, “We are not mobile because we are egalitarians, we are egalitarians because we are mobile.”¹²⁸ The link in Western thought between mobility and democratic forms of government is where nations draw their legitimacy. Boudinot’s rhetorical objective is legitimacy for his nation, so pointing out governmental changes would demonstrate to members of the United States the advancement of the Cherokee. He presents Cherokee national time as possessing the ability of improvement across time, demonstrated by the potential creation of an egalitarian nation-state in the form of a constitutional republican government. However, the organization of a constitutional republican government is not the only development of Cherokee

¹²⁵ Ibid., 74.

¹²⁶ Ibid., 74-75.

¹²⁷ Ibid. 81.

¹²⁸ Spencer and Wollman. *Nations and Nationalism*, 45.

nationhood. Boudinot would demonstrate additional developments with his publication the *Cherokee Phoenix*.

Boudinot established the *Cherokee Phoenix* in 1828, and it provided members a method of connection as a community where the Cherokee nation could combat together the common threat of removal. Boudinot petitions whites to provide the tools for strengthening the Cherokee nationhood in a way that progresses it toward modernity. As “An Address to the Whites” states, the ability to create a newspaper for popular consumption would be a “powerful influence on the advancement of the Indians themselves [and] there must exist a vehicle of Indian intelligence,” and with these advancements, the Cherokee could soon be “taking her seat with the nations of the earth.”¹²⁹ Boudinot identifies both the fostering of motion across time through improvement and the medium of a newspaper as ways to connect members to one another for the creation of the Cherokee nation. This line of thought recognizes not only improvement but also what scholars have come to understand as criteria needed for a nation to achieve existence in the minds of Western nations.

Scholar Benedict Anderson echoes what Boudinot observes as the power of newspapers (and other forms of print capitalism) in the creation of narratives of nationhood across time. Anderson argues that the imagined communities are made through an ability to create a communion through mediums like the newspaper and the printing press.¹³⁰ Anderson describes the nations of the earth as formatted in novels and newspapers to provide readers with the impression that each nation “moves along quietly, awaiting its next reappearance in the plot.”¹³¹ Anderson’s imagined communities point to the other, perhaps more important, goal of the *Cherokee Phoenix*. The paper was not just about creating a community amongst Cherokees but

¹²⁹ Boudinot, “An Address,” 76-77.

¹³⁰ Anderson, *Imagined Communities*, 33.

¹³¹ *Ibid.*

also about demonstrating a Cherokee nation to non-Cherokee readers. This occurred as the paper was read in other nations so that the Cherokee tribe became a character in the community of nations. The *Cherokee Phoenix* introduced the Cherokee nation to English-speaking non-Cherokees and placed their existence in a broader story with other nations of the earth along a timeline styled in a mass-produced print medium. The impact was that the literate people could read from a paper that acknowledged the Cherokee nation as existing with common dates and names, providing the impression that the Cherokee are a community in motion along the same timeline as other nations.

Boudinot's address demonstrates for whites that the Cherokee nation is to become a more "polished nation,"¹³² and that this improvement will solidify its sovereignty and existence alongside the United States throughout time. This is the core goal of his variation of national time. However, having permanent indigenous nations with sovereignty was threatening to the projects of United States colonialism and westward expansion. In 1828 Andrew Jackson was elected president and was threatened by the organization of indigenous nation-states. Previous presidents James Monroe and then John Adams endorsed removal as a way to achieve civilization for indigenous societies and solve territorial disputes within the United States, but little action was taken. To forcefully expel the tribes in violation of existing treaties was an authority they did not possess.¹³³ The election of Andrew Jackson would formulate a policy based on outright removal, which his administration ultimately performed.

¹³² Boudinot, "An Address," 76.

¹³³ Perdue and Green, *The Cherokee Removal*, 15-19.

Andrew Jackson's "*First Annual Message to Congress*"

Presidents historically present their administrations' agenda for the year in an annual message to Congress, and at this time in history, the message was sent to Congress and read by a clerk. Jackson's "First Annual Message to Congress" of his administration on December 8, 1829, in addition to other administration priorities, laid the groundwork for the overall assault on indigenous nationhood, which would take place in reality with Indian Removal and rhetorically with each subsequent address. His first address is built on "twin themes of sovereign rights of Georgia over the Cherokee and the moral imperative to protect Indians from the deleterious effects of American frontier settlers."¹³⁴ Andrew Jackson argues that United States nationhood is in progression (improvement), while indigenous nationhood is in a state of degradation, and he also frames their communities as doomed to end if they remain in the East. A narrative of national time is asserted with each of his annual messages, but his first message sets the tone for those that follow and asserts a linear passage of time that excludes indigenous nationhood.

Jackson begins by interpreting the history of the Indian policy, making it clear what he deems as the conclusion of the Indians' time on the eastern side of the Mississippi. He argues that the policy of the past has kept the tribes in a "wandering" state of degradation, witnessing the "receding" of their communities, with a United States government that seems "indifferent to their fate."¹³⁵ Jackson is presenting his policy as a benevolent acknowledgement of indigenous "fate," that the end of their communities is approaching in the East and they must be saved through removal.¹³⁶ Jackson assumes in the message that white society will possess the land, given that (according to him) indigenous communities are in degradation rather than

¹³⁴ Ibid., 18-19.

¹³⁵ Andrew Jackson, "First Annual Message to Congress."

¹³⁶ Ibid.

improvement. Jackson asserts this passage of time for society in terms of savagery moving to civilization, an improvement over time that the indigenous do not represent, despite the United States' efforts to assert this narrative. Jackson claims: "It has long been the policy of Government to introduce among them the arts of civilization,"¹³⁷ but the tribes have been "receding farther and farther to the west, [having] retained their savage habits."¹³⁸ In other words, indigenous people have moved backwards rather than forwards along the line of improvement, according to Jackson, by receding away from improvement and civilization, which the United States offers. The President acknowledges that particular Southeastern tribes have made "progress in the arts of civilized life."¹³⁹ However, improvement is only useful to the United States in measuring the supposed inadequacy of indigenous society. Genuine improvement represents a problem rather than an indication of modernity because indigenous nations "attempted to erect an independent government"¹⁴⁰ in violation of the states around them. In other words, the United States gets to determine what constitutes improvement.

Jackson asserts that indigenous nationhood is a new development, and he believes that the tribes are not independent nation-states and to call them such is a violation to state and national sovereignty of the United States. Indeed, he says that at no point can the tribes be independent nations within the United States:

If the General government is not permitted to tolerate the erection of a confederate State within the territory of one of the members of this Union against her consent, much less could it allow a foreign and independent government to establish itself there. [If such action were taken] it will follow that the objects of this Government are reversed, and that it has become a part of its duty to aid in destroying the States which it was established to protect.¹⁴¹

¹³⁷ Ibid.

¹³⁸ Ibid.

¹³⁹ Ibid.

¹⁴⁰ Ibid.

¹⁴¹ Ibid.

Jackson asserts that the United States government was established to protect the sovereignty of its many states rather than tribal nationhood. As Jackson said, to take such an action would reverse the goals of the nation. In other words, it would be a step backwards, or regressive rather than progressive, and it would “aid in destroying the states which it was established to protect.”¹⁴² This itself is a temporal argument defining his particular nationhood across time. The President is arguing that for his nation to continue to move across time as a viable republic, it must push out other meanings of indigenous national existence. For Jackson, the passage of time is not just demonstrated by improvement but is also demonstrated by one nation existing throughout time on the North American continent. The President has asserted that the United States cannot hold to its continued existence across time if other nations exist within it. To solve what he sees as the temporal and spatial problem facing both societies, Jackson extends two options for dealing with the indigenous population: “to emigrate beyond the Mississippi or submit to the laws of those states.”¹⁴³ This is a decidedly exclusive passage of time, while, in comparison, the Cherokees do not imagine their community as conflicting with the United States’ movement through time. In fact Boudinot explains that the Cherokee nation “will be useful to [the United States] in coming time. She asks you to assist her in her present struggles.”¹⁴⁴ The Cherokee nation would pass through time by continuing separately, but in tandem with the United States down that timeline. Boudinot places the Cherokee alongside the United States in the passage of time so that federal protection will not be withheld. However, Jackson rejects this national time and is convinced that the two cannot live together.

As Jackson constructs United States nationhood, he critiques indigenous societies as decayed. This is demonstrated in his language as he explains, “Our conduct towards these people

¹⁴² Ibid.

¹⁴³ Ibid.

¹⁴⁴ Boudinot, “An Address,” 78.

is deeply connected to our national character. Their present condition, contrasted with what they once were, makes a most powerful appeal to our sympathies.”¹⁴⁵ The United States’ national superiority is evident from what Jackson perceives as the indigenous inferiority. He is eager to describe indigenous nations as needing assistance, thus justifying the ultimate colonial implication of indigenous erasure. Indigenous communities are discussed in terms of past rather than current strength and deserving of sympathy and protection by the United States. However, the character and conduct of the nation towards indigenous people has been one of colonialism rather than sympathy and protection. Jackson’s point is to fulfill the colonial dream of indigenous erasure by presenting all indigenous societies as having the same trajectory across time. Jackson separates from Elias Boudinot, applying a historical destiny to all the tribes by saying that “whites with their arts of civilization, which by destroying the resources of the savage doom him to weakness and decay, the fate of the Mohegan, the Narragansett, and the Delaware is fast overtaking the Choctaw, the Cherokee, and the Creek.”¹⁴⁶ The words like doom, fate, weakness, and decay are used to formulate a perception of primitiveness and extinction for the tribes while implying advancement and a future belong to the colonizing nation-state of the United States. This asserts one conclusion or, as Jackson argues, “fate” for the so-called “savage people,” a fate of indigenous erasure.

Jackson’s national time is based in colonialism, and he asserts a common fantasy of settler-colonial nations by presenting past and present indigenous communities east of the Mississippi as all coming to an end. Thus, Jackson’s national time echoes Patrick Wolfe’s argument regarding elimination of the Native. Discussing them as existing only in antiquity, he presents the Choctaw, the Cherokee, the Creek, the Mohegan, the Narragansett, and the

¹⁴⁵ Andrew Jackson, “First Annual Message to Congress.”

¹⁴⁶ Ibid.

Delaware tribes as the uniform “savage” whole that is fated to be displaced by the United States. Jackson is saying that the inability to move from reliance on what he perceives as “savage” qualities to reliance on more civilized qualities confines the indigenous to that particular fate. Indigenous communities are destined to decay and die unless they yield to the more advanced nation’s authority. Jackson asserts the national honor that requires the United States to offer the tribes east of the Mississippi the false choice to either completely give up all that makes them sovereign by staying under state control and becoming individual citizens, or move outside the United States and lose their connection to the land. Jackson’s national time is both linear and exclusive and uses both improvement and existence by determining not only who can improve but also what nation and people can exist across time based on perceived improvements.

This first annual message presented Indian Removal as one part of Jackson’s larger address but is a key part of the president’s agenda. Legislation on removal began moving through Congress after the Georgia gold rush in 1829 (which occurred in indigenous territory). This demonstrates that, in addition to Removal being a key part of the President’s agenda, there were material benefits to be considered that helped speed up the legislation. The Indian Removal Act was the legislative means by which the indigenous people were to be removed, and the Jackson administration and those who identified as Jacksonians pushed for its passage.¹⁴⁷ The Cherokee leaders were determined to resist the bill’s passage; thus, the Cherokee implemented a three-pronged strategy. Elias Boudinot’s *Cherokee Phoenix* was the first part of this strategy to bring the tribe to the attention of other nations and their members. The second part of the Cherokee strategy was implemented by the Cherokee Council led by Chief John Ross, which traveled to Washington D.C. to lobby their case to the federal government. Part of this lobbying process was presenting documents called memorials, which had the force and effect of a petition from a

¹⁴⁷ Satz, *American Indian Policy*, 18.

foreign government, directly to Congress. These memorials are written statements of representation made by an individual, group, or, in the case of the Cherokee, a sovereign nation to a legislative body. The sovereign nation of the Cherokee is asserting its capability as an independent nation by using this literary method to communicate opposition to removal to the sovereign government of the United States. The third part of the strategy was to challenge the laws through the courts, resulting in two cases argued before the United States Supreme Court. The following analyses will focus on the Supreme Court case *Cherokee Nation v. Georgia* and a memorial, put forth by the Cherokee Council, written on the cusp of the Indian Removal Act's passage in 1830.¹⁴⁸

Memorial of the Cherokee Council

The Cherokee officials begin their arguments to Congress by asserting that Georgia seeks the destruction of their nation. The state of Georgia pressured the Cherokee by passing laws, which brought the indigenous tribe under state jurisdiction and discriminated against Cherokees. Legislation, such as the so-called extension law, would attach the Cherokee nation to existing Georgia counties, eliminating indigenous sovereignty for Georgia's authority.¹⁴⁹ The purpose of these laws was the destruction of the Cherokee nation, so the Cherokee Council begins its memorial by stating "our safety, as individuals and as a nation, require that we should be heard by the immediate representatives of the people of the United States, whose humanity and magnanimity, by permission and will of Heaven, may yet preserve us from ruin and

¹⁴⁸ Perdue and Green, *The Cherokee Nation*, 69-88.

¹⁴⁹ Perdue and Green, *The Cherokee Removal*, 74-79.

extinction.”¹⁵⁰ This sets the stakes for the community, while also demonstrating how the Cherokeees will present themselves as individuals forming an independent nation rather than adopting qualities that measure the Cherokee against the United States. The Cherokee craft themselves as a separate nation whose sovereignty is being violated by the state of Georgia and illegal settlers. They assert their sovereignty while maintaining that the United States has a responsibility to control the state of Georgia as a part of its nation, thus acknowledging the commitments made to the Cherokee as a separate nation. The Cherokee assert that the treaties guarantee the protection of their sovereign territory. The memorial structures the passage of time by demonstrating two equal nations existing in relation to one another throughout time. Rather than placing modern qualities on the tribe, the memorial outlines expectations for the United States to act within its commitments.

The lack of respect for Cherokee nationhood, rather than a lack of developmental qualities, will be the reason for removal, according to the memorial. The Council states that their nationhood and the threat to the nations is evident in the fact that Georgia has committed an action “fatal in its consequence to [the Cherokee nation], and utterly at variance with the laws of the nation, of the United States, and the subsisting treaties between [the United States and Cherokee nation], and the known history of said State, of this nation, and of the United States.”¹⁵¹ The Cherokee Council is crafting a nationhood that has been acknowledged across time by fellow nations, first by Great Britain with “relationships of friendship and alliance” and then by the United States.¹⁵² The Cherokee argue that the treatment by both Great Britain and the United States recognizes Cherokee sovereign rights. When treaties are violated, those violations are contradictory to the acknowledgment of nationhood across time as recognized in laws,

¹⁵⁰ The Cherokee Council, “The Cherokee: The Memorial of the Cherokee Nation.”

¹⁵¹ Ibid.

¹⁵² Ibid.

treaties, and actions across history. The Council maintains that the United States and the Cherokee nation continue to exist in relation to one another and are both sovereign nations, having deliberated in treaty negotiations as two separate powers. The Council provides further evidence, citing the “third article of the Holston treaty, the United States and the Cherokee nation were bound to a mutual exchange of prisoners taken during the war; which incontrovertibly proves the possession of sovereignty by *both* contracting parties.”¹⁵³ Here the Cherokee demonstrate that while as nations they are subject to one another in agreements, they are not subjects of one another. A violation of sovereignty protected in historical agreements would not be in keeping with the spirit of the United States; as the memorial says, it “would be contrary to legal right, and the plighted faith of the United States government.”¹⁵⁴ This would be a denial of Cherokee nationhood, tainting the faith in the egalitarianism of the United States. To highlight what would be tainted, the memorial uses rhetoric of constitutional republican government and invokes the Declaration of Independence. The memorial not only makes an argument for responsibility on the part of the United States throughout time from its democratic beginnings to the present, but also crafts Cherokee nationhood as having self-government and rights throughout time.

As the Council continues, the memorial uses time in a linear language from the past to the present. They are demonstrating historical legitimacy for the Cherokee nation by having existed in a state of self-government prior to the arrival of the Europeans and having that self-government acknowledged through the years by the Europeans and the United States. This argument is present in the following:

It is a subject of vast importance to know whether the power of self-government abided in the Cherokee nation at the discovery of America, three hundred and

¹⁵³ Ibid.

¹⁵⁴ Ibid.

thirty years ago; and whether it was in any manner affected or destroyed by the charters of European potentates. It is evident from facts deducible from known history, that the Indians were found here by the white man, in the enjoyment of plenty and peace, and all rights of the soil and domain, inherited from their ancestors time immemorial, well furnished with kings, chiefs, and warriors, the bulwark of liberty, and pride of their race.¹⁵⁵

Through their telling of time from the past to the present, they hope to answer the question of whether their national rights as an independent people have degraded over time, one of those rights being the right to physical space, but also to continued temporal existence. The implication is that their nation has existed with self-government long before the Europeans arrived, and they have never ceded that independence.

The memorial challenges the notion of decay in the Cherokee society surrounded by a more advanced nationhood, using language not to demonstrate improvement but rather in the sense of an intact Cherokee nationhood across the passage of time. They list qualities that are not improvements but ones that are unique to their society's self-government and rights to territory that are eternal. Stating their purpose to narrate the state of Cherokee sovereignty, they assert, "at no time did [Great Britain] treat them as subjects," and the United States sent "Commissioners Plenipotentiaries" to discuss treaties.¹⁵⁶ By acting as they did, the colonizers were acknowledging that they were treating with a fellow nation. If they were entering into agreements with the United States in the form of treaties, then "they were not subjects but a distinct nation, and in that light viewed by Washington, and by all the people of the Union, at that period."¹⁵⁷ They are using the history, treaty making, and their treatment by both Great Britain and the United States to assert that they had the status of an independent nation existing long before colonization began, during the early years of colonization, and continuing into their

¹⁵⁵ Ibid.

¹⁵⁶ Ibid.

¹⁵⁷ Ibid.

present state of being. The Cherokee nation holds a right to land, cultural connection, and governmental independence that is supported throughout time by themselves as a tribe and by the colonizing powers. The Cherokee say, “The jurisdiction, then, of our nation over its soil is settled by the law, treaties, and constitution of the United States, and has been exercised from time out of memory.”¹⁵⁸ The Cherokee Council’s account of both nations in the past, present, and future demonstrates a Cherokee nation with rights to territory. The Cherokee nation is not only strengthened by the agreements they have made but by the national time of Great Britain, the United States, and the Cherokee themselves. The Cherokee have temporal legitimacy that has been “exercised from time out of memory”¹⁵⁹ in how all of the nations on the continent have conducted themselves across time. They have then effectively used time to solidify their national rights. The violation of these national rights undermines the foundation of treaties, the national doctrines of the United States, and their sense of national time itself.

The memorial argues that Cherokee nationhood is strengthened by both United States and Cherokee actions throughout time but is weakened by Georgia’s actions. Georgia’s actions are argued as out of step with the Cherokees’ national time of continued existence as a self-governing entity in whatever forms it chooses. Georgia stands in opposition to all forms of Cherokee nationhood, whether it is an indigenous tribal community or a constitutional government created by the Cherokees. One of the examples they provide is Georgia’s opposition to the Cherokee constitution, saying the following:

Georgia has objected to the adoption, on our part, of a constitutional form of government, and which has in no wise violated the intercourse and connection which bind us to the United States, its constitution, and the treaties thereupon founded, and in existence between us. As a distinct nation, notwithstanding any unpleasant feelings it might have created to a neighboring State, we had a right to improve our Government, suitable to the moral, civil, and intellectual

¹⁵⁸ Ibid.

¹⁵⁹ Ibid.

advancement of our people; and had we anticipated any notice of it, it was the voice of encouragement by an approving world.¹⁶⁰

The memorial argues that Georgia sees the adoption of a constitution as disrupting to Georgia and United States sovereignty. The Cherokee Council points out that the adoption of a constitution is the development of a sovereign nation rather than an action in opposition to the United States or a means to placate the United States. This action is described by the Council as one of a distinct nation advancing rather than a sign of improvement alongside the United States. A constitutional form of government is in the best interest of their continued self-government, which they have always possessed but are choosing to improve upon. They argue that the Cherokee nation made this decision to foster moral, civil, and intellectual qualities for their benefit alone rather than to fulfill what others deem as improvement or take into consideration what other nations desire. The adoption of a constitution should be celebrated as progress rather than fostering hostile feelings. The Council asserts that neighboring states, like Georgia, are “almost daily increasing, in consequence of the suspension of the once contemplated ‘effectual order.’”¹⁶¹ That effectual order is the recognition of the Cherokee nation.

That “effectual order” being suspended is the kinship, or the relationship between these two nations that respects laws, history, and treaties, all of which recognized the Cherokee nation as sovereign. The United States effectively suspended the treaties by refusing to protect the Cherokee nation from Georgia’s legislative violations that degrade Cherokee sovereignty.¹⁶² As a result, the memorial states the following: “Many of our people are experiencing all the evils of personal insult, and, in some instances, expulsion from their homes, and loss of property, from the unrestrained intruders let loose upon us, [and] We beg leave to protest against this

¹⁶⁰ Ibid.

¹⁶¹ Ibid.

¹⁶² Ibid.

unprecedented procedure.”¹⁶³ The Cherokee see an assault on their peoplehood, which is a fostering of connection between Cherokee through land, culture, and other aspects that strengthen national belonging. The unprecedented procedure further underscores a break with the past treaties, history, and laws between the nations. They see the land and connection to one’s ancestors through that land as important to the communion of the Cherokee as a community. The memorial observes the actions of Georgia as seeking to disrupt the individual Cherokee from the broader Cherokee nation, saying they “adhere to what is right and agreeable to ourselves; and our attachment to the soil of our ancestors is too strong to be shaken.”¹⁶⁴ Their cohesion as a community throughout time is at stake because they have always shared land, culture, and history that connect the individual Cherokee to the overall community in a state of peoplehood. The memorial hopes to prevent the severing of links made in treaties between the two nations and within the community itself. The Council reminds the United States of the effectual order so the United States does not allow actions that suspend and reject commitments made to the Cherokee throughout time or the protection of those communities whose continued existence it guarantees.

The appeal is for the United States to act, not only in accordance with treaties and laws, but also within the honor, faith, and history of their supposedly egalitarian nation. This is demonstrated in the following statement:

We now look with earnest expectation to your honorable bodies for redress, and that our national existence may not be extinguished before a prompt and effectual interposition is afforded in our behalf. The faith of your Government is solemnly pledged for our protection against all illegal oppressions, so long as we remain firm to our treaties; and that we have, for a long series of years, proved to be true and loyal friends, the known history of past events abundantly proves.¹⁶⁵

¹⁶³ Ibid.

¹⁶⁴ Ibid.

¹⁶⁵ Ibid.

Here the question is not one of improvement but whether continued existence of the Cherokee nation will be allowed. If the Cherokee are removed and their nation dissolved from its current space, those actions will not be in keeping with how both nations have conducted themselves across time. The United States will be violating its own national time consisting of treaties, kinship between equal nations, and the commitments of an egalitarian republic, reinforcing the Cherokee view of two nations existing together. The argument is for the United States to remain faithful to its obligations and act within the ideal they claim to stand for, which is a government where men are created equal, hence the references to the Declaration of Independence. The memorial emphasizes how both nations have conducted themselves through time and calls on them to act within that description of national time. The memorial presents a temporal description and a violation of that temporality, which has “compelled [the Cherokee nation] to seek from [the United States] the promised protection, for the preservation of our rights and privileges.”¹⁶⁶

After the debates, addresses, and memorials were presented to Congress, the Indian Removal Act was passed on May 28, 1830 over the objections of the Cherokee and many indigenous tribes. By passing this legislation, the federal government began the full dispossession of the Southeastern tribes. The temporal arguments observed above originate from two of the strategies in the Cherokee’s three-pronged approach to resistance to removal. The third part of the strategy to be observed are the court challenges, one of which resulted in an opinion from the Chief Justice of the Supreme Court John Marshall, in the case of *Cherokee Nation v. The State of Georgia*. This is an example of another variation of national time that

¹⁶⁶ Ibid.

measures both Cherokee and United States sovereignty and rhetorically places one nation over the other.¹⁶⁷

Cherokee Nation v. The State of Georgia

Chief John Ross and the Cherokee Council believed they could argue their sovereignty in the courts but needed a case to bring against Georgia. Their first opportunity came in the fall of 1831 when a Cherokee named George Tassel was charged with murder. He was charged with killing another Cherokee man, allowing William Wirt, the attorney for the Cherokee nation, to challenge Georgia's jurisdiction. Georgia maintained that it had jurisdiction to carry out the trial and that the Cherokee nation did not have any rights as a territory or a nation. Wirt appealed to the U.S. Supreme Court, but Tassel was still executed before the case went before the court. The case moved forward and became known as *Cherokee Nation v. The State of Georgia*. The case centered on the question of whether the Cherokee nation was a foreign state.¹⁶⁸ Chief Justice of the Supreme Court John Marshall's opinion on the case outlines a narrative for both the United States and the Cherokee nation in their relations to one another but also measures their level of sovereignty as nations. This narrative is similar to the memorial of the Cherokee council in that it presents the Cherokee as a nation. However, Marshall measures nations along a timeline from the past to present, describing the level of sovereignty as improving or declining, implying a temporal trajectory for the future existence of those nations. In describing this trajectory Marshall uses time and ascribes a new national status to the Cherokee, specifically, and indigenous communities more broadly.

¹⁶⁷ Perdue and Green, *The Cherokee Nation*, 69-88.

¹⁶⁸ *Ibid.*, 77-83.

Marshall begins by restating the Cherokee nation's argument that they are an independent nation under assault by the state of Georgia. The Cherokee assert that their nation will be dissolved if the violations by Georgia continue and that the treaties made throughout history are a guarantee that their land is secure. Marshall reiterates the Cherokee argument that Georgia's laws "go directly to annihilate the Cherokee as a political society, and to seize, for the use of Georgia, the lands of the nation which have been assured to them by the United States in solemn treaties repeatedly made and still in force."¹⁶⁹ This statement respects the history asserted by the Cherokee council in its memorial of 1830, which is a history of treaty making used to demonstrate nationhood. Marshall channels the Cherokee argument for being recognized as an equal member of the world community, highlighting the fact that they have always been observed as independent and sovereign across time. However, while Marshall sees them as an independent political community, he also crafts the tribes within his own national time, which sees indigenous communities decreasing in national status and sovereignty in comparison to the United States. The difference has been observed by scholars such as Priscilla Wald, who said "the Cherokee bid for recognition by the United States as a foreign nation,"¹⁷⁰ but Marshall's "narrative had to account for human beings who could become dispossessed."¹⁷¹

In Marshall's view, there is a change in the status of indigenous nationhood as time moves forward. He begins to measure the Cherokee and all indigenous nations in a status that is weakening alongside of United States superiority across a common timeline. Marshall begins by saying, "A people once numerous, powerful, and truly independent, found by our ancestors in the quiet and uncontrolled possession of an ample domain, gradually sinking beneath our superior

¹⁶⁹ Norgren includes the text of Chief Justice Marshall's opinion in her appendix; John Marshall "The Cherokee Nation v. The State of Georgia," Jill Norgren, *The Cherokee Cases: Two Landmark Federal Decisions in the Fight for Sovereignty* (Norman: University of Oklahoma Press, 2004) 165.

¹⁷⁰ Wald, *Constituting Americans*, 36.

¹⁷¹ *Ibid.*, 40.

policy, our arts and our arms, have yielded their lands by successive treaties.”¹⁷² Marshall presents indigenous communities as shrinking entities across time in the presence of a modern nation described in superior language. According to Marshall, ever since the European colonizers “found” the tribes, indigenous people have been losing their independence, and yielding to the colonizing nation. In contrast, the United States has particular qualities of policy, arts, and arms that have fostered improvement. Marshall’s national time indicates indigenous nations were once numerous but are now declining with every successive treaty, losing the powers of a sovereign nation in comparison to the United States, which has qualities of improvement. As the passage of time has continued for indigenous nations, he argues that the United States has been forced “[t]o preserve this remnant” of indigenous communities.¹⁷³ Marshall believes it is the burden of the United States to preserve what he presents as a remnant of a nation that could have, once upon a time, been considered a truly independent and foreign nation but now requires the protection of the United States, making the Cherokee not foreign to the United States. He is constructing the Cherokee nationhood in a status of degraded sovereignty rather than an independent community holding all the rights of a foreign nation-state in that it needs the protection of the United States. This status is presented through a temporal trajectory from which Marshall attempts to answer the central question of the case: “Is the Cherokee nation a foreign state in the sense in which that term is used in the constitution?”¹⁷⁴ Marshall appears to be vague on what constitutes a foreign state or nation, but his overall construction of the United States and the Cherokee nationhood can be interpreted within national time.

Marshall makes an evaluation of Cherokee nationhood within the temporal argument that views all indigenous nations as moving from strong nations to the status of dependent nations

¹⁷² Marshall, “Cherokee Nation v. State of Georgia,” 165.

¹⁷³ Ibid.

¹⁷⁴ Ibid.

over time and whether this trajectory makes them something different than a foreign nation in the eyes of the court. As the Cherokee council explained in the memorial of 1830, their treatment across time by the United States demonstrated their sovereignty. Marshall echoes the memorial when he describes the Cherokee as a distinct political society:

They have been uniformly treated as a state from the settlement of our country. The numerous treaties made with them by the United States recognize them as a people capable of maintaining the relations of peace and war, of being responsible in their political character for any violation of their engagements [and] the acts of our government plainly recognize the Cherokee nation as a state, and the courts are bound by those acts.¹⁷⁵

In this statement, the justice is acknowledging treatment of the Cherokee as an independent nation and a state to be negotiated with. The relation with the United States has been one of two separate nation-states interacting and making agreements across time. Time and treaty making is crucial here because while the United States has acknowledged the Cherokee as existing as a separate community, it has also, according to Marshall, changed its jurisdictional authority through these agreements. The history of treaty making can be used to demonstrate whether the Cherokee still possess the same independent national existence as time has moved forward. Marshall argues that while agreements across time can demonstrate Cherokee nationhood, they can also demonstrate United States superiority: “The Indian territory is admitted to compose a part of the United States. In all our maps, geographical treaties, histories, and laws, it is so contained.”¹⁷⁶ Marshall asserts that from the beginning of the United States, the sovereignty of not just the Cherokee but also all native people was degraded both in physical space (maps and geographical treaties) and in time conveyed in histories. The temporal argument is that as both nations have entered into agreements as members of distinct political societies, the Cherokee status has always been to some extent under the jurisdiction of the United States, and the

¹⁷⁵ Ibid., 166.

¹⁷⁶ Ibid.

agreements have denoted their continued movement to a status of interconnection and reliance on the United States.

Marshall explains that their status has not only changed over time from independent but also represents a unique category between two nations. He says, “The condition of the Indians in relation to the United States is perhaps unlike that of any other two people in existence.”¹⁷⁷ The relational language used here sets up what Marshall will demonstrate: The Cherokee nation (and broadly all indigenous tribes) are a distinct political community with a connection to the United States that has changed their status from what they once existed as to what they exist as in the present. The Cherokee specifically may have once been considered a foreign nation, but agreements over time have changed that, dispossessing them from particular rights. He explains:

They acknowledge themselves in their treaties to be under the protection of the United States; they admit that the United States shall have the sole and exclusive right of regulating the trade with them, and managing all their affairs as they think proper; and the Cherokees in particular were allowed by the treaty of Hopewell, which preceded the constitution, “to send a deputy of their choice, whenever they think fit to congress.”¹⁷⁸

Marshall seeks to demonstrate that as time has moved into the present, the status of Cherokee nationhood and more broadly all indigenous nationhood has intertwined and become reliant on the United States rather than remained sovereign. A managing of trade and need for protection, in Marshall’s view, have implied a ceding of national rights; the Cherokee must now come to the U.S. Congress for redress of grievances rather than remain on an equal standing with the United States in nation-to-nation negotiations. Marshall’s description of the passage of time for both nations presents the United States’ national existence as a sovereign nation and the indigenous as becoming less sovereign occupying a new status. As Marshall describes this status, he reiterates, “They look to our government for protection; rely upon its kindness and its power; appeal to it

¹⁷⁷ Ibid.

¹⁷⁸ Ibid.

for relief to their wants; and address the president as their great father.”¹⁷⁹ Words such as protection, reliance, and relief all contrast with the idea of sovereignty, which assumes a degree of independent control over what impacts your nation. Marshall argues paternalism from the United States is needed for the continued existence of indigenous nationhood and masks colonialism as a form of benevolent paternalism. Marshall’s assumption is that the tribes cannot exist without a degree of interconnection with the United States. This implies a dependent status in relation to the authoritarian status of the United States. Thus, the question of the case then becomes what identification the indigenous community now has, given that Marshall has described their nationhood as inferior and reliant on the United States.

To answer this question, the Chief Justice defines an ambiguous status that is between a foreign nation and a part of the United States. Marshall fabricates a description to satisfy United States’ superiority, maintaining Cherokee status as a separate political society with a weakened foreign status, and asserting the fantasy of the ultimate conclusion to colonization. Marshall calls this status a “domestic dependent nation”¹⁸⁰ with particular rights to territory that will only last “until that right shall be extinguished by voluntary cession to our government.”¹⁸¹ At the opening of his opinion, he states that indigenous communities were once numerous, powerful, and independent at the arrival of the colonizers whose ancestors would make up the United States. Now his narrative has placed the Cherokee in a category he believes fitting, given his temporal trajectory of the tribes. This description gives them the legal position of a childlike nation that will never grow into a sovereign nation-state; rather, its rights will be usurped and the community will continue to fade into the colonial nation-state. Marshall’s status is another description of the temporal fantasy of indigenous erasure exemplified in the statement that “[The

¹⁷⁹ Ibid., 167.

¹⁸⁰ Ibid.

¹⁸¹ Ibid.

Cherokee] occupy a territory to which [the United States] assert a title independent of their will, which must take effect in point of possession when their right of possession ceases. Meanwhile they are in a state of pupilage. Their relation to the United States resembles that of a ward to his guardian.”¹⁸² Marshall is arguing that they are unable to fulfill the chronological benchmarks deemed necessary for becoming a modern nation-state. This places the United States as the dominant nation that improves as time passes and imagines a future where Cherokee political community, growing in infancy and failing to improve, ceases and the possession of the Cherokee territory begins. In the meantime, the United States should act as the paternalistic and egalitarian nation-state as time moves towards the culmination of the colonial fantasy where the fact of being indigenous ceases. This is an exclusionary temporal argument where one nation will continue across time, while the other political community will see its rights to physical space end across that same timeline.

Marshall’s argument is that while history, treaties, and laws prove the Cherokee are a distinct political community and nation, they also express a ceding of indigenous sovereignty. He states, “we perceive plainly that the Constitution in this article does not comprehend Indian tribes in general term ‘foreign nations;’ not we presume because a tribe may not be a nation, but because it is not foreign to the United States.”¹⁸³ The opinion builds to this moment. Marshall has assessed the Cherokee nation and the United States past and present, characterizing United States as the superior sovereign power surrounding, and to an extent controlling, the reliant or inferior political community. The wording of this quote means that the existence of the United States from the creation of the Constitution has implications for the national time of the Cherokee. The implications of dispossession for the indigenous people occur simply from the

¹⁸² Ibid.

¹⁸³ Ibid., 168.

creation and continued existence of the colonizing nation-state. The treaties and the United States Constitution solidify a national time for the Cherokee nation as domestic dependents where the United States will take the land upon the timely end of indigenous nationhood and the fulfillment of indigenous erasure. The United States has future rights to their territory with a temporal path of continued existence, while the Cherokee have a presumed trajectory of degradation.

Marshall's opinion is difficult to place in my temporal model because the language of his ruling is meant to avoid tying the court to a position on Indigenous sovereignty, so the wording he uses is ambiguous. In fact, the court would have a ruling that was less avoidant in the case of *Samuel A. Worcester v. The State of Georgia*. However, the case *Cherokee Nation v. The State of Georgia* is analyzed for its narrative of Cherokee nationhood, and my interpretation is just one of many. Marshall's interpretation of national time is a measurement of national sovereignty by describing a temporal trajectory for the United States becoming the superior sovereign power through improvement and the Cherokee nation becoming a "domestic dependent" nation through degradation. The Marshall decision continues to be debated today in legal circles, but it is interpreted in this study for its temporal connotations rather than its legal implications.

I have gathered and analyzed documents from the Cherokees' three-pronged strategy against removal, as well as in addition to Andrew Jackson's address on the policy of Indian Removal and Chief Justice Marshall's *Cherokee Nation v. Georgia* decision. These documents are early in the struggle against Indian Removal, which continued until Cherokee removal's relative conclusion in 1840. By this time, the rhetorical aspects of the removal debate had moved into a large-scale cost of human lives. The Cherokee lost ten thousand individuals between 1835 and 1840 during the removal of tens of thousands west of the Mississippi. The number increases when other indigenous peoples are included in accounts of Indian Removal. Those who survived,

whether they stayed or migrated west, suffered a crime equal to the death of tens of thousands in dispossession and dissolution of their national and human rights. Their descendants continue to suffer this oppression today. This is highlighted in the analyses above that those connected to the United States used time to imagine what would take place in reality, the dispossession and dissolution of indigenous communities.

Findings and Conclusion

In the analysis above, all the documents contain the passage of time as a key theme to create a sense of nationhood. In these documents the passage of time is perceived in a linear path from where a nation has been to where it is going in the future. The two nations diverge in their narratives when foundations of colonial or indigenous nations impact their interpretations of movement across time. These foundations were found to affect the descriptions of their nations path through time and their use of elements such as exclusivity, inclusivity, improvement, and existence. This results in different descriptions of national time, but there was more variation amongst the Cherokee documents and more commonality amongst the United States documents. The commonality between United States documents is that the colonial assumptions assert elements that describe one community's improvement and the other communities' exclusion across time. While the Cherokee documents had more variation, the commonality amongst these sources is a desire for recognition of their indigenous nation. These documents of the Cherokee focus on building their nation across time for recognition rather asserting their historically superior rights to land and sovereignty. My intention is not to generalize the effectiveness or ineffectiveness of these arguments in the removal debate but rather to analyze these as respective constructions of national time. The major finding is that colonialism saturated the United States' national time while the Cherokee sought recognition of the Cherokee nation in their constructions of national time.

The analyses sought to follow scholars like Thomas Allen and Benedict Anderson who stressed the importance of time in United States nation building in the nineteenth century.¹⁸⁴ The goal of this study was to analyze two nations, one indigenous (Cherokee) and the other colonial

¹⁸⁴ See Anderson, *Imagined Communities*; Allen, *A Republic in Time*.

(United States). Indeed, I expected to find that broadly these documents would illustrate one power constantly reinforcing its tenuous claims to the North American territory and an indigenous nation arguing for fundamental rights to land and sovereignty. However, colonialism is so apparent in the crafting of United States' national time that there is never a point where these documents are solely about building a nation across time separate from a United States colonial project. The colonial framework Patrick Wolfe identified is more apparent in these documents. Wolfe has identified an abstract and concrete framework of elimination as a guiding principle persisting within the hostile colonial nation-state.¹⁸⁵ I identify that framework within multiple interpretations of United States national time through expressions of colonialism and erasure across time, which I now term colonial time. Colonial time is the abstract expression of Wolfe's framework in that it imagines within the national narrative the exclusion and elimination of Native people, relegating them to having no place in the passage of time. Many of the scholars like Rogers Smith, Michael Rogin, Harry Watson, Benedict Anderson, and others stress the importance of narrative when seeking to oppress the 'other.' An example of this is how I identify the use of time in national narratives to oppress indigenous people through temporal manipulation to build, preserve, and link members of the colonial nation-state in a common interpretation of time. This manipulation is vital because the United States exists as a nation with tenuous historical claims to the land it occupies, and for this reason time is not a relative tool, but rather an instrument that has to be manipulated and made to only serve the colonizing power. For this reason, the United States national time is strictly reinterpreted into colonial time with minor variations of the same myth of a supposedly emptying continent gifted to a chosen nation (the United States) that exists in temporal progression (improvement). I find that it is too simplistic to say that the United States documents use time to craft their nation in national time, which

¹⁸⁵ Wolfe, "Settler colonialism and the elimination of the native," 387-409.

Thomas Allen has already demonstrated.¹⁸⁶ Rather, I go further, identifying a new element that exists within United States national time—a colonial time where the United States asserts an everlasting colonial nation-state and the non-existence of indigenous people by perpetuating a dream of indigenous erasure.

Specifically, these documents originating from the United States use time to imagine erasure by presenting indigenous communities as fading away or moving into a state of degraded sovereignty in comparison to their own nation. Andrew Jackson and John Marshall maintain the colonial foundation by asserting a dream of indigenous erasure as the core implication of their discourses. This is exemplified in Marshall’s “domestic dependent nations”¹⁸⁷ and Jackson’s argument of paternalistic ethnic cleansing of the Eastern tribes through removal. The underlying temporal myth of indigenous erasure makes colonialism inescapable in the documents that demonstrate United States national time. Thus, the documents also demonstrate a sense of colonial time. I believe that given that the United States will always be a colonial nation-state, it can no more craft a national time outside of colonialism than the Cherokee nation can craft a national time outside of indigeneity because these are the foundations of their communities.

The Cherokee documents use time in a manner to fulfill their desire to be recognized, as an indigenous nation. In this effort, Cherokee leaders focus on describing their nation’s passage through time in a way that will allow recognition. For example, to his colonial audience, Boudinot accepts the premise that the United States has a higher-level of national advancement along a timeline so that the audience does not dismiss what he has to say. He then can demonstrate that the Cherokee have the ability to improve along that timeline with the United States. The Cherokee council has a different approach to describe their nation’s movement across

¹⁸⁶ Allen, *A Republic in Time*.

¹⁸⁷ Marshall “The Cherokee Nation v. The State of Georgia,” 165.

time, but they still seek recognition of their nationhood. For example, in the memorial to Congress, the Cherokee nation's existence is expressed across linear time from the past to the present and into the future, and argued as being recognized by laws, treaties, and other historical actions of the United States and Great Britain. Elias Boudinot and the Cherokee Council led by Ross have a desire to be acknowledged as a nation, believing that recognition is their best chance to combat removal. Thus, observed in the above analyses are arguments for recognition made by an indigenous nation describing national time in a variety of ways.

This study is not built to make a value claim about the impact these documents had on the Removal debate but rather to analyze these as respective interpretations of Cherokee and United States national time. That being said, there exists strength in the national narratives of indigenous communities according to Joseph Bauerkemper, Daniel Heath Justice, and Kevin Bruyneel. These scholars argue that indigenous communities can transcend the national narratives of the United States. According to Bruyneel, the United States boundaries that oppress indigenous people have a meager construction.¹⁸⁸ According to Justice and Bauerkemper, there is a higher level of historical legitimacy for indigenous communities by the fact of existing prior to the invasion by the colonizers.¹⁸⁹ The strength of indigenous nations is that they do not have to manipulate time like the colonizing power because Native claims, both historical and physical, to land and sovereignty are genuine. They can engage in constructions of national time to disrupt the colonizing power by asserting existence and survival in contradiction to colonial time, the myth of that time, and narratives of national time more broadly. Indigenous people could choose a temporal argument that contradicts the myth of United States' nationhood shaking the foundations of the colonizing power by contradicting erasure. This claim is that indigenous

¹⁸⁸ Bruyneel, *The Third Space of Sovereignty*, 1-23

¹⁸⁹ Justice, *Our Survives the Storm* 27; Bauerkemper, "Narrating Nationhood," 1-28.

people had and continue to have, by the fact of still existing, fundamental rights of land and sovereignty, possessing the land for thousands of years before colonization. Their communities' continued movement through time is America's inconvenient truth of being a Colonial empire. Its members should be made to face the constantly existing and diverse indigenous communities their nation oppresses. Indigenous people of all tribes have the ability to be a constant reminder of the ongoing crime of colonialism and thus disrupt colonial time. Indigenous people can argue that time and nationhood are on the side of those who have a superior historical claim to the land they occupy by the fact of being indigenous to the land they occupy.

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