

# Shaping New Homelands: Environmental Production, Natural Resource Management, and the Dynamics of Indigenous State Practice in the Cherokee Nation

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**Abstract.** Natural resource management in Indian country today must continually address colonial histories. In the Cherokee Nation, tribal resource managers are acutely familiar with this history because they deal with its current manifestations daily. This situation reflects both structural issues that stem from the imposed land management programs of the Bureau of Indian Affairs and practical issues in which the results of federal policies like allotment inhibit tribal access to and control over resources within Cherokee Nation boundaries. In this article, I trace the origins of contemporary obstacles to tribal natural resource management in the Cherokee Nation, emphasizing the process of environmental production to explain how myriad actors and forces shaped the western Cherokee landscape. Additionally, I frame tribal resource control and management as an identifiable modern state practice. As such, I explore the dynamics of the Cherokee Nation as a uniquely indigenous state—one that is struggling to balance its ability to assert indigenous approaches toward environmental management with its power to regulate its own citizens' access to sparse lands and resources.

Significant accounts of environmental change have involved competition between human groups based on differing ideals of the human relationship with the nonhuman world (Cronon 1983; Merchant 1989). Whereas “cultural landscapes” are associated with how a cultural group “sees” the landscape and imbues it with meaning (Basso 1996; Stoffle, Halmo, and Austin 1997), the term “normative landscape” seeks to explain how a group views the landscape in terms of its utilitarian and aesthetic value (Huntsinger and McCaffrey 1995; Walker and Fortmann 2003). The clashing of two or more normative landscapes in the context of unequal relations of power (e.g., colonialism) often leads to profound ecological change.

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In this article, I discuss the changing landscapes of the Cherokee Nation in the western lands (pre- and post-Oklahoma statehood). I focus on the dialectical relationships between conflicting human groups and between those groups and the nonhuman world—relationships that *produce* landscapes. As a point of departure, I follow Paul Robbins's (2004) emphasis on environmental production—as opposed to destruction or construction—in order to stress the ongoing process of making and remaking landscapes dictated by both human and nonhuman forces and the ever-present roles of power, politics, and time in shaping the outcomes. Robbins writes, “As political ecologists continually emphasize, the environment is not a malleable thing outside of human beings, or a tablet on which to write history, but instead a produced set of relationships that include people, who, more radically, are themselves produced” (Robbins 2004: 209). Examining the history of Cherokee environmental production in the Indian Territory illuminates various and changing norms and expectations with regard to natural resources as well as the backdrop of colonialism that Cherokees continue to confront today.

Continuing in this vein, I discuss how the legacy of imposed state and federal policies affects both contemporary tribal citizens and tribal resource managers and, further, how that legacy affects the relationship between the two groups. This latter part of the article draws from my ethnographic fieldwork in the Cherokee Nation, totaling nineteen cumulative months during the period 2004–8. Using a political ecology approach, I discuss resource access in relation to the two levels of state dynamics in the Cherokee Nation: the relationship of the Cherokee Nation to the US state and the relationship of Cherokee citizens to the Cherokee state. Access to natural resources is something that the Cherokee Nation, as a federally recognized tribal government with a distinct relationship to the US government, can aid tribal citizens in acquiring. However, as a state, the Cherokee Nation can also grant or deny tribal citizens access to resources through the gate-keeping of tribal lands. I explore these dynamics in the context of access theory (Ribot and Peluso 2003), which acknowledges the contingencies in human-government-land relationships. Further, following Robbins (2000), I focus on “knowledge alliances”—networks and cross-scale interaction that constitute actual practice among local and state actors. I conclude with discussion of a newly formed elders’ advisory council to the Cherokee Nation Natural Resources Department (NRD) and how it addresses some of the inherent challenges in indigenous state formation. The article as a whole demonstrates how environmental production in a settler-colonial context has created overlapping and conflicting normative landscapes, which Cherokees are reconciling and counteracting through a resurgence of indigenous ecological sovereignty.

### The Produced Environment in the Early Cherokee Nation (Indian Territory, circa 1850–1880)

Accounts of the environment in the Cherokee lands of the Indian Territory are scattered throughout the Indian-Pioneer Papers and the Doris Duke Collection of American Indian Oral History, which contain interviews from the 1930s to the 1960s that capture entire generations of experience and memory.<sup>1</sup> Virtually every account of the environment in these collections tells of abundance in wild edibles and game. Even if one allows for a certain level of nostalgia reflected in these reminiscences, the consistent picture that emerges is significant. One account, given by E. F. Vann in 1938, asserts:

The country of the Cherokee Nation was thinly populated and wild game was abundant. . . . In the Flint District and in surrounding districts, except in the clearings which were being tilled, the country was still in its original condition, a hill country of forest with small areas of prairie scattered through it. It seemed the entire country abounded in wild game, deer, bear, opossum, raccoon, wild hogs, wild cattle, wild horses, bobcats, squirrels, rabbits, wild turkeys, quail, prairie chickens and wild pigeons. . . . All species of soft water fish were abundant in the creeks and rivers. . . . Each fall many nuts were gathered such as pecans, walnuts, hazelnuts, and chinquapins as well as hickory nuts. . . . Some orchards were planted but not many because there were plenty of wild fruits and berries such as plums, grapes, seedling peaches, dewberries, huckleberries and a number of others.<sup>2</sup>

The “wild hogs” and “wild cattle” were a result of free-range animal husbandry that was widely practiced at this time. Speaking more specifically of this, Elinor Meigs stated in 1937: “I can remember when there were dense canebrakes in the river lowlands which afforded wonderful winter range for cattle, also a shelter for the stock from the severe winter weather and a refuge for game. . . . The prairie grass in those days were [*sic*] as tall as a person’s shoulder and grew in every nook that was not covered with trees, and it was free and open range for stock.”<sup>3</sup>

Allowing stock to roam free throughout the woods was a custom afforded by the Cherokee land tenure system, in which all land was considered public domain. Fences at that time were almost nonexistent, save for rudimentary “zigzag” rail fences that surrounded family plots of about twenty to twenty-five acres (Hewes 1978: 28). The accounts of dense canebrakes and shoulder-high prairie grass indicate an ample supply of wild fodder (which also included “mast,” or wild nuts), eliminating the need for manufactured feed. Instrumental in creating this condition was the human use of fire.

In their inhabitation of the lands west of the Mississippi, Cherokees came across a lived environment. Quapaw, Osage, Wichita, and Caddo peoples had once inhabited parts of what would become the Cherokee Nation lands in the west (Baird and Goble 1994). Indigenous fire regimes had helped to define the character of the western Ozarks at that time: park-like old-growth forests with interspersed grassy meadows. As anthropologist Albert L. Wahrhaftig documented in the 1970s: “Cherokees say that, when they first came to the area, the Ozark forests had trees so big and so widely spaced that through them you could see a man on horseback a quarter-mile away” (1978: 421). In the eastern homelands, Cherokees had become very familiar with fire as a management tool; naturally, they would also find this practice useful in the western lands (Fowler and Konopik 2007: 168–70). In addition to documented evidence of Cherokee burning in the Ozarks (*ibid.*), the above accounts—in their descriptions of abundant berries and game and large meadows and canebrakes—suggest that a regime of controlled burning continued in the Indian Territory.<sup>4</sup>

Blackburn and Anderson assert that fire was used by Native Americans for “creating and sustaining vegetational mosaics” (1993: 19). The accounts of dense canebrakes, scattered prairies, and open forests in the Indian Territory indeed may describe examples of such mosaics, sustained by the Cherokee use of fire. Frequent light fires also stabilized forests by regularly burning off the “ladder fuels” that can carry fire into forest canopies, resulting in devastating “crown fires” (Huntsinger and McCaffrey 1995: 163). The time of year when one burned also factored into the efficacy of fire as a management tool. Oral accounts from my fieldwork say that burning the hills was an annual early fall activity. To this effect, the Cherokee Nation, as early as 1841, established a law that prohibited “any person or persons, to set the woods on fire, from the fifteenth of October to the first of March, in each year” (this implies that early spring was also an acceptable time to burn) (Cherokee Executive Committee 1969: 48–49). However, scientific research on river cane (*Arundinaria gigantea*) shows that longer burning intervals of seven to ten years would have been necessary to maintain large canebrakes (Platt and Brantley 1997; Brantley and Platt 2001), which suggests that Cherokees employed a nuanced application of fire for different vegetational zones.

Agriculture during this time was primarily subsistence based, and Cherokees also employed fire to clear their fields for planting. Large trees in a field plot were girdled, left to dry out, and then burned (Hewes 1978: 21). Among those in the eastern part of the Nation (the Ozark hill country), a community-based way of life was predominant, exemplified by another practice for clearing farm plots, called “rail maulings.” Similar

to the old *gadugi* work crews that Cherokee communities once formed to help families in need (see Fogelson and Kutsche 1961), rail maulings were social events designed to help neighbors and friends. To this effect, money was rarely needed or used. Yet class differences in the Cherokee Nation did constitute differences in agricultural production. More affluent Cherokees, who either owned slaves or employed white migrant workers, often farmed the more expansive eastern prairies on a larger scale. Regardless, the early Cherokee Nation agricultural economy consisted of minimal exports (Hewes 1978: 24–30).

By as early as 1841—just two years after the forced removal to the western lands—the newly reestablished Cherokee state began to exert an influence on environmental affairs. Because of the Cherokees' communal system of land tenure, the tribal government saw the need to pass numerous regulations on the use of the public domain—most notably on the export of resources to US citizens. For example, the sale of timber to US citizens was strictly prohibited, and the use of salt wells and salt springs was regulated by short-term leases and limited to Cherokee citizens. Mineral resources such as coal and lead, although extracted on a very small scale, were also regulated and restricted to citizen use only. In 1841, a law was passed that prohibited the felling of pecan trees (a common way of harvesting the nuts had once been to cut down the entire tree) (Hewes 1978: 29). The same act regulated the burning of the woods, mentioned above. While these regulations were made, as geographer Leslie Hewes notes, “no doubt with popular approval . . . to preserve the resource for the general good,” a subsistence economy undergirded by communal land tenure made it difficult for the Cherokee state to enforce these regulations for lack of a permanent source of funds normally obtained through the levying of property taxes (29, 31). This issue, along with increasing class divisions within the Cherokee Nation, would later result in serious problems for the Nation, for which the US Civil War served as catalyst.

### Threats to the Public Domain

The Civil War left the Cherokee Nation in a state of devastation; however, numerous accounts depict a rapid reconstruction. In as few as four years, most Cherokees had restored their farms and livestock (Hewes 1978: 33). Although Cherokees would once again enjoy a short time of prosperity, the Treaty of 1866—signed with the United States as a response to Cherokee involvement in the fight against the Union—contained harsh stipulations that would soon be set in motion. The Treaty of 1866 opened up the Cherokee Nation to railroad companies, and with them came intensive

resource exploitation and settler encroachment. In 1871, railroad tie cutting began in the northeastern part of the Nation. Mainly post oak was harvested for this purpose; however, the industry soon realized the abundance of quality timber for export and convinced local Cherokees to sell stands of old growth black walnut (Bays 1998: 82). Although the Cherokee Nation passed laws to inhibit the sale of hardwood timber, Brad A. Bays notes that “the trade was a prime example of the ineffectiveness of Cherokee law and federal administration to control railroad exploitation and intruder spoliation in the Indian Territory” (ibid.). It is unknown whether Cherokee lawmakers were operating from a traditional land ethic or from the need to protect tribal resources (or both), but it is clear that the forces of capitalism (through timber export) and colonialism (through settler and railroad encroachment) had created circumstances that were changing the land and Cherokees’ relationship to it.

The railroad and timber industries, working in concert with each other, marked the onset of the Industrial Revolution in the Indian Territory. A different kind of fire emerged on the Cherokee landscape during this time. High-intensity, stand-replacing fires accompanied logging activity, as felled areas were often burned to prepare them for grazing livestock (Fowler and Konopik 2007: 170). Sparks from passing locomotives could also ignite exposed, dry, clear-cut areas (ibid.). These activities changed the character and composition of the Ozark forests by eliminating old growth hardwoods and pines. Large fields eventually replaced many of the parklike expanses of forests that had once defined the Cherokee Ozarks. The disturbance also drastically affected important forest resources, such as huckleberry bushes. In 1969, the interviewer of Jake Whitmire gave the following account:

He recalls a long time ago when they looked forward to huckleberry time. Then families would go into the woods and gather the berries by the washtub full. The bushes would be so loaded they just set the tub under them and strip the berries off the limbs. But then came the white-man and his timber cutting and burning of woods and another pleasure and suffice of the Indian went. . . . This at one time was a good timber country [Adair County], and many carloads of ties and lumber were shipped from Addielee. . . . When the railroad was taken out the town quickly died. He says the railroad was taken out because the white-men mismanaged the cutting of timber. No reseeding or planting for the future was done and even today the once plentiful pine and hardwoods have not returned.<sup>5</sup>

The agricultural landscape in the Cherokee Nation was changing too, and this change primarily reflected class differences in agricultural produc-

tion. An increasing population of noncitizen white tenant farmers, combined with increased agricultural activity among an elite Cherokee planter class and intermarried whites (who were considered citizens), resulted in illegal enclosures becoming more of a problem. Before 1875, the only legal fences in the Cherokee Nation were the previously mentioned zigzag rail fences—intended to enclose a small family plot (the legal amount was no more than fifty acres per family member). Regardless, by the early 1870s, numerous types of fences dotted the landscape, including board, barbed wire, hedge, and stone. In 1875, the Cherokee Nation government legalized board, hedge, and stone fences, among others (due to their benignity), but maintained the illegality of barbed wire. With barbed wire, one could cheaply enclose a vast amount of land, and this was the predominant practice on the larger Cherokee prairies among white and elite Cherokee farmers (Hewes 1978: 40).

The conservative faction of the Cherokee Nation, represented by smaller-scale and community-oriented Cherokee farmers (in contrast to the larger-scale and commercially oriented whites and elite Cherokee farmers), reacted strongly to these illegal enclosures. In 1875, a Cherokee man named Oochalata led a movement to protest the perversion of the traditional communal land tenure system. The actions of the whites and elite Cherokees (who were still in the minority in the Nation) were seen to lead to corruption and greed, which violated the core values of the traditionalist majority of the Nation. In 1876, Oochalata was elected Principal Chief. Soon thereafter, he passed strict labor permit laws in an effort to curtail the practices of the elite few and ensure the expulsion of laborers and tenants who remained illegally in the Cherokee Nation after the expiration of their leases (McLoughlin 1993: 349). The counter-reaction to these laws by the small “progressive” group (i.e., citizen whites and elite Cherokees) was to circumvent the tribal government and petition the US federal government. Historian William G. McLoughlin aptly describes their situation: “They had become a small bourgeoisie without power” (313). Their petition, although very different from the ideas of US policy makers, called for the allotment of the tribal public domain.

A foundational principle for the allotment of tribal lands in severalty was the characterization of the vast majority of the public domain as “unused.” The Cherokee citizens in favor of allotment proposed to allot the entire land base to citizens only. There would be no “surplus” land for outsider settlement, and “the [federal] government would not dare to take from individual property owners the land that these outsiders wanted” (280). The problem with this proposal was that, while it might inhibit white encroachment, the land would become alienable. This struck the nerve center of the

conservative faction. The tribal land base was the crux of national survival, and the Cherokee Nation had already experienced the devastating effects of unauthorized land sales by losing the homelands in the east. The Cherokee Nation had initially avoided the allotment policy (enacted in 1887) because it held the fee simple title to all tribal lands. But by undermining the process of handling internal affairs as a sovereign nation, the Cherokee “bourgeoisie” cut short any further deliberations when they took their case to the US government. Federal policy makers used this case of impeded “progress,” in conjunction with contradictory reports of unchecked accumulation, as an excuse to intervene. By the time the Curtis Act asserted federal plenary power over the Five Tribes in 1898, the Dawes Commission was intent on creating a “surplus” of land for white settlement.

Whereas the railroads had opened up the Cherokee Nation for incorporation into the capitalist market economy, the implementation of allotment effectively territorialized tribal lands. Formerly, Cherokee farm plots, settlements, and towns had been seemingly scattered and nonuniform as a result of the Cherokee communal land tenure. Because land was not taxed or deeded to individuals, there was no need to uniformly map land claims. A look at pre- and post-allotment USGS survey maps shows that boundaries to land claims and agricultural fields pre-allotment were determined more by natural features than by arbitrary invisible lines (Hewes 1978: 58–59). With the imposition of allotment, surveyors needed to divide and map individual plots of land in order to assign them to tribal citizens. Thus, the post-allotment map is a series of uniform square grids that transect natural boundaries. It represents former “experienced” space as imagined, “abstract” space (Vandergeest and Peluso 1995: 388–89). Doing so virtually erased established plots and facilitated land expropriation. By 1911, of the original 4.42 million acres of land once owned in fee by the Cherokee Nation, approximately 4.35 million acres were allotted to 40,196 Cherokee citizens, and 72,000 acres were sold, opened up to white settlement, or annexed for railroad right-of-way and townships (USDOI 1912: 389).

### **Fire Suppression and the Divestment of Resource Access and Control**

Around the turn of the century, resource conservation and scientific forestry were becoming the dominant frameworks for US land management policy. As a reaction to the destructive actions that accompanied railroad construction and industrial logging, the conservation movement advocated the professional management of natural resources to ensure sustained



yields. In the absence of tribal governance institutions (a consequence of allotment), the Omnibus Bill of 1910 (36 Stat. 857) named the Bureau of Indian Affairs (BIA) the official managing body of Indian forests. In this capacity, the BIA oversaw trust property timber harvests, including the finances of these operations, which were also held “in trust.” At this point, Indian forests became “part of a national, conservation-based forest management program that would assure a steady supply of timber and protection of watersheds” (Huntsinger and McCaffrey 1995: 171).

According to this new management regime, the key to ensuring the availability of timber was the suppression of fire. Whereas this position was aimed at eliminating catastrophic industrial fires, all forest fires were judged a threat to valuable national resources (Fowler and Konopik 2007: 171). The combination of clear-cut logging, catastrophic fires, and the elimination of controlled burns caused environmental changes in the western Ozarks that impeded Cherokee access to natural resources. The buildup of underbrush that accompanied the second-growth forests decreased the ease of hunting and gathering by obstructing formerly open forests and providing ample habitat for pests like ticks and chiggers. Wild game populations likely diminished as a result of fire suppression (combined with an increased human population), as Huntsinger and McCaffrey (1995: 175) have documented. After Oklahoma statehood in 1907, increased infiltration of the former tribal land base imposed new laws and jurisdiction upon Cherokee people, including land use and hunting restrictions. “Hog-fencing laws” ended open-range practices (Wahrhaftig 1978: 450), and non-Indians began to erect enclosures on former resource-gathering areas. The Great Depression in the 1930s, along with severe droughts in 1935 and 1936, made matters worse; while the restrictions on forest resources increased, so did Cherokees’ reliance upon them. During this time, Wahrhaftig notes, “Cherokees were increasingly blocked from their generalized utilization of the woods and streams, deprived of sufficient cash supplement to capitalize even a subsistence farm, and confined to the tiny island of their allotments. Cherokee self-sufficiency had seriously declined by the time World War II arrived” (ibid.). The interviewer of Ross Bowlin gave another account in 1969:

For Ross much of the country has changed in his time. New roads and fences have been one of the big changes, which came with the white man who owns nearly all of the land now. He finds it hard to understand that the whitemen don’t live here, but comes [*sic*] and fences up the land and refuses to let anyone hunt. . . . Over on a stretch of woodland Ross tells that it was once the finest huckleberry place in the country. But no one is allowed in there now.<sup>6</sup>

Cherokee distrust and bitterness toward the outsiders was heightened by the fact that many had directly deceived Cherokees and robbed them of their lands. “Grafters” and “land hawks” were terms for those who swindled Cherokees out of their allotment land—often with the help of the Indian agents (Wahrhaftig 1978: 424, 449). Many of the few white families with whom Cherokees had developed neighborly relations had moved elsewhere due to the Depression. Eventually, many of these “abandoned” lands were consolidated into large ranches and bought by outsiders who rarely lived there, reflecting the above testimony (Wahrhaftig 1978: 420–21).

More restrictions came in the form of bureaucracy. The Dawes Commission tasked itself not only with allotting lands but with allotting blood quantum to individuals. Doing so tied the degree of “Indian blood” to a level of competency—the higher the quantum of Indian blood, the less competent an individual was to manage their land. “Restricted land” referred to land allotted to Cherokees of one-half or more Indian blood. Under this system, the land was exempted from property taxes, and the BIA held the title to the land in trust. A “restricted Indian” could not harvest timber on the land or “develop” it without prior approval from the BIA. Further, since the land was not alienable, individuals could not use the land as collateral for loans, thus restricting entry into the market. This system was notoriously manipulated and exploited by grafters and land hawks, who often “helped” individuals with the process of taking their lands out of restricted status (Wahrhaftig 1978: 428). Once this was achieved, the land was easily stolen by manipulating the bureaucratic system that was unfamiliar to many non-English-speaking Cherokees. Much of the archaic policy and bureaucratic red tape surrounding allotments and restricted land continue to this day (see Leeds 2006).

### Producing the “Green Country” of Oklahoma

As a reaction to the Dust Bowl and the Depression Era, the Oklahoma State Planning and Resource Board (formed in 1935) began the construction of dams throughout the state. With the help of the Army Corps of Engineers, the Bureau of Reclamation, and the Grand River Dam Authority, numerous lakes were formed throughout northeastern Oklahoma. The lakes were designed to provide flood control, a steady water supply, hydroelectric power, and opportunities for outdoor recreation (Johnson 1998: 4). As time went on, the area, with its large lakes and rolling green hills, became known among other Oklahomans and the surrounding states as a place for recreational tourism. In an effort to capitalize on the region’s new image, northeastern Oklahoma was dubbed “Green Country.” The establishment

of a special organization in 1965—Green Country, Inc.—spearheaded this campaign and served to “coordinate [the] promotion and development of sixteen northeast Oklahoma counties” (Stauber 2007). Writing in the early 1970s, Wahrhaftig commented that the name Green Country

evokes a new future for the region, as a paradise of woods, lakes, bass, legions of free-spending tourists and vacationers, second homes for Tulsans and Dallasites—the playground of Texas and Kansas. . . . The new image, and the national advertising that is merchandising it, has the timeless ring of God-created wilderness, revealing that Oklahomans are apparently oblivious to their impact on the environment. In less than a century it has been transformed, certainly to the disadvantage of the Cherokees and, perhaps, to that of everyone else. (1978: 421)

Also to the disadvantage of the Cherokees, as Wahrhaftig notes, was the flooding of numerous Cherokee settlements by the new lakes (*ibid.*). Entire communities were relocated, and family and community cemeteries had to be excavated and moved. Speaking with animosity toward the rapid rate of “progress” throughout Cherokee country, Wahrhaftig notes: “The price Cherokees have paid for Green Country is scrub-choked, tick-infested, second-growth forests; fishing lakes that have drowned former Indian settlements; and a displaced Cherokee population which is either on welfare or in California” (*ibid.*).

Whereas Oklahoma statehood had geopolitically subsumed the Cherokee Nation, the making of Green Country attempted to complete the incorporation of the Cherokee Nation into the state of Oklahoma through the superimposition of regional boundaries. Although the campaign was welcomed in some parts of the Cherokee Nation as a source of economic development, this proved to be for all the wrong reasons. Instead of promoting sustainable, locally based economic opportunities, white Oklahomans were more interested in resource exploitation (fish and game) and shallow cultural tourism that presented Cherokee people as remnants of the past (Wahrhaftig 1978: 430–32). The Oklahoma Office of Tourism and Recreation maintains the image and boundaries of Green Country today, along with five other tourism regions such as Kiamichi Country (*i.e.*, the Choctaw Nation) and Arbuckle Country (*i.e.*, the Chickasaw Nation). From the same entity comes the term “Oklacolor” to describe the geographical and cultural diversity of the state, and Green Country’s tagline in a promotional video asserts: “Green Country: We’ve got all the Oklacolors of the rainbow waiting for you in northeast Oklahoma. Go for it.”<sup>7</sup>

Although incorporation into the state of Oklahoma has resulted in a seemingly typical rural Oklahoma landscape throughout the Cherokee

Nation's fourteen-county tribal jurisdictional area (see fig. 1), the western Ozark Plateau remains the cultural and social heart of the Cherokee Nation. While Cherokees are still outnumbered by the local white population, cohesive Cherokee communities permeate the region—many of them, as Wahrhaftig (1968) documented, having persisted since Cherokee arrival in the Indian Territory. Wahrhaftig's (1966) work also documented the intense poverty of the region, and this by and large continues today. However, much has also changed since the time of Wahrhaftig's fieldwork that has positively affected Cherokees and their standing in the larger regional social milieu. Cherokees have been reasserting their presence and control in northeastern Oklahoma through the increasing sophistication of tribal governance structures. Many of these strides have been made in the realm of resource control. At the time of Wahrhaftig's research, the Cherokee Nation had little to no control over tribal lands; yet in the 1980s and 1990s, the Cherokee Nation would regain this power by taking control of institutions designed to protect and manage tribal natural resources.

### **Tribal Environmental Self-Governance and the Reclamation of Resource Control**

In 1987, due to increasing frustrations with federal Indian bureaucracy, American Indian tribes throughout the United States began to question the efficacy of the then twelve-year-old Indian Self-Determination and Education Assistance Act and called for significant policy amendments. While the Self-Determination Act had promoted American Indian control over their own affairs, the BIA had been reluctant to step down from its paternalistic role. Many institutions, including Indian Health Service facilities and tribal forestry programs, were still operated by Department of Interior personnel. Along with pressure from the tribes, a BIA fiasco in Arizona that received wide media coverage prompted congressional action.<sup>8</sup> "Self-governance" became the new emphasis in federal Indian policy, and in 1988 new amendments to the Self-Determination Act created Self-Governance Compacts by which Indian tribes could "administer and manage programs, activities, functions and services previously managed by the BIA" (SGCEP 2006: 22). The legislation also acknowledged the authority of tribes to "redesign those programs and services to meet the needs of their communities, within the flexibility of allocating funds based on tribal priorities" (ibid.).

On 1 October 1990, Chief Wilma Mankiller signed such an agreement on behalf of the Cherokee Nation and "put the Tahlequah BIA agency out of business."<sup>9</sup> At this time, the Cherokee Nation began to assume control over



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CHEROKEE NATION

# Cherokee Nation Lands

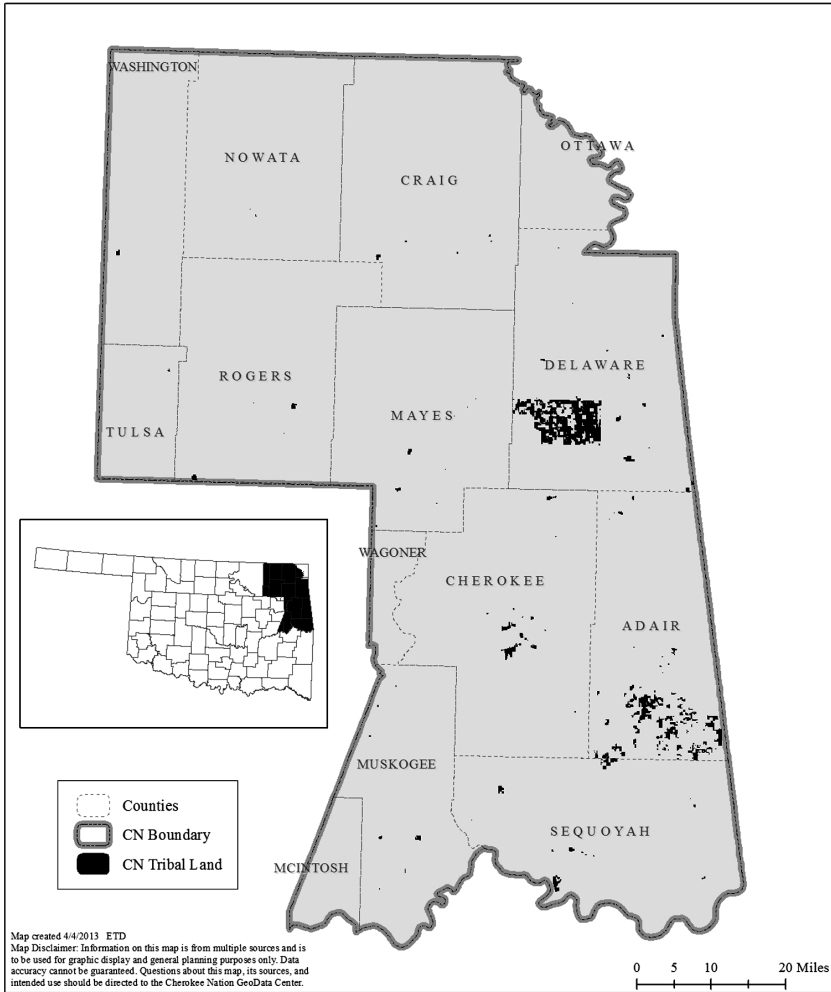


Figure 1. Map of the fourteen-county Cherokee Nation tribal jurisdictional area and the current extent of tribal trust land

the former BIA trust programs, which included loblolly pine silviculture, cattle grazing leases, and noxious weed suppression on the forty-five thousand acres of Cherokee tribal trust land. The NRD emerged as the new tribal entity for managing these activities. Yet while the Cherokee Nation worked to extend tribal control over environmental programs, the BIA retained its authority in the form of “trust evaluations.” Outlined in the Permanent Self-Governance Act of 1994 (P.L. 103-413, section 403[d]), the trust evaluation “allows the United States to exercise the necessary supervision or oversight relative to its obligations to the Tribe and to individual Indians. An escape clause is provided whereby the United States may assume direct management of the physical trust assets, upon proper notice to the Tribe, if the trust assets are in imminent jeopardy. Imminent jeopardy is defined as significant loss or devaluation of the physical Trust asset, caused by the Tribes’ action or inaction” (SGCEP 2006: 45). By establishing regulations and normative “best practices” that are guided by the assumption that lands must be made profitable, trust evaluations have served to maintain BIA bureaucratic imperialism and land management hegemony. BIA land management practices that are maintained to this day include loblolly pine silviculture, the leasing of tribal lands to cattle ranchers for grazing, and fire and weed suppression to enable these two practices.

Furthermore, the Cherokee Nation, although deemed “in control” of its own resources, inherited a complex land management bureaucracy, which was also held under BIA supervision. In inheriting this bureaucracy, the Cherokee Nation essentially inherited the institutional legacy of allotment. “Checkerboarded” tribal lands and the red tape that accompanies them cause difficulties in jurisdiction and property maintenance. Messy land deeds and property lines tell the story of grafters and land hawks. Multiple heirs of individual allotments complicate ownership beyond comprehension and inhibit any effective use of the property through agreement. And the lingering rubric of blood quantum to determine “restricted” land status continues to racialize property issues in the Cherokee Nation.

These management responsibilities often put undue strain on NRD personnel, who, while they are charged with maintaining the BIA programs, also have a professional duty to respond to Cherokee Nation citizen input (as they are tribal employees and, in most cases, tribal citizens themselves). Often the two tasks are entirely at odds with each other. For instance, tribal citizens frequently complain that their use of forest resources is jeopardized by NRD silvicultural activities—programs that are carried out per BIA “best practices” guidelines. Loblolly pine silviculture eliminates the oak/hickory forest in favor of monocrop stands, a practice that decreases species diversity in both flora and fauna and thus negatively impacts hunting and

gathering activities. There is also an intrinsic value to the hardwood forests that is compromised by these activities. At a community meeting in Kenwood (located in Delaware County, where there is an abundance of tribal trust land, about eleven hundred acres of which are being used for loblolly pine management), one participant expressed his regret about seeing the habitat for birds and other animals disappear along with the hardwood forests. With a tone of voice that conveyed a deep familiarity and respect for the area's remaining hardwood stands, he said, "I would just hate to see them go."<sup>10</sup> With regard to leasing tribal lands for cattle grazing, important medicinal plants like milkweed (*Asclepias* L.) are threatened due to the fact that they cannot compete with the Bermuda and fescue grasses that are seeded on native prairies to achieve "improved" pastures. Furthermore, herbicide spraying makes healthy milkweed specimens harder to find.

Only recently has the NRD begun to deviate from BIA protocol, and this stems largely from a response to the citizen input exemplified above. Loblolly pine monocropping has decreased in the last two years, and NRD staff have begun to reconsider the use of herbicides on prairies in favor of brush hogging (clearing by mowing). While brush hogging would inevitably cut back some culturally significant prairie plants, NRD staff have discussed reserving areas of important plant growth for cultural use. Further, harmful chemicals would be eliminated from land management practices.

The reduction of BIA activities has been accompanied by the initiation of culturally inspired land management activities. In recent years, NRD staff have launched numerous "cultural forestry" projects that prioritize the cultivation and reintroduction of culturally significant species. Most notable among these projects are the large-scale planting of shagbark hickory trees (*Carya ovata*), an important species for food, crafts, and medicine that has become increasingly scarce, and Osage orange trees (*Maclura pomifera*), which have long been used by Cherokees in the western lands for making strong bows. NRD staff have also begun to focus on nonwood forest products, which include the medicinal, edible, and crafts-based herbs, forbs, and grasses that have no significant "value" from the perspective of BIA forestry programs. River cane (*Arundinaria gigantea*), used for numerous traditional crafts, and ginseng (*Panax quinquefolius* L.), an extremely important medicinal herb, have been key species in these efforts.

These cultural forestry projects, although inspired by citizen input, also stem from the larger trend of cultural revitalization within the Cherokee Nation government (see Sturm 2002: 104). Such a political climate has allowed NRD staff to devote some of their time to the maintenance and protection of cultural resources and to explore alternative management practices. The work directly informs a key policy initiative—the Cherokee

Nation Integrated Resource Management Plan—with the goal of identifying and cataloging cultural resources for conservation purposes.

Another component of this strategy is a recent ethnobotanical project—which I helped to initiate in 2004—that seeks to revitalize Cherokee knowledge of local wild plants. My work on this project during the summers of 2004–6 entailed conducting informal interviews with individuals knowledgeable of Cherokee ethnobotanical traditions. This work led to the creation of an informal advisory council to the NRD in 2008, made up of traditional knowledge keepers and elders. In October 2008, the NRD director and I decided to convene a small gathering of about ten women and men at the grounds of a Cherokee community nonprofit organization located in the woods of Sequoyah County. The purpose of the meeting was to bring together many of the elders and experts whom I had consulted in the course of the ethnobotanical project. The meeting was informal in nature and took place outdoors and around a fire—not a typical meeting for a tribal government department. In this setting, the group openly discussed the issues and strategies regarding the preservation of Cherokee plant knowledge. Significantly, they noted that their generation is possibly the last one that carries a substantial amount of this knowledge. The meeting closed that day with a unanimous decision by the group that the loss of this knowledge was not in the best interest of Cherokee people and that measures to correct this problem should be undertaken immediately.

As a result of continuing work with this advisory council, in 2009 the NRD produced a small booklet titled “Wild Plants of the Cherokee Nation,” which currently serves as a supplementary text for biology lessons in the Cherokee language immersion school in Tahlequah (the Nation’s capital). Printed in Cherokee and English, the goal of the booklet is to raise awareness among Cherokee citizens of the richness of their cultural heritage and to encourage the continued application of such knowledge through land-based gathering activities. The advisory council is also working with the NRD to establish numerous areas of contiguous tribal land on which to carry out management programs for medicinal wild plants. This two-pronged approach to cultural forestry—(1) identifying, cataloging, and planting culturally significant plants; and (2) creating physical and institutional space for the continued transmission of traditional knowledge—clearly deviates from the norms established by BIA forestry programs and indicates exciting new directions in tribal natural resource management.

Of course, the NRD’s new approach to land management is not without obstacles. NRD responsibilities are not limited to forestry and range-management activities. The department is often stretched thin by demands from other Cherokee Nation departments that rely on NRD staff expertise



in areas like land appraisal and GIS technology. Further, at the time of my fieldwork, the interest in ethnobotany rested with only two staff members, which made the “cultural” element of their work more of a sidebar than a central priority. There is also a certain amount of hesitancy in renouncing BIA “best practices” in favor of activities that promote cultural resources. Not only do land leasing and silviculture contribute to tribal revenues, but the BIA maintains its paternalistic oversight and technically can still assume management of tribal lands if they are in “immediate jeopardy”—a tenuous situation in which tribal resource managers find themselves.

Reinstating cultural practices on the land—perhaps a more concrete example of reclaiming resource control—also poses difficult issues. Although the NRD has been known to aid and supervise small burns on tribal citizens’ property, when I asked about reestablishing controlled burns on a large scale, the NRD director at the time of my fieldwork replied that the idea was a “bureaucratic nightmare” due to the checkerboarded land ownership and federal and state restrictions.<sup>11</sup> Yet another obstacle is simply the paucity of tribal lands over which the Cherokee Nation has “control” (fig. 1). Of the original 4.42 million acres that were owned in fee simple by the Cherokee Nation, only about fifty-five thousand acres are currently tribal trust lands, with another forty-five thousand designated as individual restricted lands. Therefore, only about one hundred thousand acres total are considered Cherokee Nation land. Furthermore, about ten thousand acres of these tribal trust lands are completely landlocked and away from major thoroughfares, which means access to them is severely impeded. The remaining pattern of land ownership within the tribal jurisdictional area is a checkerboard of federal, state, and private (Cherokee and non-Cherokee) land. This not only limits the ability to create space for tribal management activities, it also puts the NRD in the unfortunate position of having to govern access to these lands. Thus, resource gathering, although still practiced throughout the Cherokee Nation, remains a controversial issue on tribal trust lands. While the right to gather on tribal trust land is open to all Cherokee citizens, locked gates restrict access to many of these tracts, and one must request a key from the NRD. This has caused tension between NRD staff and tribal citizens when, because of repeated instances of overharvesting, the staff insist on opening the gates in person and remaining until the gathering is finished.

The overharvesting of plants and animals by some Cherokees is a real problem, even though this tendency is considered a deviation from traditional ideals. Many Cherokees are aware of overharvesting activities, and some elders assert that the decline of traditional knowledge is a direct cause of this. Bloodroot (*Sanguinaria canadensis*) has become a highly sought-

after plant that is used for making a natural red dye for baskets. In the course of my fieldwork, elders have commented that younger craftspeople mistakenly gather large amounts of the root when only a small portion is needed to make a good-quality dye.

This topic has been raised during the elders' advisory group meetings with regard to issuing gathering permits to individual tribal citizens, but so far there has been no resolution. Elders themselves have been stopped and questioned by the Cherokee Marshal Service when gathering plants on tribal lands, leading the advisory group to advocate a way to distinguish between those who have been properly trained to gather and those who may still need guidance or teaching from a knowledgeable source (i.e., an elder). Yet myriad complications arose concerning who would have the authority to issue such permits and whether the program would be effective. When approached with the idea of gathering permits, many tribal council members considered the proposal to be contradictory to their responsibility toward all citizens and were not in favor of a program that would grant special rights to individuals. This situation illuminates obstacles inherent in the Cherokee Nation's current governance structure, a topic to which I now turn.

### **Resource Access, Networks, and Indigenous State Dynamics**

The tribal councilors' rejection of the elders' advisory council's proposal to establish permits for gathering on tribal lands on the basis of citizen equality under Cherokee Nation law highlights what Ronald Niezen (2003) has termed the "Weberian dilemma" of indigenous governance. With regard to the employment of bureaucratic governance structures by indigenous nations, Niezen writes, "What do international bureaucracies, bastions of state interests and legatees of Enlightenment rationalism, have to offer people struggling, seemingly against the current of modernity, to maintain honor and family obligations, nature spirituality, subsistence economies, and the authority of elders in governance?" (140–41). Although I stress that the councilors' rejection was on an informal and preliminary basis, the point is no less salient: the current structure of the Cherokee Nation government, based as it is on rationality, citizen equality, and bureaucratic order, inhibits the influence of "traditional" sources of authority. Nevertheless, more central to my objectives herein is how indigenous communities have developed ways to deal with this dilemma, which I have elsewhere described as a unique attribute of indigenous state formation (Carroll 2012). As I will describe below, the elders' advisory council represents one

such development. Situating this group in the context of recent work in political ecology reveals promising approaches to issues in indigenous environmental governance.

Much work in the field of political ecology has focused on state schemes for controlling resources and the livelihoods attached to those resources, and for good reason: peasants, marginalized ethnic groups, and indigenous peoples have often been the victims of programs that have turned once commonly held resources into state property, resulting in the criminalization of subsistence lifestyles.<sup>12</sup> But the Cherokee “state,” although a source of governance, is less a mechanism for authoritarian rule than an apparatus for the protection of tribal assets and an instrument for tribal self-determination. In this light, I propose viewing the politics of resource access and control in the Cherokee Nation under a double state dynamic, wherein Cherokee state governance structures (e.g., the NRD) must operate within an established system of governmentality maintained by the US settler state. Thus when discussing relations between Cherokee state actors and ordinary tribal citizens, it is more useful to frame the analysis in terms of networks and alliances rather than assume, *a priori*, state versus local opposition.<sup>13</sup>

Framing state/local dialectics in this way illuminates the interpersonal relationships that exist on the ground between field workers and community residents. This framework is fitting for cases like the Cherokee Nation, where environmental management is carried out on a relatively small scale. The small-scale interactions between NRD field workers and Cherokee community residents, combined with the long-term and site-specific nature of NRD activities, create a high level of accountability. Even if a resource manager is not “local” in the sense that he or she was not reared in a Cherokee community, credibility among the communities is very important because of the understood “soft” authority that communities have in their respective areas. Additionally, the general congeniality that is characteristic of rural social interactions, as well as the pride and dedication to “the people” that many individuals feel in working for the tribal government, are indicators of atypical “statist” tendencies (at least in James Scott’s [1998: 4] “high modern” sense). This assessment not only bolsters other scholars’ calls for viewing social organization and environmental politics in terms of heterarchy (Crumley 2003) and networks (Robbins 2004) as opposed to hierarchical chains, but it also displays aspects of the Cherokee state (notably its small size and unobtrusive role) that distinguish it from other states.

But despite the Cherokee state’s relatively benign posture, there are areas from which community-based citizens feel increasingly alienated. While access to authority is fairly “open” (a tribal citizen can call or visit

the director and staff of the NRD with relative ease), the job responsibilities of Cherokee Nation staff are often structured in a way that does not guarantee a citizen's ability to meaningfully influence the outcome of events. As political ecologists Jesse Ribot and Nancy Lee Peluso (2003) remind us, legal or official rights have no value without the ability to *do* what those rights stipulate; the right to resource access means nothing when the gate is locked. But just as the land base was diminished by forces beyond the control of the Cherokee Nation, so was its government. It is not surprising, then, that the reclamation of land and resources go hand in hand with the transformation of governance institutions. The elders' advisory group, which has made tribal land reacquisition one of its central concerns, thus represents the formation of a significant alliance. The group has created a forum in which citizens can meaningfully express concerns to the tribal government from a traditional and spiritual perspective—a discursive space that has been lacking in Cherokee Nation politics since the Allotment Era. Although the group has coalesced around the subject of traditional plant knowledge, the forum is used to voice related concerns, as exemplified in the gathering permit issue discussed above.

Meetings with the elders' advisory group have continued in the same manner as the initial one in October 2008, and they have resulted in support and recognition of the tribal ethnobotanical project by highly respected keepers of Cherokee plant knowledge. Through these small meetings, as a group we developed a productive collaboration between Cherokee community elders and a Cherokee Nation government department toward the goal of preserving and maintaining knowledge and traditions that are rapidly disappearing. This type of partnership is uncommon, especially with reference to sensitive knowledge (the realm of Cherokee traditional plant medicine is somewhat of a "taboo" subject). It is significant that a meeting of this sort could not have been as successful in a stark conference room in Tahlequah. The alternative meeting style and setting illuminates issues of *process*—ways of making decisions and getting things done—and the contrast between bureaucratic methods and traditional ones. The group meetings also call attention to changing perspectives on knowledge and authority. Group meetings in the rural areas have shifted the focus from Western scientific knowledge obtained by college degrees to local traditional knowledge. This has not been a superficial "seat at the table" given to traditional experts; rather, the meetings have quite literally moved the table itself (or chairs, in the case of NRD staff bringing folding chairs to the meeting sites).

Accordingly, the group represents the creation of an alliance that has enabled certain people to gain direct access to multiple forms of authority. Ribot and Peluso (2003: 170) note that access to authority plays a large

role in the ability of groups to benefit from resources. Through the group meetings, the elders have gained access to land management authority, and the proposal for creating gathering permits demonstrates the ability of the group to potentially influence land management decisions in very concrete ways. NRD staff have gained access to the elders' traditional authority—specifically in the form of plant knowledge but also in the ability to sanction or condemn others' potentially harmful activities on the land. The dynamics created by this situation have spurred a healthy amount of caution with regard to the group's activities. Group members are cautious about “throwing their weight around” and instead have advocated for laying a foundation of broadly defined spiritual values that would define the group's purpose as for the benefit of the community at large. Rather than purporting to speak for all, the group has emerged as an “advisory council” and represents the voicing of significant concerns from a particular (traditional) perspective.

## Conclusion

Present-day natural resource management in the Cherokee Nation is inexorably tied to the history and ongoing practice of settler colonial resource control and exploitation. The Cherokee Nation landscape, when viewed diachronically and as a produced set of relationships between US state actors/agencies, Cherokee Nation state actors/agencies, Cherokee Nation citizens, and non-Indian intruders and landowners (to name but a few), emerges—as with most landscapes—as a complex and layered history of people, social and ecological processes, resources, and politics. I have hoped to show that, as environmental production is a continuous process of making and remaking landscapes, contemporary efforts by tribal resource managers and ordinary Cherokee citizens are producing social, ecological, and political landscapes that run counter to the trends of the past 150 years. In other words, through the resurgence of traditional Cherokee approaches to land and the other-than-human world, coupled with a resurgence of tribal sovereignty since the mid-1970s, the Cherokee Nation is counteracting policies and practices of displacement, suppression, and domination. Simultaneously, the Cherokee Nation must reconcile this strengthened sovereignty with the relations between the Nation and tribal citizens, specifically dealing with the complications that form around the conservation of a small land base in the face of a large citizenry.

Nevertheless, as the actions of the NRD and the elders' advisory group have shown, the process of reconciling the conflicting tendencies of indigenous state practices is significant in itself. Through the discussions between bureaucrats and elders about gathering permits and sustainable harvest-

ing practices, preconceived hierarchical boundaries crumble in favor of political-ecological explanations of networks and alliances. Through the NRD's responsiveness to citizen input and criticism, cultural forestry programs are gradually replacing monocrop silvicultural operations. In sum, Cherokees today are working to reinscribe their own normative landscape within their territory. And although we cannot likely return to the landscapes described in the Indian-Pioneer Papers noted above, we can continue to work toward building community-government relationships and expanding Cherokee Nation land holdings within our historical boundaries in order to create the institutional and physical space necessary for the perpetuation of traditional knowledge and practices. Yet, as one elder reminded me, the purpose of this work is not just to contribute to our own cultural survival (as vital as this may be) but, moreover, "to honor the spirit of this land."<sup>14</sup> This is our responsibility as Cherokees (displaced as we are from our original homelands)—to continue to acknowledge our role as stewards of the land we now inhabit. And this responsibility—this *relationship*—is a promising guiding principle for the future of natural resource management in the Cherokee Nation.

## Notes

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- 1 Both collections are housed in the University of Oklahoma's Western History Collection.
- 2 Interview with Mr. E. F. Vann, 10 March 1938, Muskogee, OK (interviewer: L. W. Wilson, journalist), vol. 93, interview ID 13177, Indian-Pioneer Papers, Western History Collections, University of Oklahoma, Norman, OK (hereafter IPP).

- 3 Mrs. Elinor Boudinot Meigs, informant, 2–4 March 1937, Ft. Gibson, OK (interviewer: Jas. S. Buchanan), vol. 62, IPP.
- 4 Additionally, the western lands were very similar to (although notably less biologically diverse than) the eastern Cherokee homelands (Hewes 1978: 15). Furthermore, Cherokees had occupied parts of the Ozark Mountains since as early as 1782 (this contingency is usually referred to as the Old Settlers); hence the region was not completely unfamiliar to Cherokee people upon arrival after the Trail of Tears. For a detailed account of Cherokee environmental practices in the east, see Sarah Hill (1997).
- 5 “Jake Whitmire, Cherokee,” 29 May 1969 (J. W. Tyner, interviewer), vol. 22, interview ID T-468-3, Doris Duke Collection, Western History Collections, University of Oklahoma, Norman, OK (hereafter DDC).
- 6 “Ross Bowlin, Cherokee,” 26 August 1969 (interviewer: J. W. Tyner), vol. 11, interview ID T-512-2, DDC.
- 7 Travelok.com (accessed 7 May 2010). The video has been removed and is no longer accessible; however, the tourism regions are still viewable on this site. Note that Arbuckle Country has changed to “Chickasaw Country,” the only tourism region that bears the name of an existing tribal nation.
- 8 This fiasco involved numerous cases of blatant mismanagement of tribal development programs and funds by BIA personnel, exposed through a series of articles run by the *Arizona Republic* in 1987, titled “Fraud in Indian Country: A Billion Dollar Betrayal.”
- 9 Richard Allen, Cherokee Nation policy analyst, personal communication.
- 10 Author’s field notes, 20 July, 2006.
- 11 Author’s field notes, 27 June, 2005.
- 12 See Ribot and Peluso (2003) for a review.
- 13 Political ecologists Michael R. Dove (1994), K. Sivaramakrishnan (1999: 281), and Paul Robbins (2000) have argued against the presumption that state agencies are always represented by nonlocal “experts” who disenfranchise or displace local peoples and their respective environmental practices and knowledge.
- 14 Author’s filed notes, 23 February 2010.

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