

THE DIALOGICAL UNDERSTANDING OF FRAMING: THE CHEROKEE NATION'S
STRUGGLE TO RETAIN INDIAN TERRITORY

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TABLE OF CONTENTS

Introduction	1
A brief history	2
Social movement framing	6
Dialogical approach	7
Methods	10
Analysis	12
Description of frames used by the Cherokees	12
Description of counterframes used by the Cherokee's Opposition	15
Application of the dialogic approach	17
Conclusion	24
References	27

INTRODUCTION

Before Oklahoma became a state in 1907, the land contained within the region belonged to several American Indian Nations in what was called the Indian Territory. The Cherokee Nation was one of these nations that signed treaties with the federal government promising Indian control over the land that was to become Oklahoma in exchange for their removal from their homelands in the east. Over time, as the white population on the western frontier increased, the treaty-guaranteed right to Indian sovereignty over Indian Territory became threatened. Politicians, industry, and white citizens became active in pursuing statehood for these Indian lands. Countering this statehood movement was the active resistance of the tribal groups residing within Indian Territory. Particularly important in this resistance were the frequently coordinated efforts of the Cherokees, Choctaws, Creeks, Seminoles, and Chickasaws. Together, as well as separately within their individual tribal groups and sub-tribal factions, they choreographed a movement to maintain their rights over their lands along with their unique political status within the United States as sovereign tribal nations.

The focus of my paper is on the resistance of a particular tribal nation, the Cherokee Nation. I chose the Cherokee Nation because it had developed a writing system, had a relatively high level of literacy among its members, and thus was able to support newspapers for the purpose of the dissemination of tribal news. In particular, I have focused on the frames and counterframes used by the Cherokee Nation and the United States federal government and lobbyists, respectively, in the conflict over the fate of the Indian Territory. Applying Marc Steinberg's dialogic approach (1999) to the Cherokee Nation's defense of their treaty-assured land and political status provides insight into the nature of frame construction and use in the

context of power differentials between groups. Steinberg's dialogic approach is helpful in illustrating both the constraints and opportunities that the Cherokees confronted in their framing strategies. As the two opposing sides fought over the future of the Indian Territory, there was a struggle on the part of both the Cherokees and the federal government (along with railroad lobbyists) to obtain authority in defining the meanings and "truths" of both the treaty relationship between the Cherokee Nation and the United States federal government and the respective rights to the land within the Indian Territory of both the Cherokees and the United States and its corporate allies. The Cherokee Nation and its political opponents struggled with one another through the use of their frames to shape the hegemonic discourse and thus understandings of who should control the land.

I begin this paper with a brief historical background to the situation of the Cherokee Nation, from westward removal to the conflict they engaged in over the Indian Territory and the proposed Territorial government and statehood for Oklahoma. Next, I provide a review of the social movement framing literature, followed by an overview of Steinberg's dialogic approach. Following a brief overview of my methods of data collection and analysis, I include a description and analysis of the major frames used by the Cherokee Nation and their key opponents, the federal government and railroad lobbyists. Lastly, in the conclusion, I summarize and discuss the important findings of the study.

A BRIEF HISTORY

Up until the early nineteenth century the Cherokee Indians lived primarily within the southern region of the Appalachian Mountains (O'Donnell III 1994: 102-103). Exposure to

Europeans and their culture, primarily through trading, alliances, and treaties, allowed the Cherokee to adopt many institutions and cultural aspects of the Europeans (Debo 1940: 3). The Cherokees started schools and Christian churches, they developed a written language, and some of them owned slaves. Despite the enthusiasm of the Cherokees to adopt the ways of the Europeans, relations between the two groups were rife with tension over the ownership and control of land (O'Donnell III 1994: 103).

During the 1830s the federal government was able to secure the agreement of the Cherokees to cede their land and move west (Debo 1940: 5). The agreement made between the Cherokees was supposedly voluntary, but actually involved coercion and intimidation on the part of the federal government (Debo 1940:5; Canby 1998: 17). Included in the treaty agreements of land cession and western emigration was the federal government's promise that the new land of the Cherokees' would remain indefinitely in their possession, never to be placed under territorial and government control without Cherokee consent (Applen 1971). This particular part of the treaty becomes important in the later movement of the Cherokees to secure Oklahoma as an Indian state.

Once situated in the land, the Cherokee, along with the other four emigrated tribes, developed advanced communities with schools, churches, government structures, and newspapers (Debo 1940: 5). The culture and institutions of these five tribes became so progressive and Euro-American-like that they were considered by whites to be the "Five Civilized Tribes", and they were contrasted with the plains tribes who were considered more "primitive" and "uncivilized".

Initially, these five Tribes owned almost all of what is today Oklahoma. However, that

soon was reduced to half. During the Civil War the Five Civilized Tribes made alliances with the Confederacy (Debo 1940: 6). After the war the federal government punished the tribes for this alliance by removing the western half of their lands. An additional treaty, called the Peace Treaty, was signed with the Cherokee Nation and the other Nations of the Five Civilized Tribes in 1866. This treaty allowed for the creation of an inter-tribal council that would govern the Indian Territory. This treaty also resulted in the loss of lands and allowed the railroads to move into the Indian Territory to a certain extent (Maxwell 1950). The eastern area, under Indian control, became the Indian Territory, while the western area became Oklahoma Territory. Of the 19,525,966 acres contained within the Indian Territory, the Cherokee Nation received 4,420,068 (Debo 1940: 6).

Until the Indian and Oklahoma Territories were united and obtained statehood in 1907, there were continuous struggles to control the fate of this land. Many factions were at work, with different interests and goals. Groups of White settlers, the federal government, industry and railroads, and various Indian Nations and sub-tribal groups worked to secure the ends that best suited their interests. White settlers wanted either single or double statehood. In other words, some groups wanted Oklahoma as one state, while others wanted two separate states: one for Indian Territory and one for Oklahoma Territory. Whites preferred statehood because of the benefits it offered, such as aid in creating viable towns, economic venture, schools and a system of government that could protect their landholdings and protect them from crime in the largely unregulated area of the Indian and Oklahoma Territories (Maxwell 1950). In contrast, the Indian population was largely supportive of leaving Indian Territory under its own control. Statehood

would only reduce the Five Civilized Tribes' sovereignty and endanger their unique political status in the eyes of the federal government.

The advancement toward statehood was a long and complicated process. I will highlight a few important points of this process. At various junctures, the Cherokees, along with other Indian Nations, asserted their voice in demanding the maintenance of the treaties that promised that the future and governance of Indian Territory would be under the sovereign control of the Five Civilized Tribes. An increasing white population, the federal government, and growing industries, particularly the railroads, proved to be powerful opponents to the demands of the Five Tribes. In 1889 the initial land run in Oklahoma Territory brought white settlers into the area for the first time in large numbers and increased pressure for statehood (Gibson 1965: 317). During the late 1890s and early 1900s statehood conventions were held by non-Indian settlers in Indian Territory and Oklahoma Territory with the purpose of increasing the statehood sentiment (Maxwell 1950, Gibson 1965: 317). The main goal of these white settlers was to open up the land belonging to the various Indian Nations of the Indian Territory and realize manifest destiny in its entirety.

The five tribes made numerous attempts to keep their lands and maintain their autonomy apart from federal and state governance. Because of the past treaties with the federal government, the five tribes believed they had a guaranteed right to the Indian Territory. The arguments they made reflected this assertion (Maxwell 1950; Applen 1971). The fact that these tribes had adopted many aspects of Euro-American culture and institutions helped them to function within the political system of the federal government. The Cherokees, for example, had a written language and had newspapers that they used to disseminate their arguments among the

tribal members. The literacy rate and understanding of the American political process enabled them to write letters of protest and actively pursue their desired ends through legitimate means using the American political system. In addition to the Okmulgee Constitution and the Sequoyah statehood movement, a major tactic used by the Cherokees was sending memorials to Congress.

Ultimately, the Cherokees and the other Indian Nations residing within the Indian Territory lost their promise of an Indian state as Oklahoma became the forty-sixth state on November 16, 1907 (Gibson 1965: 337-338). The two territories were united under the governance of one state and Indian control was ceded to the United States without consent from the Five Civilized Tribes. The federal government thus departed from its contractual obligation of maintaining the control of the Five Civilized Tribes over the Indian Territory.

SOCIAL MOVEMENT FRAMING

Social movement framing is an active process in which collective actors engage in the construction of meanings and beliefs. These meanings and beliefs, in the form of a collective action frame, are the outcome of the creation of reality so as to “inspire and legitimate the activities and campaigns of a social movement organization.”(Benford and Snow 2000: 614). Steinberg (1999) argues that the social movement framing theory contains many problems that need to be addressed. The framing perspective ignores the multivocal nature of discourse. The transmission of meanings involves a complicated process mediated by social processes. Signifiers can be interpreted in different ways by different people. The role that discourse plays in limiting agency in frame creation is also ignored by the framing perspective according to

Steinberg. Power relations in society present constraints to disempowered groups' work in reality creation as they build their collective frames.

Competition with outside opposing groups also affects a movement in its framing activities. Counterframes are challenges put forth by an opposing person or group "to rebut, undermine, or neutralize a person's or group's myths, versions of reality, or interpretive framework." (Benford 1987: 75 quoted from Benford and Snow 2000). Movements and countermovements engage in framing contests as they compete with each other in defining the reality of the situation and persuading relevant audiences of their interpretation of reality (Zald 1996: 617). Not only must the movement's activists offer frames that resonate with public and elite sentiment, they must also present frames that invalidate the countermovement's frames. The counterframes, or counter action frames, put forth by elites in opposition to a movement's framing work reflect and contribute to the social hierarchy of the present society (Haydu 1999). Thus, the framing and counterframing occurring between opposing movements can serve purposes beyond the direct success of the movement in that it can further define and solidify social identities and statuses.

Dialogic Approach

As a remedy to his critique of the framing perspective, Steinberg presents a theoretical model of framing processes that incorporates both structure and agency. In his critique of framing perspectives on discourse used by social movements, Steinberg offers an alternative perspective that views discourse as multivocal in that meaning production is a process of struggle (1999). Throughout the struggle to create meaning, actors are constrained within structures of

dominant discourse while making use of this dominant discourse to obtain their desired social changes.

Steinberg goes on to elucidate the nature of the contest over meaning production and the role of conflict in the creation and maintenance of the structures of dominant discourse. Drawing on Gramsci, Bourdieu, and Bakhtin, he argues that the culture of social movements cannot be seen as an independent alternative to dominant discourse. Instead, social movements must appropriate meanings from the dominant discourse. Gramsci's theory of hegemony becomes important here. Hegemony involves a negotiation between the powerful and less powerful groups in society. Through "a process of resistance and affirmation" (Conboy 2002: 11) subordinate groups assert their voice in the culture, but within the greater dominant systems of society, particularly the economic and political systems (Conboy 10-11).

Steinberg also draws on Bourdieu's work in his discussion of discursive fields.

Discursive fields do not simply determine meanings and values; rather, they form the limits within which the cultural action occurs, and the tools for that cultural action. A discursive field forms the basis of all sorts of creative cultural work... But discursive fields are limits, as well as tools, because they are among the presuppositions which grant success or failure to mundane meaning-making. (Spillman 1995: 140-141 quoted from Steinberg 1999).

Discursive fields thus are both enabling and constraining. Steinberg adds to Bourdieu's use of discursive fields by arguing that the boundaries of discursive fields are not as stable and obvious as envisioned by Bourdieu. "[W]ho is deemed competent to use [discursive genres], and when they are recognized as strategically appropriate is generally subject to some doubt and contention" (Steinberg 1999: 749). The boundaries of discursive fields are "fuzzy" in that they can be contested and susceptible to change through collective action.

Bakhtin's theory of dialogue provides the basis on which Steinberg develops his dialogic

approach to understanding framing in collective action. Bakhtin's concept of dialogue "implies that all language transactions are open-ended but within authoritarian systems there are attempts to close this down to an overriding perspective, a truth." (Conboy 19). The language and meanings that people use are structured within the broader context of all of societal communication. Meaning production involves agency in that individuals consciously articulate ideas, but also constraint because individuals only have the broader societal discourses from which to draw. Furthermore, Bakhtin asserts that discourse is multivocal, meaning that language can have many context-specific meanings. "Meaning production is therefore a type of joint labor, a social production among and between actors that involves agreement, dissention, and ambiguity" (Steinberg 1999: 745). The struggle to assert particular meanings of discourse is interwoven within the power hierarchies of society. The powerful group can exert its power through attempts to attach meanings to the present hierarchy in ways that create illusions of common sense. Power differentials come to be seen as natural in this way.

However, subordinate groups possess the capability to resist the common sense vision of hierarchies through the opportunities afforded by the multivocal nature of discourse. Actors can appropriate genres from the hegemonic discourse and apply their own meanings through the "gaps and contradictions" within the hegemonic discourse. Thus, framing is a result of a continuing conflict over meanings that develop within both the constraints and agency set forth by hegemonic discourse.

The attempts by the Cherokee Nation to resist Oklahoma statehood and the ensuing loss of land and sovereignty entailed their active use of the U.S. political system. They were able to do this primarily because of their levels of literacy, the advent of a written form of the Cherokee

language, and their familiarity with the Euro-American institutions and political processes. The ultimate failure of their resistance movement certainly had more to do with the relationship between the American Indians and the federal government and their status within American society than their framing strategies. However, the frames on the part of the Cherokee Nation and the counterframes on the part of the United States federal government, offer evidence as to how the Cherokees faced both constraints and opportunities from within the hegemonic discourse as they sought to maintain their land and sovereignty. Through my analysis of these frames and counterframes directed at the creation of a territorial or state government in the Indian Territory, I intend to show how Steinberg's dialogic approach explains the frames both present and absent in the collective attempts by the Cherokee Nation to maintain their treaty rights to the land and sovereignty of the Indian Territory.

METHODS

In order to locate the arguments that the Cherokees used in their movement to resist statehood, I examined articles from the *Cherokee Advocate* for the year 1876 that address the concerns of the Cherokees surrounding the maintenance of their lands and the creation of an Indian state. The *Cherokee Advocate* was the second newspaper to come into existence in the Indian Territory. The newspaper began weekly publication in 1844, was suspended from 1853-1870, and was closed down by the federal government in 1906 (Dale and Wardell 1948: 496-497). The paper was later started up again and today it is combined with another Cherokee newspaper, the *Cherokee Phoenix*, under the title *Cherokee Phoenix and Indian Advocate*. The *Cherokee Advocate* was published in both English and Cherokee. The newspaper reported news

relevant to the Cherokee Nation, including actions, policies, and events within the Cherokee Nation, Indian Territory, and the United States (Sequoyah Research Center, American Native Press Archives 2005). Included in this news was recurring discussion and news related to federal proposals and policies pertaining to the regulation of Indian tribes and the resistance strategies used by the Cherokee Nation and surrounding tribes within the Indian Territory in order to resist the encroaching attempts by the United State to absorb Indian lands and political autonomy.

The *Cherokee Advocate* was and is today operated by the Cherokee government. It was a primary outlet for the dissemination of information among its tribal members. For this reason, the arguments and facts presented in the newspaper were influenced by the opinions and standpoints of the Cherokee government. Therefore, it can be assumed that this newspaper does not reflect the opinions of the entire Cherokee Nation. However, because the statehood resistance movement directed at the federal government was primarily organized at the level of the Cherokee government, the *Cherokee Advocate* does contain the major arguments important in the fight for maintaining the Indian Territory.

Additionally, I searched the *New York Times*, *The Chicago Daily Tribune*, and the *Congressional Record* for the year 1876 to find any additional anti-territorial/statehood arguments and any pro-territorial/statehood arguments. The vast majority of these pro-arguments came from either United States politicians or lobbyists for the railroad. In order to find relevant articles in these newspapers, I performed a search through the respective newspapers' indexes under the terms "Cherokee", "Oklahoma", and "Indian Territory". Throughout my data search I found significantly more anti-territorial/state government arguments than pro-territorial/state government arguments. The relatively small number of pro-

territorial/state government arguments attests to either the lack of response of the federal government to the collective action on the part of the Cherokees to maintain their land and sovereignty, or the historical record does not contain them.

The year 1876 was chosen for several reasons. The 1870s in general was a period of significant protest on the part of the Cherokees in resistance to the many attempts by the federal government and railroad companies to place a territorial and ultimately a state government over the Indian Territory (Maxwell 1950). By the 1880s, the movement on both sides died down until the land was open to white settlers in 1889 (Maxwell 1950). I chose 1876 for reasons purely of convenience. I collected articles from the *Cherokee Advocate* for the years 1870-1876 and found that articles from the years 1870 through 1876 contained similar types of arguments with little variation between the different years. The year 1876 contained the largest amount of data and thus that year provided more arguments to analyze. Secondly, I chose 1876 in particular because it was the national centennial year. One might expect the Cherokees to utilize ideals of democracy and ‘consent of the governed’ to make their case during this Centennial year, but in only one instance in the data was this the case.

I included all arguments that I found in the four periodicals that directly addressed Oklahoma statehood, a territorial government over the Indian Territory, or loss of control of lands to the railroad companies. These last arguments, pertaining to the railroad’s acquisition of Cherokee land, were included because they are directly related to the conflict over a territorial and/or state government. The railroad companies fought for these forms of government so that they could have easier access to the lands of the Indian Territory for their railroads. In order to analyze the data, I organized the pro- and anti-territorial/state government arguments into major

themes according to the main topic of the reasons both for and against the Cherokees maintaining their treaty-guaranteed rights to the Indian Territory.

ANALYSIS

Description of frames used by the Cherokees

The frames used by the Cherokees in their attempts to prevent a territorial, and ultimately a state, government incorporated several major themes. The five themes that I found in the *Cherokee Advocate* include legal arguments, economic arguments, national interest arguments, racial arguments, and arguments that draw on human suffering. These five themes point to the major argument strategies that the Cherokee Nation used as they fought to keep their land, their sovereignty, and their tribal structure.

The legal arguments were by far the most commonly used by the Cherokees. These arguments drew upon the sanctity and validity of the treaties they signed in both 1830 and 1866. The Cherokees were very knowledgeable of the promises to the Five Civilized Tribes stated within the treaties. Continually, the Cherokee Nation pointed to those two treaties in their opposition to the numerous proposed federal bills that sought to place the Indian Territory under a territorial or state government. Often such arguments directly stated “The proposition itself is a direct violation of our Treaties with the Government...” (Cherokee Advocate 3/11/1876). Additionally, the Cherokees questioned the legal authority of the United States Government to override those treaties. The treaties, as the Cherokees saw them, were a contract that could not be broken, even by the power of the federal government of the United States.

The economic arguments made by the Cherokee Nation centered on concepts of private property and “proper” economic development. Their arguments pointed to the fact that the land owned by the tribal nation was private property, had been properly paid for, and consequently was not available for seizure by the federal government. Furthermore, they argued that, in order to become economically stable and independent, the Cherokee Nation needed to keep the land of the Indian Territory, along with their sovereign rule over it. These arguments placed emphasis on the Euro-American model of private farming ventures and saw this model as something they needed to aspire to. They asserted that the best way to ensure that the Cherokee Nation can measure up to the American standard of proper and civilized economic development was to maintain the land they have.

The national interest argument was also a common argument used by the Cherokees. These arguments sought to draw attention to the potential threat that foreign railroad bondholders who supported a Territorial Government so that they could secure land for their railroads could pose for American and its citizens. “[B]e very careful how you let “foreigners” put the halters around your necks...” (Cherokee Advocate 6/24/1876). The Cherokee argued that letting these foreign bondholders into the land would not only pose a threat to the United States, but would allow land to be owned by foreigners at the loss of citizens. In addition to arguments that focused on the foreign bondholders, the Cherokees also made arguments that pointed to the shame the United States government would place on themselves if they went against a treaty. The Cherokees questioned how a government could call itself a democracy and justify its legitimacy if it did not keep its contractual agreements with residents of their country.

Human suffering arguments pointed to either the suffering the Cherokees have faced thus

far in their struggle to maintain themselves within the United States, or the suffering they foresaw would come with a Territorial Government and the subsequent opening of their lands to railroads and white settlers. “The establishment of a territorial form of government will be a detriment instead of a benefit to the Indians...white settlers will seek the territory...and the Indians will be driven to the wall and in all probability exterminated” (Cherokee Advocate 4/8/1876).

Racial equality arguments used by the Cherokees came from an understanding that the white Euro-American model was the standard to which all other groups need to measure up to. The Cherokees argued that they should retain their land and sovereignty because they had accomplished a civilized society with churches, schools, and a democratic tribal government. They asserted their view that they are as good as or equal to white citizens. “...to show in that regard they are like the white race” (Cherokee Advocate 6/24/1876). Furthermore, they make arguments such as, “the honor of the Government is as sacred in relation to the Indians, as it is in regard to any other people.” and “the same God that created [Indians] also made the white man...” (Cherokee Advocate 6/24/1876). These arguments suggest that the Cherokees were working to present themselves, as a people, as equal to white society, but within a broader understanding that comprehended whites as the standard model of civilized humans.

Description of counterframes used by the Cherokees’ opposition

Although the responses that I found from the groups opposing the demands of the Cherokees, mostly the railroad corporations and the federal government, were much lower in numbers than the Cherokee arguments I found, there were several themes that emerged among these pro-territorial/state government arguments. The three major themes focused on the

meanings of the treaties between the United States and the Cherokee Nation, the needs of the Cherokees, and the needs of Euro-Americans.

The federal government and the railroad corporations had a different interpretation of the treaties than did the Cherokee Nation. In their interpretation, the treaties could be understood to be flexible in what they authorized. A bill proposed to the House that asked for a territorial form of government for the Indian Territory contained the argument, “the treaties authorize the establishment of such a government, and it need not be discussed whether, if they could not, the United States could be divested of the political power over any portion of the country within their limits.” (*Congressional Reports* 3/24/1876). Thus, the bill is stating that the United States cannot be “divested” of any land and this overrides what any treaty may state. The power of the treaty with the Cherokee Nation does not have the power to place land out of the ownership and political jurisdiction of the United States. Hon. G.G. Hubbard, a member of the Committee on Territories, argued that “it is [the United States federal government’s] right as the sovereign to pass this bill. It is your duty.” (*Cherokee Advocate* 4/29/1876). Unlike the Cherokees understanding of the treaties as sacred and eternally binding as written, the federal government construed the treaties to contain underlying meanings that allowed for the United States to take action as it deemed necessary, regardless of the promises made to the Cherokee Nation.

Pro-territorial/state government frames that addressed the needs and interests of the Indians residing within the Indian Territory largely viewed the Indians as incompetent, unable to know what was best for themselves and their future. Hon. Hubbard argued, “[T]he best interests of the Indian require the establishment of a territorial form of government...The wrong in making the treaty, and agreeing that the Indians might decide upon matters which he did not comprehend,

the value of which he could not appreciate.”(*Cherokee Advocate* 4/29/1876). United States politicians argued that the Cherokees did want to maintain the Indian Territory. They wanted to have their lands opened up “to fight the battle of life with our white race” (*Cherokee Advocate* 4/29/1876). Despite the fact that the Cherokees were saying otherwise, the federal government argued that a territorial government or statehood would be in the best interests of the Cherokees. A territorial government would protect the Cherokees from encroachment by white settlers and help maintain themselves financially, politically and as a people. (*Chicago Daily Tribune* 12/6/1876).

The third theme of frames used by the opposition to the Cherokee Nation’s claims to retain their land and sovereignty pointed to the potential benefits to whites and sometimes the Indians as well that would come with the opening of Cherokee lands through a territorial, and then a state, government. Politicians complained of the lack of regulation of crime in the Indian Territory. They argued that crime could be lowered if a Territorial government would be put in place, to the benefit of the common good (*Chicago Daily Tribune* 1/21/1876). A territorial government was seen by sympathetic politicians as a step to ensure the opening up of Indians land and the ultimate formation of the state of Oklahoma (*Congressional Record* 3/24/1876). This would be a sure way of procuring more land for white citizens and railroad companies. The railroad corporations also appealed to the federal government in order to protect their economic interests that were tied up in the land of the Indian Territory. Speaking for the railroads, Hon. Hubbard argued “The bondholders relying upon the faith of our Government ask you to keep the guaranty thus made, establish a territorial form of government...they will be greatly benefited if the lands are opened...” (*Cherokee Advocate* 4/29/1876). This is a particularly interesting claim.

In it the federal government was hearing and making claims that called on the binding nature of contracts made with the railroads, but ignored the binding nature of their treaties with the Cherokees.

Application of the dialogic approach

The dialogic approach to understanding framing in social movements is appropriate for understanding the framing themes used by the Cherokee Nation in 1876 in their attempts to secure the land and sovereignty promised to them through their treaty agreements with the United States. Steinberg maintains that structure provides the means within which agency can be asserted, but in a way that involves a struggle between groups. Conflicts between the powerful groups of society and the less powerful produce meaning and the dominant discourse, within which all meanings are interpreted. The Cherokees' use of frames certainly points to the constraints that the hegemonic discourse had on what they could and could not say. Simultaneously, these same constraints provided opportunities for the Cherokees to declare particular arguments that would resonate with mainstream Euro-American society. The five themes used by the Cherokees can be interpreted as an appropriation of the dominant discourse of the time and place within which they were acting. This is evident in the arguments they did make and the ones they did not.

The legal arguments the Cherokees used directly pointed to the two treaties they had signed. Their claim that the treaties precluded any attempts at a territorial or state government was responded to by the opposition with claims to the contrary. The U.S. government and railroad corporations claimed that the two treaties in question allowed for a territorial

government over the Cherokee Nation and the other Nations of the Five Civilized Tribes because such a government would protect them, and protection is the overarching purpose of the treaty. This discrepancy in views points to the multivocal nature of discourse, as asserted by Bakhtin and Steinberg. The treaty was interpreted variably by the opposing sides in a manner that suited their respective interests. The ability of the federal government to ultimately override the treaties and act according to its desire to open the Cherokee Nation's lands is consistent with Bakhtin's theory of dialogue. Through the dialogic process, the United States' federal government was able to use its privileged position of power relative to that of the Cherokees in order to shape the meaning of and constrict the possible interpretations of the treaties. Further evidence of the structure and agency involved in the dialogic approach is the very frame itself. While the Cherokees used the dominant hegemonic discourse of Euro-American society as a way to defend their claims, they worked strictly within this discourse. The legal system of the United States imposed upon the Cherokees after the establishment of the American nation also placed them under a discourse that narrowed the interpretation of the existence of treaties in the first place. The Cherokees did not question the legitimacy of the United States' political supremacy or the treaties themselves. As evidenced by the frames used by the Cherokees, they did not or could not make claims that went against the accepted authority of the U.S. The "commonsense" status of U.S. legal and political preeminence provided the context within which the Cherokees made their arguments and interpreted the meanings of the issue at hand.

Similarly, the economic arguments also can be explained by the dialogic approach. While the accepted capitalist economic system and the social values associated with the concept of private property as applied to land ownership, a concept historically absent from Cherokee

culture and economic systems, provided the means by which the Cherokees could frame their interpretation of their claims to the land. This accepted system also prevented the Cherokees from questioning the economic hegemony of the United States. The Cherokees incorporated the Euro-American meaning of private property into their understandings of their rights to the land. Furthermore, the acceptance of the Eurocentric model of appropriate economic and land development by the Cherokees is evident. Although certain factions of the Cherokee Nation maintained their traditional means of farming and understandings of land ownership, the government of the Nation had incorporated the Euro-American model of farming and the drive for profit off of the land. Arguments that questioned the primacy of capitalism or private, as opposed to communal, ownership of land did not come up. The Cherokees worked within the accepted discourse as they questioned the actions of the U.S government. Unlike other American Indian movements that asserted a spiritual privilege over the land and denied the legitimacy of the United States to exist in the first place, such as did actors of the Ghost Dance Movements (Abele 1994: 6-7), the Cherokees appropriated their frames from within the hegemonic discourse shaped by Euro-America. They also did not point to the interpretation held among other Indian Nations, both at that time and in later, more contemporary times, that the United States illegally stole the entire land contained within the United States. Although the Cherokees certainly framed the dispute, they did so not by questioning the legitimacy of the entire hegemonic structure, but by resisting small fragments from within the discourse in order to make their claims.

National interest frames were directed at the United States' desire to maintain and defend its resources and national sovereignty in an international community. The Cherokees drew on

the potential fear that foreigners could instill in Americans. This fear provided the means by which the Cherokees could attempt to nullify the arguments made by the foreign railroad bondholders in their attempts to convince Congress of turning Indian Territory into the state of Oklahoma. Again, like the legal and economic frames used by the Cherokees, in utilizing the nation interest frames, they did not question the existence of the United States as a nation. They worked within the discourse that interprets the United States as a legitimate entity in order to prevent a territorial or state government. Within the dominant discourse, the Cherokees drew upon meanings of national security interests in order to attempt to manipulate the interpretation of the threat that foreign bondholders could present. The Cherokees possessed agency in that they could attempt to create these meanings, but they were constrained by the dominant structure of the hegemonic discourse that legitimized the existence of the United States and its federal government in the first place.

The frames used by the Cherokee Nation that focus on the issues of human suffering provide an additional example of the role of structure and agency as asserted by Steinberg's dialogic approach in shaping the anti-territorial government arguments. While the Cherokees did attempt to resist the claims by the opposition that a territorial government would protect and be in the best interests of the Cherokees, the framing of their arguments was structured by the dominant discourse which shaped the understanding of the nature of the relationship between the American Indians and the United States. The Cherokees, although they referenced the loss and suffering they experienced during their westward removal and that they expected to experience if a territorial or state government was put in place over them, they did not attach any evident blame or moral connotations to these past and potential future events. Any accusations of

genocidal acts performed by the U.S. are absent from the Cherokees' arguments. Today, the forced removal of American Indians from their lands is routinely interpreted by American Indian activists as genocidal in nature, as opposed to the interpretation among Euro-Americans that all of the interactions between the two groups were simply military in nature and the result of warfare. The idea that the United States legitimately exists because it won a war in a fair and justifiable manner is not questioned by the Cherokees in this earlier time period. They may point to past and possible future suffering, but they do not connect the moral failings of the U.S. to this suffering. Thus, the Cherokees are actively resisting the usurpation of their lands and governing system by the federal government through their ability to draw upon commonly held values associated with the iniquity of human suffering. However, they are operating within a discourse that validates the methods by which Indian nations were contained, killed, and removed from their homelands, and, in the end, this hegemonic discourse fundamentally shapes and some might say weakens the arguments made by the early American Indian activists.

Finally, the frames that contained racial connotations, like the four previously mentioned, point to the constrained, yet resistant nature of the choices of frames utilized by the Cherokee Nation in 1876. The dominant hegemonic racial discourse of the time in the U.S. asserted the supremacy of the white race. American Indians were largely viewed as inferior and uncivilized. In order to prove themselves worthy of equal status, American Indian nations and individuals had to prove it through their adoption of Euro-American culture and worldviews and a simultaneous expulsion of their unique Indian ways of understanding the world. To do this, the Cherokees drew on the ways in which they were perceived by whites. They argued that they deserved the land because they did try to become "white". They had adopted many Euro-American

institutions and cultural norms. They also attempted to convince white Americans that they were equal to whites. Absent from their arguments was a direct attack on the racial order of the United States. Not only did the Cherokees not question the division of Europeans and indigenous peoples into two opposing races, they also failed to call into question the self-proclaimed superiority of the white race and their culture as a whole. The hegemonic racial codes interpreted whites and their ways of living and understanding as inherently superior. The Cherokees were working within that interpretation to appeal to the white power-holders within the federal government to convince Congress of the Cherokees' deservingness of the control of the Indian Territory based upon the accepted racial assumptions of the time and place. Steinberg argues that the framing process is illustrative of Bakhtin's concept of dialogue in that the less powerful groups must work within the hegemonic discourse in their attempts at resisting the powerful group's interpretations of reality (1999). The Cherokees did resist the opposition's claims that they were incompetent and uncivilized because of their racial status, but did so by accepting the racial organization of American society that placed all indigenous groups into a socially constructed, inferior racial category. The Cherokees did this while simultaneously accepting that the white race is the model that all other groups must strive to match.

In opposing the Cherokees, the federal government and railroad companies used counterframes that directly contrasted with those of the Cherokees. In addition to the aforementioned dispute over the meanings contained within the two treaty agreements between the United States and the Cherokee Nation, the pro-territorial/state government arguments attempted to close down the available interpretations of the privileges and rights of both the Cherokees' and Euro-Americans.

Within their claims regarding the wants and needs of the Cherokee people, United States politicians and railroad lobbyists sought to create and maintain a discourse through which any claims on behalf of the Cherokee Nation could be understood. Continually, pro-territorial/state government individuals claimed that the Cherokees did not want nor could they possibly be capable of maintaining the land and political privilege of the Indian Territory. Despite the fact that the Cherokee Nation declared and had been doing otherwise, these individuals used the economic and political power available to them to deny the Cherokees' claims and assert a different understanding. Steinberg (1999) argues that, through dialogue, opposing groups struggle with each other to shape the dominant discourse and limit the possible interpretations of reality. This dialogue is made evident by the opposing arguments that address the racial differences between the Cherokees and white Americans. The very nature of the Cherokees, as a people, was defined by these white elites. It was understood throughout the conflict between the Cherokee Nation and the United States over the Indian Territory that the Cherokees were part of an inferior race; whether culturally or biologically, it did not matter. The hegemonic discourse surrounding the racial order of American society at this time placed American Indians in a substandard location relative to that of white Americans. Despite the fact that the Cherokees protested, the hegemonic racial structure was available for use by the powerful white elites so that their ends could be attained. Both sides of the argument sought to enforce an understanding, through their framing strategies, of the meanings of racial differences between whites and American Indians. However, the nature of the power differential between these two opposing groups enabled the white elites of the federal government and railroad industry to impose a limited understanding of the political, economic, and racial spheres of American society, within

which the Cherokees were forced to seek opportunities for resonant arguments.

The United States federal government and the railroad industries had significant economic and political interests in the Indian Territory. Through their use of frames with racial connotations, they were able to negate or ignore the demands of the Cherokee Nation and the contractual obligation of the treaty. The evident favor the pro-territorial/state government groups placed on the interests of white Americans and corporations over that of the Cherokees suggests the extent to which the federal government and railroad corporations were able to narrow the interpretation of ownership rights to the land of the Indian Territory. Opening up the land to white citizens and industry was more important and relevant to the situation at hand than the treaty-guaranteed rights of the Cherokee Nation and the other four Civilized Tribes. Steinberg (1999) points to the importance of power and resources in the outcomes of social movements and dialogue between an empowered and a disempowered group. Evidence of the role of power and resources is offered by the case of the Cherokee Nation's attempts to prevent a territorial and state government in their treaty-secured lands. By enforcing the dominant understanding of the racial order and the relative privileges of American Indians and white Americans through the framing of their arguments, the federal government was able to eventually break the treaty contract, open up the Cherokee Nation's lands to railroads and white settlers, and create the state of Oklahoma.

CONCLUSION

The frames used by the Cherokees during 1876 in their attempts to secure the Indian Territory were shaped by both structure and agency. The Cherokees needed to operate within the

structured discourse asserted by dominant American society. However, they were able to use that structured discourse to assert their own voice and make attempts to resist the loss of the Indian Territory. While the Cherokees sought to maintain their sovereignty and landholdings through the framing strategies they used, they accepted and helped preserve the very hegemonic structure that placed their land and sovereign status at risk.

Steinberg's dialogic approach and his incorporation of the ideas of Bourdieu, Bakhtin, and Gramsci further elucidate these dynamics in the framing efforts of the Cherokees. The arguments made by the Cherokees reflected their acceptance of components of the dominant discourse. Taken for granted was the legitimacy of the United States to have power over the lives, both past and future, of not only the Cherokee Nation, but also of any indigenous group residing within the land that became the United States. Through a monopoly of power over the creation and definition of property rights and racial hierarchies the United States continued the legitimacy of their powerful status. Discourse is multivocal, and as contentious groups struggle to obtain control over the shaping and creation of meanings, the power-holders in society use their privileged position to have the upper hand in creating a dominant discourse. It is evident that the Cherokees were able to actively defend their claims, but they did so within a broader discourse that precluded any radical attacks on the accepted authority of the United States' federal government. The fact that the Cherokees lost their land and sovereignty over the Indian Territory and the United States was able to override the dictates of the treaty, demonstrates the Cherokee Nation's limited power of both interpretation and execution of their interpretation of both reality and the mandates of the treaty. The federal government and the white corporate interests clearly utilized their powerful positions in their successful attempts at shaping the

dominant discourse that ultimately legitimized the creation of the state of Oklahoma. Speaking of the nineteenth century English cotton spinners, Steinberg concludes, “Their defeats are a cogent reminder that success in collective action frequently hinges on material resources and access to the legitimate forces of repression, and that these two talk louder than word in the battle to determine who has the final say.” Like these cotton spinners, the Cherokee Nation failed to obtain their desired collective goals. The framing and counterframing used by the Cherokees and the federal government, respectively, demonstrate the importance of power in shaping dominant discourses through which meaning is derived and understood.

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