

## THOMAS DOWNING – CHEROKEE FREEDMEN with “Cherokee by blood father”

Some Cherokee nation elected officials have consistently referred to descendants of Dawes enrolled Cherokee freedmen as “non Indians” because their ancestors were listed as “freedmen” tribal members by the Dawes Commission. These “leaders” say that if the freedmen really had “Indian blood” and Indian ancestors, they (the ancestor) would have been listed on the “Cherokee by blood roll”. Some of these leaders state that if the freedmen have ancestors who are “Cherokee by blood” they should just “get a CDIB card”. Such tribal “leaders” mislead the people regarding the history and practices of the Dawes commission in respect to persons of mixed African Indian blood. We will show you an example – the attached Dawes census card and testimony of Thomas Downing.:

Thomas Downing was a citizen of the Cherokee nation more than 100 years ago and registered by the Dawes Commission as Cherokee freedmen. His Dawes roll number is 2742 and is listed on the left of his Dawes census card. We emphasize this because some “leaders” have insisted that the freedmen are not on the Dawes rolls. Mr Downings parents are listed on the second page of his Dawes Census card. The card lists his parents as William Downing, a Cherokee by blood and his mother is Letitia Downing a freedman. The census card says that William Downing is dead at the time that the census card was made. The card also states that Thomas Downing at the time the card was made was 23 years old. The Dawes Commission took the testimony of Thomas Downing on June 27 1902. Thomas Downing says that his father is dead. He states that his father William Downing is a Cherokee by blood. His testimony also says that he, Thomas Downing first went to enroll as a Cherokee but they told him he would have to enroll as a freedmen. We emphasize this because some tribal “leaders” say that mixed African Indians didn’t try to enroll as Cherokee by blood and that’s why they were listed as freedmen.

Although the Dawes Commission records have confirmed that Thomas Downing has an Indian ancestor both through the Dawes Census card and the testimony of Thomas Downing to the Dawes Commission, his father William Downing is not listed on the “Final Rolls” of the Dawes commission as a “Cherokee by blood”. Why? Because Cherokee Indian William Downing died prior to September 1 1902. Under the Cherokee agreement of 1902 (an act of Congress) , persons dying prior to that date would not be enrolled by the Dawes Commission. and would be stricken from the Dawes rolls. This was done in order to limit the number of families receiving 110 acre allotments. Due to William Downings date of death prior to September 1 1902, not only did his family not receive an allotment in his name but his descendants are now categorized by some Cherokee nation tribal leaders as “non Indians” - who should be cast out of the tribe for that reason . These “leaders” don’t state that the Downings are “non Indians” solely because William Downing died prior to an arbitrary agreed on date in 1902. Even though the Dawes Commissioners themselves have confirmed that freedmen Thomas Downing has Indian ancestry, his descendants were removed from the list of Cherokee nation tribal members in March 2007 unless the Indian parents of William Downing lived past September 1 1902 and were registered on the Dawes rolls.

Persons not of African descent are not affected by the death of their Indian ancestor so far as continued tribal membership in the Cherokee nation. If Thomas Downings wife Letia had been white rather than a mixed African Indian – (ie a freedmen citizen), her children would have been listed on the “Cherokee by blood “section of the Dawes rolls. By listing Thomas Downing as a freedmen rather than a “Cherokee by blood”, his allotment became unrestricted in 1904 – and was therefore saleable (steal able) rather than 1908 which was the earliest date that restrictions on allotments held by “Indians” who were “citizens by blood” were lifted.

Are the descendants of Thomas Downing correct to say that their ancestor was a “Cherokee by blood”? Yes!. That was the legal status of William Downing prior to his death. However, William Downing – a Cherokee by blood was not listed on the Dawes rolls (and thus has no Dawes roll number) due to his date of death. However the term “Cherokee by blood” was used prior to the Dawes enrollment. For example, the Whitmire case decision rendered in 1895 refers to “Cherokee by blood” as a class of citizens of the tribe.

We have provided you with this example to emphasize that the Dawes rolls and where a citizen was placed on the rolls was done for the purposes and benefit of the US government to facilitate the quickest transfer of land from the tribal members to the Caucasian US citizens. We have proven that mere placement on the freedmen section of the Dawes rolls in itself does not establish that Cherokee freedmen Dawes enrolled citizens did not have Indian ancestry or that their descendants in 2007 have no documents to establish who their Indian ancestors are. .



Cherokee Nation Freedmen Roll

Cherokee Nation Freedmen Roll

Page No. 1115

No.	NAME	Relationship to Person First Named	AGE	SEX	Year	TRIBAL ENROLLMENT		SLAVE OF	REMARKS
						District	No.		
1	William Shuman	X	25	M	1880	Seaside	108		Pay 92
2									
3									
4									
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19									

CITIZENSHIP CERTIFICATE ISSUED FOR NO. JUL 2 1904

*Wm. Shuman*

*Wm. Shuman*

*On 1891 roll, Page 37, Shuman 108*

ADDITIONAL INFORMATION ON REVERSE SIDE.

June 27 1904

Chas. Freed.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Wash., D. C., June 27, 1902.

In the matter of the application of THOMAS DOWNING, for the enrollment of himself as a Cherokee Freedman.

THOMAS DOWNING, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name? A Thomas Downing.  
Q How old are you? A About twenty three.  
Q What is your post office address? A Ketcher.  
Q What district in the Cherokee Nation are you living in?  
A Delaware.  
Q Do you make application for the enrollment of yourself as a Cherokee Freedman? A Yes sir.  
Q Do you apply for anyone beside yourself? A No sir.  
Q What is the name of your father? A William E. Downing.  
Q Is he living or dead? A Dead.  
Q Was he a Cherokee freedman? A No sir.  
Q A State man? A No sir, a Cherokee by blood.  
Q What is the name of your mother? A Letitia Downing.  
Q Is she living? A No sir.  
Q Was she a Cherokee Freedman? A Yes sir.  
Q Who did she belong to? A I could not tell you.  
Q Have you ever been recognized by the tribal authorities of the Cherokee Nation as a citizen? A Yes sir.  
Q Have you drawn money? A Yes sir.  
Q When? A They never did deny me. I drew every time they drew.  
Q Where were you born? A In Delaware district.  
Q Where have you been living since your birth?  
A Been living there ever since.  
Q Have you ever been out of the Indian Territory since you were born? A No sir.  
Q Never have been out? A No sir.  
Q Never been to Kansas? A No sir.  
Q Missouri? A No sir.  
Q How long has your mother been dead?  
A She's been dead about a year.  
Q Did you have any brothers or sisters? A Yes sir.  
Q What are their names; did you have one named Amanda?  
A Yes sir.  
Q Have one named Mary J? A Yes sir.

--1880 roll, page 92, # 816, Thomas Downing, Ceweescoowee District;

Examined by Mr. Hastings:

- Q Where were you born? A In Delaware.  
Q Never lived in Ceweescoowee? A Not that I recollect.  
Q Why didn't you go to Vinita to apply?  
A I don't know, sir, I just never went. I went there and they told me--I went to enroll as a Cherokee, and they said I would have to enroll as a freedman, and I never went back.  
Q Was your mother part freedman? A Yes sir.  
Q What did you say her name was? A Letitia Downing.  
Q Who was she before she married your father?  
A Letitia Battingford.  
Q You say she has been dead about a year?  
A Yes sir, a little over.

Determining an applicant's degree of Indian blood proved to be difficult and became a source of intense controversy later when congressional legislation based restrictions and eligibility for benefits on it.<sup>64</sup> None of the rolls taken before 1896 had included a "blood quantum," and only a few of them recorded whether a person was "full-blood" or "mixed blood"—the only distinction most tribes considered important at the time. It appears that if an applicant did not claim to be a full-blood, the enrollment clerks estimated the fraction which they put in the "degree of blood" column on the official card based on answers given about parents and grandparents. Some applicants claimed to be full-bloods because they were afraid that admitting one of their relatives was not an Indian would prevent them from being enrolled. In cases where an applicant's parents were members of different tribes, the commission calculated the degree of blood based strictly on the mother's tribe; this resulted in the enrollment of the child of a full-blood Seminole father and a full-blood Creek mother as one-half Creek, even though the child had "100% Indian blood." In cases of mixed freedmen and Indian parents, which was common among the Creeks and Seminoles, the applicant was always enrolled as a "freedman" and not given credit for having any Indian blood.

Book:

The Dawes Commission by Kent  
Carter - <sup>Former</sup> Director of the National  
Archives At Ft. Worth