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How a Cherokee author reclaimed rhetorical sovereignty,
and how it was denied to him:
the case of John Milton Oskison's biography of John Ross

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John Milton Oskison was born in 1874 in Indian Territory, to an English father and a Cherokee mother.¹ He grew up in Vinita, in the Cherokee Nation, at a time of profound transformation. In the wake of the Civil War – which left the Cherokees divided and their nation devastated – several railroads were built across their territory, entailing the intrusion of thousands of Euro-American citizens. As a fiction writer, a journalist, and an activist, Oskison described these changes, and the issues they raised for the Cherokees, in numerous short stories and essays published in diverse periodicals, mostly between 1897 and 1925, as well as in four novels written in the 1920s and 30s,² and in an autobiography left unfinished when he died in 1947. The latter was published in 2012, along with many of the short stories and essays, in *Tales of the Old Indian Territory and Essays on the Indian Condition* (University of Nebraska Press).

Oskison also wrote three biographies: one of Sam Houston, *A Texas Titan*, published in 1929, one of Shawnee leader Tecumseh entitled *Tecumseh and His Times*, published in 1938, and one of John Ross, which remained unpublished. It was entitled by Oskison “Unconquerable: The Story of John Ross, Chief of the Cherokees, 1828-1866,” and it was probably written in the mid-1930s. After I happened upon it by chance in the course of my research for the publication of *Tales of the Old Indian Territory*, I decided to edit it and submit it for publication at the University of Nebraska Press. It is currently being reviewed.

¹ For Oskison's biographical information, see Oskison, J. M., *Tales of the Old Indian Territory and Essays on the Indian Condition*, Lincoln, University of Nebraska Press, 2012.

² One of these novels, however, *The Singing Bird*, was published posthumously in 2007. His first novel was *Wild Harvest*, published in 1925, followed by *Black Jack Davy* in 1926. *Brothers Three* was published in 1935.

A lot of discussions in Native American Studies, and more widely in Indigenous Studies, take place today in terms of sovereignty, be it political, cultural, visual, rhetorical, or otherwise. An assessment of Oskison's work can be made in terms of rhetorical sovereignty, if one follows the definition of the latter term given by Scott Richard Lyons (Ojibwe/Mdewakanton Dakota):

Our claims to sovereignty entail much more than arguments for tax-exempt status or the right to build and operate casinos; they are nothing less than our attempt to survive and flourish as a people. Sovereignty is the guiding story in our pursuit of self-determination, the general strategy by which we aim to best recover our losses from the ravages of colonization: our lands, our languages, our cultures, our self-respect (Lyons 449).

Oskison mostly wrote at a time when the Cherokee political sovereignty was under attack. In 1898, the Curtis Act took away the Cherokee Nation's right to determine its own citizenship, reinforced the Dawes Commission's power to allot land, declared tribal laws terminated and abolished tribal courts. It downright signaled the "disintegration" of the Cherokee Nation (Hoig 257). Tribal governments were abolished in 1906. In 1907, the State of Oklahoma united Oklahoma Territory and Indian Territory, thus denying the Cherokees and the other tribes in the Indian Territory their right to form their own state, the State of Sequoyah, whose constitution was sent to Congress for approval in 1905.

Oskison probably wrote *Unconquerable* between his third novel, *Brothers Three* (1935), and the biography of Tecumseh (1938). In the University of Oklahoma Press Collection, held by the Western History Collections at the University of Oklahoma, there are documents dated 1933 regarding the rejection of the manuscript by OU Press. An analysis of these documents, and of the reasons given as to why the project was rejected, may be an appropriate starting point to see Oskison's text as an act of resistance in terms of rhetorical and historiographical sovereignty at a time when Native Americans suffered not only political imperialism and what Robert Conley called "bureaucratic imperialism" (Conley 202), but also what Lyons calls rhetorical imperialism, that is

to say “the ability of dominant powers to assert control of others by setting the terms of debate” (Lyons 452).

Thus, at a time of limited sovereignty for the Cherokees, Oskison’s biography of John Ross may be considered as an attempt to recover his people’s history, or at least historiography, which was left in the hands of non-Cherokee authors who defined John Ross and his resistance in dubious terms. If the “dominant powers” practiced “rhetorical imperialism” by “setting the terms of debate,” Oskison reasserts rhetorical sovereignty when he sets the terms of debate about John Ross in his autobiography of the Cherokee leader. To paraphrase Lyons again, Oskison enjoyed “the ability to assert oneself renewed—in the presence of others” in order to “rebuild” John Ross’s story – as well as a significant part of the Cherokee’s story at the same time – and “present its gifts to the world”.³ The problem for Oskison, who was not a member of academia, was that these non-Cherokee scholars reviewed his manuscript.

When Oskison approached a university press with his manuscript, there were very few Native Americans in the academic world. The terms of the historiographic debate were clearly defined by non-Natives. As far as Oklahoma Natives were concerned, the debate was in the hands of a few scholars, three of whom would have a say-so in the non-publication of Oskison’s biography of Ross.

The director of the Oklahoma University Press was Joseph A. Brandt who, judging by the tone of their correspondence, was on friendly terms with Oskison. The manuscript was reviewed by three readers: eminent Oklahoma historians Grant Foreman and Morris L. Wardell, as well as James Julian Hill, an assistant librarian who would collaborate with the press on a 1968 edition of Emmet Starr’s *Old Cherokee Families*. Foreman had just published his *Indian Removal* (1932) and

³ “Rather than representing an enclave, sovereignty here is the ability to assert oneself renewed—in the presence of others. It is a people’s right to rebuild, its demand to exist and present its gifts to the world” (Lyons 457).

would publish *The Five Civilized Tribes* in 1934. Wardell would publish *A Political History of the Cherokee Nation, 1838-1907* in 1938.

Joseph Brandt wrote to Oskison on April 13, 1933:⁴

Dear John,

Separately I am returning to you the manuscript of John Ross. I must apologize for not having written sooner but I have been ill for the past two weeks and have not been able to do so. I have three readers' reports on the book and all three like the book. One reader says it is the best exposition of the life and character of John Ross that he has ever read. This is the opinion of the other two readers but they feel that the manuscript should be rewritten to meet our own peculiar requirements which might best be described as a scientific treatment.

The debate concerning John Ross was formulated in scientific terms, whereas Oskison, not a historian but a storyteller, claimed the right to tell just "a story," as he explained in his answer to Brandt's letter: "I did try to explain that I am not an historian, and I did call my ms. the story of John Ross and of the Cherokees of this time" (Oskison to Brandt, May 20, 1933)."

The opening paragraph of Brandt's letter summed up the conclusions of the readers before he went on to explain why he could not publish the manuscript as it was. The most important criteria considered were whether or not the book was a contribution to the field and whether the scholarship was sound. These were the first two questions of the form that the reviewers had to fill out for OU Press.

⁴ All the letters and reviewers' reports subsequently quoted are included in Box 9, Folder 10 of the Oklahoma University Press Collection, held by the Western History Collections of the University of Oklahoma. For the sake of clarity, I mention in the text only the author and the date of the letters.

To the first question – “Is this book a contribution to the field?” – Grant Foreman answered that “it is, with qualifications,” whereas James Hill wrote that “in its present state the book is not a contribution to the field.” Morris Wardell reconciled the two:

In a manner it is a contribution to the field, but the material is such that I would question its being at all worthy of being called even partially scientific. There are parts here and there which certainly are new, but so written that the reader must be a student of history and rather thoroughly acquainted with Indian affairs to know what really constitutes the contribution. (Wardell, February 14, 1933)

Foreman explained his “qualifications” in a letter, dated February 27, 1933, that he enclosed with the reviewer’s form. His reservations were mostly related to the scholarship and the reference apparatus of the manuscript, which seems to have been one of Wardell’s concerns too. Foreman wrote: “The book is not documented; there is not one footnote. There are many quotations and the inquiring reader who looks for this index to scholarship will wonder why citations to authorities and sources are not given.” It is true that the manuscript has no footnotes and that Oskison hardly ever cites his sources. He never gives precise references, although a bibliography, that Oskison calls “Authorities,” can be found at the end of his manuscript.

“On the whole,” Foreman wrote, “I feel that Oskison has got his history pretty accurate though I noted a few little lapses.” Foreman concluded this part of his review about the scholarship of the manuscript by telling Brandt that if he could “overlook the absence of documentation, his scholarship is pretty sound” (Foreman to Brandt, February 27, 1933). The two other reviewers agreed. Foreman assumed that Oskison neglected the reference apparatus probably because “he at first hoped to place his manuscript with a publisher who would turn out a book for popular consumption” (Foreman to Brand, February 27, 1933), perhaps to one of the New York companies that had published his novels and his biography of Sam Houston.

This may well have been why some very short passages are more akin to fiction than historiography, which was mainly James Hill’s criticism: “The elements of fiction employed tend

to create a false impression of the author's purpose and cast a doubt on his historical accuracy." Hill then proceeds to list the passages to which he refers. They amount to two "reports of imaginary conversations" and three "quotations of imaginary conversation" (Hill to Brandt, March 15, 1933). Certainly, no archival proof could be found of these conversations, and they may well have been brief manifestations of Oskison's fiction-writing impulse. However, they are too limited, both in form and in content, to invalidate the scholarship that backs up the rest of the book. They would, perhaps, have been controversial if they had been meant to represent some aspect of decision-making about resistance to removal, for example, or neutrality during the Civil War. However, these fictional conversations are not about significant historical decisions and bear no consequence on the accurate reporting of history and understanding of events.

As indicated by Oskison's response to the reviews, the function of these fictional passages was likely meant to shape a livelier story for a broader audience than a smaller scholarly one:

"Of course, I see the point of their adverse criticisms. Have I not, in my college days, struggled through such sober, documented, foot-noted, and damn dull tomes as they want me to turn out about John Ross!

I just can't do it – and wouldn't if I could – much as I'd like to have the University Press bring out the book. I feel, after reading the comments of the experts, that I approached the Press rashly to say the least, and to say the worst under false pretenses. But I did try to explain that I am not an historian, and I did call my ms. the story of John Ross and of the Cherokees of this time." (Oskison to Brandt, May 20, 1933)

This passage clearly expresses the gap between storytellers and academia, but it also reveals a gap between Native Americans and a colonizing society which had the power to define the colonized in the writing of history. Native Americans were mostly absent in academia at the time, and the discursive place that they could more successfully attempt to occupy, in order to recover some rhetorical sovereignty, was storytelling, as John Joseph Mathews did for the Osages, to

mention one of Oskison's fellow Oklahoman contemporary. Oskison's story of John Ross is a way, in Salman Rushdie's terms, not to "succumb to the pictures they construct" (Rushdie 168). Moreover, Oskison's work taps into the Native American use of storytelling as a means to remember the past, the oral Native American equivalent of European historiography.

As a matter of fact, Grant Foreman did think that it was "a fine story of John Ross and the Cherokee Indians," actually "the best exposition of the life and character of John Ross that I have seen" (Foreman to Brandt, February 27, 1933). In this praise, Foreman bound together the stories of John Ross and of the Cherokees. Anthropologist James Mooney, one of the most authoritative sources on Cherokee history, wrote that telling the story of John Ross was, to a great extent, telling the history of the Cherokees:

In this year [1828], also, John Ross became principal chief of the Nation, a position which he held until his death in 1866, thirty-eight years later. In this long period, comprising the momentous episodes of the Removal and the War of the Rebellion, it may be truly said that his history is the history of the Nation (Mooney 114).

Indeed, it can be said that *Unconquerable* is a story of the Cherokee Nation, which was also a reservation of the reviewers. Although he otherwise praised the book as far as the story of Ross's life was concerned, Grant Foreman, author of *Indian Removal* (1932), saw a "serious objection" in the fact that

This is much more than merely a life of John Ross; approximately one hundred pages – from 80 to 180,⁵ is the story of Indian Removal – Cherokee Removal. He has told it very well indeed. He has covered much of the same ground that I did though in quite a different way; frequently he uses the same language to be found in my book where we have quoted from the same sources. The question is, would you care to publish a

⁵ Foreman referred to the manuscript's pages. These page numbers correspond to the middle of Chapter 9 and the middle of Chapter 20.

book, no matter how well done, that duplicates to a considerable extent another just off your press. (Foreman to Brandt, February 27, 1933)

If it is true that several chapters cover the conflict with Georgia and the subsequent removal, it is an exaggeration to imply that these pages do not deal with John Ross. Oskison represents how Ross, newly elected Principal Chief, tackled the issues faced by his people, and how he led the Cherokees into resistance. John Ross's papers attest to the obvious fact that the first decade of his chieftainship was very much dominated by the Georgia crisis and the impending removal. A story of Ross could not be written without writing the story of the Cherokee removal as well as of the principal chief's resistance to it, and, equally, a story of the removal could hardly be written without mentioning John Ross. So the problem does not appear to be that Oskison tells a story more encompassing than Ross's personal story, but rather that such a larger narrative, Foreman's own book on *Indian Removal* (1932), had been published just the year before by the same publisher. Incidentally, Oskison did not use Foreman's book as a secondary source, possibly because his research for his own book had been done before Foreman's was published.

The fact remains that, of the twenty-seven chapters of the book, Oskison deals exclusively with private matters only in the first chapter, in which he recounts a particular childhood experience. The other twenty-six chapters mention private matters only sporadically. In these rare passages, Oskison certainly invents dialogues, but he also uses historical references, mainly Rachel Caroline Eaton's 1914 *John Ross and the Cherokee Indians*, and also John Howard Payne's papers and missionaries' accounts. The twenty-six other chapters all deal, at least partially, with how Ross was involved in Cherokee public and political life and in the United States' developmental process. When Oskison tells the story of John Ross, then, not only does he tell about a significant part of Cherokee history, but he also gives a Cherokee perspective on important episodes of United States history. Far from being superfluous, this vantage point adds value to the book.

I argue in my introduction to Oskison's biography of Ross that it is worth publishing, in spite of the scientific reservations expressed by some of the original reviewers, because Oskison

produced what was at the time one of the very few and thoroughly accurate historical accounts of John Ross accessible to wide audiences. Today, students of John Ross can benefit from Gary Moulton's remarkable biography of the Cherokee chief and his edition of Ross's papers; in Oskison's time, however, few such books were available. The manuscript's bibliography may have its shortcomings, but a close look reveals that Oskison did in fact rely on all the major relevant secondary sources available in 1933 and some significant primary sources – notably Ross's own papers, John Howard Payne's material, Cherokee and US governmental documents, as well as other Cherokee sources like the Cherokee Phoenix, Elijah Hicks's journal and Cherokee historian Emmet Starr's work. In "The Indian in the Professions," a paper he gave at the first annual conference of the Society of American Indians, in 1912, Oskison claimed that, throughout his career, he had "tried to make myself an interpreter to the world, of the modern, progressive Indian" (Oskison/Larré 399). Considering the state of research at the time when Oskison wrote the book, his accomplishment as an "interpreter" of John Ross to a potentially wide popular audience, without overly sacrificing scientific accuracy, was considerable.

As the reviewers admitted, such a work was necessary at the time because Ross's image and reputation had to be set straight. Grant Foreman wrote: "I hope it may be published in order that the truth about this great Cherokee chief may be better known and some of the calumnies on his character current in this state may be quieted" (Foreman to Brandt, February 27, 1933). One reason for the supposed lack of "scientific treatment," according to Morris Wardell, was that Oskison's take on Ross was biased, which gave Brandt an argument not to publish it: "any book we might publish should definitely be the definitive book on John Ross and not subject to another charge of bias" (Brandt to Oskison, April 13, 1933). Oskison was not surprised at the accusation and admitted the difficulty of writing an unbiased biography of such a larger-than-life character: "I think anybody who undertakes to do John Ross, from whatever angle, will find himself charged with bias – you've either got to like or despise him, and I defy anyone to sit in balanced judgment, God-like, after getting himself soaked in the material" (Oskison to Brandt, May 20, 1933). Oskison

may well be right here, for at least two reasons. First, one essential scientific source of information for a John Ross biographer is bound to be John Ross's own papers, which are very substantial, and biased by nature. Secondly, in spite of controversies, Ross quite simply exists in history as a people's hero who adamantly defended their rights against an unfair colonizing force.

Any controversy surrounding Ross in the 1930s may have been contained only within the limits of Cherokee academic circles. Joseph Brandt admitted to Oskison that he "did not realize that John Ross was such a controversial subject until my readers reported on the book" (Brandt to Oskison, April 13, 1933). It is well known that factionalism developed among the Cherokees under Chief John Ross's governance, and that he was sometimes blamed for it. These accusations, however, were quite unfair. Between 1828 and 1866, the Cherokee Nation faced forced removal and was caught between the North and the South during the Civil War, these being only two of the major historical turbulences affecting them. Any social and political body would have had to face divisions and disagreements in such circumstances. And, at the same time Oskison's manuscript was being reviewed, in the 1930s, some of these wounds may not have yet completely healed in the Cherokee society, just as the wounds left by the Civil War were not completely healed in the whole of the South. Ross's ambiguous position in the war – oscillating between siding with the Confederacy, neutrality, and siding with the Union – may have still been lingering in the minds of some Cherokees, and of Oklahoma scholars.⁶

If it is true that Oskison is rather sympathetic to his subject, just as he was sympathetic to Sam Houston and Tecumseh in his biographies of them, it is not surprising that Wardell accused Oskison of being biased. The two authors apparently had fundamentally different opinions about John Ross. On October 29, 1935, in an otherwise positive reader's report written on a manuscript submitted to Oklahoma University Press by Wardell, entitled *A Political History of the Cherokee Nation*, John Oskison wrote:

⁶ For more on the Cherokee Nation during the Civil War, see Clarissa W. Confer, *The Cherokee Nation in the Civil War*, Norman, University of Oklahoma Press, 2007.

John Ross is here presented, in the first part of the ms., I believe unjustifiably, as an able schemer and not as a patriotic, consistent champion of the Cherokees, speaking for 2/3 of the tribe against the 1/3 (backed by the U.S. that had forced the Schermerhorn Treaty) who strove to organize and control the Nation in the West. I should like to see, as a part of the appendix material, John Ross' statement of the case of the Eastern Cherokees against the Treaty Party. I feel that too much place is given his opponents (Oskison's review, October 29, 1935).⁷

Oskison was not the only one to sense an anti-Ross bias in Wardell's book. In a review published in 1938, the same year Wardell's *Political History* came out, renowned historian Annie Heloise Abel-Henderson wrote: "That, at the outset, [the author] seems a bit out of sympathy with John Ross is regrettable. To be distrustful of that supremely great chief argues an unfamiliarity with the significant events of the twenties and early thirties. Faith in his continuing integrity is of the very essence of Cherokee nationalism" (Abel-Henderson 417). Around the 100th anniversary of the Trail of Tears (1838-1839), the scientific community was obviously divided over the work and personality of John Ross.

In this paper, I have tried to show what could be the hidden agenda of reviewers who did not deem Oskison's biography of John Ross worthy of publication, and I have hinted at the fact that, in and of itself, *Unconquerable* deserves the attention of anyone interested in John Ross. However, the main reason I decided to exhume this text from the archives is the same reason I edited and published John Milton Oskison's writings in the *Tales of the Old Indian Territory* in 2012. It sheds light on the critical work of an author who deserves more attention from both the general public and scholars of Native American studies because of the role he played in recovering

⁷ The Schermerhorn Treaty is better known as the Treaty of New Echota, signed in 1835 by some seventy Cherokees without the authorization of the Cherokee government. This treaty gave the Cherokees two years to move to Indian Territory.

Cherokee rhetorical sovereignty at a time when Cherokee political sovereignty was but a distant memory.

In an oblique way, *Unconquerable* reveals something about its author. In an epigraph printed at the beginning of his biography of Tecumseh, Oskison wrote: “This book is dedicated to all Dreamers and Strivers for the integrity of the Indian race, some of whose blood flows in my veins.” This dedication could just as well have been printed at the beginning of the biography of John Ross. Oskison’s writing, at a time when Native American sovereignty suffered greatly under the assaults of federal assimilation policies, had a political dimension that is worth emphasizing. It can be argued that *Unconquerable* is a Cherokee nationalist text. According to Kirby Brown, Oskison wrote at a time “most commonly seen in decidedly non-national terms, as either overly accommodationist or outright assimilationist” (Brown 79). In an article published in *American Indian Quarterly* in 2013, I have questioned Oskison’s reputation as an assimilationist (Larré 2013). His choice to write a biography of John Ross, the embodiment of Cherokee sovereignty and resistance, in the heart of a long period (1907-1970s) when the Cherokee tribal government was appointed by the federal government, is an act of resistance.

What John Ross embodied was appealing to Oskison. One-eighth Cherokee, like Ross, Oskison had seen his Cherokee citizenship questioned, in 1901, by the representatives of the Cherokee Nation in front of the Dawes Commission. The latter was in charge of drafting a Cherokee roll before allotting the land in severalty. Although the commissioners had no doubt about the fact that Oskison was a “Cherokee by blood,” the Cherokee representatives “protested against the listing for enrollment of the said John Oskison as Cherokee citizen by blood, because of the fact of non-residence.” Oskison had not been physically present in the Cherokee Nation for a few years, between 1894 and 1898, while studying at Stanford and Harvard. Oskison, further insisting on his attachment to Cherokee land as proof of his Cherokee identity, stated that “All interests I have are in the Indian Territory, Cherokee Nation, and that I have never regarded any other place as my permanent residence” (*Applications*). This episode illustrates that for John Milton

Oskison, as well as for John Ross, being Cherokee remained a cultural and political choice, more than a biological determination. Or, in Scott Lyons's terms, Oskison wields sovereignty as "an adamant refusal to disassociate culture, identity, and power from the land." Ross's struggle to preserve the Cherokee Nation's geographical and political integrity must have rung true to John Milton Oskison.

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