Promise and Practice: Toward an Expanded, Integrated, Collaborative Narrative on American Indians in our National Parks

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Promise and Practice:  
Toward an Expanded, Integrated, Collaborative 
Narrative on American Indians in our National Parks 

A dissertation submitted in partial fulfillment 
of the requirements for the degree of 
Doctor of Philosophy in History 

by 

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ABSTRACT

Managed by the National Park Service, the Trail of Tears National Historic Trail, established in 1987, was developed to preserve physical segments of land and water routes, but also sites of memory such as unmarked graves and internment camps. Because the foundation of the national trail was the result of successful partnership of Cherokee grassroots efforts and multiple trail and federal advocates, the evolution of that collaboration merits consideration after thirty years to evaluate the application of standards for consultation, co-management, and heritage tourism. While the national trail preserves and marks the various routes, this study examines how three national parks consult and collaborate with three federally recognized Cherokee tribes to preserve and interpret the tangible and intangible resources associated with removal.

The National Park Service is held in high esteem as the nation’s leader in preservation and storytelling. Through the lens of the Trail of Tears National Historic Trail, this research draws on nineteen interviews with park, tribal, and trail partners to determine if the National Park Service is measuring up to the promise of heritage preservation programs and government-to-government consultation. Management of the Trail of Tears is explored at Pea Ridge National Military Park, Fort Smith National Historic Site, and Arkansas Post National Memorial to evaluate effective consultation, partnerships, and programs that inspire fuller understanding of Indian removal, and provide guiding principles and practices responsible for the program’s successes for other park units to consider adopting. An analysis of park policy and planning behind the trail provides a valuable case study on efforts to integrate and expand Native history at national parks more generally.
Focus is given to the partnership and collaborative efforts between national parks and the Cherokees, as well as federal efforts in presenting the tribes as thriving, sovereignty entities, and not simply relics of the past. The partnership of the national parks and trail advocates not only inspires communities to engage in commemoration efforts but speaks to the evolving federal-tribal relationship and the ongoing efforts of the National Park Service in actively granting a space for Native voices.
ACKNOWLEDGEMENTS

Completing a dissertation reflects a major milestone in my life not only academically but personally as I dreamed of pursuing a doctorate in history since the seventh grade. My journey began with National History Day designing individual performances on the Trail of Tears, and the dedicated work and legacy of Dr. Angie Debo. These experiences, paired with my Cherokee and Choctaw family heritage, inspired me to continue learning and exploring Native history which led me to where I am today. My academic and personal experiences have also been shaped by the National Park Service serving in the Pathways Program for the last nine years. I am grateful for the varied opportunities that helped train me for a career in public service.

This project would not have been possible without the support and participation of many academic, professional, and tribal colleagues. I want to thank the Cherokee Nation, United Keetoowah Band, and Eastern Band of Cherokee Indians for their support and access to rich tribal knowledge through Elizabeth Toombs, Sara Hill, Steven Yerka, and Erik Oosahwee-Voss. Many thanks to Dr. Joe Watkins, Reed Robinson, Aaron Mahr, Frank Norris, Kevin Eads, Troy Banzhaf, Lisa Conard-Frost, Michael Groomer, Ed Wood, Erik Ditzler, Kirby McCallie of the National Park Service for sharing their expertise and granting access to repositories, files, and museum collections. Others in the Trail of Tears Association including Jack Baker, Troy Wayne Poteete, Paul Austin, and Riley Bock were invaluable for sharing their experience. There are many others who aided in the project but were not formally interviewed including members of the Trail of Tears Association and other park staff.

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Of course, I want to acknowledge my family for their support and accountability during eleven years of college. My father, Tom Henry, and my mother, Lana Henry, always encouraged my ambitions and continually reminded me that “the steps of a righteous man are ordered by the Lord and he delights in his way” (Psalm 37:23). My father-in-law and mother-in-law, Charles and Shirley Rosenbaum, welcomed me into the family as I was just beginning the doctoral process. I owe my thirst for knowledge and sharing that knowledge with others to my maternal grandmother, Myrna Raye Marble, who taught me my first research skills in the Grolier Encyclopedia Yearbooks.

Finally, I could not have completed this process without my husband and best friend, Jordan, who supported me financially and emotionally through a five-year program without complaint. I am especially grateful he has endured my first pregnancy and watching our daughter while I tirelessly wrote each evening, neglecting dinner, house chores, and more. And now as we enter parenthood again, I am grateful for his energy when I often have little to give in return. He has committed to my constant road trips to national parks and museums. The joy of completing this PhD is as much his reward as mine.
DEDICATION

*Trust in the Lord with all thine heart and lean not unto thine own understanding. In all thy ways acknowledge him, and he shall direct thy paths.* Proverbs 3:6

In honor of my Cherokee and Choctaw ancestors. May their lives and legacies continue to be preserved and inspire broader understanding of Native identity and sovereignty today.
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Introduction

The story of the national parks...is much more than the story of the most stunning landscapes and sacred places in our country. It is the story of people: people from every conceivable background—rich and poor; famous and unknown; soldiers and scientists; natives and newcomers; idealists, artists, and entrepreneurs...[The national parks] remain a refuge for human beings seeking to replenish their spirit: geographies of memory and hope where countless American families have formed an intimate connection to their land and then passed it to their children.¹

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Each summer in the heat of June, fifteen to twenty Native youth set out on a 950-mile bike ride from New Echota, Georgia, to Tahlequah, Oklahoma. The journey requires intense physical stamina as participants bike across steep hills, climb grueling mountains, face intense heat, navigate through thick forest, and walk portions of unpassable terrain to trace the original route of the Trail of Tears. Some riders experience exhaustion and fatigue, heat stroke, and safety challenges.

The Remember the Removal cyclists from the Cherokee Nation and Eastern Band of Cherokee Indians spend months in rigorous physical training, taking history lessons, and conducting genealogical searches to prepare for the three-week journey. Selected for their leadership potential, participants between the ages of 16 and 24, paired with “mentor riders,” learn Cherokee history, language, and culture to inspire “greater understanding” of what their ancestors “experienced along the trail 180 years ago.”² “Our riders are a true cross-section of our tribal community”, said Principal Chief Michell Hicks of the Eastern Band, “and this experience

offers a means for them to connect across generations and to learn from one another and about our history.”

Since 1984, the program has commemorated the Trail of Tears that forcibly removed 16,000 Cherokee Indians from their homelands in the Southeast to Indian Territory (Oklahoma) between 1838 and 1839. Across seven states, the bike riders stop at museums, parks, archaeological sites, churches, and historic sites associated with the removal and meet with local preservation groups. The journey begins at the Kituwah Mound, the original Cherokee homeland in North Carolina where riders meet with tribal leaders and introduce themselves in the Cherokee language to the Tribal Council. After a traditional prayer and send-off ceremony, the cyclists visit New Echota, the former Cherokee capital in Georgia; Red Clay, a second capital of the Cherokee forced out of Georgia; and Rattlesnake Springs, an internment camp before the forced removal. They then ascend the Cumberland Mountains and cross the Tennessee River at Blythe’s Ferry before continuing on to Mantle Rock in Kentucky, Cape Girardeau in Missouri, Pea Ridge in Arkansas, and ending at Tahlequah, Oklahoma, the new capital of the Cherokee Nation.

More than a display of physical endurance, the bike ride is a spiritual and emotional experience that symbolizes the resilience and tenacity of the Cherokee people. Mentor rider and champion of the youth leadership program, Will Chavez, recently explained to the riders “During the first ride in 1984 people along the trail would talk to us and say, ‘I thought the Cherokees were all gone, or they would say, ‘You’re Cherokee, huh? I thought they didn’t exist anymore.’

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When you’re out there, you show them that we exist.” Riders also face bystanders who may “turn away” or “look at the ground” or “ignore” the riders because they feel “a little embarrassed or ashamed of what happened 180 years ago,” said Chavez. “But,” he concluded, “there are a lot, lot more people out there who support you all.” Public support is evident through the planned community events surrounding the riders’ schedule and in the supporters who hold signs that say, “God Bless you for Enduring our Ancestor’s Pain.” The vast social media presence following #WeRemember and #RTR2018 is evidence of the public interest and support.

The program holds different meaning for different participants who are inspired by self-determination and Native identity. Marisa Cabe, rider for the Eastern Band of Cherokee Indians, has said:

One of the reasons I wanted to do this ride was forgiveness. I have a son who has struggled with addiction and even though things that he’s done have been outside of my control—just like things that were done to Cherokees in the past were out of my control—I can’t change that history. I am not hurting anyone but myself for holding onto feelings of anger, distrust, and the sadness that goes along with it. When I came through the ride, I realized we’re not just survivors, we’re thriving. We’re stronger as a people. I’m stronger as a person. My son is clean and sober now and has been for four years. If he never asked me for forgiveness, it doesn’t mean that I should hold things against him. Just like our history. People aren’t around anymore to ask for forgiveness. I have to forgive.

Riders like Cabe experience powerful moments by acknowledging past suffering and injustice, but they also gain a sense of peace at such sites as the unmarked graves of ancestors who died along the trail, but with not enough time to bury their dead properly. “This will change you,” said Principal Chief Bill John Baker of the Cherokee Nation. Riders will experience “an


\[\text{Ibid.}\]
immediate metamorphosis” he said. “You will know so much more about your families, about your history. You will connect what the struggle of the Trail of Tears really meant to our people and our nation.”

The Remember the Removal bike ride exemplifies the intersection of public history, collective memory, Native identity, mixed-trail use, and heritage tourism. The experience is a collaboration of multiple partners and interest groups—Native and non-Native—including the Trail of Tears Association, universities, National Park Service, state parks, and local preservation groups that host the bike riders at the various stops. The bike ride affects more than the participants, as it inspires communities to engage in commemoration efforts and gives an active space for the next generation of Native youth to voice perspectives and encourage diverse dialogue.

The journey demonstrates the contemporary relevance of the Trail of Tears to the Cherokees and public through memorialization, commemoration, preservation, and education efforts. The program is a window into the values and identifies of the Cherokee and allows reflection on contemporary work to preserve and interpret controversial issues, such as the removal era and federal-Indian policy.

Pioneers on the first 1984 ride reported the main goal in “cutting [their] own way through” the rough roads was “to bring attention to the trail in hopes that the federal government would release the funds to mark it.” The second reason to ride was to “honor” their ancestors and “commemorate the removals.”

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Cherokees and other advocate groups toward the permanent recognition and memorialization of the removal as the Trail of Tears National Historic Trail, established in 1987. Managed by the National Park Service (NPS), the national trail not only contains sites of memory tied to histories of injustice and suffering, such as unmarked graves and internment camps, but also preserves tangible evidence of the land and water routes, which are marked and interpreted at a number of federally protected sites through wayside panels, museums, interpretive programs, and other exhibits. The work of the original Cherokee riders led to decades of indigenous rights narratives that contemporary Cherokee communities used as a platform to share the struggle for sovereignty and reclaim Native identity. The Trail of Tears National Historic Trail not only is a reflection of how contemporary Cherokee people negotiate the past to inform tribal rights, but it also exemplifies the successful collaboration of Native and non-Native communities. Today, the Remember the Removal bike ride comes full circle to reflect the Cherokees self-determination and tenacity in an Era of Reclamation.

The Cherokee bike ride affords a look into the development, management, and interpretation of the Trail of Tears National Historic Trail, which is the topic of this dissertation. Because the establishment of the trail represented an important collaboration with multiple partners and a Native grassroots effort to influence policy, the success of that collaboration merits consideration after thirty years to evaluate existing standards for consultation, federal-tribal relationship, partner collaboration, and co-management. Through the evaluation of the trail, this study examines how contemporary consultation efforts between the NPS and Cherokee nations have resulted in co-management and collaborative efforts to interpret the trail and educate the public. An inquiry into the management of the trail provides a valuable case study for evaluating efforts to integrate and expand Native history at national parks more generally.
While the Trail of Tears National Historic Trail preserves tangible segments of the route on the ground, the focus of this study is on how national parks, as federally protected components of the National Trail System, consult and collaborate with the Cherokee nations to manage and interpret the resources associated with the removal.

The Trail of Tears is a complex and painful chapter in America’s past, yet its legacy continues to illuminate the partnership between tribal entities and federal agencies. As the 2016 centennial of the NPS celebrated its progress in working with diverse partners, the Trail of Tears story may reflect the need for greater tribal collaboration and public contact.

This project builds on previous studies that indicate the need for a more comprehensive interpretation of the American Indian story at our national, state, and local parks. In 2011, the Organization of American Historians reported challenges to the NPS related to misconceptions of history as a “tightly bound, single, unchanging ‘accurate’ story,” rather than an ongoing process of multiple narratives and perspectives. The report recommended that the NPS should “tell the whole American story and increase representation of themes including migration, immigration, and sites important to minorities.” Parks should update their interpretive programs, recommended the report, to recognize the “contemporary context” that includes “historical ambiguities, broad contexts, multiple perspectives, and varied interpretations.” As a result of these changes, the NPS can “provide inspiring experiences that touch on many different dimensions of our national story.”

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10 Whisnant, Miller, Nash, and Thelen. Imperiled Promise, 13.
11 Ibid, 7.
Other reports have emphasized the relevance of Native history to federal policy and Indian sovereignty. A study by the NPS recognized the relation between the Trail of Tears story and human rights violations against all Indians, and called for a “theme study to cover this unique history.” Research also indicates the need for greater collaboration in developing better working relations between tribes and government entities. A 2016 NPS cultural resource study found that the agency needs to assess the gaps in programs related to underrepresented groups and resources types; to raise awareness of important sites associated with underrepresented communities; to tell diverse stories that speak to national identity; to promote understanding and sensitivity to issues of a contested past; and to identify agency candidates that fully represent the nation’s cultural experiences.

Following the findings and recommendations in existing reports, this dissertation addresses the evolution of the National Park Service’s (NPS) collaboration with three federally recognized Cherokee tribes—the Cherokee Nation, the United Keetoowah Band of Cherokee Indians, and the Eastern Band of Cherokee Indians—at three national parks in Arkansas that preserve and interpret the Trail of Tears National Historic Trail: Pea Ridge National Military Park, Fort Smith National Historic Site, and Arkansas Post National Memorial. It will identify gaps in management and interpretation of the Trail of Tears, highlight collaborative programs with the potential for expanding heritage tourism, and outline recommendations for improved collaboration with tribal and trail partners. Furthermore, if the NPS is to “resonate with the lives, legacies, and dreams, and tell the stories that make up America’s diverse national identity,” this study will identify programs that will encourage more Americans to recognize their stories in

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parks, and allow the NPS to fulfill its government-to-government responsibility to consult with Native people.\textsuperscript{14}

The background for the Trail of Tears and national park collaboration with American Indians follows two lines of historiography. The first is a political history of Indian removal and the second traces an administrative history of national park-Native relations.

A political history of Indian removal, specifically the research on the Cherokee Trail of Tears, is important to understand the progress of efforts by national parks to interpret and preserve the removal story. Among the first generation of scholars to address Indian removal were Annie Heloise Abel, Grant Foreman, and Angie Debo, who described the removal policy and the events associated with the removal. These early works created a strong foundation for Trail of Tears studies by assembling primary documents that detailed the removal experiences. While Grant’s \textit{The Five Civilized Tribes} (1934) and Debo’s \textit{And Still the Waters Run} (1940) focused on the Five Civilized Tribes, Abel’s work, \textit{Events Leading to the Consolidation of American Indian Tribes West of the Mississippi River} (1906), dealt with the wider implications of the federal-Indian policy for other tribes across America.\textsuperscript{15}

In the later twentieth century, historians addressed the complex reasons for Indian removal. George A. Schultz focused on the religious justification for removal in \textit{Indian Canaan} (1972) by tracing the story of Isaac McCoy, a Baptist missionary who actively proposed an Indian State where Native people could be consolidated but maintain their tribal cultures.\textsuperscript{16}


\textsuperscript{15} Grant Foreman, \textit{The Five Civilized Tribes}, (Norman: Oklahoma University Press, 1974); Angie Debo, \textit{And Still the Waters Run}, (Norman: Oklahoma University Press, 1940); Annie Heloise Abel, \textit{Events Leading to the Consolidation of American Indian Tribes West of the Mississippi River}, (Washington, 1906).

Moral objections to removal were evident in the documentation of the American Board of Commissioners for Foreign Missions, published in a collection entitled *Cherokee Removal: The William Penn Essays and Other Writings* (1981). The editor of the collection, Francis Paul Prucha, drew on a collection of letters by Jeremiah Evarts, Secretary of the American Board of Commissioners for Foreign Missions, to argue that while seemingly prominent white figures were articulating the inherent right of Native people to possess their lands in opposition to forced removal, their appeals revealed an economic agenda to protect the financial investment of the American Board in the Southeast.\(^\text{17}\) Other historians like Richard White, in *The Roots of Dependency* (1983), placed Choctaw removal in the context of America’s changing economy and society in the post-Revolutionary era.\(^\text{18}\)

Scholars have also taken an interest in the demographics and effects of removal on traditional Indian lifeways. Russell Thornton’s *The Cherokees: A Population History* (1990) traced the extent to which loss of life among migrants affected the Cherokee’s ability to maintain such community structures as clan and kin relationships in Indian Territory. Thornton argued that death caused by removal and post-removal trauma disrupted community structures and traditional ways of life.\(^\text{19}\) While Thornton discussed the impact of epidemic disease and depopulation, in *After the Trail of Tears: The Cherokees' Struggle for Sovereignty 1839-1880* (1993), William McLoughlin addressed the dynamic ability of the Cherokee to adapt to new environments despite tragic loss. Although the traditional historical interpretation of the Trail of Tears portrayed Indians as victims of federal policy, renewed attention to earlier scholarship,


such as Grant Foreman's *Indian Removal: The Emigration of the Five Civilized Tribes of Indians* (1953), showed that Indians were making decisions to move west of the Mississippi long before the Indian Removal Act.  

Scholarship in the twenty-first century began to reframe the traditional narrative of removal based on federal policy to consider the broader weight of state and party decisions. In a nuanced approach, Tim Alan Garrison, in *The Legal Ideology of Removal: The Southern Judiciary and the Sovereignty of Native American Nations* (2002), showed how pro-removal partisans exploited existing regional sympathies in the Southeast to influence the court decisions that led to the mass expulsion of American Indians from their homelands in the 1830s. Garrison pointed out that the narrative of the “trail of tears” as molded around President Jackson and Supreme Court Justice John Marshall minimized Indian sovereignty and the significance of state legal cases. Through John Marshall, the federal government’s official stance toward Indians was self-determination, as determined in *Cherokee vs State of Georgia* (1832), but according to Garrison, southern politicians were determined to take Indian lands and sought legal refuge by influencing state supreme court decisions. Garrison’s approach recasts the removal story through the lens of states’ rights, rather than as a national moral issue, and explains the Trail of Tears and other removals as supported not only by Andrew Jackson but also land-hungry southern populations. By tracing the legal corpus of removal legislation at the state level, Garrison shows how both greed and deeply imbedded racial views influenced southern law and policy towards Indians.  

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Scholars also began to address the broader removal narrative with attention on the Five Tribes and other Native communities impacted by federal-Indian policy. Lance Greene argued in *American Indians and the Market Economy, 1775-1850* (2010) that, in the larger scheme of American history, many removed tribes adapted to new kinds of economic systems and faced pressures of a market economy in which land was becoming a commodity to be bought and sold. Greene emphasized the tragic loss of homeland but also the forward-thinking and resilience of tribes considering their position in the market. Similarly, the Chickasaw removal was portrayed as one of tragedy but also triumph in Amada Paige, Fuller Bumpers, and Daniel F. Littlefield’s *Chickasaw Removal* (2010). Through detailed records and impressive archival sources, the authors emphasized the distinctives of Chickasaw removal through adaptation therefore challenging comparisons to more well-known tribes like the Cherokee and Choctaw.

Some new studies draw on cross-disciplinary approaches to examine the legacy of the Trail of Tears. Daniel Blake Smith uses studies of race and politics to explore the racial agenda behind removal. In *An American Betrayal: Cherokee Patriots and the Trail of Tears* (2011), Smith explores the volatile climate among white settlers and Cherokee, including such issues as miscegenation and intertribal conflicts among leaders like Chief John Ross and Elias C. Boudinot. In so doing, Smith adds complexity to the traditional Jackson vs Ross, United States vs Cherokee, or white settlers vs. Native story by detailing conflicts within the tribe over racial issues and removal. Smith also sheds light on the influence of religion and the role of missionaries in the acculturation process and how they affected public perception of Indians. Smith provides a glimpse into the complicated internal relations within the Cherokees between

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the traditionalist and progressives. Yet, even Smith denotes Jackson as the mortal threat to the Cherokee, rather than seeing the complexity of a long history of white political leaders (including Jefferson) and state leaders (in Georgia, in particular) that influenced such policies. Nonetheless, Smith provides a fresh approach to the traditional “American betrayal” story by revealing the internal Cherokee “betrayal” among what he calls “Cherokee patriots” and those in favor of removal.24

Most recent works also consider the role of identity and citizenship among descendants of Cherokees that were removed. In The Cherokee Diaspora: An Indigenous History of Migration, Resettlement, and Identity (2015), Gregory D. Smithers explores how communities and individuals have negotiated their Cherokee identities in the twenty-first century. Smithers highlights the resilience, cultural innovation, and adaptation of Cherokees despite tragedy. Other scholars reexamine the leadership behind removal including Andrew Jackson and John Ross.25 Steven Inskeep compares the political lives of President Jackson and John Ross in Jacksonland (2015). Inskeep reveals the personal agenda of Jackson and his immense wealth gained from conquest of Native lands, while arguing that the lesser known figure, Ross, also gained personally from removal.26 The narrative of American’s conflict over federal and state powers is continued in Naomi Riley’s The New Trail of Tears: How Washington is Destroying American Indians (2016). Riley draws on diplomatic and political history to frame the Trail of Tears in the contemporary debate surrounding citizenship, race, suicide, and poverty. She argues that the Trail of Tears left Native groups in a state of dependency on the federal government, while

modern laws continue to deny Indians ownership of their lands and full citizenship under the law.\textsuperscript{27}

In another cross-disciplinary approach, Andrew Denson, in \textit{Monuments to Absence: Cherokee Removal and the Contest Over Southern Memory} (2017), explores the role of memory and race in Cherokee removal by examining historic sites, tourist attractions, and memorials. Denson argues that white southerners embraced the Trail of Tears story as proof of Indian disappearance. To Denson, commemorating Cherokee removal affirmed white ownership of land but also granted the moral satisfaction of acknowledging past wrongs. Denson’s work is an exciting contribution not only to the study of the removal era, but also to discussions of race, public history, and the role of memory in history.\textsuperscript{28}

While scholarship on federal-Indian policy and Indian removal is important to tracing contemporary interpretation of the Trail of Tears at national parks, a second field of literature on the history of national park-American Indian relations is important to understand their preservation and collaborative efforts. Federal-tribal relations have often been defined by time periods. These so-called “eras” include the Allotment and Assimilation Era (1887-1930), Indian Reorganization Era (1930-1945), Termination Era (1945-1961) and Reclamation Era (1960s-present).

American Indians are integral to the history of the National Park Service. Indeed, the foundation of the federal agency that was established for preservation is intrinsically linked to the sovereignty and displacement of Native communities. Evaluating tribal-national park


\textsuperscript{28} Andrew Denson, \textit{Monuments to Absence: Cherokee Removal and the Contest Over Southern Memory}, (Chapel Hill: The University of North Carolina Press, 2017).
relations has received scholarly attention primarily related to the broader federal-tribal
relationship, natural resource management, or access to sacred sites.\textsuperscript{29}

The history of park collaboration with American Indian tribes stems from a long history
of the federal-tribal relationship. “Middle Ground,” “Native Ground,” “Uneven Ground,” and
“Divided Ground” are all terms historians have used to describe the historical relationship
between the federal government and tribal entities. While regions, tribes, and policy may vary in
these models, they share a familiar narrative of failed promises and unmet dialogues. These
theories foreshadow the complex intergovernmental interaction that led to decades of a
fragmented approach to public policy.

Most scholarship on the history of national park-Indian relations has addressed natural
resource management and land claims. Robert Keller and Michael Turek discussed the general
relations between tribes and parks in \textit{American Indians and National Parks} (1998). Using two of
the oldest national parks, Yellowstone and Yosemite, as a case study, Keller and Turek traced the
legacy of contentious relations with tribes that set a pattern over the last century, including ideas
of land preservation and heritage tourism. They found that discourse and dispute over Native
access to park resources can be categorized into four phases: 1.) unilateral appropriation of land
by the government; 2.) federal neglect of tribal needs and treaties; 3.) Indian resistance in pursuit
of self-determination; and 4.) a new NPS commitment to “cross-cultural integrity and
cooperation.”\textsuperscript{30} Their study concluded that while the NPS has improved its “awareness and

\textsuperscript{29} For further reading consider Theodore Catton’s \textit{Inhabited Wilderness: Indians, Eskimos and National Parks in
Alaska} (Albuquerque, University of New Mexico Press, 1997); Richmond L. Clow and Imre Sutton eds, \textit{Trusteeship in
\textsuperscript{30} Robert H. Keller and Michael F. Turek, \textit{American Indians and National Parks} (Tucson: University of Arizona
Press, 2005), 233.
sensitivity” toward relations with American Indians, there is still room for improvement.\(^{31}\) They called for Native people to take their “rightful place in recapturing and telling the stories.”\(^{32}\)

While Keller and Turek traced the traditional relationship of Native use and national park resources as it related to the trend in broader federal-Indian policy, Mark David Spence, in *Dispossessing the Wilderness: Indian Removal and the Making of the National Parks* (1999), used contemporary Native testimony to argue that national parks were established and managed under the romantic ideal of an uninhabited wilderness while ignoring the Native possession of the land. In terms of the sustained presence of Native communities in national parks, Spence found that they were recruited as laborers or guides to serve as tourist attractions, rather than as real assets to the management and interpretation of the park.\(^{33}\)

Other scholars drew from Native perspectives through oral history accounts to frame the relationship between the tribes and parks in terms of federal policy through the Allotment and Assimilation Era, Indian Reorganization Era, and Termination Era. Philip Burnham in *Indian Country, God’s Country: Native Americans and the National Parks* (2000), found that the establishment of the national parks was primarily based on illegal treaties and the cession of tribal land, and that federal money was placed at sites targeted for the greatest visitation, rather than preservation.\(^{34}\) Burnham is critical of the NPS’s dominant relationship with the tribes in the early development of parks and the methods of obtaining land from the tribes. While national park lands were acquired from the tribes, Native knowledge and conservation techniques were


\(^{32}\) Ibid, 240.


not accepted as contemporary knowledge, and Indian superintendents became an “endangered species in the park service.”

In a more recent study by Theodore Catton in *American Indians and National Forests* (2016), the vacillating federal decisions of the U.S. Forest Service are examined in light of broad changes in federal-Indian policy through the Indian Reorganization Era, Termination Era, and Reclamation Era. Through interviews and a review of policy documents, Catton argues that the U.S. Forest Service has struggled to incorporate legal mandates of tribal consultation into planning and projects, at the expense of Native sovereignty and tribal consultation.

Despite studies showing the unequal relationships and dominant power of the NPS toward American Indians during the founding of the park system, the NPS primarily focused on Native access to natural resources or sacred sites. These actions further illustrate a deeply imbedded misconception of American Indians as natural stewards of the land while ignoring their cultural value as related to traditional land-use, storytelling, interpretation, and Native identity. Since the 1960s, the NPS has supported formal reviews and case studies, such as *Ethnographic Reviews and Assessments*, that evaluate indigenous use of the landscape and show how contemporary Native communities desire to use the land for cultural and traditional practices.

Today, the NPS has developed a series of policy and planning documents to help address the past shortcomings and rebuild a healthy relationship with tribes. As a memorial landscape and museum space, the NPS is celebrated for stewardship and interpretation of history, nature,

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and culture of great public significance and plays a central role in directing how the public views, interacts with, and experiences the past.

The purpose of this dissertation is to evaluate effective approaches to implementing consultation and collaborative practices between the National Park Service—as a federal land management and historic preservation agency—and tribal governments and partners as identified in the National Trails Act of 1968. Through interviews, historical analysis, and an in-depth review of policy documents, the aim is to illuminate mechanism, collaborative efforts, and opportunities for consultation and co-management through the Trail of Tears National Historic Trail that might encourage broader equitable and adaptive management with tribal partners across the agency. Tribal and trail partner input also provide Native perception of park practices related to managing and interpreting the Trail of Tears that recommends ways the NPS can improve government-to-government relations, interpretive programs, and collaboration.

While federal-tribal consultation has been primarily considered a formal process to adhere to the National Historic Preservation Act, Native American Graves and Repatriation Act and other government policy responsibilities and requirements in historic preservation and resource management, this study considers both informal or Small “C” consultation associated with relationship building, communication, and networking as well as formal or Big “C” consultation that reflects the mandated government-to-government review process. Rather than solely evaluate the formal Big “C” processes typically associated with archaeological and historic structure projects, this study also identifies successful or weak practices in less formal Small “C” practices including day-to-day communication and interactions to encourage more practical and meaningful partnership among multiple entities that benefits not only projects but
long-term relationships. The differences between programmatic (formal) and social consultation (informal) are explored in Chapter 3.

Several research questions guide the development of this study. Is the management and interpretation of the Trail of Tears National Historic Trail measuring up to its original mandate and purpose? How well is the Trail of Tears story being told, and how is it presented at national parks? How complete is the story of removal being told? What are national parks doing to impact policy and planning documents in regard to consultation and collaboration with the Cherokee nations? Are existing strategies and plans working, and what is the tribal perspective on the NPS’s responsibility to manage these resources? What role does the Trail of Tears Association, play and how might the program be used to encourage co-management among partners?

This dissertation will explore and evaluate the ways in which the story of the Trail of Tears is interpreted and told at Pea Ridge National Military Park, Fort Smith National Historic Site, and Arkansas Post National Memorial. Given the Trail of Tears story should be told in a way that includes contemporary Cherokee involvement, particular attention will be given to how successful the National Park Service has been in achieving that goal, as well as to its success in presenting the tribes as thriving, sovereign entities, and not simply relics of the past. My experience as a park ranger at two of the parks being examined has familiarized me with systems of funding, historical and archaeological resources, partnerships, and cooperative agreements needed to best serve both the public and the tribes.

With over forty-nine federal sites and seventy-two state and local sites designated to protect the Trail of Tears National Historic Trail, the evolution and progress of how the NPS collaborates with and interprets American Indian history has long term effects in protecting
resources critical to Native identity and heritage tourism. A case study has not been conducted at a federal site with responsibility for complying with federal-tribal consultation policy, national trails system policy, and federal-tribal policy at the intersection of the relevant and important Trail of Tears story. It is intended that information and conclusions will be used to help develop and refine a long-term plan for improving and monitoring the effectiveness of co-managing the Trail of Tears National Historic Trail.

This research project and its outcome does not seek to reinvent the wheel by developing advice for working with tribes. There are already numerous documents addressing “how to/when to” consult with tribes. Rather, I seek to apply these principles to three sites in Arkansas that tell the Trail of Tears story in hopes of identifying the successes and challenges of formal and informal consultation. I hope my research will help the National Park Service, and other federal agencies consider ways to improve consultation, develop trust, and repair long standing wounds with Native nations. Through historical analysis and evaluating existing programs and opportunities for the Cherokees, national parks may recognize the stories overlooked that are important to the diverse tapestry of America. This project might also assist in multi-site coordination as the Trail of Tears National Historic Trail shares goals and planning for preservation and management among many federal and state sites. Finally, I hope my investigation will encourage discourse among policy makers, park staff, academics, and the public to understand the range of heritage management options.\textsuperscript{38}

A study of the gaps associated with collaborative efforts to preserve and interpret the Trail of Tears is important because it impacts existing at-risk natural and cultural trail

components vital to the Trail of Tears at national parks. A number of losses over the past few years have destroyed valuable and original Trail of Tears resources. In 2015, the U.S. Forest Service reported damage to portions of the original Trail of Tears along the Unicoi Turnpike near Coker Creek, Tennessee. Another important 1803 site on the national historic trail, Brown’s Tavern in Tennessee, was under threat of flood damage. In the summer of 2017, the historic Snelson-Brinker Cabin of Missouri, an 1824 witness structure, was burned by arson and completely destroyed. Plummer’s Station in Conway County, Arkansas, is at risk of irreversible damage caused by erosion and overgrowth. Many historic resources associated with the Trail of Tears are in critical condition and have ignited continued federal and local support and the need for partnership in historic preservation.

To focus on tangible and intangible results of consultation draws on the development of interpretation and education of the Trail of Tears efforts over time. To achieve that end, this investigation has been organized in three stages, including historical research, oral interviews, and data analysis.

The first stage, historical research, traces the history of preservation, interpretation, and education for the Trail of Tears by conducting textual analysis of park sources and federal policy at each park site. Textual, or content, analysis identifies patterns in language or symbols that sheds light on intent and function of the source. A document analysis of brochures, museum displays, media, associated marketing materials, policy, park planning documents, and trail legislation provides data on the evolution of consultation, interpretation, and preservation of the Trail of Tears. These evaluations can help address essential compliance with consultation mandates, as well as be compared to tribal perspective on its effectiveness.
All National Park Service units are mandated to carry out management programs in a cooperative manner with American Indians. Pea Ridge National Military Park, Fort Smith National Historic Site, and Arkansas Post National Memorial were selected to evaluate because they are uniquely required by the NPS and National Trails System Act to work with tribes to preserve and interpret the Trail of Tears. While the enabling legislation to establish each park is diverse—Civil War, frontier/westward expansion, and trans-Mississippi colonial settlement—the parks share the Trail of Tears as a significant event in their history. The three parks in Arkansas were selected as a case study to evaluate the implementation of consultation and collaboration with the Cherokees not because they are the largest or most recognized parks associated with American Indian history but precisely because they are not. It is at the periphery where we can find the application and accountability of service-wide policy and planning relating to cooperation with federally recognized tribes.

While data from the textual analysis develops the first timeline on the progression of policy and planning at each park site, a second timeline on tribal collaboration will be used to compare implementation and practice of policy and planning documents. This second phase explores the roots of any misunderstanding between park officials and tribal partners. In-person interviews, and phone interviews when necessary, were used to evaluate the application of planning documents and policy related to telling the Trial of Tears story at each park site. The semi-structured interviews include a set of predetermined open questions that could prompt further discussion of particular themes, based on responses. Typical questions include: What is the meaning of consultation? In what ways could the park/tribe improve its management of the Trail of Tears National Historic Trail? What is the role of the Trail of Tears Association at the park? A complete list of interview questions for participants is included in Appendix A. The
central participants in this study are the National Park Service, three Cherokee federally-recognized tribes, three National Parks that manage the Trail of Tears National Historic Trail, and the Trail of Tears Association. Based on each participant’s expertise and experience, the interview material was compiled and analyzed based on ideas and expectations surrounding federal-tribal consultation, communication, and collaboration.

Interviewing supervisory park employees, tribal partners, and non-profit trail advocates sheds light on any unmet dialogues, gaps, and challenges to collaboratively managing the Trail of Tears as a national park and tribal resource. Interviews with park staff include superintendents, chief park rangers, cultural resource managers, and tribal liaisons. Tribal historic preservation officers and tribal historians were interviewed to discover tribal perspectives on successes and challenges to implementing Trail of Tears projects and effective consultation with park staff. Elected executive board members of the Trail of Tears Association were interviewed to show effective partnerships and programs. To clarify interview responses, follow-up email questionnaires were circulated to some participants. For a list of names and titles of interview participants see Appendix A.

This project considers that as an inherent aspect of Native culture many tribes prefer face-to-face verbal communication rather than written responses to questionnaires. Also, many elements of government-to-government consultation are not well suited to description or evaluation by numbers or statistics. Interview transcripts and questionnaire responses were analyzed for content but substantive input was provided “between the lines” during conversations and other interactions such as the tribal IRB process and personal experience with the Trail of Tears Association and National Park Service.
The final phase of the dissertation compiles a summary of the findings based on a review of the three Arkansas parks and provides recommendations based on tribal input to each of the three major partners in historic preservation of the Trail of Tears National Historic Trail: National Park Service, Cherokee nations, and Trail of Tears Association.

The bulk of research on the Trail of Tears and park-tribe relationship for this dissertation come from archives at national park repositories. Due to the absence or inaccessibility of tribal records, this project relied mostly on non-Indian sources for the background of the development of the Trail of Tears National Historic Trail and the history of the NPS-tribal relationship. Some of the most relevant primary documents related to this study include policy and publications by the Department of Interior and National Park Service. Every year national parks complete a variety of planning documents to serve as strategies and clear guidelines for education, interpretation, preservation, and collaboration. These sources include general management plans, administrative history reports, foundation documents, trail plans, cultural landscape reports, cultural resource studies, feasibility studies, and long-range interpretive plans. In order to trace the evolution of policy and practice, these policy and planning documents are examined as they relate to the management of the Trail of Tears. Other primary sources important to this study are park managers, tribal partners, and trail volunteers. Park superintendents and resource managers have invaluable institutional knowledge of the park, park planning and implementation, while tribal and trail partners provide a balanced perspective on effective and meaningful collaboration with park managers. Due to the Cherokee Nation’s abiding interesting since the foundation of the Trail of Tears National Historic Trail, and their continued financial investment in its preservation, their voice has an unavoidably more prominent role in the narrative.
The organization of this study is thematic rather than chronological. Chapter 1 outlines the history of the Cherokee Trail of Tears and describes the relevance of the removal story to contemporary discussions and the interpretation of Native narratives. Chapter 2 introduces the history of the Trail of Tears National Historic Trail including administrative histories of the development, management, and interpretation of the trail and the NPS. Chapter 3 traces the evolution of federal and National Park Service policy surrounding consultation with American Indians. Chapter 4 introduces the three national parks and identifies the similarities and differences in policy and planning documents related to the management and interpretation of the Trail of Tears National Historic Trail. Each park’s evolution of policy and planning is compared to the implementation and practice of that policy. Chapter 5 concludes by discussing the findings and providing recommendations to all partners in the preservation of the Trail of Tears National Historic Trail in light of the broader effort for the National Park Service to be more inclusive of Native perspective as a diverse voice.

This study confirms that mutual respect and trust are the foundations of successful and meaningful consultation. Park managers and tribal partners have agreed that specific agreements on projects are not as important as building on-going relationships that facilitate programmatic growth, education, and communication. They argue that in meeting the NPS mission to ensure that all Americans recognize their stories in park sites, it is the duty of the NPS as steward of shared natural and cultural resources to address aspects of history that are absent or are not adequately covered. The Trail of Tears is just one story of many, but the findings in this study might strengthen NPS efforts to integrate, expand, and collaborate on a more inclusive Native history at national parks.
Chapter 1: The Trail of Tears

*nunahi-duna-dlo-hilu-i* (trail where they cried)

With a long history of treaties, broken promises, agreements, and restoration efforts, the relationship between federally recognized tribes and the federal government can be characterized as the longest in U.S. history but also one of the most contentious. American Indians consider historic interactions with the federal government to play a large role in contemporary decisions and perspectives surrounding natural and cultural resource management. They consider their plight toward self-determination, citizenship, and tribal government as extensions of the inherent right of sovereignty. The federal government has made progress in considering the political sovereignty of tribes in acknowledging their trust responsibility through the government-to-government relationship, but while policy may support the Doctrine of Trust Responsibility, the federal government’s implicit control over interpreting Native history to the public-at-large is not always reflective of contemporary concerns held by tribes as independent sovereign entities. One such topic central to a more inclusive American Indian narrative is the Trail of Tears.

The backdrop of the Trail of Tears is important to understanding contemporary Native communities’ position toward interpreting their story, which sheds light on concerns, issues, and gaps related to the federal-tribal relationship. As one arm of the federal government responsible for educating and interpreting to the public about history and its relevancy, how the National Park Service works with contemporary Native communities like the Cherokee nations today is the heart of this project. To understand contemporary relations between the National Park Service and Cherokee nation’s in efforts to manage and interpret the Trail of Tears story, an introduction on the background of the removal is addressed here.
While many Native groups have legitimate claim to their own “trail of tears” as the Removal Era occupied some thirty years in the nineteenth century, the focus of this project is the Cherokee Trail of Tears which encompasses three federally recognized tribes: the Cherokee Nation of Oklahoma, Eastern Band of Cherokee Indians, and United Keetoowah Band of Cherokee Indians. Scholars argue that the Trail of Tears is associated with the Cherokee because that nation “offered not only the greatest legal and political resistance to removal,” but also “brought the policy to the consciousness of the American people.”¹ Not only are the Cherokee most associated with the Trail of Tears today, historically they were arguably the most closely tied in public rhetoric and knowledge to the vast Indian removal program.

Many scholars begin the history of the Trail of Tears with President Andrew Jackson’s passage of the Indian Removal Act in 1830, which authorized the president to exchange unsettled lands west of the Mississippi River to Indians living in the East. But plans to remove the Cherokee was a process that began long before Old Hickory took the presidential oath.

Central to the removal question was the issue of states’ rights and access to land. In 1802, the Articles of Agreement and Cession between the U.S. and the state of Georgia resulted in ceding land that became the states of Mississippi and Alabama for $1,250,000. In return, the United States was obligated to extinguish the Indian title to all lands within the state of Georgia. The terms of this so-called Georgia Compact forced the Indians to surrender large portions of their land. At the same time, the agreement also guaranteed the security of their remaining lands, which created conflicting obligations.² Since Georgia interpreted the compact to mean that the

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¹ Julia Coates, *Trail of Tears (Landmarks of the American Mosaic)* (Denver: Greenwood, 2014), xiii.
² U.S. Congress. House. “Report of the select committee appointed on the 17th ultimo, to consider of certain treaties with the creek and Cherokee Indians, and the articles of agreement and cession entered into on the 24th April, 1802, between the united states and the state of Georgia; accompanied with resolutions making appropriations for carrying into effect the articles of agreement and cession entered into between the united states and the state of Georgia, on the 24th of April, 1802, and for other purposes,” *Select Committee Appointed to Consider of Certain Treaties with the Creek and Cherokee Indians, and United States. 17th Cong. 1st sess.* (Washington D.C., 1822).
United States had no jurisdiction over or any right to the lands belonging to Indians within the limits of Georgia, the state expected the federal government to pursue a policy and treaties in fulfillment of their agreement to expel the Indians.³

The national agenda and subsequent treaties with tribes living in the surrounding area were influenced by the Georgia Compact but not to the expectation of the state. While President Thomas Jefferson supported Indian removal believing that the Indians should be civilized through conversion to Christianity and farming, his administration was not in a position to satisfy the desire of Georgia for complete removal of the Indians. Jefferson’s purchase of the Louisiana Territory in 1803 was a huge step toward realizing his civilization process and fulfilling the Georgia Compact. Already concerned with the hunting habits of the Cherokee and other tribes in the Southeast, Jefferson saw the purchase of the “Great American Desert” as an answer to the pressing population expansion and demands from Georgia that the federal government uphold its end of the bargain by denying Indian claims to land.

For the next two decades after the Louisiana Purchase, there were attempts to facilitate Cherokee adoption of Euro-American customs in order to appease Georgia’s thirst for change. Missionaries were sent to live among the various Cherokee clans but when transformations toward agricultural subsistence to replace hunting and gathering did not occur quickly enough, public views changed about the Indian’s ability to assimilate into the dominant culture. Hunting, for example, was seen as a threat because it required large areas of claimed land that settlers were desperate to occupy and cultivate.

Wary of white encroachment, many Cherokees voluntarily signed treaties to relocate to western lands in order to protect their culture and hunting traditions. In 1817, the *Turkeytown*

³ Ibid, 3.
Treaty exchanged lands in Georgia for land along the White River in Arkansas Territory for a faction of the Cherokee who wished to maintain traditional hunting practices. The 1817 treaty also granted U.S. citizenship to the 4,000 Old Settler Cherokees who relocated. The Treaty of Washington in 1819 granted citizenship and lands in Arkansas to another Cherokee faction, and lands in Georgia to some Cherokee. The state saw this act as a violation of the 1802 compact, with the federal government “endeavoring to fix the Cherokee Indians upon the soil of Georgia, and thereby render it impossible for them [U.S.] to ever comply with their contract with the state.” To Georgia, allocating the proceeds from the public sale of Indian lands to benefit the Cherokee as the president saw fit would “relinquish the policy which they seem to have adopted with regard to civilizing the Indians, and rendering them permanent upon their lands, and changing their title, by occupancy, into a fee simple title, at least in respect to the Creek and Cherokee Indians.” According to Georgia, these treaties rendered “their contract with Georgia… forever unperformed so long as this policy is pursued.” Any treaties attempting to civilize or reconcile with the Cherokee after 1802 to violate the “sovereign rights of the state,” and the granting citizenship to Indians was perceived as a violation of the rights of Congress.

Successful efforts to civilize and relocate the Indians peacefully was not the only concern, as the United States was also worried about the South being exposed to foreign invasion. In many ways still in its infancy as a Republic in the 1820s, the U.S. government

5 U.S. Congress. House. “Report of the select committee appointed on the 17th ultimo, to consider of certain treaties with the creek and Cherokee Indians, and the articles of agreement and cession entered into on the 24th April, 1802, between the united states and the state of Georgia; accompanied with resolutions making appropriations for carrying into effect the articles of agreement and cession entered into between the united states and the state of Georgia, on the 24th of April, 1802, and for other purposes,” Select Committee Appointed to Consider of Certain Treaties with the Creek and Cherokee Indians, and United States. 17th Cong. 1st sess. (Washington D.C., 1822), 4.
6 Ibid.
7 Ibid.
believed that the lower Mississippi River was the most vulnerable to foreign treaties signed with Indians. Much of the anxiety surrounded experience with the Five Civilized Tribes in long and devastating wars over access to land and boundaries, — primarily among the Cherokees, Chickasaws, Choctaws, Creeks, and Seminoles. While the Muscogee (Creek) joined a confederacy of tribes against the Americans during the War of 1812, the Cherokee were instrumental in aiding Andrew Jackson’s forces against the Creek factions at the Battle of Horseshoe Bend. Andrew Jackson fought with the Choctaw and Chickasaw at the Battle of New Orleans, but he did not trust them because of the Spanish influence. Jackson fought the Seminoles in 1817 while invading Spanish-held Florida, which led to treaties that ceded Florida to the United States. By 1821, foreign nations had surrendered formal claim to land in the South, but Jackson and others were wary of Indians that had sided with foreign powers and their allegiance to the United States.

Since the state of Georgia viewed its inherent sovereignty to control over lands and people within its boundaries, as legitimized by the 1802 compact, it continued to pursue state policy to clear Indians of title and access to land. In 1822, a special committee proposed a resolution to the Georgia House to allocate funds for treaties with the Creek and Cherokee Indians that would extinguish their title to land within the state of Georgia. The Cherokees responded by declaring that the chiefs of the Cherokee Nation would not meet any U.S. commissioners about treaties and that they were “determined hereafter never to make any cession of lands.” While appropriations for treaty negotiations were granted, no formal agreements were secured because of the Cherokees resistance.

8 Ibid.
The Cherokee evaded treaties to cede their lands in Georgia for the moment, but the Indian question was still at the forefront of the national versus state’s rights debate. Called “the greatest question that ever came before Congress, short of the question of peace and war,” Indian removal was a hotly debated topic in the 1820s and 1830s.\(^\text{10}\)

No longer satisfied with hopes of civilizing and integrating the Indians into society, by the 1820s, Jefferson and President James Monroe were proposing the complete removal of Indians in order to satisfy settlers seeking land and Georgia’s call to meet the 1802 compact. In his message to Congress in December 1824, Monroe tried to persuade the legislators to pass a removal plan that would provide for the necessary exchange of lands. In 1825, cessions for stipulated annuities and other compromises were seen as impossible so broad removal was postponed.

One of the proposed solutions to the “Indian problem” was to create a separate state or territory for the tribes. During debates in 1824, a delegate from the Arkansas Territory, Henry W. Conway, proposed a resolution to organize lands west of Arkansas and Missouri as Indian Territory.\(^\text{11}\) Others, like Baptist Missionary Isaac McCoy, wanted to focus on colonization efforts to create an “Indian Zone” that would permit the undisturbed civilization of the Natives. Formal national removal policy had been discussed since 1825 but only in general terms with an idea to remove the Indians “west.”\(^\text{12}\) McCoy was the first public official to specify a designated area with boundaries known as Indian Territory for the tribes.\(^\text{13}\) Isaac McCoy, having explored the lands west of Missouri and the Arkansas Territory, twice reported to the War Department on the

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\(^{12}\) Schultz, *An Indian Canaan*, 78.

\(^{13}\) Ibid, 116.
specific boundary lines and recommendations to reevaluate land distribution to the Cherokees for hunting and buffalo roaming.\textsuperscript{14} McCoy suggested that permanent forts be established in this territory to keep the peace between the existing and migrating tribes.

Following President Monroe’s announced removal plan, in 1825 the U.S. Senate articulated a removal policy that would be the War Department’s responsibility to enforce. While the removal plan sat idle, lacking the approval of both Houses, white resentment of the Cherokee grew with the discovery of gold in northern Georgia in 1829. This resulted in an illegal land lottery, with tribal land auctioned at the highest bid. At the same time that settlers were grasping for wealth and land, the Cherokee Nation and Cherokee Supreme Court established a Constitution and written syllabary, further illustrating their adopted civilization. Still, white settlers moving onto these lands pressed Georgia and the U.S. government to do something about the Indian presence.

With the election of President Andrew Jackson in 1828, a broad national policy toward Indian removal was placed at the center of politics and the state’s rights debate. In December of 1829, Jackson addressed the removal question by upholding the Georgia Compact, telling tribes that the federal government would not interfere with the authority of states within its own borders, and forcing the tribes to choose between submission of state laws or removal.\textsuperscript{15} The clear federal position was supported by McCoy, who continued to rally support for Indian colonization by arguing that, while it was indeed cruel to removal Indians from their ancestral lands, that solution was better than continuing to be subjected to cruel state laws.\textsuperscript{16}

\textsuperscript{14} Ibid, 117. It was recommended that each Indian family receive 50 acres, enough for land cultivation and agricultural life but not enough for hunting or traditional buffalo gaming.
\textsuperscript{16} Schultz, An Indian Canaan, 131.
Jackson’s determination and relentless convictions finally appealed to the House and Senate, garnering enough support for a formal national removal program. Georgia celebrated passage of the Indian Removal Act of 1830 as a forceful endorsement of the old Georgia Compact. The act authorized the president to give land west of the Mississippi to Indians in exchange for their ancestral lands in the East. The United States would “forever secure and guarantee” this land to them and their “heirs or successors” and provide compensation and assistance.\(^{17}\) Where the Indian Removal Act did not specify the exact locations of removal, the Intercourse Act of 1834 (also called the Indian Nonintercourse Act) controlled the locations and methods of removal by relocating the Indians to lands identified as “that part of the United States west of the Mississippi, and not within the state of Missouri, Louisiana, or the Territory of Arkansas.”\(^{18}\) The Indian Removal Act was consequential for the question of Indian rights and quality of life, but also important because Georgia had passed laws in 1829 and 1830 to nullify Cherokee land boundaries and permanently extend state jurisdiction in direct violation of federal law and the Constitution. This further ignited the political divide between state’s rights and federalism.\(^{19}\) The act was a turning point for state’s rights supporters, who insisted that “passing a federal law that mirrored Georgia’s intent was the way out of the conundrum for some legislators.”\(^{20}\)

Jackson was not only influenced by personal experience and a commitment to state’s rights, but also by reports that pointed to a greater hope for Indian survival if they were removed. From the War Department, Lewis Cass wrote a letter to Jackson in 1832, after traveling to survey

\(^{17}\) Jackson signed seventy removal treaties that relocated over 46,000 Indians west as a result of the Indian Removal Act.
\(^{19}\) Julia Coates, Trail of Tears (Landmarks of the American Mosaic) (Denver: Greenwood, 2014), 172.
\(^{20}\) Coates, Trail of Tears, 177-178.
the land designated for the tribes, to report on the existing number and condition of Indians in the territory. Cass insisted “that a plan of emigration offers to this race the only hope of ultimate security and improvement, is a truth which the experience of every day renders more and more obvious.” Cass reported more than 3,500 Cherokee already migrated to the territory (the Old Settlers), along with approximately 16,000 other Indians from various tribes.\textsuperscript{21} In the same letter to Jackson, Cass commented that efforts to secure a treaty with “the ruling party of the Cherokees of Georgia, for the removal of the whole tribe, have been fruitless, from causes sufficiently obvious.”\textsuperscript{22} While the Indian Removal Act granted the president the right to exchange tribal lands in the East for others in the West, individual treaties with tribes had to be negotiated.

Cherokees opposed the “great experiment” of removal and used diplomacy to resist it.\textsuperscript{23} They challenged state enforcement of removal and Georgia’s attempt to annihilate Cherokee political autonomy in the Supreme Court case \textit{Cherokee Nation vs. Georgia} (1831).

Commenting on their effort to have the federal government recognize the tribe’s right to alienate their own lands, Chief Justice John Marshall identified the Cherokee as a “domestic dependent nation,” the equivalent of a “ward to its guardian,” but not a foreign nation; therefore, the court ruled that the federal government did not have the authority to overturn Georgia’s laws. Georgia continued to press its claim over Cherokee land boundaries and to pursue a land lottery system.

Long considered a tribal right to occupy and use their own land according to their own laws and customs, the Cherokee invited missionaries to live among their communities as legal

\textsuperscript{21} Lewis Cass to Andrew Jackson, War Department, February 16, 1832. \textit{Correspondence on the Subject of the Emigration of Indians Between the 30\textsuperscript{th} November, 1831 and 27\textsuperscript{th} December, 1833}, Vol II, Document 512, 767-781, (Washington: Duff Green, 1835).
\textsuperscript{22} Ibid.
\textsuperscript{23} Ibid.
residents. One missionary to the Cherokee, Reverend Samuel Worcester, opposed displacement of Native people and was a strong advocate for Cherokee autonomy. After Georgia passed a law prohibiting “white persons” from living within the Cherokee Nation without permission from the state, Worcester challenged Georgia in *Worcester vs Georgia* (1832). This time, Chief Justice John Marshall ruled that the Cherokee were a “distinct community” that retained all their “original natural rights,” meaning that the laws of Georgia were void on Cherokee lands. Marshall declared that the Cherokee were free to possess their own land and free to live on it however they pleased.

These federal cases are considered two of the most influential legal decisions in Indian law because they set precedence for the Doctrine of Trust Responsibility, tribal self-determination, and the Doctrine of Tribal Sovereignty. The U.S. Supreme Court ruled in favor of Georgia in the 1831 case, but in *Worcester vs. Georgia*, the court affirmed Cherokee sovereignty. Despite the Supreme Court’s decision in *Worcester vs Georgia*, Jackson and Congress were reluctant to acknowledge Cherokee right to land because of the nullification crisis in South Carolina and the fear that Georgia would join the battle against federal authority in favor of state’s rights. The nullification crisis hurt Cherokee support and efforts to thwart removal because both state’s rights and removal were seen as threats to the unity of the nation.\(^\text{24}\)

Political support for anti-removal may have waned because of outside circumstances, but public awareness of the Indian Removal Act and subsequent treaties with tribes was widely publicized, in part thanks to the Cherokees. Articles from the *Cherokee Phoenix* newspaper, first published in 1828, were reprinted in major daily newspapers across the northern states to gain

\(^{24}\) Coates, *Trail of Tears*, 71.
sympathy for the plight of the Cherokee. Petitions from missionary societies, philanthropic groups, and reform minded Americans rallied to the Cherokee cause.\(^{25}\)

In addition to the Cherokee press and petitions as a strategy of resistance, there was strong non-Native opposition to removal among a number of well-known philosophers, women’s advocate groups, and missionaries sympathetic to the tribe. Ralph Waldo Emerson sent a letter to Jackson’s successor, President Martin Van Buren, urging him to avoid “so vast an outrage upon the Cherokee Nation.” Emerson praised the Cherokee for “their improvement in the social arts” and for “their newspapers.” “In common with the great body of the American people,” he argued, “we have witnessed with sympathy the painful labors of these red men to redeem their own race from the doom of eternal inferiority, and to borrow and domesticate in the tribe the arts and customs of the Caucasian race.”\(^{26}\)

Others appealed not only to the civilized advancements of the Cherokee people, but also to the legal precedence of treaties. Prominent women’s rights leaders like the Grimke sisters and Harriet Beecher were important advocates of the anti-removal effort in the 1820s and 1830s. They were not arguing for tribes to maintain their culture and identity, but they were concerned with the legality of removal. Women’s reform groups argued that removal violated treaties and broke promises that, if restored, would encourage the Indians to adopt agricultural practices and might eventually lead to them being granted protected rights and citizenship. Through newspapers, public meetings, petitions, and church organizations, these women’s groups gained a voice against removal in both the private and public spheres.\(^{27}\) After the Indian Removal Act

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\(^{25}\) Ibid, xiii.


was passed, the waves of petitions that poured into Washington reflected the first time a collective of women had addressed a national political issue. Philanthropic women’s associations, such as the Ladies’ Circular, continued to draw attention to the issue and place pressure on Georgia to drop its harassment laws. The Ladies’ Circular used “prayers and exertions to avert the calamity of removal.” Led by Harriet Beecher, the petitions inspired other women’s campaign groups, including the Ladies Association for Supplicating Justice and Mercy Toward the Indians, which sent anti-removal petitions regularly to Congress.

Moral objections to removal were evident in the writings of Jeremiah Evarts, secretary of the American Board of Commissioners for Foreign Missions, the organization that established the first Christian missions among the Cherokees and Choctaws in the early 1800s. Evarts vigorously opposed forced removal as unconstitutional and contrary to treaties with the tribes that guaranteed their sovereign rights. In a letter to Evarts, Cherokee Principal Chief John Ross reacted to Jackson’s removal bill saying that his people would not relent. “The clouds may gather, thunders roar and lightening flash from the acts of G[eorgia],” he warned, but “the Cherokees with an honest patriotism and love of country will still remain peaceably and quietly in their own soil.”

In response to the enthusiastic petitions from so many platforms, Jackson bolstered the long-held pro-removal rhetoric by framing removal as a benevolent effort to support Indian survival. President Van Buren continued Jackson’s appeal for removal and defiance of the Supreme Court’s decision by organizing an extralegal negotiation with a minority group of Cherokee known as the Treaty Party. The resulting Treaty of New Echota, in 1835, relinquished

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29 Ibid.
30 Schultz, An Indian Canaan, 130.
31 Smith, An American Betrayal, 111.
all lands east of the Mississippi River in exchange for land in Indian Territory and the promise of money, livestock, various provisions, tools and other benefits. The Treaty Party was explicitly defying a Cherokee Nation law, known as the Blood Law, that called for the death of anyone agreeing to give up tribal land. The law stated, “Whereas, a law has been in existence for many years, but not committed to writing, that if any citizen(s) of this Nation shall treat or dispose of any lands belonging to this Nation without special permission shall suffer death.” The signing of the treaty led to bitter factions and even the execution of original Treaty Party members.

Fierce opposition to removal was led by Chief John Ross and the Ross Party.

With Van Buren’s implementation of the Treaty of New Echota in 1838, the U.S. Army, under the command of General Winfield Scott, began on May 23, 1838 to move the Cherokees who had not voluntarily relocated. Over seven thousand troops and Georgia militia rounded up Cherokees in thirty-one forts constructed for the purpose of removal: thirteen in Georgia, five in North Carolina, eight in Tennessee, and five in Alabama. The forts were near Cherokee towns, which provided temporary housing. During the roundup, the Cherokees suffered from theft and destruction of property by troops and local residents. The Indians were then transferred from the removal forts to eleven centrally-located internment camps – ten in Tennessee and one in Alabama. John G. Burnett, a soldier who participated in the operation, reported to have “witness[ed] the execution of the most brutal order in the History of American Warfare.” He elaborated: “[I] saw the helpless Cherokees arrested and dragged from their homes and driven at the bayonet point into the stockades. And in the chill of a drizzling rain on an October morning I

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32 Cherokee Nation, Laws of the Cherokee Nation Adopted by the Council at Various Periods, (Tahlequah, Cherokee Nation: Cherokee Advocate Office, 1852).
33 John Ross, Cherokee Nation, October 26, 1829, Laws of the Cherokee Nation Adopted by the Council at Various Periods, (Tahlequah, Cherokee Nation: Cherokee Advocate Office, 1852), 187.
saw them loaded like cattle or sheep into six hundred and forty-five wagons and started toward the west.”

The first attempt at removal followed such a fatal water route that General Scott suspended the operation. While plans were renegotiated during the summer of 1838, the Cherokee who remained in the internment camps were plagued by disease and dysentery, which led to hundreds of reported deaths. Chief Ross appealed for help to President Van Buren, who permitted a contract with the tribe to oversee their own removal. The Cherokee were divided into sixteen detachments of about one thousand each.

Under the direction of Chief Ross and his appointed Conductors, three detachments, totaling about 2,800 persons, traveled by river to Indian Territory. The rest of the Cherokees traveled to Indian Territory overland on existing roads. Each detachment was paired with a military escort and, when affordable, a physician, in addition to missionaries and some black slaves who also joined the detachments. The Treaty Party moved in a separate detachment conducted by John Bell and administered by the U.S. Army in order to prevent internal conflicts between the two Cherokee factions. The Cherokee joined the Old Settlers to begin rebuilding their government in the new capital of Tahlequah, Oklahoma. Of the more than 16,000 Cherokee who were relocated between 1838 and 1839, an estimated 4,000 died as a result of the journey from illness, disease, and poor conditions.

The Trail of Tears story is important for contemporary discussion surrounding the federal-tribal relationship for many reasons. First, the removal story symbolizes major constitutional issues and legal precedents that resulted in acknowledgements of tribal sovereignty

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35 Most of the land route detachments entered present-day Oklahoma near Westville.
and self-determination that tribes hold sacred today. The history of these legal documents serves as a modern reflection of the policy toward co-management and consultation with tribes and as a reminder of the legal legacy in the management of national parks. Second, the Trail of Tears is evidence of the federal government’s position toward states’ rights and the position of tribes as “domestic dependent nations.” Third, the removal notes the unique Cherokee response to Indian policy as they adopted white practices, established a constitution, and fought federal policy through the court system. Today, the commemoration of the Trail of Tears National Historic Trail recognizes the removal story as important to the broader human rights discussion.36

The Cherokee people draw on this history to show how contemporary relationships with the National Park Service, which preserves, manages, and interprets the Trail of Tears National Historic Trail, have evolved. The preservation of the national trail is tangible evidence of the importance of the removal and Cherokee plight to national history and speaks to a successful partnership between the federal government, Cherokee nations, and public organizations. As one historian pointed out, “In the end, the lesson of the Trail of Tears is not one of division, betrayal, and tragedy, but of triumph.”37

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37 Coates, *Trail of Tears*, xiv.
Chapter 2: The Trail of Tears National Historic Trail

In 2018 the National Trails System Act celebrated its fiftieth anniversary with eleven scenic trails, nineteen historic trails, and 1,200 recreation trails totaling nearly 54,000 miles.\(^1\) This act opened the door to federal involvement in trails of all types, from city centers to remote backcountry. Virtually every trail in the country has benefited from the trails system and many trail initiatives over the last fifty years can find their roots in it.

The National Trails System was born in the mid-1960s out of a federal government campaign to promote outdoor and recreational activity. President Lyndon B. Johnson’s 1965 Address to Congress argued that citizens had allowed the outdoors and natural environment to succumb to urban development. Johnson recommended a system of paths on federal lands used for hiking, biking, and horseback riding.\(^2\) In response to the president’s call to action, the Department of the Interior began a national survey of existing trail resources on federal lands in late 1966. Its report, entitled *Trails for America*, proposed the development of long-distance walking trails of national significance.\(^3\) Congress approved the suggestion and passed the National Trails System Act in 1968 to establish a framework of three national trail categories: scenic trails, recreational trails, and connecting or side trails.\(^4\)

The National Trails System was created to “provide for the ever-increasing outdoor recreation needs of an expanding population.” “In order to promote the preservation of … and enjoyment and appreciation of … outdoor areas and historic resources of the Nation,” the act


ordered that, “trails should be established…within scenic areas and along historic travel routes of
the Nation.” As the designated administering agency under the Department of Interior, the
National Park Service (NPS) established the Appalachian and the Pacific Crest trails as the first
units of the new system. During the late 1960s and 1970s, the National Trails System expanded
to include a number of recreational and scenic trails.6

Built into the National Trails System Act were recommendations to conduct feasibility
studies of fourteen additional trails, the majority historic, to gradually expand the national
network. During the next decade, the secretary of the interior oversaw the completion of most of
these studies but quickly found that many historic trails did not meet the existing scenic or
recreational trail criteria set by Congress. As a result, in 1976, the House Subcommittee on
Parks and Recreation considered a bill to establish a new category for historic trails.7 The new
category, national historic trails,” could be a foot trail, a horse path, travel route, roadway, or any
route retracing a part of American history. Historic trails may run through a variety of terrain and
property-types, including urban and suburban settings, or private and public lands.

Under the revised national historic trail criteria, most of the trails in the feasibility studies
were legislatively designated as historic trails including the Lewis and Clark Trail, the Mormon
Trail, and the Santa Fe Trail as commemoration trails rather than strictly recreational use.8 As a
new component of the trail system, designation as a national historic trail marked a significant

6 Department of the Interior, Bureau of Outdoor Recreation, Trails for America: Report on the Nationwide Trail
Study, (Technical Information Center, Denver Service Center, December 1966), 13-14; The National Trails System
7 The House Subcommittee on Parks and Recreation first considered a bill to establish the National Historic Trail as
a new category of the National Trail System on August 2, 1976.
8 Following the designation of more historical trails that commemorated frontier exploration and westward
migration, Congress amended the National Trails System Act in 1978 under the National Parks and Recreation Act
(Public Law 95-625 approved November 10, 1978) to formally include national historic trails and its criteria.
route related to American expansion, military campaigns, migration, or trade.⑨ Protected resources and features related to historic trails include historic structures, artifacts, or original roadbeds closely associated with a historic event. The historic trails were meant to “follow as closely as possible and practicable the original trails or routes of travel of national historic significance.”⑩

The recognition and designation of national trails of historic importance reflects an early value placed on historic resources and commemoration by the Department of the Interior and NPS which had primarily assumed management responsibility for most national trails. The establishment of eight national historic trails within a decade is evidence of the importance of memorializing these important events and stories as an extended effort beyond creating recreational paths for enjoyment. Given the original vision of the National Trails System, the establishment of historic trails also considered mixed-use opportunities through hiking, walking, and biking. However, even with the rapid expansion of the National Trails System in the 1970s and 1980s, trails were not designated as distinct units of the NPS, mainly because of budget restraints and greater national attention on national park sites.⑪

All trail components in the National Trails System require high standards for certification, but recreational and historic trails are different in scope and purpose. Recreation and scenic trails were designated for maximum outdoor recreation while historic trails were intended to follow the original route of historic significance. Public use of the historic trails is intended for education and interpretation in addition to recreation. Due to land changes and land rights, historic trails are usually fragmented and located on public and private land whereas

⑪ Frank Norris, email correspondence, October 28, 2018.
scenic and recreational trails are on continuous federal lands. While other trails in the National Trails System like scenic and recreational trails may have one continuous trail on the ground and one agency to manage the trail from end to end, national historic trails are challenged with a combination of federal, state, and private land not jointly developed or managed. Because of the characteristics of historic trails, a cohesive approach to education and interpretation of commemoration stories has been challenging for management agencies.

By the late 1970s, the NPS was designated as the administering agency for the trail system. With only one collateral duty assignment to oversee the national trails, an inter-agency advisory council was formed with members from the NPS, Bureau of Land Management, and U.S. Fish and Wildlife Service. An inter-agency memorandum of understanding outlined the collaborative administration and management of the national trails that formed the Federal Interagency Council on Trails. These federal agencies partnered with non-profit trail organizations to sustain public/private relationships, provide funding and resources, and agree on guidance on projects and programs.

With the Federal Interagency Council on Trails delegated to advise the NPS on development and management of the trails system, national historic trails expanded in the 1980s with stronger national support and increasing public interest. While the National Trails System was first designed to create spaces for Americans to enjoy the natural environment, the system quickly grew to include other purposes, such as preserving cultural and historical landscapes.

One of these important cultural and historical stories was the Trail of Tears, which received approval for a feasibility study on March 28, 1983.\footnote{Amendments to the National Trails System Act of 1983, Public Law 98-11, U.S. Code 16, (March 28, 1983) §1249. Other amendments to the National Trails System Act included Public Law 98-11 (September 8, 1980) to designate seven additional national scenic and historic trails and authorize feasibility studies for six new trails.}

Even before the formation of a national historic trail category, there was considerable interest and early discussion in the mid-1960s about inclusion of the Trail of Tears as a national trail. Senator Mike Monroney of Oklahoma and Senator Wendell Ford of Kentucky requested that the Department of the Interior nominate the Trails of Tears for inclusion in the National Trails System network of trails.\footnote{A.S. Mike Monroney to Edward Crafts, July 9, 1965, RG 368, Bureau of Outdoor Recreation, Special Area Studies: Roads and Trails, National Archives, College park, Maryland (as cited in Denson, Monuments to Absence, 2017).} The Trail of Tears was then identified as a potential component of the National Trails System in the Trails of America report of 1966. Congressman Roy Taylor of North Carolina supported Monroney’s proposal in the House as a key leader in the passing of the 1968 National Trails System Act. After inclusion of the national historic trail category in 1978, Taylor’s successor, V. Lamar Gudger, submitted a bill to propose the study of the Cherokee removal route on October 24, 1979. Finally, in 1983, the bill was included in legislation passed by Congress authorizing a feasibility study for potential new components of the trail system.

The feasibility study formed a Study Advisory Committee that was organized by representatives from the Cherokee tribes, each of the nine states where the trail passed through, federal agencies, and historians.\footnote{Department of Interior, National Park Service, Trail of Tears Final National Trail Study, (Denver Service Center: Intermountain Region, June 1986), ii-3.} The study identified the routes, conducted historical and cultural research, assessed existing and potential resources along the trail, measured public
interest, and completed an environmental assessment of the impacts on natural and cultural resources based on potential tourism along trail components.

The Final National Trail Study for the Trail of Tears (Cherokee Removal Route 1838/1839), completed in June 1986 by the NPS, concluded “that the Cherokee Trail of Tears is of national historical significance” and recommended it for inclusion in the National Trails System. The report asked Congress to amend the National Trails System Act by adding the Trail of Tears to the system, but specified “Only those selected land and water based components of a historic trail which are on federally owned lands and which meet the national historic trail criteria established in this Act are included as Federal protection components of the national historic trail.” According to the final study, the Trail of Tears traced the land and water routes traveled by 16,000 Cherokee from June 1838 to March 1839 through Georgia, North Carolina, Alabama, Tennessee, Kentucky, Illinois, Missouri, Arkansas, and Oklahoma. The study also recommended that the secretary of the interior consider establishing interpretive sites near Hopkinsville, Kentucky; Fort Smith, Arkansas; Jackson, Missouri; and Tahlequah, Oklahoma. These locations became the first interpretive sites along the newly formed trail.

The Federal Interagency Council on Trails found that all interested parties were enthusiastically supportive of the Cherokee removal becoming a federal component of the trails system. Popular public approval combined with generous historical research and existing resources led to a recommendation by the NPS to Congress in June 1986 that the Trail of Tears represented a national significant event to be included as a unit of the National Trails System. The report proposed the designation of a water route and an overland route as a new national

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16 Ibid.
17 Ibid.
historic trail, and recommended identifying three side trails where the Cherokee were escorted by
military during the forced migration. With the NPS Advisory Committee’s recommendation,
the Trail of Tears National Historic Trail was designated by Congress on December 16, 1987.

While Indian removal encompassed many tribes across the nation, the Trail of Tears
National Historic Trail was designated to interpret the Cherokee removal story as a
representative of the larger removal period, particularly for the Five Tribes (Cherokee, Choctaw,
Muscogee Creek, Chickasaw, Seminole). Congress recognized the Cherokee Trail of Tears as
the most enduring feature of the tragic Indian removal period in American history and
recognized the new trail as a window into the experience of all tribes forced from the Southeast
by the Indian Removal Act of 1830.

As records indicate from the 1960’s effort to establish a national network of trails, there
was considerable early interest in the Trail of Tears as measured by public appeal, existing
research, and tribal activism. While legislative action was required to consider the feasibility of
the Trail of Tears as a national trail, and the record indicates that non-Native senators and
representatives who made the proposals in the 1960s and 1970s, there was active Cherokee tribal
input from the onset as well. That Senator Monroney (OK) and Senator Ford (KY) represented

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20 National Trails System Act Amendment of December 16, 1987, Public Law No. 100-192, §578, U.S. Statues at Large 101 (1987): 1309. The amendment established the Trail of Tears National Historic Trail including Fort Smith National Historic Trail as a federally protected component of the national historic trail system (PL 90-543, section 3[a][3]). Covering nine states with 2,052 miles through private, public, and state land; highways, roads, and waterways, the national historic trail is managed on federal lands where it passes including national parks, national forests, and state lands. Beginning with three water routes at Ross’s Landing on the Tennessee River near present day Chattanooga, TN and ending near Fort Gibson, Oklahoma. Thirteen additional detachments traveled overland from Rattlesnake Springs near present day Charleston, TN to Tahlequah, OK. The management of the TOTNHT does not affect landowner’s rights or impact fee title to the land if transferred to the federal government. Landowners are not required to grant public access to the property or even be associated with the trail.

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states with strong Cherokee ties and populations, clearly sparked their interest in the Trail of Tears as a national trail.

National support of the new trail was also evident in public comments in the final feasibility study that illustrate the general sentiment and attention given to the Trail of Tears story. “The Trail of Tears is a profoundly emotional story of universal human values,” reported one respondent. Public comment noted the political and social significance of the Trail of Tears to national history as the “Trail of Tears resulted in the separation and fragmentation of the Five Tribes” and “was the first time an Indian nation used the U.S. government’s own rules and regulations to fight for their right as a nation to remain on the land.” Some acknowledged the Trail of Tears for its “tragic impact on Indian removal policy on the history and culture of our nation [that] continues to have worldwide relevance to people today.” Other respondents commented on the removal as a reflection of the “tenacity, perseverance, and resilience of the survivors who relocated and rebuilt their homes and institutions in the face of great adversity.”

These statements by study respondents speak to the relevancy of the removal story for diverse audiences, not just in the past, but also for contemporary Native and non-Native communities.

Public support for national recognition of one popular removal era event was also seen nationally at the federal agency level. Acceptance of the Trail of Tears as a National Historic Trail reflected a broader shift in agency culture surrounding historical interpretation of the past known as “historical revisionism.” The National Trails System was created amidst various “history wars” in the 1980s and 1990s, with bitter debates over political correctness and education of the American past. Considering these debates, the NPS made a decided shift from

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21 Department of Interior, National Park Service Trail of Tears National Historic Trail Final Interpretive Plan of 2004, (Denver Service Center: Intermountain Region, 2004).
static history to “greater attention to American histories of racism, violence, and injustice.”\textsuperscript{22} As historian Andrew Denson notes, federal agencies began addressing previously unexplored “negative lessons” of history to give voice to violence.\textsuperscript{23}

Yet, as Denson also points out, the Trail of Tears proposals of the 1970s and 1980s seemed not to be influenced by the arguments over political correctness. In fact, Denson argues that the establishment of the Trail of Tears National Historic Trail and other removal commemoration sites across the South offer evidence of America’s widespread acceptance of the events. “Even during the history wars,” he remarks, “the Trail of Tears remained a politically safe topic.” In many ways, the Trail of Tears story seemed to transcend debates over cultural appropriateness, memorialization, or valid history because the public and people who spearheaded the designation effort agreed on its significance.\textsuperscript{24} Furthermore, Densen argues, “It is hard to start a history war when the only people invested in the events in question concur upon their basic meaning.”\textsuperscript{25}

Despite divisions over how to interpret the past, particularly the history of minorities, the NPS— influenced by constituent advocates and tribal activism— pursued national recognition of a seemingly nonconfrontational Native story in the 1970s. As Denson concludes on the Trail of Tears, “These sites of memory constitute a wide-ranging effort to recognize histories of suffering and injustice, particular those tied to race.”\textsuperscript{26} How the Trail of Tears story has been interpreted and managed in conjunction with public and tribal partners over the decades is evaluated throughout this study.

\textsuperscript{22} Andrew Denson. \textit{Monuments to Absence: Cherokee Removal and the Contest Over Southern Memory} (Chapel Hill: University of North Carolina Press, 2017), 204.
\textsuperscript{23} Denson. \textit{Monuments to Absence}, 204.
\textsuperscript{24} Ibid, 216.
\textsuperscript{25} Ibid, 211.
\textsuperscript{26} Ibid, 205.
In addition to public support and a changing federal approach to interpreting history, the Trail of Tears legislation was also born out of a shift in agency culture to work more closely with Indian tribes. The Department of the Interior extended new policies in 1966 to require consultation with federally recognized tribes with projects related to Native interest.\(^{27}\) Ahead of its sister agencies, the NPS adopted its own policy regarding consultation with tribes in the late 1970s. The Trail of Tears National Historic Trail evolved out of this policy shift in historical interpretation and a federal determination to work with tribes to pursue previously unaddressed narratives that impacted commemoration of the Indian removal.

Language in early Trail of Tears National Historic Trail studies, planning documents, and communications testifies to the new voice in alternative narratives for the NPS, with the goal of confronting previously untold stories of the past. The first *Trail of Tears Comprehensive Management Plan* of 1992 was a multi-perspective approach that included input from representatives of the Cherokee tribes and leaders of the Trail of Tears Advisory Council. Creating the plan for administrating the Trail of Tears National Historic Trail after its designation as a national trail in 1987, the *Comprehensive Management Plan* outlines the responsibilities of federal, state, and local agencies to work with the Trail of Tears Advisory Council (which later evolved into the Trail of Tears Association) and tribes to protect resources on private and federal land.

The *Comprehensive Management Plan* still serves as the basis of managing and interpreting the Trail of Tears at national sites. The plan outlines objectives and practices to be observed in the management of the trail and identifies significant potential trail components, procedures for certification, and the process to mark the trail. With the goal to “instill

\(^{27}\) The National Historic Preservation Act 1966 was the first federal policy to identify consultation with Native communities.
understanding and sensitivity,” as the removal was a “tragic experience” that was “culturally devasting for the Cherokees, the Comprehensive Management Plan was a result of consultation and collaboration with the Cherokee Nation chief, Eastern Band of Cherokee Indian representatives, other tribal affiliates, and historians. Indeed, a major role in the active involvement of tribal representatives was the new NPS Native American Relationships Management Policy of 1987, which made a commitment to collaborate with tribes to consider and respect diverse narratives.

As originally intended at designation, NPS advocates placed the Trail of Tears narrative within the broader agency effort to commemorate Indian removal. Southeast Region Director John E. Cook expanded the Trail of Tears emphasis to include “the story of the other civilized tribes… who were also forced to move as a consequence of the Federal government’s Indian removal policy.”

Trail work including research, marking, and commemoration intended “to help bring this tragic event to the forefront of the national conscience and to properly commemorate it for remembrance by future generations.”

In other ways, the development of the Trail of Tears National Historic Trail reflected a more permanent federal commitment to acknowledging the importance of citizen stewardship of public resources. The process of engaging the public in the preservation of trails was embedded in the original National Trails System Act but expanded in the 1980s when federal agencies

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28 Trail work began with the 1989 Draft Comprehensive Management Plan and was completed in September 1992. The draft Comprehensive Management Plan began under David Gaines of the Southeast Region in Atlanta. NPS personnel from both the Southwest Region and Washington Support Office recognized that the Southeast Region officials had little enthusiasm for the trail. John E. Cook, an enrolled member of the Cherokee Nation and Superintendent of the Trails Office in Santa Fe spoke of the tepid nature of the Trail of Tears National Historic Trail administration to the Southeast Regional Director Robert Baker who was happy to transfer trail administration to the Southwest Region which took place in March 1991 before the Comprehensive Management Plan was completed. The Comprehensive Management Plan was completed by Jere Krakow, Superintendent of Trails office. The transition was jointly approved by both Regional Directors.

29 Department of Interior, National Park Service, Trail of Tears National Historic Trail: Comprehensive Management and Use Plan, (Denver Service Center, Intermountain Region, September 1992), iii, 7, 33.
provided further guidance for sustained public/private partnerships. One of the most evident
signs of the agency prioritizing trail partnerships is seen in its available budget.

While some criticized the National Trails System Act for neglecting to include a budget
for completing all the trails or preserving their historic surroundings, the NPS Advisory Council
found creative ways to utilize partnership and public engagement to address management needs.
With just $150,000 in appropriations in 1987, the Advisory Council encouraged the formation of
a volunteer and citizen group to support the Trail of Tears National Historic Trail. Limited
resources and only one NPS trails staff member meant that the Trail of Tears National Historic
Trail would operate primarily through volunteers. In the planning stages of the first
Comprehensive Management Plan, the chief of the Southwest Region’s Branch of Long Distance
Trials, David Gaines, noted the importance of volunteer efforts: “The plan provides a way to tap
grassroots support for the trail and channel it into a cooperative management system.”

The National Trails System idea depended on public partnership and citizen
involvement. Volunteers were integral to the future management and development of the Trail
of Tears. As Davide Gains explained “that system will be primarily managed by the Cherokee
Nation, the Eastern Band of the Cherokees, cooperating landowners, organizations, and state and
local agencies, but the overall goal will be to collectively treat the trail just like a Yellowstone, a
Statue of Liberty, or any precious national treasure.”

Despite limited funds, the first managing office for the Trail of Tears National Historic
Trail was the Southeast Region Long Distance Trails Office in Atlanta, under Gaines. By early

Park, Pea Ridge, Arkansas.
Publication, 2018), passim.
Park, Pea Ridge, Arkansas.
1990, the secretary of the interior had formally commissioned the Advisory Council to help coordinate public dialogue about the project and identity local on-the-ground advocates who could be consulted for ideas and discussion. The Advisory Council, consisting of private historians, tribal representatives, members of heritage groups, local and state stewards, and agency staff, first met in Tahlequah, Oklahoma, on September 17, 1991. The founding charter members of the Advisory Council included Dr. Duane King, professional historian and anthropologist; Principal Chief Robert Youngdeer of the Eastern Band of Cherokee Indians; Principal Chief Wilma Mankiller of the Cherokee Nation of Oklahoma; and state government appointed advisors from the nine states through which the trail passed.

Evidence of the diverse Advisory Council’s efforts not only to engage with the public but also tell a more inclusive, cohesive narrative appeared in the first published Trail of Tears

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34 David Gaines, Press Release, Spring 1991 “Trail of Tears National Historic Trail Advisory Council to Meet” in Pea Ridge National Military Park research folder accessed September 2017. Original members of the Trail of Tears National Historic Trail Advisory Council and their nominating sources: Eddie L. Tullis (Governor of Alabama); Nancy H. Temple (Governor of North Carolina); Dr. James B. Tate (Governor of Georgia); Principal Chief Wilma Mankiller (Cherokee Nation); H. Robert Hamilton; U.S. Army Engineer Waterways (Department of the Army); Bill Anoatubby; Governor Chickasaw Nation (Governor of Oklahoma); Harley Arapahoe Grant (Governor of Tennessee); Maxwell Ramsey (Tennessee Valley Authority); Mary Ray Oaken (Governor of Kentucky); Barbara W. Heffington (Governor of Arkansas); Chief Jonathan L. Taylor (Eastern Band of Cherokee Indians); Robert C. Friedrich (Governor of Missouri); Allan Green; Shawnee National Forest (U.S. Department of Agriculture); Dr. Joseph D. Teaff (Governor of Illinois); John E. Cook; NPS Southwest Regional Director (Secretary of the Interior); Dr. Duane H. King (George Gustav Heye Museum of the American Indian).


newsletter of November 1989. In the first newsletter, patrons were asked to provide ideas for how management might best tell “an accurate story of the Cherokee’s tragic experience.” The second newsletter in June 1990, summarized those public comments. Public response advised the committee to include in its Comprehensive Management Plan the commemoration of all the tragedy of Indian removal, including the other Southeastern nations removed at about the same time. Public interest in acknowledging and commemorating all Five Tribes in the Trail of Tears story led David Gaines to amend the final Comprehensive Management Plan with consideration to include the broader removal era.

The final Comprehensive Management Plan, approved in September 1992, outlined site certification criteria, created a plan to monitor the most vulnerable sites, and decided that the Advisory Council would continue to serve as a congressional lobbying group for trail related issues. As the volunteer arm of the NPS, the Trail of Tears Advisory Council was an excellent representation of the broader NPS shift in working with tribal partners and giving them a direct voice and invested role in decisions. NPS staff who helped develop the Trail of Tears National Historic Trail, David Gaines and Jere Krakow, noted the significant and weighty contribution of the Cherokee leaders in the trail development from the beginning.

While the Advisory Council provided support and a professional link to NPS staff and resources, the ongoing planning and development of the Trail of Tears National Historic Trail

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37 National Park Service, Southeast Regional Office, Atlanta, Trail of Tears Newsletter, No. 2 June 1990, Sequoyah National Research Center, University of Arkansas, Little Rock, Arkansas.
was not possible without the countless hours and work of volunteers organized through the Trail of Tears Association. With the Advisory Council already in place, the Trail of Tears Association had legislative backing to be formally recognized. In 1993, as the Advisory Council was losing funding out of Atlanta Trails Office, the Advisory Council moved to form an association.\(^{41}\)

The Trail of Tears Association is a non-profit membership organization to promote the protection and preservation of the Trail of Tears National Historic Trail and utilize management and techniques consistent with the NPS *Trail of Tears National Historic Trail Comprehensive Management and Use Plan*. As a volunteer-based group, the association supports research, development, and interpretation of the Trail of Tears and its resources. The Trail of Tears Association is divided into nine state chapters that recruit members to develop capacity and organization. Each state chapter has the authority to mark the trail, preserve and protect the trail, conduct research, provide educational programs, identify potential certified sites and critical segments, raise funds for development, work with landowners, and organize public events.\(^{42}\)

The association reflects the manifestation of public interest in the early development and management plans to “raise awareness of the historical legacy associated with the Trail such as the effects of the U.S. Government’s Indian Removal Policy on the Cherokees and other tribes that were removed.”\(^{43}\)

The foundation and growth of the Trail of Tears Association was not only integrally tied to the Cherokee Nation, which nominated Cherokee citizens to serve on the board, but was also

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41 Riley Bock, interviewed by author, October 16, 2017, Pocola, OK; Trail of Tears Association, *Trail News* Spring 2003, Newsletter of the Trail of Tears National Historic Trail Partnership, No. 2 (May 2003), https://www.nationaltota.com/newsletters. The Trail of Tears Association was incorporated in Missouri on May 19, 1993 with Riley Bock serving as the first president. The Advisory Council “sunsets” in the fall 2002 and was not re-chartered by the NPS Trails Office as it had fulfilled its purpose in completing a planning document and for establishing the Trail of Tears Association. “We closed the Advisory meeting, stayed in our seats, and called the Trail of Tears Association to order” recalls Troy Wayne Poteet, Executive Director of the association.

42 Trail of Tears Association. By-Laws, Article 8, Section 5, Duties and Objectives. Author’s notes.

43 Trail of Tears Association. By-Laws, Article I Section 1, Purpose. Author’s notes.
broadly supported by local and state American Indian advocates, further reflecting a broader non-Native support for the Trail of Tears National Historic Trail. The first paid secretary/treasurer of the association appointed in May 1993, was sponsored by the American Indian Center of Little Rock, Arkansas. Its director, Paul Austin, provided initial support staff for the association, meeting space, and an official repository for Trail of Tears research.44

With a growing NPS infrastructure to manage trails, and the presence of an active volunteer Trail of Tears Association, gradual early development and interpretation of the Trail of Tears National Historic Trail is reflective not of a lack of interest but of funding. Before congressional appropriations in the early 1990s, funding to meet basic operational needs on the Trail of Tears Advisory Council came from other national trails. While the trail is not designated as a distinct unit of the National Park System, administration, management, and resources available to preserving and enhancing the trail are the same available to any national park.45 The NPS had real reluctance to fund national trails throughout the 1980s, as they focused attention on funding park units rather than trails, heritage areas, or riverways.46 A designated budget for the Trail of Tears National Historic Trail was finally granted in 1994 for $40,000.47 Between 1994 and 1999, the budget remained between $40,000 and $42,000. As a token budget, the NPS had enough funds to hold bi-annual Trail of Tears Association Board meetings and fund a project or two, but there was not enough support to pay for staff or complete substantial trail projects.48

44Frank Norris, email correspondence, October 28, 2018; Austin Paul, interviewed by author, Pocola, OK, October 16, 2017.
46Frank Norris, email correspondence, October 28, 2018.
48Frank Norris, email correspondence, October 28, 2018.
With such a small budget and resources allocated to the NPS Long Distance Trail Office by then in Santa Fe, progress on trail development was moderate.\(^49\) The National Trails Intermountain Region gained administration of the Trail of Tears National Historic Trail and eighteen other trails in 1991.\(^50\) Under Superintendent Aaron Mahr, the office worked directly with federal, state, and local agencies, tribes, private landowners, and such non-profit organizations as the Trail of Tears Association “to promote the preservation and development of national historic trails for public use, enjoyment, education, and inspiration.”\(^51\) The trails office provided technical assistance and limited financial assistance for resource protection and interpretive programs to federal components and certified sites along the historic trail. The office staff helped coordinate the overall cohesive interpretive program to enhance visitor experience and understanding of the broad removal story intended by Congress.\(^52\)

With a small federal budget, much of the early development and interpretation of the trail came from the work and contributions of volunteers in the Trail of Tears Association. In its infancy, the association of the 1990s worked hard to gain membership. Twenty-year president of the association and a Cherokee Nation citizen, Jack Baker recalled attacking the issue by marking more roads and sites along the historic trail. With greater recognition came greater public awareness of the trail and led to increased membership. The early vision for the Trail of Tears Association was to conduct intensive research in order to mark extended connected trails

\(^{49}\) Barbara Heffington to Bob Stanton, January 26, 1998, Barbara Heffington Papers, Sequoyah National Research Center, Sequoyah National Research Center, University of Arkansas, Little Rock, Arkansas; Memorandum from Bobbie Heffington, January 14, 2002, Barbara Heffington Papers, Sequoyah National Research Center, Sequoyah National Research Center, University of Arkansas, Little Rock, Arkansas.

\(^{50}\) The Trail of Tears National Historic Trail was assigned to North Carolina originally but John Cook with the NPS managed to move the office to Santa Fe division.

\(^{51}\) Department of Interior, National Park Service, *Strategic Plan 2016-2021*, (Denver Service Center: National Trails Intermountain Region, June 2016), 1.

of the removal routes from east to west. The vast research by volunteers was a significant
supplement to the NPS Trails Office which still operated on a low budget for the Trail of Tears.
As president, Baker not only pledged that the Trail of Tears Association would conduct research
on the Cherokee removal, but also “to identify and mark the Removal Trails of the Choctaw,
Muscogee (Creek), Chickasaw, and Seminole nations.” He looked “forward to the time when
these trails may be traversed with interpretation sites all along them.”

The success of the Trail of Tears Association relied on volunteers as a partner for the
NPS because volunteer hours bolstered the Volunteer-In-Park program which provided
additional funding to the NPS Trails Office. The reasons for volunteer engagement in the Trail
of Tears Association were varied. Many Cherokee and non-Native association members engaged
in the Trail of Tears to connect with their past or the stories of their past. As noted by Denson in
his study of southern memory and public history, Trail of Tears Association members and
volunteers found personal meaning in the Trail of Tears work, not only for the genealogy, but
also because the removal and Cherokee story were an important part of their home and local
story. “Removal commemoration has provided a means of pursuing a deeper engagement with
the histories and identities of their local places,” said Denson. In many cases, Trail of Tears
Association work invites Cherokee descendants “to explore an element of their family history,”
and in other cases “commemoration has become a way to lay claim to a Cherokee identity.” But
as Trail of Tears Association executive director Troy Wayne Poteete has pointed out, it is the

54 Trail of Tears Association, Trail News Spring 2003, Newsletter of the Trail of Tears National Historic Trail
Partnership, No. 2 (May 2003), https://www.nationaltota.com/newsletters; Jack Baker, interviewed by author,
Pocola, OK, April 28, 2018.
56 Andrew Denson. Monuments to Absence: Cherokee Removal and the Contest Over Southern Memory. (Chapel
57 Denson. Monuments to Absence, 216.
tenacity of the Cherokee that should be remembered. They are a strong and vibrant, active, and living Native group.\textsuperscript{58}

A key component of volunteer efforts in the Trail of Tears Association is working with the NPS on interpretation and education. A beginning project to mark the trail was an “auto tour route” project that placed signs along existing highways and roads to identify the Trail of Tears National Historic Trail.\textsuperscript{59} The first interpretive sites, as recommend by the 1986 feasibility study, were installed at Hopkinsville, Kentucky; Fort Smith, Arkansas; the Trail of Tears State Park in Jackson, Missouri; and Tahlequah, Oklahoma.\textsuperscript{60} Associated sites were also included for initial signage from Murphy, North Carolina to Fort Mitchell, Alabama and throughout various trail states.\textsuperscript{61}

While existing highways and roads were marked as part of the auto tour route, the first official trail components were likewise designated as existing historic sites and museums as “certified sites.” According to the \textit{Comprehensive Management Plan}, a certified site was a facility that already provided exhibits, audiovisuals, programs, and materials related to the story of Cherokee relocation, or worked with the NPS Trails Office to develop such accessibility and interpretation to the public.\textsuperscript{62} Once certified, these sites and museums could apply for and receive wayside exhibits or permanent interpretive panels to be placed as indoor/outdoor markers.

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\textsuperscript{58} Trail of Tears Association, Trail of Tears Sign Dedication at Pea Ridge National Military Park, 2013, author’s notes.
\textsuperscript{59} Department of Interior, National Park Service, \textit{Trail of Tears National Historic Trail: Comprehensive Management and Use Plan}, (Denver Service Center, Intermountain Region, September 1992), 41.
\textsuperscript{60} Department of Interior, National Park Service, \textit{Trail of Tears Final National Trail Study}, (Denver Service Center: Intermountain Region, June 1986), ii-3.
\textsuperscript{61} Ibid.
\textsuperscript{62} National Park Service, Southeast Regional Office, Atlanta, GA, \textit{Trail of Tears Newsletter}, No. 2 June 1990, Barbara Heffington Papers, Sequoyah National Research Center, Sequoyah National Research Center, University of Arkansas, Little Rock, Arkansas
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on the Trail of Tears corridor. Visible signs increasingly became tangible evidence to the public and created nationwide recognition of a cohesive Trail of Tears National Historic Trail.

Even as signs and panels began to mark the new historic trail for the public, a stagnant budget limited activity until the turn of the twenty-first century. Beginning in 2000, the budget for the Trail of Tears National Historic Trail was increased from $42,000 to an astonishing $248,000 and remained there for the next three years. The significant budget increase appears to have been an isolated move for the Trail of Tears National Historic Trail, given that other budget increases between 2003 and 2009 were related to a collection of increases for several national historic trails. The reason for the initial budget increase was directly related to the increased membership and subsequent activism of the Trail of Tears Association. The NPS was rewarding the Trail of Tears National Historic Trail for the growing public interest and engagement. In addition, tribal partners like the Cherokee Nation had also lobbied Congress for additional support.

Funding from the NPS Trails Office, in partnership with the Trail of Tears Association and Western National Parks Association, produced the first *Trail of Tears National Historic Trail* (2000) booklet to be used at national parks along the trail. The publication was one of several efforts to expand the interpretation and education of the Trail of Tears National Historic Trail in the early twenty-first century.

In addition to the important role of volunteers, Cherokees involvement has been integral to the increased funding and capacity to develop the Trail of Tears. In 2000, the National Trails System Act was amended to recognize the valuable contributions of volunteers and nonprofit

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trail groups to the development and management of national trails.\textsuperscript{66} As a result, the Cherokee Nation entered into a memorandum of understanding in 2001 with the NPS Trails Office and the Trail of Tears Association to facilitate the goals outlined by the Comprehensive Management Plan. The NPS and Cherokee Nation agreed to continue interpreting and marking the trail. The agreement with the association sealed NPS assistance in developing public awareness and addressing trail-wide programs and issues. As the first joint agreement, it set the precedent for co-management of the national trail by the NPS Trails Office and the Cherokee Nation, while the Trail of Tears Association would promote awareness of the trail and its legacy, educate the public, conduct research, and implement interpretive techniques consistent with NPS methods.

Under the partnership agreement, the Cherokee Nation agreed to designate a representative to serve on the Trail of Tears Association Board. In light of the Trail of Tears Association’s early convictions to include all Five Tribes in the designation, interpretation, and preservation process, tribal representatives from the Eastern Band of Cherokee Indians, Choctaw Nation, Chickasaw Nation, Muscogee (Creek) Nation, and Seminole Nation also joined the association board. Additionally, the Cherokee Nation and Eastern Band of Cherokee Indians agreed to aid in providing funds to the association for programs, signs, and planning.\textsuperscript{67}

With considerably more resources and budgetary support, expanded planning for the Trail of Tears Association and Trail of Tears National Historic Trail began to integrate the Five Tribes and prioritize heritage tourism through mixed-use trail development. The first Trail of Tears National Historic Trail Strategic Planning document (2002) by the Trail of Tears Association Board outlined goals for the development of the trail. This included a statement by

\textsuperscript{67} Memorandum of Understanding between the Cherokee Nation and Trail of Tears Association, No. 1443GA125000003, 2001, author’s notes. As of March 2019, the Cherokee Nation donates $25,000 and the Eastern Band of Cherokee Indians donates $7,200 to the Trail of Tears Association.
president, Jack Baker, who made clear his desires “to have numerous certified sites with interpretation all along the routes so that someone may travel the entire route without having to go a long distance between the sites.”

It is important to note that beyond road signs and the certification of existing sites, expanded planning for interpretation and education for the Trail of Tears National Historic Trail identified the importance of recreation and mixed-use trail development. It would stress the historical importance of the trail in addition to offering opportunities for water, horseback, hiking, and biking activities. This emphasis on heritage tourism expanded the original National Trails System Act by identifying diverse recreational and education opportunities while honoring the history and legacy of the trail. That the importance of cultural tourism was first noted in the 1980s then expanded in the early 2000s reflects the priority to commemorate not only the Cherokee removal, but also the stories of all Five Tribes. As a result, the Strategic Plan expanded research, interpretation, and development of other trails related to the Five Tribes’ removal routes. The work of the NPS Advisory Council, Trail of Tears Association, and Cherokee Nation expanded interpretation of the Trail of Tears to include more Southeastern tribes affected by removal policy.

The strategic planning document solidified the Trail of Tears Association’s vision to research, interpret, and mark the other Five Tribes removal stories as “the Trail of Tears National Historic Trail tells of the Cherokee’s ordeal—but many tribes can tell similar stories.”

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69 Trail of Tears National Historic Trail Strategic Planning Meeting, April 1-2, 2003, Memphis, TN, Barbara Heffington Papers, Sequoyah National Research Center, University of Arkansas, Little Rock, Arkansas.

Members of the Five Tribes soon joined the association including the Muscogee (Creek) Nation and Choctaw Nation. The first Five Tribes Inter-Tribal Resolution was signed in July 2002. It identified the multi-tribal delegates as regular participants and Trail of Tears Association board members who participated in strategic planning meetings and comprehensive interpretive plans as vital players in building a cohesive vision for preserving trail resources and stories.\textsuperscript{71}

The vision of the association was clear in addressing the events of the past and the tenacity of the contemporary Cherokee people. Jack Baker stated, “Despite this tragic event in our Nation’s history, the Cherokee and other Southeastern tribes built successful communities that exist today.” He noted the “old traces, historic buildings, and other sites [that] are being preserved to commemorate the sorrowful journey.”\textsuperscript{72} Yet, his remarks also reemphasized the importance of the trail’s memorialization of greed and prejudice in history, and how the removal story is about survival.\textsuperscript{73}

These growing priorities for considering diverse themes surrounding removal, mixed-used trail development, heritage tourism, and including the story of all Five Tribes set the stage for future joint task agreements and programs. In 2002, the association exhibited its strengthened partnership with the NPS Trails Office by combining its newsletters. The co-managed newsletter illustrated the renewed partnership and joint determinization to work together toward preservation of the trail.\textsuperscript{74} One early result was the first GIS database for the Trail of Tears National Historic Trail, in 2003, showing how the trail had developed based on

\textsuperscript{71} Minutes, Trail of Tears National Historic Trail Strategic Planning, June 11-12, 2002, Memphis, TN, Barbara Heffington Papers, Sequoyah National Research Center, University of Arkansas, Little Rock, Arkansas.


\textsuperscript{73} Troy Wayne Potete, interviewed by author, Pocola, OK, April 28, 2018.

\textsuperscript{74} In October 2002, Jere Krakow, was selected as Superintendent of the National Trails System Office-Intermountain Region. In the fall of 2002, the Trail of Tears Advisory Council was not re-chartered.
route alignments and certified sites. Most importantly, the resource gave a direct opportunity for volunteers on the ground to notify the NPS of critical or endangered components and to nominate sites for potential certification and interpretation.

Capacity grew for these efforts in 2004 as the Trail of Tears budget increased by $55,000 (now at $296,000), part of a general surge in funding for all national trails. A Final Interpretive Plan was completed to carry guidance on the new vision for heritage tourism and interpretation of the Five Tribes’ stories. The first section of the revised plan reemphasized the Trail of Tears Association president’s reminder that the Trail of Tears was fundamentally a story to commemorate the mistreatment of and injustice done the Cherokee: “The history of the Trail of Tears warns how a nation founded on the principles of equality and guaranteed protection under the law fell to greed, racism, and disregard for human rights to serve special interests—and cautions us to be eternally vigilant to prevent this from happening again.” While the plan noted the tragedy of the past, it also acknowledged the story of contemporary relevance for “the ongoing efforts of American Indian nations to maintain and exercise sovereignty.” Despite the “agony of being forcefully torn from a homeland and cast into the unknown,” the “triumph of the Five Tribes in surviving the Trail of Tears and rebuilding their homes and institutions … is a tribute to their spiritual strength—and a testament to the human drive to protect and perpetuate self, family, and society.”

76 The Multiple Property Documentation (MPDF) for the Trail of Tears was submitted to the Keeper of the National Register of Historic places in 2003. The MPDF includes narrative, historical context for all trail associated sites, identifies criteria for eligibility as a certified sites as a road segment, building, campsite, ferry crossing, disbandment, and gravesite.
78 Department of Interior, National Park Service Trail of Tears National Historic Trail Final Interpretive Plan of 2004, (Denver Service Center: Intermountain Region, 2004).
Tears National Historic Trail, but also expanded the vision to collaborate with the Five Tribes and interpret a story of relevancy to contemporary Native communities.

Direction outlined in the Final Interpretive Plan predicted national efforts to unify a vision for cohesive interpretation and management of the national historic trails. A memorandum of understanding in 2006 between six federal agencies pledged to work closely together to enhance visitor satisfaction, coordinate trail wide administration and site-specific management, to protect resources, promote cultural values, foster cooperative relationship, share technical expertise, and fund lands and resources associated with the national trials. The cooperative agreement was an active partnership of the Federal Interagency Council on Trails that had been meeting since the late 1970s. The council also supported the publication of A Decade for the National Trails, 2008-2018 in partnership with the Partnership for the National Trail System, a non-profit organization designed to support and fund the National Trails System.79

With renewed national leadership and commitment to co-management, the NPS conducted a feasibility study in 2007 based on new research, to reexamine Cherokee relocation routes and determine more precisely which were the original routes. The study emphasized that the original Trail of Tears National Historic Trail legislation identified only two major corridors which neglected many other routes. The study recommended adding new components to the trail, particularly the Bell and Benge detachments and the round-up routes used by the military to transport Cherokees to one of the thirty-one

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79 Goals, objectives, and priority actions were outlined in “A Decade for the National Trails, 2008-2018” coordinated by the Partnership for the National Trail System (PNTS). As a non-profit organization, they were formed with the primary goal of support and funding for the National Trail System. The PNTS is dedicated to facilitating stewardship of the national trails. According to its quarterly publication Pathways, the PNTS “connects member nonprofit trail organizations and Federal agency partners to further the protection, completion, and stewardship of the 30 national scenic and historic trails within the National Trails System.”
internment camps. The study also concluded that while the Trail of Tears commemorated 16,000 Cherokee, there were also many black slaves and members of other tribes forced to remove thus providing legislative mandate to research and interpret the removal stories of those of African descent. The Trail of Tears Association celebrated a substantial victory with the report to the NPS as their grassroots effort and work with the Cherokees to acknowledge other components of the removal for a more inclusive, cohesive narrative was acknowledged at the national level.

Recommendations in the feasibility study were approved by Congress as the Trail of Tears Documentation Act of 2009 and led to a budget increase to $508,000. As a result, the Trail of Tears National Historic Trail gained 2,845 miles thanks to more than doubling its length, the added segments of the route, round-up forts, and campgrounds. The diligent volunteer work of Trail of Tears Association members across state chapters in finding documentation for the additional routes was critical to expanding the trail. Twenty-two years after designation, the Trail of Tears National Historic Trail marked 4,900 miles of trail routes in nine states. According to the superintendent of the National Trails Intermountain Region Office, “Adding these routes to the Trail of Tears National Historic Trail recognizes the complexities of the removal of the Cherokee Indians in 1838-1839.” He continued, “It also gives us a comprehensive and more accurate picture of the removal experience, and it certainly brings this tragic event in our nation’s

81 Ibid.
82 Frank Norris, email correspondence, October 28, 2018.
history into sharper focus. We will work closely with many different groups in the private and public sector to help protect trailside sites along these newly designated routes and make them available for public use.”

Following the Federal Interagency Council on Trails recommendations and the finalized additions to the Trail of Tears National Historic Trail, the NPS director, Jonathan Jarvis, signed Director’s Order #45, which for the first time provided a comprehensive direction for the NPS’s responsibilities and management of the national trails. Most importantly, the order confirmed the agency’s responsibility for preserving the values and enjoyment of the trail for future generations.

By the one-hundredth anniversary of the National Park Service, in 2016, the Trail of Tears Association and Trail of Tears National Historic Trail had become a large partnership of heritage advocates, tribal partners, NPS staff, professional historians, and thousands of volunteers. The association had marked 117.5 miles of trail with 291 installed signs. It could boast of over twenty consecutive years of annual national conferences, two full-time paid staff, over 600 members, and over twenty interpretive events each year. A lot of human capital had gone into the preservation and interpretation of the Trail of Tears National Historic Trail. One wayside panel could take sixty hours to create at an approximate cost of $1,000 a panel.

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85 Aaron Mahr, email to all National Park Service, National Trails Intermountain Region Press Release, April 8, 2009, author’s notes.
88 Trail of Tears Association, Fall Board Meeting, October 2015, authors notes. The NPS reported $16,688 non-federal funds in 2014.
90 Trail of Tears Association, Fall Board Meeting, October 2015, authors notes.
When the trail was originally established, leaders of the Cherokee Nation were strong advocates, yet as Principal Chief Wilma Mankiller pointed out, the NPS had to be careful not to overemphasize recreation and leisure over education and the commemoration of a site as important to contemporary American Indian people. Chief Mankiller urged the NPS to acknowledge how the event deeply affected the Cherokee people, and to be respectful when considering proposals for development.\textsuperscript{91} While leaders of the Trail of Tears Association and NPS still follow Chief Mankiller’s plea, there has been a noticeable shift in the vision and activities of the Trail of Tears National Historic Trail in commemorating the removal.\textsuperscript{92} In particular, the Trail of Tears Association has evolved more toward promoting and developing mixed-use trails to encourage heritage tourism, acknowledging the role of those of African descent and the Five Tribes, and creating an expectation for inclusion of multiple partners.

Years of grassroots efforts to engage the Five Tribes in expanding the story of the Trail of Tears was finally formalized in the new mission statement of the Trail of Tears Association in 2016: “The Trail of Tears Association is a national nonprofit with a mission to identity, protect, and preserve the Trail of Tears National Historic Trail resources and to promote awareness of the Trail’s legacy, including the removal stories of the Cherokee, Chickasaw, Choctaw, Muscogee (Creek), and Seminole, consistent with the NPS’ trail plan.”\textsuperscript{93} The association also voted to amend its bylaws to add the United Keetoowah Band of Cherokee Indians to the board in the Spring of 2017.\textsuperscript{94}

\textsuperscript{92} Jack Baker, interviewed by author, Pocola, OK, April 28, 2018.
\textsuperscript{93} Trail of Tears Association, Fall Board Meeting, Three-Year Strategic Plan 2018-2019, September 8, 2016, author’s notes.
\textsuperscript{94} Trail of Tears Association, Spring Board Meeting, April 3, 2017, Pocola, OK, author’s notes.
While the original emphasis on researching and identifying, then marking Cherokee trail segments is still a goal of the Trail of Tears Association, there has been a gradual shift in priorities toward more outreach, public programs, and educational materials targeted at youth inspired by the fiftieth anniversary of the National Trails Act in 2018. There is also interest in documenting the administrative history of the chapters and associations to ensure institutional knowledge is preserved. The NPS Trails Office has recommended the association give attention to river corridors as removal routes in Tennessee, Mississippi, and Arkansas. And a new Historic Preservation Officer position has been created for each state chapter with more emphasis placed on formalized training in historic preservation, the completion of nomination forms, partnership development, and serving as a liaison between stakeholders.

The past five years of the Trail of Tears Association has focused on education and developing formal education curriculum on removal. There has been a strong effort by the Trail of Tears Association Education Committee to address a more cohesive national narrative of the removal by building thematic stories on which all state chapters can base their interpretations and education. A new NPS Teacher Ranger Teacher curriculum was developed in 2018, titled “Discover the Trail of Tears: A Lighting Lesson from Teaching with Historic Places,” available online.

Today, the Trail of Tears Association is comprised of a central home office in Webbers Falls, Oklahoma, and nine semi-autonomous state chapters that work collectively toward promoting historic research, site designation and protection, co-management, public awareness, and public events. While each state chapter pursues relatively independent strategies and

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95 Trail of Tears Association, Spring Board Meeting, April 3, 2017, Pocola, OK, author’s notes.
activities, they receive guidance from the central office, the Trail of Tears Association board of
directors, and the NPS Intermountain Trails Office. Each of the nine chapters pursues activities
that include grave marking and preservation, oral history, archaeological research projects,
aademic seminars, archival research, and cite certification and interpretation through exhibits
and wayside panels. The Trail of Tears Association publishes a bi-annual newsletter, Trail News,
and hosts an annual conference that draws approximately 150 participants. Most recently, a
renewed memorandum of understanding agreement between the Cherokee Nation and Trail of
Tears Association was signed in March of 2018 to reemphasize the responsibilities and
partnership of the tribe and association in co-managing the Trail of Tears resources. The
Cherokee Nation also increased its annual contributions to the Trail of Tears Association from
$10,000 to $25,000 which takes effect in 2019.

Nearly three decades after designation, the vision of the Trail of Tears National Historic
Trail remains tied to acknowledging and preserving the past and honoring contemporary
communities for future generations. Due to the nature of the Trail of Tears as a Native story, the
Trail of Tears National Historic Trail, in comparison to other historic trails, contains elements of
the past and present that makes the trail unique and applicable to diverse groups as it carries a
weighty lesson from history while speaking to the tenacity and sovereignty of Native people
today. The Trail of Tears Association is a grassroots example of public engagement and
collaboration that has had a significant impact on the management and preservation of the Trail
of Tears National Historic Trail. From its birth as a national historic trial through its
development, the plan for preservation has included a deep, strong relationship between tribes
and the association meant to advocate for commemoration and trail development.

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97 Trail of Tears Association, Trail News Fall 2018, Newsletter of the Trail of Tears National Historic Trail
Partnership, No. 30 (September 2018).
Chapter 3: Federal-Tribal Consultation in Policy and Practice

While scholarship on the Cherokee Trail of Tears has a long history, literature tracing the evolution of national park-tribal consultation and policy is less developed. Encounters between Europeans and American Indians in what is today the United States began in the early 16th century, but policy on federal-tribal consultation is relatively recent, dating from the twentieth century. The unique federal-tribal relationship has its roots in the first contact with colonial powers and in the early years of the republic. It is codified in the U.S. Constitution. The Commerce Clause empowers Congress to regulate trade with foreign nations including Indian Tribes thereby granting political autonomy to American Indians.¹ For the next two hundred years, the inherent sovereignty of American Indians and the trust responsibility with the federal government was clarified and expanded through statues, policies, laws, executive orders, treaties, agreements, and supreme court rulings.² Notably, in Worcester v Georgia (1832) the Supreme Court defined the status of American Indian tribes as sovereign nations with an inherent right to self-govern, but also dependent on the federal government.³

All branches of the federal government have trustee responsibility to protect Indian self-determination and tribal sovereignty no longer as a “guardian-ward” relationships but a “sovereign trusteeship.”⁴ Laws and policies set out the federal government’s responsibility to honor the government-to-government relationship with tribes through consultation that explicitly includes them in the decision-making process. Government-to-government consultation between

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¹ U.S. Constitution, art. 1, sec. 8.
³ Cherokee Nation v. Georgia, 30 U.S. 1 (1831); Worcester v Georgia, 31 U.S. 515 (1832)
⁴ Indian Tribal Justice Act, U.S. Code 25 (1993) §3601
federal agencies and tribal officials provides both federal agencies and tribes an opportunity to cooperate and co-manage important resources.

There is no concrete definition of consultation in any statute or law, but the process has been defined, expanded, and reinforced in official action over the past fifty years. Defining and implementing federal-tribal consultation has become more refined, expected, and accountable in the past decade. In general, consultation is defined as a process that requires continual input through exchanging ideas and sharing advice and by building relationships through collaboration, communication, and compromise. The Secretary of the Interior defines consultation as “the process of seeking, discussing, and considering the views of others, and, where feasible, seeking agreement with them on how historic properties should be identified, considered, and managed.”

While federal-tribal consultation is built on the trust relationship and acknowledging political tribal sovereignty, the process requires continued reinforcement, accountability, and investment. As the federal government’s legal mandate to consult with Indian tribes, federal agencies are responsible for making a reasonable and good faith effort to identify historic properties including those of religious and cultural significance to Indian tribes.

The Antiquities Act of 1906 is considered the beginning of the federal government’s acknowledged responsibility to preserve significant historic and cultural properties. Although the act did not include consultation as an important component of preservation or acknowledge the significance of tribal input or values, it is the first federal act on national preservation to identify archaeological sites as important public resources to be preserved by the federal government.

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In part to fulfill the Antiquities Act, the National Park Service was formally established by the Organic Act of 1916 with the mission to preserve the “scenery and the natural and historic objects and wildlife unimpaired” for the enjoyment of future generations. The National Park Service, as one of the largest land managing federal agencies, holds land and resources in trust for tribes and draws on consultation as a tool to pursue a meaningful process to exchange ideas and listen to tribal governments. To understand how consultation policy is put into practice at the various levels of operation of the NPS, it is important to examine the foundations and organization of the agency.

As the largest bureau within the Department of Interior, the NPS consists of 418 park units of diverse natural, cultural, and historical significance. Parks can be designated by a President and authorized by Congress with a statutory mission that identifies its national significance. Other land management agencies were founded for conservation—or the proper use of nature—while the NPS was founded based on preservation initiatives—or the protection of nature from exploitive use.

Park units are divided into seven regions with a Regional Director who reports to the Director. The Director of the NPS is a political appointee under the Secretary of the Interior and holds authority over the National Park System. The Director’s Office and support staff are known as the Washington Support Office (WASO). The Washington Support Office of Cultural Resources, Partnerships, and Science Directorate is responsible for cultural resources including historic preservation, the park history program, historic trails, and museum management. These national offices develop guiding planning documents and policy, provide technical materials and

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6 National Park Service Organic Act, U.S. Code 16 (1916) §1
support, training, and coordinate national issues, as well as provide annual reports to the Secretary of the Interior on agency-wide initiatives including consultations. The Washington Support Office employs experts and professionals in cultural, historic, archaeological, and natural fields that offer guidance on projects to regional and park offices. Yet an internal review of the Washington Support Office found that the cultural resources directorate which controls federal-tribal mandates was relatively small in comparison to the natural resources program that provided direct assistance to park managers.  

Currently situated under the Cultural Resources, Partnerships, and Science Directorate is the American Indian Liaison Office which manages the NPS responsibility to consult on a government-to-government basis with American Indian tribes as mandated by Executive Order 13175 and Secretarial Order 3317.

Each national park throughout the seven regions of agency is managed by a superintendent who is responsible for all park resources and the performance of all functions that are necessary to meet the purpose of the park. Divisions within the park carry core functions such as Administration, Maintenance, Visitor Services (Interpretation and Education), Natural Resources, and Cultural Resources. Many smaller parks combine divisions and rolls with positions holding collateral duties. The superintendent sets the goals, budget, priorities, standards, and programs for each division while fostering external partnerships with various committees, community events, and outreach activities, while also developing critical relationships with elected officials. In addition to oversight of park operations, as the field representative of the agency and park, the superintendent is responsible for adhering to federal and state laws on consultation with tribal governments. However, according to one study, park

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superintendents are mainly concerned with visitor enjoyment over all other park matters.\textsuperscript{10}

Interviews suggest that relationships between Regional Directors and Superintendents vary. Park superintendents usually have viewed the regional office as a partner while park staff, such as Cultural Resource Managers or Chief Interpreters, often see the regional office as more of a bureaucratic box-checking authority over their work, rather than genuine accountability and guidance.

The shift in civil rights initiatives of the 1960s and a concern for including marginalized groups in the preservation process led to more comprehensive federal policy and more clearly articulated approaches to consultation and co-management of diverse resources. Federal-tribal consultation was applied to cultural and natural resource preservation in the 1966 National Historic Preservation Act that defined consultation as “the process of seeking, discussing, and considering the views of other participants, and where feasible, seeking agreement with them regarding matters arising in the Section 106 process.”\textsuperscript{11} The purpose of Section 106 of the act is to ensure that federal agencies give reasonable consideration to the impacts of federal actions on historic properties and resources by consulting stakeholders on the best ways to minimize and mitigate potential adverse impacts. The Section 106 consultation process is particularly valuable to American Indians because of the inherent federal responsibility to inform and collaborate with Indian tribes to ensure the preservation of their cultures and provide opportunities for tribes to directly influence the project through the decision-making process.

Other federal laws mirrored the consultation requirements including the National Environmental Policy Act of 1970 that required consultation with tribes concerning

\textsuperscript{10} Ibid, 9.

environmental impacts on traditional and sacred sites. While the National Environmental Policy Act controlled environmental concerns, the Archaeological Resources Protection Act of 1979 obligated agencies to consult with tribes on archaeological sites on federal lands that impacted matters important to the tribes.\textsuperscript{12}

The National Historic Preservation Act was expanded in 1986 to define specific applications of consultation when working with Indian nations in the Section 106 process. Later provisions were added to require consultation with tribes concerning traditional and religious matters of interest in 1992.\textsuperscript{13} As a whole, the act articulated a process that in theory fulfilled federal obligations, included tribal nations in making policy and other decisions, and concluded with a memorandum of agreement or programmatic agreement between the parties. Like other legislation of its time, the National Historic Preservation Act emphasized “agreement” between tribes and federal agencies but gave little agency to tribes in fulfilling this partnership. But while State Historic Preservation Officers were created to administer the national historic preservation program at the state level and consult with federal agencies during the Section 106 process, tribes were not given this role in Indian Country until six years later. The National Historic Preservation Act was a groundbreaking shift in acknowledging consultation as a valued part of preservation of the nation’s most significant resources and historic properties, the act did not identify a role for tribal nations or design accountability for engaging tribes in the process.\textsuperscript{14}

An enduring step toward creating a fixed and consistent role for American Indians in the consultation process was the development of the Tribal Historic Preservation Officer program, in 1992, under which tribal representatives assumed historic preservation duties in the planning and

\textsuperscript{12} Ibid.
\textsuperscript{13} Ibid.
mitigation process.\textsuperscript{15} When tribal interests intersected environmental or archaeological concerns, the Tribal Historic Preservation Officer for each tribe would be brought in to the federal-tribal consultation process.

The NPS was one of the first federal agencies to pursue policy related to the advancement of American Indians and consultation directly after the 1960s and 1970s waves of national policy regarding American Indian religious freedom and archaeological resources. The NPS quickly followed national federal policy under the National Historic Preservation Act to adopt a National Tribal Preservation Program to expand consultation responsibilities with tribes. The swell of national civil rights and ethnic concerns influenced the NPS approach to shifts in conservation and preservation related to American Indians. These social and political factors influenced the NPS as one of the first agencies to adopt early policy regarding its work with Natives. The 1970s policy was identified at the time as a “pioneering step that proudly distinguishes the Service from its sister bureaus in Interior… and most other executive branches.”\textsuperscript{16}

The first NPS policy related to consultation with Indian tribes was the 1978 \textit{Special Directive 78-1 Policy Guidelines for Native American Cultural Resource Management} that established working with tribes as a cultural resource initiative, an expansion of existing federal policy that focused on preserving natural resources. Early NPS goals working with tribal governments targeted tangible properties that required varied approaches. The 1978 \textit{Special Directive} original policy was amended in 1982 to the \textit{Native American Relationship Policy Management Plan} that provided guidance to personnel for working with Native Americans to pursue actions in “a manner that reflects informed awareness of, sensitivity to, and respect for

\textsuperscript{15} Ibid.
the traditions, cultural values, and religious beliefs of Native American tribes or groups who have demonstrable ancestral ties to particular resources on lands within the National Park System.” Consultation was identified as essential during the initial phase of any activity that might affect interests of Native Americans. The policy emphasized that transparent communication through consultation be pursued before any commitment to an action and that final decisions consider Native insight.

While the preliminary special director reports were a pioneering step toward a more inclusive NPS, the directives were not broad enough to impact a comprehensive approach to working with American Indians across the agency. After a decade of drafts, public comments, and revisions, the NPS culminating report to create cohesive approaches to working with Indian tribes established a national-based task force and regional representatives to examine the existing relationships with American Indians and provide guidance on further inclusiveness. In 1987, plans and policies were codified into a broad agency initiative, Native American Relationships Management Policy. This agency-wide document was evidence of the growing concern for sensitivity to Native communities and working toward more consistent consultation with tribes.18

As the first tribal relationships policy developed by a land management bureau, the policy articulated the NPS responsibility for addressing issues related to American Indians. For its time, the document was unprecedented; no other agency had articulated a similar policy of responsibility for addressing issues involving Native Americans. The policy was the first to direct NPS offices and managers on consulting with American Indians on resource management

18 Because the 1978 NPS Management Policies were already in press, the policy was issued as Special Directive 78-1, Policy Guidelines for Native American Cultural Resource Management in February 1978. The Final version with comments was published in September 1987.
affecting tribal history and interpretation, and not just natural and cultural resources. Between 1978 and 1982, the small national Anthropology and Policy Office, that later became the American Indian Liaison Office, continually revised the management policy based on the task force findings.19

While early steps to articulate agency-wide cohesive policy to consult with tribes primarily focused on access and preservation to natural resources, the 1987 *Native American Relationships Management Policy* shifted to expand the NPS duties to acknowledge less tangible resources through the interpretation of shared history. As a result, the policy reflected a broader concern for cultural resources with awareness of Native American traditions, language, religion, and culture. To “avoid ethnocentrism” in presenting history to the public, “the Service will present factual, balanced and, to the extent achievable, value-neutral presentations of both American and non-Native American cultures, heritage, and history” insisted Chief Ethnographer and the first director of the national Anthropology Office Dr. Muriel Crespi.20 The integration of concern for tribal historic and cultural properties was groundbreaking as it served as a catalyst for the development of the Ethnography Program and future American Indian Liaison Office program at the national level.21

The developing cultural anthropology and ethnography programs set the NPS apart from its sister bureaus. Under the leadership of Dr. Crespi, the agency developed a World Conference in Cultural Parks in 1984 that stressed “the value of diverse past and present lifeways” and the

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19 The final policy, as the NPS’s first attempt at creating policies regarding Indian Tribes, is in the Federal Register 1982-1983 and printed in September 1987.
importance of “local peoples historically associated with cultural parks” to be involved in the planning. Using this public platform, Dr. Crespi articulated the ongoing revisions to the 1987 Native American Relationships Management Policy that clarified valuable sources such as ethnohistory and oral history as important to demonstrating tribal ties to park resources. These changes showed the transition in considering intangible factors such as oral tradition, social practices, and tribal knowledge in the management process. However, directives on consultation focused primarily on formal consultation with American Indian groups in the planning process.

What began as a consideration for tribal access to resources for ceremonial and traditional practices, expanded over the next decade to include the adoption of policy with greater regard for American Indian perception in history for interpretation and education within the NPS. In regard to interpretation, the 1987 Native American Relationships Management Policy outlined how Native American groups should participate fully in the planning, development, and implementation of any interpretation which relates to their history and traditions. Respect was to be given with consideration for Native “cultural achievements” for any interpretive programs. The NPS identified consultation and working closely with Native groups as ultimately the responsibility of the park superintendent with managers and planners as integral leaders with shared responsibility. These park managers would be responsible for identifying the traditional associated groups related to the park for developing cooperative agreements and facilitating strong interpretive programs. These programs were to respect and reflect American

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Indian perspective, and actively seek participation of Natives in planning, developing, and building park programs.25

By 1988, the Native American Relationships Management Policy was codified in the agency-wide Management Policies, as the primary source and foremost management authority in the NPS. These policies directed managers to make American Indian consultation a priority in planning and paved the path for their incorporation into NPS decisions. Consultation with tribes was a slow process but they increased after the policy. What is unique about the 1988 consultation policy is that it was developed and implemented two decades before the federal government required agencies to create comprehensive consultation policy.

By 1990, national consultation policy was regarding more historic and cultural properties through the Native American Graves Protection and Repatriation Act. This law required the government to return Native American human remains and artifacts to the appropriate tribe with the greatest lineal dissent.26 A series of executive orders and executive memoranda followed to reinforce the obligation of federal agencies to consult with tribes on matters related to the law.27 These presidential orders required consultation as an integral part to preservation and avoiding adverse impacts to minority communities, including federally recognized and non-recognized tribes.

An executive order outlined a new category of preservation through “sacred sites” that opened an opportunity for Indian tribes to identify sacred tribal lands and material properties on

25 Ibid.
federal sites. Now, tribes had an avenue to legally self-identify important sacred components for preservation giving greater autonomy and place in the management process. Federal policy across all agencies gradually made ground by including tribal nations in preservation planning and acknowledging the valued role of tribes in consultations to preserve national treasures and resources important to tribes. In the Department of Interior, policy continued to emphasize and reinforce the trust responsibility and treaty obligations of the United States toward Indian tribes.

Paired with national policy, the NPS developed comprehensive policy on working with tribal nations in the Keepers of the Treasure report, released to Congress in 1990. It identified ways the NPS and tribes could preserve historic properties and cultural traditions through interpretation, protection, and development of sites related to Native Americans. The report noted that because most historic and cultural properties important to Indian tribes are not on Indian land but other federal and state properties, it was recommended that national policy reflect government and Native interest that would insure that American Indian tribal cultures were preserved as a vital aspect of American history. The report recommended that Indian tribes “must be afforded the opportunity to participate fully in the national historic preservation program on terms that respect their cultural values and traditions as well as their status as sovereign nations.”

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31 Ibid, 181.
In addition to recommendations targeting funding assistance to broaden co-management of historic properties, *Keepers of the Treasure* identified specific themes including Removal and Reservations, Assimilation, Allotment, Indian Reorganization, Termination, and American Indian Language as key areas of interest for research and interpretation. Probably influenced by the 1987 designation of the Trail of Tears National Historic Trail, the report found in regard to the Trail of Tears removal history that despite strong cultural ties to ancestral lands, removed tribes such as the Five Tribes had special preservation issues that needed to be addressed because they had no way of returning to recognize those sacred places.\(^{32}\) Many tribes reported the desire to reconnect with their people on ancestral lands by not only physically reentering but having access to preservation and interpretation on those sacred lands. With an opportunity to return, tribes might work to make their presence more obvious and to connect to their ancestral places.\(^{33}\) The founding of the Cherokee Remember the Removal Bike Ride in 1984, to retrace the Trail of Tears, was an effort to make contemporary Native connection to ancestral places and show opportunities for joint preservation and interpretation efforts.

As the only NPS document specifically addressing working with tribes for a more inclusive and cohesive interpretive story, the *Keepers of the Treasure* report contains important elements and lessons that the NPS adheres to. Of note is that the report was created in direct collaboration with Native communities. The report identified that tribes seek to join national preservation efforts and programs as equal partners on a government-to-government relationship and that Indian tribes should be involved and consulted to the maximum extent in decision

\(^{32}\) Ibid, 19.

\(^{33}\) Ibid, 21.
affecting them.\textsuperscript{34} The report concluded that tribes have mixed experiences with federal agencies across and within agencies but have an overall desire to work effectively as co-managers.

To address tribal concerns in the \textit{Keepers of the Treasure} report of 1990, the NPS developed the national American Indian Liaison Office. This office was the result of decades of effort by NPS anthropologists and tribes to create a permanent home for federal-tribal consultation that set the standard across the agency. Created in February of 1995, the American Indian Liaison Office was positioned directly under the Director of the NPS, at the Washington Support Office.\textsuperscript{35} The American Indian Liaison Office had a staff of four reporting directly to the NPS director.\textsuperscript{36} The mission of the office was “to improve relationships between American Indian tribes, Alaska Natives, Native Hawaiians, and the National Park Service through consultation, outreach, technical assistance, education, and advisory services.”\textsuperscript{37} The American Indian Liaison Office served the NPS regional and park staff with training, consulting, and guidance to cultivate effective working relationships with tribal governments on specific concerns regarding park units, park lands, and park resources.

The American Indian Liaison Office provided guidance to NPS managers conducting government-to-government consultation and offered assistance on issues concerning tribal self-determination, tribal self-governance, land restoration, free exercise of religion, sacred sites, and traditional cultural properties. The office staff also participated in international dialogues to pursue common natural resource and cultural heritage preservation goals. The office’s programmatic objectives included working with other American Indian liaison offices in other

\begin{footnotes}
\item[34] Ibid, 13.
\item[37] Ibid.
\end{footnotes}
agencies, tribes, and partners, promoting Indian participation in carrying out NPS policies and activities, ensuring that Native concerns were considered, and educating NPS field staff and managers on meaningfully working with Indian tribes. Initially conducted by ethnographers and archaeologists, in the past decade the office has expanded to hire professional Tribal Liaisons, Cultural Anthropologists, Tribal Liaison Specialists and Tribal Preservation Officers.38

With comprehensive consultation policy in place and the development of a national American Indian Liaisons Office, the NPS was certainly a leader among federal agencies in pursuing healthy and meaningful federal-tribal relationships. Yet even while federal policy was shifting between the 1960s and 1990s to consider the impacts of federal projects to minority communities like American Indians, federal agencies did not fully embrace a co-management or partnership model with tribal nations until the turn of the twenty-first century.

In one of the most sweeping and enduring presidential actions regarding federal-tribal consultation, a Presidential Order in 2000 was issued to reaffirm the government’s commitment to tribal self-determination and to outline the importance of continued government-to-government relations that respect tribal sovereignty, honors treaties, and takes responsibility to meet treaty rights. Executive Order 13175 Consultation and Coordination with Indian Tribal Governments was the first federal effort to acknowledge the co-management role of tribes as partners in communication, coordination, and consultation. While practiced differently across agencies, consultation was clearly defined by the order as “an effective process to permit elected officials and other representatives of Indian tribal governments to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect

their communities.”39 The order reminded agencies of their responsibility to “establish regular and meaningful consultation and collaboration with tribal officials in the development of Federal policies that have tribal implications, to strengthen the United States government-to-government relationships with Indian tribes, and to reduce the imposition of mandates upon Indian tribes.”40

Under Executive Order 13175, federal undertakings not only considered potential adverse impacts to American Indian communities but intentionally tried to avoid them through transparent communication. The order went even further to mandate that when federal undertakings have tribal implications the federal agencies are to “defer to Indian tribes to establish standards.”41 As a result of the mandates, the Department of Interior developed a joint federal-tribal team that continually adapted department-wide policy on tribal consultation. In addition, federal agencies began submitting criteria “to establish regular and meaningful consultation and collaboration with tribal officials in the development of federal policies that have tribal implications.” Discussions were to be “open and candid so that all interested parties may evaluate for themselves the potential impact of relevant proposals.”42

In short, Executive Order 13175 transitioned federal consultation policy from acknowledgment of potential adverse impacts to tribal interests, to providing for programmatic inclusion of tribes as co-managers. Now, NPS tribal consultation policy of the past thirty years had come to reflect the broader initiatives as “an accountable process to ensure meaningful and timely input by tribal officials.” The Department of Interior created a required accountability

40 “Executive Order 13175 of November 6, 2000, Consulting and Coordination with Indian Tribal Governments,” Federal Register 65 no. 218 (November 6, 2000): 67249.
41 Ibid.
system where agencies submit consultation regulations to the Office of Management and Budget and designate a primary official to oversee the regulations.\textsuperscript{43} The NPS was already equipped to perform these duties given the previous development of policy and programs through the American Indian Liaison Office.

By the twenty-first century, federal-tribal consultation had evolved to have greater weight behind regulating collaboration and inclusion of tribes as co-managers. The president’s executive order of 2000 set the precedence for succeeding policy to expand federal requirements and include clearer responsibilities of a “good faith effort” and reinforce commitment to government-to-government consultation with tribes.\textsuperscript{44} A presidential Memorandum on Tribal Consultation (2009) specified that tribal consultation was “a critical ingredient of a sound and productive federal-tribal relationship” and directed all agencies to develop a detailed plan with progress reports on fulfilling these responsibilities.\textsuperscript{45} Following the executive memorandum, the Secretary of Interior’s Order 3317 (2011) identified specific bureau responsibilities to “promote cooperation, participation, and efficiencies from the inclusion of Indian tribes in all stages of tribal consultation” to ensure that federal action is comprehensive, lasting, and reflective of tribal input.\textsuperscript{46}

Directly concerning consultation and collaboration with tribal partners, the most comprehensive policy was a nationwide Programmatic Agreement Among the National Park Service (U.S. Department of the Interior), the Advisory Council on Historic Preservation, and

\textsuperscript{43} “Executive Order 13175 of November 6, 2000, Consulting and Coordination with Indian Tribal Governments,” Federal Register 65 no. 218 §5, (November 6, 2000): 67249.
the National Conference of State Historic Preservation Officers for compliance with Section 106 of the National Historic Preservation Act. Issued in 2008, it placed emphasis on consultation as an exchange of ideas and not just providing information to tribal partners. The agreement established a process for compliance with Section 106 of the National Historic Preservation Act and encouraged superintendents and Native American groups to develop agreements that determine expectations on both sides. Ironically, one of the most common critiques of the nationwide programmatic agreement is that the tribes were not involved in its formation.\textsuperscript{47} The NPS national office responded that it was appropriate that the Tribal Historic Preservation Officers were not signatories to the agreement because they have official legal status to function in lieu of the State Historic Preservation Officers on tribal lands.\textsuperscript{48} Yet this remains a complicated and debated topic among contemporary Tribal Historic Preservation Officers as they feel excluded from the table.\textsuperscript{49}

In addition to formal policy that has evolved since the 1960s to define consultation, its partners, and expectations, the practice of government-to-government consultation has become identified by two characteristics known as “Big C” and “Little C” consultation. Tribal partners make it clear that while the United States has an obligation to consult with tribes as sovereign nations, adhering to regulations in policy is not the only key to consultation.\textsuperscript{50} Meaningful,

\textsuperscript{47}Joe Watkins, phone interview by author, February 9, 2018.
\textsuperscript{48}Don Stevens to Lana Henry email correspondence, “Omaha MWRO on Steve Adams as Associate Director of Cultural Resources,” January 19, 2010, author’s notes.
\textsuperscript{50}Sara Hill, interviewed by author, Tahlequah, OK, February 16, 2018.
transparent, and consistent relationships, they argue, should take precedence over “box-checking” pursuits.51

Big C consultation refers to actions required by law including formal communication (letters) on a government-to-government basis initiated by federal partners in positions of authority and tribal governments. Little C consultation refers to informal communication (emails, social media, phone calls), workshops, presentations, video chat connection to maintain an open, proactive channel of communication between stakeholders. Little C consultation is typically conducted by on-site visits, meetings, and conference calls which serve as useful tools for sharing information. After a relationship has been built through Little C consultation, formal agreements such as memoranda of understanding can be developed through Big C consultation. Many tribal partners and NPS liaisons argue that Little C informal consultation is vital to maintaining successful Big C formal consultation and the well-being of federal tribal relationships in general.52

In practice, federal-tribal consultation can take both forms but is not identified in any law, policy, or regulation. Indeed, some NPS tribal liaisons discourage the use of Big C and Little C language with tribes as it may cause miscommunication or confusion, even if it is understood in practice.53 Discretion is up to each designated federal liaison to know expectations and how consultations should be conducted with each tribal government as each is unique. While Big C consultation is required by law with various statues and policy, different tribes have different

52 National Park Service. American Indian Liaison Office training, Pathways to Confidence: Consultation with Tribal partners, hosted at Fort Smith National Historic Site, August 2018, author’s notes.
53 Reed Robinson, interviewed by author, Pocola, OK, October 17, 2017; Sara Hill, interviewed by author, Tahlequah, OK, February 16, 2018.
expectations on Little C consultation. These factors depend on the tribe’s political structure, the tribe’s preference for communication (phone, email, conference call, in-person visit), and the nature and complexity of the issue. Some tribes only recognize consultation between senior level government officials and tribal government leaders while other tribes acknowledge communication between any designated federal representatives.\textsuperscript{54}

Another difference in policy and practice is the expected outcome of consultation. While NPS policy articulates an expectation for a final decision between stewards, both tribal partners and NPS liaisons are clear that a final agreement is more a myth than tangible reality. They point out that the essential and most valuable components of consultation is the respectful, direct dialogue that builds relations over time.\textsuperscript{55} Another misconception about consultation is that it is only required when artifacts or human remains are discovered on federal land. Participants note that a variety of tangible and intangible properties require consultation with American Indian tribes, such as interpretation of Native history, museum exhibits, historical writing, and other media forms.\textsuperscript{56}

Federal-tribal consultation policy has evolved not only to be recognized for maintaining critical government-to-government relationships, but as good, sound management practice. While federal mandates related to co-management of archaeological and cultural resources shifted in the late twentieth to early twenty-first centuries, considering inclusive perspectives in the interpretation of Native history and renewed commitment to integrate tribal perspective has only recently expanded in the last decade.

\textsuperscript{54} Reed Robinson, interviewed by author, Pocola, OK, October 17, 2017.
\textsuperscript{55} Sara Hill, interviewed by author, Tahlequah, OK, February 16, 2018.
\textsuperscript{56} Erik Ditzler, interviewed by author, Gillett, AR, August 1, 2017; Kirby McCallie, interviewed by author, Gillett, AR, July 26, 2017.
Since 2010 there has been a notable shift in the NPS toward considering American Indians as true “tribal partners,” moving beyond recognition of tribal sovereignty toward more genuine co-management.57 While several executive actions remind agencies of their responsibilities to respect tribal government sovereignty, only relatively recently have policy and practice specifically included the importance of co-management with tribal entities and the value of consultation regarding sharing traditional knowledge and interpreting the past. Nowhere is this partnership with tribes more evident than in a recent Secretarial Order 3342 on Identifying Opportunities for Cooperative and Collaborative Partnership with Federally Recognized Indian Tribes in the Management of Federal Lands and Resources (2016). This order “recognizes that tribes have special geographical, historical, and cultural connections to federal lands and waters, and that tribes have traditional ecological knowledge and practices regarding resource management that have been handed down through generations.”58 Finally, agencies are encouraged to form cooperative management agreements with tribal partners and undertake efforts to prepare them in the management of tangible and intangible natural and cultural resources over which the agency maintains jurisdiction.

Today, the Department of Interior and NPS view consultation with tribal partners as not only responsible management practice as legally mandated but also as vital to the mission of the federal agencies. The NPS has evolved to collaborate directly with tribal partners to integrate tribal knowledge and make use of tribal capabilities to enhance the ability to accomplish shared goals. In the early twenty-first century, under new Heritage Initiatives and Publications on

58 S.O. 3342 October 2016 Identifying Opportunities for Cooperative and Collaborative Partnership with Federally Recognized Indian Tribes in the Management of Federal Lands and Resources.
Diverse and Inclusive History, the NPS began taking special steps to develop publications of similar nature on working directly with other marginalized groups including African Americans (2001), Asian Americans (2005), Hispanic Americans (2009), and LGBTQ (2016).59

The transition toward consultation with tribes for historic interpretation has progressed over the past decade to be necessary and expected. Evidence of the National Park Service’s evolution to expect consultation with tribes related to interpretation is found by compliance with the Secretarial Order 3317 and Secretarial Order 3342 which require agencies to report annually to the Department of Interior on efforts to promote consultation with federally recognized tribes. In 2012, the NPS American Indian Liaison Office developed a reporting system called a Summary Narrative Report for each park unit to submit based on cooperative agreements and active consultation with tribes.60

The annual reports since 2012 show an increase in the frequency of consultation and breadth of topics discussed in consultation. The required reports identify the tribes with whom the NPS consults, the topics and programs discussed, the senior leadership involved, the consultation format and location, training, and feedback from the tribes. The report also identifies efforts to consult with non-federally recognized tribes as evidence of the NPS effort to work with all Native people.

60 The template (on google docs) submitted to NPS program and park unit managers asks for the total number of consultations conducted, the number of tribes consulted, the tribes consulted, the number of times that specific topics were consulted like NAGPRA, NEPA, NHPA, Indian Self-Governance Act, Climate, Concessions, Cultural Resources, Education, Interpretation, Facilities, General Management, Natural Resources, or Park Planning, and the identification of senior level management at each consultation including the Regional Director, Associate Regional Director, Superintendent, Park Program Manager, Anthropologists, Tribal Liaison, or Washington Support Office.
The National Park Service’s efforts to more clearly define and articulate the definition of consultation has resulted in greater participation of parks in the annual reporting process and increased reporting of consultation activity. According to the *Summary Narrative Report*, for consultation to qualify under Department of Interior policy it must reflect a form of agreement between the tribe(s) and NPS and recognition that formal government-to-government consultation is occurring. The report defines consultation as “a mutually agreed upon process of exchanging information between the NPS and Indian tribes.”61 The new reporting process also indicates changes in acknowledging the gap in policy and practice by including categories reflective of the informal Big C and Little C consultation terms. The reporting mechanism recognizes the value of less formal communication in “ongoing dialogue on a given issue.” The *Summary Narrative Report* also recognizes that multiple forms of communication such as telephone calls, emails, and side-bar conversations are part of the whole consultation process yet also considered independent efforts. With these evident distinctions in forms of outreach and communication with tribal partners, the NPS does acknowledge the practical application of Big C and Little C consultation even if it is not defined in policy.

By requiring the reporting and by tracking the frequency and topics of consultations, the NPS has seen a significant increase in consultations and participation of tribes. During the 2016-2017 annual reporting, there were 1,507 consultations with 283 tribes at an estimated cost of $482,880.62 The most frequent topics of consultation included Section 106, National Environmental Policy Act, cultural resource management and interpretation. Parks reported two times as many consultations on the topic of interpretive exhibit design than the previous year.

62 The Cherokee Nation, Eastern Band of Cherokee Indians, and United Keetoowah Band of Cherokee Indians of Oklahoma were consulted.
category introduced in the 2016 report was the location of in-person consultations with tribes which saw an increase of in-person consultations at tribal locations with 58% on tribal land. The report shows that while the number of teleconference consultations decreased, the number of in-person consultations from 2015 to 2016 increased from 454 to 639 at an increase of fourteen percent.

While the involvement of senior leadership in consultations has improved since 2012 when reporting began, most of consultations with NPS “authority” are park superintendents (at 59%) and only .001% of American Indian Liaison Office or Washington Support Office professionals and 22% of NPS regional or park program managers, and thirteen percent Tribal Liaisons. That means that most consultations have park superintendents as the “decision level NPS representative” while regional and national authorities are often not participating.

The Summary Narrative Report concludes that in general the tribal government feedback was positive, commenting on the effort to conduct regular meetings and include the tribe in the process. There were suggestions to include the tribe early and broadly in the process and that NPS staff would benefit from training in local Indian culture and tradition to “improve cross-cultural understanding.” There were reports that the rates and processes of consultation were “outdated and cumbersome” but this was not explored further by the American Indian Liaison Office.

Since the wave of federal law in the 1960s to 1990s regarding considerations of American Indian interests on federal lands, the NPS has been legally obligated to consult with Native communities when administering policies and programs that may have tribal implications. These mandates have impacted contemporary stewardship of the Trail of Tears National Historic

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63 36% of the total reported consultations included Tribal Liaisons and American Indian Liaison Office managers.
Trail as it relates to three federally recognized Cherokee tribes. While NPS policy directs that park managers fully honor the government-to-government relationship and promote innovative methods for including tribal partners, many park managers struggle on its practical application as co-management can be a significant challenge.

Despite the consultation policies, there remains frequent conflict between particular parks and tribal partners. The balance between policy and practice has been interpreted broadly by the NPS even while tribes’ express disapproval with current processes meant to ensure effective and meaningful consultation.64 Such conflicts are complicated by significant differences in treaties, tribal governments, and tribal cultures and in the way tribes conduct business. Similarly, on the federal side, there are differences in agency missions and the statutes which govern how agencies carry out their responsibilities to tribes. This creates inherent problems in attempting to use a “one-size-fits-all” cooperative development model. There is not one model for consultation with Indian tribes but there are central principles.

The NPS still faces challenges in establishing consistent, timely, and effective consultation with Native peoples.65 In the past few years the NPS has recognized its slow response to changes in consultation based on Native response to historic and cultural preservation. Several reports note that consultation practitioners are confused about consultation protocols and when and how to consult on the ground level leaving a gap in Washington Support Office management and consultation practice at the parks. Yet there is a growing awareness of

64 Mary Adelzadeh, Todd Bryan, and Steven Yaffee. “Tribal Issues and Considerations Related to Collaborative Natural Resource Management,” Ecosystem Management Initiative. (School of Natural Resources and Environment, University of Michigan, Ann Arbor MI, 2003), 2.
the importance and value of Native perspective as indicated by the *Summary Narrative Reports* on consultations.

Input from tribal partners reveals that consultations should not be a gratuitous exercise but an ongoing part of the NPS mission. Consultation involves more than simply adhering to regulation and producing projects. To tribes, consultation is a long-lasting arrangement to preserve their heritage, history, and culture. It is difficult to measure and there is no ideal methodology to accomplish the task. The purpose of this research is to determine if the NPS has fulfilled its consultation promises in practice by examining the Trail of Tears National Historic Trail at three national parks in Arkansas. This question will be further examined in Chapter 4.

In light of former NPS Director Jon Jarvis’s vision for the Second Century, the NPS has even more of an obligation to ensure consultation is not only conducted but that results are evaluated to encourage more equitable management for the preservation of future generations.66

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Chapter 4: Promise and Practice: A Case Study of Three National Parks

As federal protection components of the Trail of Tears National Historic Trail, Pea Ridge National Military Park (PERI), Fort Smith National Historic Site (FOSM), and Arkansas Post National Memorial (ARPO) are expected to protect the trail’s physical integrity and provide opportunities for high-quality interpretation.¹ A review of policy and management at each site reveals similarities and differences in how the sites preserve trail resources, interpret trail properties, and engage with partners.

To trace Trail of Tears development at each site, it is important first to understand distinctions in formal designation as trail components of the Trail of Tears National Historic Trail. This chapter will then review each parks’ enabling mission as it relates to implementation and practice of consultation with the Cherokees on the Trail of Tears. After tracing the backdrop of each park’s enabling legislation, purpose, and mission, each park’s management of the trail will be considered in light of its planning documents, management plans, and multi-media visitor materials. The comparison of policy promises and management practices at each park speaks to the evolution of park interpretation, education, and preservation of Trail of Tears. The chapter concludes with a summary of findings and recommendations for each park to consider in adopting a more inclusive American Indian narrative through broader co-management of the Trail of Tears National Historic Trail.

The purpose of the National Park System is to preserve park resources unimpaired for future generations.² Park units are established by enabling legislation, passed by Congress, that

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declares its national significance and mission. Each park’s programs, planning, interpretation, and resource management must support that intent and educate the public on the significance of the park. A national historic trail is similarly designated by Congress, based on national significance, and linked to existing park units associated with the trail.

According to the first 1992 *Comprehensive Management and Use Plan* for the Trail of Tears National Historic Trail, early planning identified PERI, FOSM, and ARPO as “federal protection components” eligible for immediate certification as components of the national historic trail. These sites were selected due to their association with removal resources in existing parks. PERI and FOSM were recognized as land routes and ARPO was recognized as a water route of the Cherokee removal. Federal protection component status implies that all federal agencies that manage or co-manage the site will work together to preserve, interpret, and/or develop trail-related properties under their respective jurisdictions. PERI, FOSM, and ARPO are all administered by the National Park Service.

In addition to becoming designated as federal protection components of the national historic trail, PERI and FOSM were each identified as a “high-potential site and route segment.” This designation recognizes federal or non-federal sites with exiting opportunities for interpretation and development, and with valuable resources along the historic trail. These sites are responsible for orienting visitors to trail routes and sites, developing and managing interpretive facilities, and using park funding to enhance trail-related programs. Due to their proximity to Trail of Tears resources, the NPS Trails Office committed itself to “closely

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4 Frank Norris, email correspondence with author, February 15, 2019.
6 Ibid.
coordinate interpretive programs” with PERI and FOSM and “to provide more firsthand resource experiences and to help maximize education efforts.”

The Trail of Tears corridors at PERI, FOSM, and ARPO were selected because they were first identified by the 1987 enabling legislation of the Trail of Tears National Historic Trail as identifiable markers for interpretation. As a result, a top visitor service goal at all three parks has been to consider the important Trail of Tears theme. In addition, these sites are situated in Arkansas, a state with more National Register of Historic Sites and federal land than in any other state with the Trail of Tears National Historic Trail. Given the high volume of national register sites related to the Trail of Tears—with over 258 sites in over twenty-two counties—Arkansas is a valuable case study of the impact of management, collaboration, and partnerships on Trail of Tears resources and stewardship.

Because national parks do not have inherently defined boundaries, but are expressions of human value placed on the landscape, the interaction with partners is fundamental to fulfilling a park’s missions of preservation. As the NPS is “committed to telling all America’s stories by working closely with tribal leaders,” all park units are mandated to consider the concerns of potentially affected American Indians in park planning. Many units of the NPS are specifically charged with preserving and interpreting cultural resources and the history of American Indians. These parks, like PERI, FOSM, and ARPO, manage natural and cultural resources that require planning, programs, and activities that may affect Native peoples.

Each park is guided by a variety of planning documents that outline the purpose and scope for management practices. *General Management Plans* are park planning documents drawn directly from the enabling legislation that design the park mission statement. *Foundation Documents* provide each park with basic guidance for planning and management decisions and give a brief administrative history that includes the park’s description, purpose, significance, resources, and interpretive themes. *Long-Range Interpretive Plans or Comprehensive Interpretive Plans* target interpretation and education in the short or long-term. *Cultural Landscape Reports* document and preserve cultural properties. When drawing from these sources, park managers may either embrace or reject opportunities for change, depending on their interpretation of the documents, but those decisions can have lasting impacts on park actions as they affect the tribes.\(^\text{11}\)

The National Trails System Act organized three types of opportunities for trail designation along the Trail of Tears National Historic Trail. These designations—high-potential sites and route segments, federal protection components, and certified sites—are not defined well, according to the NPS Trails Office, but they all have important purposes.\(^\text{12}\) The Trail of Tears National Historic Trail *Comprehensive Management and Use Plan* defined these designations so as to include both federal and non-federal properties.

“High-potential sites and route segments” are a compiled list of recognized federal and non-federal sites along the Trail of Tears with “historical significance, the presence of visible historic remains, scenic quality, and few intrusions.”\(^\text{13}\) These sites must also contain preserved trail resources, such as roadbed, ferries, structures, natural landmarks, marked graves, campsites,

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\(^{11}\) Kevin Eads, interviewed by author, Pea Ridge, AR, September 12, 2017.

\(^{12}\) Frank Norris, email correspondence with author, February 15, 2019.

or rural landscapes, and critical archival information to guide development. Original high-potential sites and route segments were inventoried in conjunction with trail route mapping conducted in 1989 and 1990.

Many high-potential site and route segments were selected within present NPS units. These sites and segments were already fully protected by NPS management standards due to their designation as National Historic Landmarks or National Register of Historic Places. PERI and FOSM were identified as high-potential site and route segments because they were “directly associated with the historic event,” and the potential for interpretation was high due to their “historical integrity.”14 The high-potential list does, however, permit additional sites and segments to be identified in the future.

A second formal trail designation under the Trail of Tears National Historic Trail is “federal protection components.” Those high-potential sites and route segments that are on federal land are designated as federal protection components because in most cases their national status, by definition, grants national significance.15 Many high-potential sites and route segments can also be federal protection components, but not all federal protection components are listed as high-potential site and route segments. As federal entities, such federal protection components as PERI, FOSM, and ARPO, once aware of trail-related resources and research, are expected to incorporate the interpretation and/or preservation of these resources into ongoing planning efforts.16 These designated federal sites are eligible for NPS technical assistance, programs, and support, while also being subject to periodic monitoring for threats to their integrity.

14 Ibid.
15 Ibid.
16 Frank Norris, email correspondence with author, February 14, 2019.
In addition to federal site designation, non-federal properties can be included in the Trail of Tears National Historic Trail in a third category, as “certified sites.” In many cases these non-federal sites lack national register or national landmark significance, so they require certification of historical significance and potential for use before being designated as official components of the national historic trail. The certification process, administered by the NPS Trails Office, determines which significant sites and route segments are eligible for inclusion based on evidence of interpretation, preservation, and recreation opportunities. Cooperative agreements are signed with property owners and trail managers to recognize the value of the site, maintain standards of significance, provide interpretive media/programs, and agree to preserve, and not degrade, the value of the site. Once certified, these sites are eligible for appropriate means of protection and opportunities for public engagement by the NPS Trails Office.

As designated federal protection components and high-potential sites and route segments with responsibility for telling the removal story, Pea Ridge National Military Park, Fort Smith National Historic Site, and Arkansas Post National Memorial have shown efforts to improve management and interpretation of the Trail of Tears National Historic Trail. However, the different formal designations have influenced similarities and differences in how the parks preserve trail resources and engage with tribal partners.

Pea Ridge National Military Park in Garfield, Arkansas, was established on July 20, 1956 to commemorate a significant Trans-Mississippi Civil War battle of March 6-8, 1862. Enabling legislation outlined the park’s purpose to “preserve and protect the landscapes and resources associated with the battle of Pea Ridge; to interpret the battle as an integral part of the social,

political, and military history of the Civil War; to provide for historical education and professional study; and to provide roads, trails, markers, buildings, and other improvements and facilities for the care and accommodation of visitors as necessary.”

While the original mission of the park was to preserve 4,300 acres of the battlefield, roughly three miles of the Northern Route of the Trail of Tears, which follows Old Military/Old Telegraph Road from Missouri into Indian Territory, is identified in park planning documents as important for preservation and interpretation. The route saw eleven Cherokee detachments from 1837 to 1839 totaling some 9,982 Cherokee. The segment includes campsites at Ruddick’s (also Reddick) Field and Elkhorn Tavern. “After surviving the hardships encountered along the Northern Route of the Trail of Tears,” outlined the park Long-Range Interpretive Plan, “groups of the five tribes may have found food and shelter at the last ration distribution site located at Ruddick’s Field before entering the alien land and an uncertain existence that awaited them in Indian Territory.” Having thus identified the route as a subsistence depot and encampment for the Cherokee detachments in the winter of 1837/1838 and early spring 1839, the park Foundation Document explained how Lewis Ross, Cherokee Chief John Ross’ brother, made a contract with William Reddick on August 10, 1838, for rations and forage for the Cherokee. A ration was one pound of fresh beef or pork, three half pints of corn

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meal or one pound of wheat flour, four pounds of coffee, eight pounds of brown sugar and four quarts of salt for every one hundred rations, and three pounds of hand soap for every one hundred rations. Every horse, ox, and mule received a ration of one peck of corn and eight pounds of hay or fodder.25

The first Cherokee detachment through the park was the B.B. Cannon contingent of 356 Cherokee on December 23, 1837. The Cannon detachment was the second group to be sent west by the United States government under the Treaty of New Echota of 1835 before removal was undertaken by the Cherokee under Chief Ross. This detachment is important because it established the basic overland route that several subsequent removal detachments would follow. Other detachments that came through Pea Ridge between January and March 1839 included Daniel Colston’s party of 651 on January 10 or 11, 1839, Situwakee’s contingent of 1,250 on January 27 or 28, 1839, Jesse Bushyhead’s contingent of 898 on February 17 or 18, 1839, Stephen Foreman’s party of 921 on February 21 or 22, 1839, Choowalooka’s party of 970 on February 23 or 24, 1839, Moses Daniel’s party of 924 on February 24 or 25, 1839, James Brown with 717 on February 27 or 28, 1839, George Hick with 1,039 on March 8 or 9, 1839, Richard Taylor with 944 on March 18 or 19, 1839, and Stephen Hilderbrand’s detachment of 1,312 on March 20, 1839.

When visitors arrive at PERI they are invited at the Visitor Center to enjoy an introductory film on the importance of the site to the American Civil War and given an official park unigrid brochure with maps and brief descriptions of the tour stops along the eight-mile driving loop. While the park film and park brochure do not mention the Trail of Tears or

25 A number of primary sources relate to the encampments and several detachments including a receipt from Reddick to a soldier named Cox of one of the contingents who purchased horse fodder and other supplies. Other resources from the General Land Office survey maps of 1837 verify the location of the route.
removal, additional Trail of Tears National Historic Trail brochures developed by the NPS National Trails Office are also available for visitors. Other park-specific publications on white tailed deer, birds, the Butterfield Overland Mail route, and nineteenth century weapons are available at the Visitor Center. After viewing the twenty-minute film, visitors may explore the Visitor Center museum where exhibit updates from 2010 include a large display of Indian removal history and a discussion of the importance of historic roads. According to park managers, the new museum displays have brought positive visitor feedback that suggests an improved understanding of removal and the Trail of Tears.\textsuperscript{26} However, they are aware of the challenges in measuring visitor perceptions because most surveys ask about the park’s general significance, and not specifically about the removal story.

Also at the Visitor Center, the NPS Passport Book Trail of Tears National Historic Trail cancellation stamp is available along with the Jr. Ranger Book that includes a Trail of Tears activity page with questions on the removal and the National Trails System. Visitors can purchase the official NPS Trail of Tears DVD and Cherokee history books from the Visitor Center bookstore. In addition to multi-media materials, the Interpretive Division offers public programs and educational talks on the history of the Trail of Tears throughout the year.\textsuperscript{27}

Incorporating the Trail of Tears story into interpretive media and management practices at PERI has primarily been a practice over the past ten years as park managers have directed revised planning documents that guide resource allocations, staff, and budget priorities. Yet PERI management acknowledged the importance of the Cherokee removal and the Trail of Tears resources as early as 1993 when the superintendent outlined objectives to “develop the

\textsuperscript{26} Troy Banzahf, interviewed by author, Pea Ridge, AR, September 12, 2017.
interpretive theme of the Trail of Tears through the park and of the effect of the Battle of Pea Ridge on post-war army policy concerning American Indians.”28 Another consideration was “heritage tourism” as an important component of developing the Trail of Tears. In 1994, park management echoed goals in the Trail of Tears Comprehensive Management and Use Plan to make the park “a featured site of the trail.”29 The Trail of Tears was identified as an important “sub-theme” under the primary theme of the civil war battle.30

PERI’s first efforts to acknowledge the removal primarily focused on highlighting the connection between the Cherokee who removed through the area on the Trail of Tears in 1838/39, and those that returned to fight during the battle in 1863. Even with early managers that acknowledged the Trail of Tears as an important part of the park’s story, these priorities were contained to management statements and staff orientation packets, and therefore did not gain much momentum until the twenty-first century when added to formal planning documents.

Beginning with the park’s first General Management Plan in 2006, planning documents recommend that park managers pursue stronger interpretation of the Trail of Tears and work specifically with tribal partners and the Trail of Tears Association to understand the Native perspective and encourage co-led programs and projects.31 In conjunction with these planning document recommendations, park managers have pursued expansion plans in interpretation, education, and collaboration of the Trail of Tears. The Long-Range Interpretive Plan of 2011 outlines future interpretive services, facilities, and media based on primary source materials to assist with telling a comprehensive story of removal. These sources include the diary of Dr.

30 Minutes, Pea Ridge National Military Park, Advisory Team Agenda Orientation to Park, (October 20, 1994).
W.I.I. Morrow, who traveled with the B.B. Cannon detachment through Ruddick’s Field, government papers and receipts, and General Land Office maps of 1837. The plan recommends adding a trail stop at Ruddick’s Field as a future interpretation station, with available interpretive programs. Other planning documents, such as the *Cultural Landscape Report* of 2014, encourage park managers to focus on Ruddick’s Field for its economic impact on the community and its connection between the Cherokee removed through the park and those Cherokee who returned to fight nearly three decades later in the battle of Pea Ridge. In the summers of 2017 and 2018, the Arkansas Archaeological Survey partnered with PERI and the NPS Midwest Region Archaeological Center to conduct ground radar penetration and surface reconnaissance at Ruddick’s Field in order to pinpoint the exact location of the encampment site, and assess any historic structures, archaeological materials, or other significant properties. With over six-hundred acres studied since 2014, more archeological fieldwork has been done at PERI than nearly any other battlefield.

Early efforts to pursue heritage tourism are being fulfilled by the *Master Trail Plan* of 2017 that calls for enhanced Trail of Tears signage based on partnerships and consultation with tribal governments to increase awareness of the trail’s historical importance, while also encouraging mixed-use bicycle, pedestrian, and equestrian trails. There are plans by the Arkansas Chapter of the Trail of Tears Association to place additional Trail of Tears interpretive

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and road signs along the three-mile tour route so that it is clearly marked for visitor engagement.\textsuperscript{35} In addition, the park is currently undergoing a large renovation of the historic Elkhorn Tavern, which has the potential for additional interpretation of the removal, and should be complete by the summer of 2019.\textsuperscript{36}

Another way in which PERI has recently committed to emphasizing the relevance of removal and its impact on the local, state, and national community is through communication and collaboration with the Cherokee Nation and United Keetoowah Band. Yet, like interpreting the Trail of Tears, PERI managers had acknowledged the importance of consulting with Native people as early as 1992. “In the past,” a park superintendent argued, “there has been minimal consultation with the Cherokee Tribe concerning interpretation of the Trail of Tears through the park or Cherokee participation in the Battle of Pea Ridge.” In addition, there “has been no ethnographic overview or assessment to determine the concerns of American Indians about the park interpretation of the Trail of Tears.”\textsuperscript{37} The General Management Plan and Long-Ronge Interpretive Plan urge the park to “work with the National Trails System Office in Santa Fe and Trail of Tears Association in preservation and protecting the Trail of Tears and in developing educational and interpretive programs to enhance public awareness, understanding, and appreciation for this tragic chapter in American history.”\textsuperscript{38} They recommend that Native partners be welcomed to tell their stories about the removal at PERI. As a sign of new efforts to build relationships and trust with tribal governments, tribal partners praise the current superintendent’s willingness to travel to Indian Country and visit in-person with leaders. The current park

\textsuperscript{36} Troy Banzahf, interviewed by author, Pea Ridge, AR, September 12, 2017.
superintendent is a Cherokee Nation citizen with a deep commitment to building stronger relationships and trust with the tribal nations.\textsuperscript{39} Both Cherokee Nation and United Keetoowah Band Tribal Historic Preservation officers comment on their appreciation for this effort and the foundation it promises to build for future park-tribal relations.\textsuperscript{40} In 2017, the superintendent also entered into an agreement with the Arkansas Chapter of the Trail of Tears Association to serve on its advisory board.\textsuperscript{41}

In addition to telling relevant stories by consulting with Cherokee communities for a fuller understanding of their history, the \textit{Long-Range Interpretive Plan} recommends that PERI park managers strengthen interpretation and education of the Trail of Tears by adding, updating, and replacing wayside exhibits.\textsuperscript{42} In collaboration with the Trail of Tears Association, National Trails Office, and the Arkansas Chapter of the Trail of Tears Association, PERI has developed wayside exhibits, road signs, and pedestrian signs to interpret the historic trail. Along the eight-mile tour road there are twenty-three total wayside exhibits with two Trail of Tears stops making up about one percent of the wayside panels.\textsuperscript{43}

If visitors are not clear on the site-specific story or the Trail of Tears at the Visitor Center, they are immediately engaged with the removal story at Tour Stop #1. This tour stop provides an introduction to the Trail of Tears National Historic Trail and marks one of the very few preserved 1830s roadbeds amidst the tall grass where Telegraph Road was part of the Northern Route. The wayside panel reads: “The shallow depressions in front of you are remnants

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  \item \textsuperscript{39} Kevin Eads, interviewed by author, Pea Ridge, AR, September 12, 2017.
  \item \textsuperscript{40} Elizabeth Toombs, interviewed by author, Tahlequah, OK, February 16, 2018; Sara Hill, interviewed by author, Tahlequah, OK, February 16, 2018; Eric Oosahwee-Voss, interviewed by author, Tahlequah, OK, August 31, 2017.
  \item \textsuperscript{41} Kevin Eads, interviewed by author, Pea Ridge, AR, September 12, 2017.
  \item \textsuperscript{42} National Park Service. Pea Ridge National Military Park. \textit{Long-Range Interpretive Plan}. Interpretive Planning. Harpers Ferry Center, December 2011, 36.
  \item \textsuperscript{43} National Park Service. Pea Ridge National Military Park. \textit{Long-Range Interpretive Plan}. Interpretive Planning. Harpers Ferry Center, December 2011.
\end{itemize}
of the original Telegraph Road traveled by thousands of Cherokees and other American Indians in the winter 1838-1839 during their forced removal from their homelands. It was then called Wire Road because of the telegraph lines that lined the road and linked the nation. It was the route of the Butterfield Overland Stage line from 1857-1861. Both armies used the road during the Pea Ridge Campaign.” At Tour Stop #8, the wayside panel directly in front of Elkhorn Tavern and just along the Old Wire/Telegraph Road offers a discussion of the Northern Route and Cherokee detachments that is paired with Native artwork depicting the forced removal. As the driving tour comes to an end, a final Trail of Tears National Historic Trail road sign indicates the distance the Cherokee traveled to Ruddick’s Field and the distance still to travel before reaching Indian Territory.

With over 121,000 visitors a year, the way in which Pea Ridge National Military Park executes preservation and interpretation of the Trail of Tears National Historic Trail significantly influences tribal relations, and public perception of the removal.44 Increasingly in the past decade, the park has made progress in researching, identifying, and marking the historic route based on consultation with the Cherokees. Based on the available interpretive and educational components at the Visitor Center as the first point of contact, visitors have a good chance of being exposed to the Trail of Tears as an important theme at PERI.45

In all, PERI appears to be performing its mission as outlined by planning documents and as perceived by tribal partners. Yet, there currently does not exist any formal memoranda of understanding or programmatic agreements between PERI and a tribal or trail partner. The park does have a precedent for engaging with and reaching out to community representatives with the

45 National Park Service. Pea Ridge National Military Park. Long-Range Interpretive Plan. Interpretive Planning. Harpers Ferry Center, December 2011, (13). Identified 3-5% increase in visitor understanding of the significance of the park attributed to the installation of the new visitor center exhibits and increase in interpretive staff.
development of a friend’s group and an advisory group. In 1993, the park developed an advisory team made of community representatives to discuss management issues affecting the park and community. At the same time, the park created a formal partnership agreement with the Pea Ridge National Military Park Foundation, a non-profit 501(c)(3) organization, to provide improvements beyond the park’s budget. It seems that the park has a history of working collaboratively with the community but primarily in relation to battlefield preservation and public education. PERI might consider translating this experience to working directly with tribal partners. Today, informal partnerships include the National Trails Office, which administers the Trail of Tears National Historic Trail, and the Arkansas Chapter of the Trail of Tears Association, which advocates for the preservation and interpretation of the historic trail throughout the state.

Recommendations for improving consultation with tribal partners and improving interpretation of the Trail of Tears include updating the park introductory film and unigrid brochure to include the Cherokee removal and its impact on the local community. Tribal partners also recommend a designated park liaison to work with the Cherokees on ethnohistory and an oral history project to increase the relevance of the Trail of Tears exhibits, panels, and programs. In addition to updating and adding new wayside panels along the tour road, they argue that increasing the presence of the Trail of Tears history at the Visitor Center is the best opportunity for visitors to interact with core themes before touring roads and historic properties.

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48 Elizabeth Toombs, interviewed by author, Tahlequah, OK, February 16, 2018; Sara Hill, interviewed by author, Tahlequah, OK, February 16, 2018.
A second national park in Arkansas originally targeted for preservation and interpretation of the Trail of Tears National Historic Trail is Fort Smith National Historic Site (FOSM).50 Strategically situated at the confluence of the Poteau and Arkansas Rivers on the western border of Arkansas and Oklahoma, FOSM was established on September 13, 1961. It covers thirty-seven acres and includes two frontier forts, the Trail of Tears, and the federal courthouse of Judge Isaac C. Parker.51 The park’s enabling legislation says its purpose is “to preserve, protect, and interpret the significant resources and stories associated with federal Indian policy that facilitated westward expansion, Indian removal, two military forts, and the federal justice system.”52 According to the General Management Plan, FOSM is specifically designated to interpret the First Fort (1817-1824), the Trail of Tears (1831-1845), and the Second Fort (1838-1871).53

FOSM is primarily commissioned with commemorating the presence of the United States military and federal court, which introduced a new political and economic system to Indian Territory, and interpreting “Indian Relations, Indian Removal, and U.S. Westward Expansion.”54 The presence and purpose of the United States military along the borderland was to protect America’s expanding interests westward against threats from European nations, as well as to keep the peace between American Indian tribes. In addition, FOSM was recognized as a major interpretive center for water and land removal routes of the Trail of Tears National Historic Trail.

50 National Park Service, Trail of Tears National Historic Trail: Comprehensive Management and Use Plan (September 1992), 36.
in 1987.\footnote{To Amend the National Trails System Act to designate the Trail of Tears as a National Historic Trail. Pub. L. 100-192, Stat. 578. December 16, 1987; National Trails System Act. Pub L. 90-543, Stat. 827. Sec. 3[a][3]. October 2, 1968.} Due to its location adjacent to Indian Territory, Fort Smith was also targeted in the Trail of Tears \textit{Comprehensive Management and Use Plan}, along with Tahlequah, Oklahoma, to receive special attention and consideration for future interpretive centers.\footnote{Steve Adams. “Cherokee Routes to Be Added to the National Trails System” \textit{Springdale News}. December 2, 1987.}

The settlement of the Western Cherokee, or Old Settlers, in Arkansas occurred prior to forced removal in the late 1700s along the St. Francis River in northeastern Arkansas. FOSM interpretation describes their westward migration as a result of “some tribes voluntarily moving west to escape encroachment from European Americans” and “to retain their economic and cultural independence.”\footnote{National Park Service. Fort Smith National Historic Site. \textit{Long-Range Interpretive Plan}, Department of Interpretive Planning, Harpers Ferry Center, 2009.} Once arrived in western Arkansas, Cherokee and Osage competition for land resulted in the need for a military presence at Fort Smith. The bloody wars and conflicts from this period between the Cherokee and Osage remain part of the oral tradition of both tribes.\footnote{Fort Smith National Historic Site, Tribal Consultation, April 2017, author’s notes.} With the formal creation of Fort Smith in 1817, the voluntary removal gradually shifted to a federally mandated policy of forced relocation. This action was formalized by the Indian Removal Act of 1830 that set the Trail of Tears in motion and solidified the importance of a federal presence at Fort Smith.

Fort Smith has a unique location along the Trail of Tears National Historic Trail because all of the Five Tribes (Choctaw, Cherokee, Muscogee (Creek), Chickasaw, and Seminole) used the Arkansas River and/or the fort during removal between 1831 and 1839.\footnote{National Park Service. Fort Smith National Historic Site. \textit{Long-Range Interpretive Plan}, Department of Interpretive Planning, Harpers Ferry Center, 2009, 4.} Fort Smith is one of only four sites in Arkansas where at least a part of each of the Five Tribes passed during
removal (the others being North Little Rock, Arkansas Post, and Lake Dardanelle).\textsuperscript{60} As an encampment site and government depot, Fort Smith held supplies for tribes as they prepared to cross the river into their new homeland. From 1831 to 1833, it was a government supply depot for the Choctaw during removal. While the fort was abandoned and inactive in 1838, during the Cherokee removal, it remained the site of an important water and land route, and significant to Indian resettlement in Indian Territory following removal.\textsuperscript{61} By 1896, more than sixty tribes had been relegated to Indian Territory through Arkansas.\textsuperscript{62}

Today, FOSM preserves “the specific location and physical remnants of a portion of one of the historic American Indian removal routes.”\textsuperscript{63} The resources related to the Trail of Tears include physical evidence of roads, rivers, a boat-landing, and trails directly associated with the forced removals. That Indian removal serves as a major theme at FOSM, compared to its secondary importance at PERI, is evidenced by the strong presence of Native history in the museum, in interpretive media, and on the wayside panels.

When visitors arrive at Fort Smith National Historic Site they watch a twenty-minute introductory film at the Visitor Center and register for a guided tour. The park film focuses on federal Indian removal policy and the Trail of Tears. Due to the featured space of the museum and available park guides, FOSM, unlike PERI, provides more frequent guided tours for visitors around the museum and park grounds. The Visitor Center offers a park unigrid brochure and map that clearly identifies the Trail of Tears as a “compelling story.” The brochure has a photo of the Trail of Tears Overlook with its symbolic importance described in this way: “The Indian

\textsuperscript{60} Trail of Tears Association, \textit{Trail News}, No. 2, May 2003.
\textsuperscript{61} \textit{Omnibus Public Land Management Act of 2009}, under \textit{Trail of Tears Documentation Act}, Public Law 111-11, 111\textsuperscript{th} Cong., (March 30, 2009), codified at U.S. Code 16 (1241-1251).
Removal Act (1830) forcibly relocated the Cherokee, Choctaw, Chickasaw, Muscogee (Creek), and Seminole tribe from their ancestral homelands to Indian Territory (present-day Oklahoma). Thousands died on this long and painful journey known to many as the “Trail of Tears.” This overlook is a place to reflect and remember those who died, as well as those who survived.”

With no formal Trail of Tears National Historic Trail emblems on the brochure, the park unigrid brochure nonetheless has clear evidence of the removal as a key theme of the park. The Visitor Center also offers the official Trail of Tears National Historic Trail brochure and map designed by the NPS National Trails Office. Other efforts to interpret the removal include a complete remodel of the Visitor Center museum in 2000 with new exhibits on Indian removal policy and the Trail of Tears.

Before beginning the tour of the museum, visitors have access to Jr. Ranger programs that include several activities related to Indian removal. The Jr. Ranger Book explains that visitors “can walk where soldiers drilled, pause along the Trail of Tears, and stand where justice was served.” A page on the Trail of Tears says that the fort was built to keep the peace between tribes that already lived in Arkansas and those that were removed to Indian Territory. “Why do you think this journey was called the Trail of Tears?” asks one question. Once the Jr. Ranger book is complete, a certificate is signed by a park ranger that includes a Trail of Tears National Historic Trail official seal. An accompanying Wayside Walkabout Jr. Ranger Activity Book also encourages young visitors to see the Trail of Tears Overlook.

Visitors at FOSM can experience more of the Indian removal story by walking the park grounds. The park has seventeen wayside panels with five of them devoted to the Trail of Tears, making up twenty-nine percent of the total. In 2001, the Trail of Tears Overlook, including wayside exhibits, a stone retaining wall, and seating, was constructed in consultation with the
The overlook site, situated on the Arkansas River, was selected because it was the ferry landing used by the public, military, and Indians between 1824 and 1838.

The main removal exhibits are at the Trail of Tears Overlook, which makes it a focal point for visitors to gather and reflect. Each of the five panels at the overlook commemorate the Five Tribes’ removals. Two other panels discuss the Osage Nation and other Native perspectives “At the Edge of Indian Country.” As described by the Long-Range Interpretive Plan, “The [Trail of Tears] overlook site and the associated setting provide opportunities for visitors to experience this significant location where key events occurred that were instrumental in the ensuing history. The intrinsic qualities associated with this specific site, as well as the individual stories and related history, are integrally connected and embedded within the landscape. These inherent qualities encourage personal reflection, essential dialogue, and discussion that ultimately engender a greater understanding of these events in our collective history.”

While FOSM offers an impressive interpretation of the Trail of Tears, park planning documents note the need for more removal research and outreach to tribal partners. Recently, the Foundation Document of 2017, in assessing the planning and resource threats of FOSM, outlined a plan to reconnect with traditional associated tribes. In response to these recommendations, the park has improved its educational and visitor programs on tribal history and the Trail of Tears by increased consultation and relationship building with the Cherokees. The park superintendent has significantly improved visitor opportunities to engage with the removal era theme and made strides toward building positive relations with tribal partners. Like PERI, the park superintendent at FOSM is a Cherokee Nation citizen who builds relations with tribal partners in ways that have a positive impact on the overall strength of the Trail of Tears presence at the

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64 National Park Service, Fort Smith National Historic Site. Long-Range Interpretive Plan, Department of Interpretive Planning, Harpers Ferry Center, 2009.
The park superintendent even joined the advisory board of the Arkansas Trail of Tears Association in 2017.

In April of 2017, FOSM hosted its first tribal consultation, inviting over eleven tribal partners for a week of open and transparent discussion, relationship building, and planning for the park. FOSM hired *Osiyo Group*, a professional consultation company, to conduct the formal consultation as a neutral liaison. Participants included the Cherokee Nation, United Keetoowah Band, Choctaw Nation, Seminole Nation, Chickasaw Nation, Muscogee (Creek) Nation, Caddo Nation, Osage Nation, Quapaw Nation, park managers, and the Trail of Tears Association. The goals of the consultation were to enhance the park’s *Comprehensive Interpretive Plan*, to strengthen relationships with traditionally associated Native nations, and to ensure that the park includes multiple perspectives on how federal Indian policy is presented to the public.

Overall, the tribal consultation at FOSM received a 92% approval rating from the participants, who believed that federal-tribal communication had improved as a result.\(^65\) Tribal representatives felt that they had a direct connection to the superintendent and park managers after the formal consultation.\(^66\) One immediate outcome was that the Visitor Center bookstore collection of Native topics was revised, based on comments from the Tribal Historic Preservation officers of the various tribes.\(^67\) Other changes included consideration for Native terminology to replace Euro-centric language, such as “pre-historic.” Long-term result of the consultation were stronger relations with tribal partners and a renewed sense of shared purpose and responsibility moving forward.

\(^{65}\) Michael Groomer, interviewed by author, Fort Smith, AR, September 14, 2017.

\(^{66}\) Eric Oosahwee-Voss, interviewed by author, Tahlequah, OK, August 31, 2017.

\(^{67}\) Michael Groomer, interviewed by author, Fort Smith, AR, September 14, 2017.
In addition to planning and management documents emphasizing the need to discover extended affiliated tribes and renew relationships with the tribes, operation evaluations mandate that FOSM should pursue cooperative agreements and partnership agreements with tribal partners to address interpretive themes and programs including the Trial of Tears. Before the 2017 consultation at FOSM, there had been no memorandum of understanding in place with tribal partners, but plans are now in place to develop these lasting partnership agreements. While Big C consultation at FOSM was a formal gathering with structured outcomes and collaboration, Small C consultation significantly improved communication and federal-tribal relationship beyond the formal meetings.

Resolutions from the consultation, paired with existing planning documents, also recommend that FOSM develop annual special events with all Five Tribes and other tribal partners to incorporate a diverse multi-cultural experience for visitors. To continue strengthening the federal-tribal relationship, the consultation also urged a symposium with tribal partners on Indian removal. As a result, in October of 2018, the park hosted a Fall Festival in partnership with the Choctaw Nation to showcase traditional artistry, craftsmanship, and storytelling. There are even plans to draw on traditional tribal knowledge and storytelling by having American Indians present cultural demonstrations at the Trail of Tears Overlook. Park planning documents envision staging these programs in a small amphitheater, constructed on the

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69 Fort Smith National Historic Site, Tribal Consultation, April 2017, author’s notes.
side of the hill facing the overlook with additional seating, to make the Trail of Tears Overlook even more of a focal point for the visitor experience.\footnote{72 National Park Service. Fort Smith National Historic Site. \textit{Long-Range Interpretive Plan}, Department of Interpretive Planning, Harpers Ferry Center, 2009, 23.}

Tribal partners at the consultation emphasized the need for removal route research at FOSM to inform the \textit{Comprehensive Interpretive Plan} and aid in developing joint-symposiums. Park managers note that the last plan, in 1996, for an \textit{Indian Removal Special History Study} was never funded.\footnote{73 Department of Interior, National Park Service. \textit{Fort Smith National Historic Site Operations Evaluation}, Fort Smith National Historic Site, (May 24-28, 2010); Department of Interior, National Park Service. \textit{Resource Management Plan}, Fort Smith National Historic Site, 1996.} Because Trail of Tears cultural and natural resources at FOSM are identified as “fundamental resources and values” by enabling documents, removal-related research on routes, stories, and resources should be a priority at the site.\footnote{74 National Park Service. Fort Smith National Historic Site. \textit{Foundation Document}. January 2017, 37.} Tribal partners also recommend additional visitor surveys to learn about expectations and experiences related to Indian Removal at FOSM.\footnote{75 \textit{National Park Service. Fort Smith National Historic Site. Foundation Document}. January 2017, 37.}

The Fort Smith consultation is an excellent example of how the pairing of Big C and Little C consultation through policy and practice can result in stronger intangible relationships while upholding government-to-government responsibility. According to park managers, the lasting benefits of the federal-tribal collaboration at FOSM cannot be understated.\footnote{76 Lisa Conard Frost, interviewed by author; Fort Smith, AR, September 14, 2017; Michael Groomer, interviewed by author, Fort Smith, AR, September 14, 2017.} The 2017 consultation also led to FOSM hosting the first NPS joint consultation training program, \textit{Pathways to Confidence: Consultation with Tribal partners}, a pilot program led by American Indian National Park Service employees from various parks across the country. Hosting the three full-day workshops in August of 2018 was a testament to the park management’s vision and commitment to engage tribal partners as well as provide relevant training for NPS tribal liaisons.
According to tribal partners, FOSM is a great example of working to exceed expectations in interpreting Indian removal by facilitating stronger tribal relationships. Park managers are realizing that tribal involvement and engagement are critical to park planning and management. In the past, the park had consulted occasionally with the Osage and Cherokee, but today it regularly communicates with the Five Tribes and other traditionally associated tribes.\textsuperscript{77} Since 2017, consistent and regular collaboration with tribal partners at FOSM has improved interpretive products, programs, and a developing \textit{Comprehensive Interpretive Plan}.\textsuperscript{78}

Fort Smith National Historic Site bolsters the most annual visitation out of the three Arkansas parks reviewed here with nearly 142,000 visitors.\textsuperscript{79} The evidence of purposeful interpretation of the Trail of Tears is a result not only of enabling documents focused on the Trail of Tears theme, a Cherokee superintendent, and a motivated park division manager, but also consultations with tribal partners that have resulted in a more diverse, inclusive narrative. Based on multi-media materials, museum displays, and wayside exhibits, visitors have high exposure to Trail of Tears components at FOSM with many opportunities to engage in the American Indian removal story. A visitor can walk away with an understanding that the fort played an important role in American Indian interaction and recognize the formal commemoration of the Trail of Tears by the National Trails System.

While park managers are proactively reconnecting with tribes, continued work is necessary to compensate for previous park emphasis on Euro-American centric themes. Various planning documents call for closer consultation with the Trail of Tears Association and National

\textsuperscript{77} Lisa Conard Frost, interviewed by author; Fort Smith, AR, September 14, 2017.
\textsuperscript{78} Department of Interior, National Park Service. \textit{Foundation Document}. Fort Smith National Historic Site, (January 2017), 16.
Park Service Trails Office. They also recommend that the park work with tribal partners on educational programs and living history guided programs. To improve Trail of Tears interpretation and interaction with tribal partners, FOSM might consider adding a timeline to the park brochure that illustrates Indian removal, and ensure that programmatic changes are consistent in planning documents so that, regardless of the leadership in place, progress will continue.

The third national park in Arkansas along the Trail of Tears National Historic Trail is Arkansas Post National Memorial (ARPO), in Gillett. Nestled at the confluence of the White, Arkansas, and Mississippi Rivers in southeast Arkansas, the post was geo-politically and strategically important for American Indians and Europeans from the sixteenth century to mid-nineteenth century. The park manages 389.2 acres, including the site of the last post and the Osotouy Unit, which was added to the park in 1997 to preserve the largest ceremonial mounds of the Mississippian culture along the lower Arkansas River. The site also represents one of the most diverse and multi-cultural heritages of any park, with Quapaw, Chickasaw, Osage, Cherokee, Spanish, French, English, American, and African American influences. The park’s mission is to “commemorate and interpret the peoples and cultures that inhabited the successive settlements and preserve the history of human interaction and the complex environmental history of its environs over centuries.” Park managers are responsible for “fostering an appreciation of the interaction of the cultural groups, their histories, and their significance to the region;

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preserving the cultural and natural resources; and promoting resource stewardship through education.”

Established on July 6, 1960, the purpose of the park is to preserve the first European permanent settlement in the Lower Mississippi River Valley, established by Henri de Tonty in 1686. While historic structures and archaeological resources are limited, the site preserves and interprets the longest breadth of history, three-hundred years, of the three parks. Quapaw oral history dates their settlement in the region to the early 1500s. In 1686, the French encountered four Quapaw villages and established a fort that was later coveted by the Spanish and British during a Revolutionary War skirmish known as Colbert’s Raid. The fort was strategically important during a Civil War battle in January 1863 and it later became the first capital of Arkansas Territory, from 1819 to 1821, when the capital was moved to Little Rock. While the park was created primarily to preserve the story of early contact of the French, Spanish, and British with American Indians, the Trail of Tears water route is identified as a secondary theme according to the revised General Management Plan of 2005. As a federally protected component of the Trail of Tears National Historic Trail, the post is a certified site for all Five Tribes and identified as “a gathering place.” Like FOSM, the post is one of only four sites in Arkansas with potential to commemorate all Five Tribes’ removals.

Arkansas Post served as a major temporary encampment along the water route of the Trail of Tears and a waystop for steamboats carrying the Choctaw, Cherokee, Muscogee (Creek),

82 Ibid.
84 Erik Ditzler, interviewed by author, Gillett, AR, August 1, 2017.
Seminole, and Cherokee westward throughout the 1830s and 1840s. One of the most notable stories of removal was the tragedy of the Choctaw in the winter of 1831-32. Leaving the deportation camp at Vicksburg, Mississippi, Choctaw steamboats traveled up the Mississippi River to disembark at the post in order to board wagons to Little Rock or transfer to steamboats on the Arkansas River. The forced emigration was supervised by U.S. agents with the supplies, transportation, and subsistence provided by the federal government.

As it prepared to move the first of the Five Tribes from the Southeast, the United States government was woefully ill-prepared for the massive movement because such an undertaking had not been attempted. The rugged conditions, mixed with one of the worst winters in the century made for terrible traveling conditions across the Mississippi and Arkansas Rivers. In addition to blizzards that caused road damage and froze water, a lack of coordination and lack of adequate resources also made the Choctaw removal of 1831 one of the most tragic, turning “Arkansas Post into a fulcrum for that fiasco.”\(^87\) Reports indicated the fall of 1831 was extraordinarily wet, making the swamplands in the Delta nearly impassable for wagons. Historian Muriel Wright described the scene at Arkansas Post as one of “vast and dangerous swamps, averaging fifty miles in width… regions of heavy forests, unfordable streams, impenetrable swamps and dense cane-brakes.”\(^88\)

Due to miscommunication, the agent at Arkansas Post, Captain Jacob Brown, was not prepared for the 2,500 Choctaw who disembarked in the winter of 1831.\(^89\) To augment the low supply of government rations and supplies, the Choctaw purchased corn, horse fodder, and


blankets from local farmers. When freezing temperatures then froze the Arkansas River and trees fell on roads, cutting transportation from the post, the mass of Choctaws and about 1,000 horses were stranded for two weeks. Over the next four weeks small detachments slowly attempted their northern journey to Little Rock on foot. By mid-January the temporary camp at the post was abandoned, but its legacy remained.

Fortunately, the disaster in the winter of 1831 was never repeated at Arkansas Post. After the first Choctaw removal, some eighteen detachments of Cherokee, Muscogee (Creek), Chickasaw, and Seminole passed by Arkansas Post aboard steamboats, with only two parties disembarking to travel by foot.90 The early frontier village and trade center at ARPO were abandoned by the time the Cherokee traveled on the Mississippi and Arkansas Rivers to Indian Territory in 1838-1839.91 The legacy of the Choctaw removal only recently became evident in park planning documents, presented as an important reflection of the water route and the “tremendous human suffering and major change for American Indians relocated due to the United States westward expansion.”92

As at PERI and FOSM, visitors at ARPO first engage with important themes and stories in the Visitor Center, where they view a twenty-minute introductory film. The park unigrid brochure with map identifies the Trail of Tears National Historic Trail, but the removal is not mentioned in the film.93 Site bulletins are offered on white-tailed deer, bald eagles, Colbert’s Raid, the five flags of the post, and other environmental topics. Browsing the Visitor Center

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93 The ARPO orientation film was completed in 2005.
museum, visitors will not find permanent exhibits on the Trail of Tears, although a temporary styrofoam panel was recently acquired that mentions the Trail of Tears in general.94 The Visitor Center bookstore offers the official NPS Trail of Tears video and the Trail of Tears National Historic Trail cancellation stamp for sale. While the ARPO Jr. Ranger book does not mention the Trail of Tears, the NPS National Trails Office Trail of Tears Jr. Ranger program is offered with a souvenir sticker. Upon request, park rangers provide Trail of Tears programs to school groups and other visitors. While the historical record for the tragic story of the Choctaw and other removals at the post is becoming clearer, the park does not have any panels, exhibits, film, or pamphlet on these important events.

More recent planning and policy at ARPO emphasizes the need for formal partnerships through agreements with tribal partners in order to address shortcomings in interpretation of the Trail of Tears.95 ARPO has long held a memorandum of understanding agreement with the Friends of Arkansas Post, a non-profit group that aids the park with fundraising and programming. In the summer of 2018, the non-Native park superintendent agreed to serve on the advisory board of the Arkansas Chapter of the Trail of Tears Association, thus joining PERI and FOSM superintendents.96

The potential for expanded and meaningful partnership at ARPO has grown since the Choctaw Nation begun utilizing ARPO resources over the past couple of years in an effort to strengthen their own memorialization and preservation efforts at the site. In the summer of 2018, a group of Choctaw women known as the Yappalli walked portions of the original Trail of Tears

94 In 2017, the Interpretive staff acquired a temporary Trail of Tears panel from the NPS National Trails Office that had been used at the Atlanta, GA airport to display at the park.
96 Erik Ditzler, email correspondence with author, August 23, 2018.
land route and expressed their sincere interest in working with park staff to address important parts of their history left out of the film and museum exhibits. The Choctaw Nation has also been working with the Arkansas Chapter of the Trail of Tears Association and ARPO staff on research to identify land and water routes, and unmarked graves. There are hopes to lobby Congress to formally recognize the Choctaw removal routes as part of the Trail of Tears National Historic Trail. Formal designation of the Choctaw removal routes is a significant step not only toward recognizing the vision of the Trail of Tears Association to commemorate all Five Tribes’ removals, but also to opening the door for ARPO and other sites to receive funding and support to interpret the diversity of Indian removal. As a result, they believe that formal recognition of the Choctaw removal would allow ARPO to interpret a very important and tragic event more meaningfully.97

Like PERI and FOSM, ARPO was authorized by Congress as a federal protection component along the Trail of Tears National Historic Trail. Yet, a review of ARPO policy and planning documents and management practices shows different expectations and practices for engaging with tribal partners on Indian removal. There is no record of Trail of Tears considerations at ARPO before the revised General Management Plan in 2005. Even the revised plan only mentions the Trail of Tears once as a park theme, and it does not expand or discuss future management, interpretation, or partnership.98 The first planning document to articulate the removal at ARPO was the Long-Range Interpretive Plan of 2009, which recommended the development of “American Indian Heritage” as a “supporting interpretive theme.”99

97 Troy Wayne Poteete, interviewed by author; West Siloam Springs, OK, April 28, 2018; Jack Baker, interviewed by author, West Siloam Springs, OK, April 28, 2018.
Trail and tribal partners wonder why ARPO’s approaches to Indian removal were not considered earlier in management, as was done at PERI and FOSM, when all three parks were expected to incorporate the interpretation and/or preservation of resources into planning efforts. The varied practices of resource management and interpretation must be considered in light of required policies when evaluating management of the trail.

One possible reason for the differences in interpretation and preservation of Trail of Tears resources at the parks could be the original designation of the parks in the Trail of Tears National Historic Trail *Comprehensive Management and Use Plan*. While all three parks were recognized as federal protection components, only PERI and FOSM were identified as high-potential site and route segments with specific potential for interpretation and assistance by the NPS Trails Office. As NPS Trails Office historian Frank Norris points out, the status of PERI and FOSM carries intrinsic protection sanctions that ARPO lacks.\(^\text{100}\) The reason for ARPO’s exclusion from the high-potential list is not known, but the decision was made by Dr. Duane King, director of the Museum of the Cherokee Indian in Cherokee, North Carolina, and Dr. Jere Krakow, NPS Trails Office superintendent in 1992.

Differences in available research at the time of the listing for the Trail of Tears National Historic Trail is also an important factor in formal designation and trail management. As Norris points out, high-potential listings are only as good as existing knowledge about the Trail of Tears at the site. When the Trail of Tears National Historic Trail planning documents were being compiled between 1989 and 1992, the resulting list of high-potential sites numbered only forty-six, with another six high potential route segments cited.\(^\text{101}\) In comparison, the Santa Fe Trail

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\(^{100}\) Frank Norris, email correspondence with author, February 14, 2019.

Comprehensive Management and Use Plan, completed two years earlier, outlined 190 high-potential segments. These differences are due to the Santa Fe Trail being a more “mature” trail and more widely recognized, in addition to more primary resources such as diaries identifying more places along the trail.\footnote{102}

However, Norris argues, today both the NPS and Trail of Tears community know far more about the Trail of Tears than in 1992. If the comprehensive plan were revised, it would have far more high-potential site listings. As a result, the NPS Trails Office is now working through a comprehensive process to establish a consistent definition of a high-potential site or segment, and ways that these lists can be periodically added to or modified based on new research.\footnote{103} The NPS Trails Office and the Trail of Tears Association are actively working to reassess these three sites, based on present-day knowledge, that could result in significant changes to the federal protection components and high-potential site lists.\footnote{104}

Like the PERI and FOSM, ARPO’s planning materials indicate a strong need for research on the removal and its impact on the site and the local community. The last report to address the removal at ARPO was written in 1928. It identified several solid primary sources, but more could be done with the story according to park managers.\footnote{105} The Long-Range Interpretive Plan and Foundation Document identify the post as an ideal interpretive site to illustrate how the United States government was ill-prepared to administer the massive relocation program.\footnote{106}
These planning documents emphasize the importance of presenting the “whole story” based on the diversity of park history, to the public.  

Other trail and tribal partners consider that differences in interpretation and preservation efforts of the Trail of Tears at PERI, FOSM, and ARPO may be related to the priorities of park managers, rather than to lack of research. Evidence of this can be found in ARPO planning and management practices. Until recently, with the *General Management Plan* of 2005 and *Long-Range Interpretive Plan* of 2009, which encourage consultation with African American communities, the Osage, and the Five Tribes, consultation with tribal partners related to Indian removal was not a priority for ARPO managers because it was not identified in any planning policy. ARPO park managers do seem to have prioritized consultation with the Quapaw, particularly after the 1997 acquisition of the Osotouy Unit identified as the original location of a sixteenth-century Quapaw village. Strong relations with the Quapaw were also due to the leadership of a non-Native superintendent who had a particular interest in tribal concerns. During the superintendent’s seventeen-year career at ARPO, active consultation and collaboration were pursued with the Quapaw to co-manage the Osotouy Unit and develop joint public programs.

Perhaps additional reasons for differences in park expectations and interpretation of the Trail of Tears, despite similar designation as federal protection components, is due to distinctions in periods of significance, Trail of Tears resources, and accessibility.

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108 Frank Norris, email correspondence with author, February 15, 2019.
When comparing interpretation and consultation for the Trail of Tears it is important to note the original enabling legislation that either sets Indian removal as a primary or secondary theme. The mission of the park leads park managers in the delegation of resources and staff and sets priorities for projects. An inherent indicator of the park’s purpose is in the park name. Pea Ridge National Military Park was designated to commemorate locations of significant military actions and preserve a major battlefield. Fort Smith National Historic Site was designated as a significant place bordering Indian Territory with structures of historic interest, such as the fort. Arkansas Post National Memorial was designated to commemorate colonial people and events of historic interest but has limited historic resources and relies on exhibits and interpretive services to connect people with the place and past.

PERI and FOSM are identified as nineteenth-century parks, while ARPO is set to preserve an early sixteenth to mid-nineteenth-century period. These distinctions lead to differences in the park mission statements that guide management practices. After the Trail of Tears National Historic Trail Comprehensive Management and Use Plan of 1992, PERI identified the Trail of Tears as a sub-theme, whereas FOSM had the Trail of Tears as a primary theme from its inception. That FOSM has greater visitor opportunities and multi-media materials related to the Trail of Tears is not surprising, considering that the removal is a key element for them in the enabling legislation and original management documents. Whereas ARPO was not anticipated to be a “high-potential” interpretive site in early Trail of Tears planning, but only as one of the many sites that “may be willing to distribute NPS information about the Trail of Tears.”

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Another difference in park designation for the Trail of Tears National Historic Trail is related to differences in trail resources. According to the NPS Trails Office, PERI and FOSM were recognized as land routes of the Cherokee removal that preserves an original 1830s roadbed and boat landing, while ARPO was on a less iconic water route that is less intensively administered.113 Some Trail of Tears Association leaders point out that while PERI and FOSM have worked to preserve the Trail of Tears National Historic Trail because of evident land-based Cherokee removal routes, the water-based route at ARPO has not received the same attention.114 Because the Trail of Tears National Historic Trail formally recognizes only the Cherokee land or water routes, the other Five Tribes’ removals at ARPO are not eligible for direct NPS Trails Office assistance and would require particular attention by park managers. As a result, PERI and FOSM are perceived as being along major travel corridors, while ARPO is remote and has challenges interpreting a water route that is difficult to access. With these distinctions in resources, proximity to the trail, and access to trail resources comes diversity in management of each site. As a result, ARPO has more of a challenge with interpreting the historic trail as a water route without tangible, permanent resources to connect visitors.115

In addition, PERI and FOSM are more prominent in size, visitation, budget, and staff than ARPO, which leads to differences in opportunities for interpretation and preservation. ARPO has the smallest annual visitation of the three parks at 36,000, even though as the Trail of Tears Association argues, it has one of the most valuable Trail of Tears stories of the Choctaw removal and combines the water and land routes of all Five Tribes.116 The geographic location of

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113 Frank Norris, email correspondence with author, February 15, 2019.
114 Troy Wayne Poteete, interviewed by author; West Siloam Springs, OK, April 28, 2018; Paul Austin, interviewed by author, Pocola, OK, October 16, 2017.
115 Frank Norris, email correspondence with author, February 15, 2019.
116 Paul Austin, interviewed by author, Pocola, OK, October 16, 2017; Troy Wayne Poteete, interviewed by author; West Siloam Springs, OK, April 28, 2018.
ARPO is also a disadvantage when it comes to potential consultations and outreach because, unlike FOSM or PERI, it is not situated near Oklahoma, close to the tribes. Park managers are beginning to acknowledge the importance of engaging ethnically and racially diverse audiences in addressing interpretation and offering of diverse stories, yet it is still burdened by a low budget, little resource assistance, and a geographic position that makes it challenging for tribal partners to visit.\textsuperscript{117} Opportunities for tribal engagement, Trail of Tears interpretation, co-management, and setting a model for consultation are abundant at ARPO, but as park managers point out, the park will need national and regional assistance to address its limited budget and small staff.\textsuperscript{118}

Given the diversity of each park’s purpose, Trail of Tears interpretation and/or development, the practice of consultation with tribal partners and interpretation of the removal is intrinsically linked to foundational documents and sets the precedent for future management. Because consultation with tribal partners is not explicit in park policy, even though it is gaining attention in planning documents and growing in favor among park managers, it is currently incumbent upon the park superintendent to pursue relations with tribal partners through consultation and collaborative projects, such as updating the park brochure, film, and museum exhibits. Taking into consideration each trail-related resource, the mission of the park, type of trail resources, and public visitation, the three national park units in Arkansas have opportunities to provide a variety of visitor experiences on the Trail of Tears. Despite differences in management practices in relating the removal story, PERI, FOSM, and ARPO reflect common threads of successes in working with tribal partners and shared strengths in co-management with the Trail of Tears community.

\textsuperscript{117} Ed Wood, phone interviewed by author, February 7, 2018.
\textsuperscript{118} Ibid.
An effective mechanism that fosters meaningful consultation, encourages equitable resource management, and improves the federal-tribal relationship is multi-partner public programs that draw on existing federal grants and resources. The Remember the Removal bike ride program is a model Cherokee grassroots effort that the Trail of Tears Association and National Park Service utilize to fulfill their missions to preserve and develop the Trail of Tears National Historic Trail. Not only was the bike ride important to the formation of the Trail of Tears National Historic Trail in 1987, but the public programs tied to the bike ride are important to continued preservation efforts and meeting park and agency goals at PERI, FOSM, and ARPO.

In the thirty years since the first bike ride, the program’s partnerships with the Trail of Tears Association and NPS have evolved. What began as a tribally funded initiative, the Remember the Removal program expands every year with the help of such federal grants as the Connect Trails to Parks, Active Trails Grant, and the Trails50 campaign to incorporate planned public programs, interpretive talks, commemorative walks, service projects, and wayside panels and trail signs. The grants provide further resources, technology, expertise, and support for the Cherokees and the Trail of Tears Association to co-host events along the trail. Every summer, the Cherokee bike riders return to Pea Ridge National Military Park to host a public program and visit with park staff about contemporary understandings of the removal. This partnership uses private and public support and serves as an example for other parks and programs to utilize and preserve national historic trails. By targeting and pursuing existing public programs and grants, consultation and communication with tribal partners improves, and agencies and tribes find more opportunities for co-management of resources. These partners agree that the NPS and other
agencies responsible for managing national historic trails can find more rewarding and meaningful growth by capitalizing on existing public programs and grants.

Another effective method of consultation and relationship building that influences park planning and management of the Trail of Tears is formal partnership. With the presence of partnerships through cooperative agreements, programmatic agreements, or memorandums of understanding, the agency, non-profit associations, and tribal partners are better equipped to fulfill trail-wide comprehensive plans and share government-to-government responsibilities to promote communication and trust. When formal partnerships were in place surrounding the Trail of Tears National Historic Trail, programs, parks, and non-profits were twice as likely to engage with tribal partners than when no formal agreements were in place. NPS representatives and tribal partners agree that when the Trail of Tears Association was engaged through formal partnership agreement, park sites were more equipped to address challenging or difficult dialogues about race, slavery, removal, boarding schools, allotment, and other topics that were made relevant and understandable to the public.

The Trail of Tears Association is an example of a successful partnership through a cooperative agreement with the NPS and Cherokee Nation that has gradually served to improve co-management techniques and interpretation of Native history. The presence and activism of the Trail of Tears Association at PERI, FOSM, and ARPO as a non-profit partner increased successful and meaningful collaborative projects with agencies and tribes by two-fold. While the 2008 NPS nation-wide Programmatic Agreement on Tribal Consultation did not involve tribal partners in its development, the Trail of Tears Association memorandum of understanding with the Cherokee Nation and National Trails Office is nonetheless evidence of successful grassroots efforts to improve consultation and resource management. In the spring of 2018, the Trail of
Tears Association signed an extended MOU with the Cherokee Nation to further highlight the on-going partnership and outline continued goals for preserving and interpreting the Trail of Tears.119

What is unique about the Trail of Tears Association and its success is that tribal partners are central to its birth and development. Early planning and management documents for the Trail of Tears National Historic Trail direct the management of the Trail of Tears to work “in conjunction with the Cherokees” to “promote the organization and development of a Trail of Tears Association.”120 Even a unique Trail of Tears logo was designed through a Cherokee/NPS collaboration and formally approved by the Trail of Tars Advisory Council.121 The Trail of Tears Association was identified as an “important means of soliciting local support for trail programs.” The Trail of Tears Association was designed to “educate visitors about the trail, protect resources along the routes, monitor trail development (including detrimental impacts to the resources), and solicit funds for assistance.”122

According to the Trail of Tears Association president and executive director, the association has served as the grassroots arm of the National Park Service and Cherokee Nation to achieve shared goals. Today the president, executive director, and many on the executive board and active members are tribal citizens. The executive board consists of delegates from the Five Tribes who represent a growing awareness and interest in interpreting the Five Tribes’ removals. As Cherokee Nation citizens, the Trail of Tears Association president and executive director

119 Troy Wayne Poteete, interviewed by author; West Siloam Springs, OK, April 28, 2018; Jack Baker, interviewed by author, West Siloam Springs, OK, April 28, 2018.
121 Ibid, 47.
122 Ibid, 49.
have been active in Cherokee politics and held a number of legal and professional positions within the tribe.

As a result of the Native leadership and the formal partnership agreements with Cherokee Nation and the Trail of Tears Association, the association enjoys a transparency and “open relationship” with the Cherokee Nation that allows their work to move fluidly because it is understood that the association and tribe serve the same interests. Due to the relationship of the Trail of Tears Association and Cherokee Nation the president and executive director have enjoyed a de facto liaison appointment by the Cherokee Nation, which often grants consultation and decision-making authority to them. Indeed, the president and executive director of the Trail of Tears Association often serve as the voice for the Cherokee Nation when working across multiple tribal entities and with federal agencies. For example, the Trail of Tears Association and Arkansas Chapter of the Trail of Tears Association recently consulted with the U.S. Corp of Engineers to obtain a federal grant for interpretation of the removal of the Five Tribes along the Arkansas River. The association worked directly with managers at ARPO and FOSM to link the federal agencies and serve as a liaison between multiple partners. At PERI, the Trail of Tears Association is working as a liaison between the park and National Trails Office officials to design new wayside exhibits along the tour road. Often the association and chapter members raise funds or advocate for grants to pay for interpretation and research projects. There are hundreds of completed and open projects of significance for the Trail of Tears National Historic Trail across the nine states that preserve it. Utilizing formal partnership agreements are valuable

123 Elizabeth Toombs, interviewed by author, Tahlequah, OK, February 16, 2018.
124 Ibid.
125 Troy Wayne Poteete, interviewed by author, West Siloam Springs, OK, April 28, 2018.
devices to strengthen long-lasting relationships and cohesion in designing and implementing trail resource plans.

There are additional benefits to utilizing partnerships and cooperative agreements to fulfill agency missions related to trail development and preservation. As a non-profit association in partnership with the NPS and Cherokee Nation, the Trail of Tears Association can serve to promote the work of the park, agency, and tribe by working around federal and policy restrictions. Trail of Tears Association leaders and experienced volunteers may serve as a voice in preservation initiatives in as much as the NPS cannot lobby or raise money, and tribes often do not have the time or resources. The Tribal Historic Preservation office of the Eastern Band of Cherokee Indians, for example, deals with an average of 4,000 requests for consultation a year across eight states. Another example is seen in the process of certifying sites on the national trail. According to the National Trails System Act, trail sites and segments on non-federal land become part of the national historic trail only if the owner asks that their property be certified. Certification is pursued by written agreement between the owner and the NPS Trails Office with both sides agreeing to cooperate to protect the trail resource and make the trail site available for some degree of public use. Trail of Tears Association volunteers are central to certification agreements because they conduct research, contact property owners, and serve as a liaison between the property owner and National Trails Office. Another example is the annual Hike the Hill campaign where trail advocates meet with legislatures on Capitol Hill to discuss resources and support, and champion the national trails. In addition, the Trail of Tears Association serves as a direct link to the community through the annual conference and symposiums that not only engage directly with tribal partners, but also educate the public on the National Trails System.

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127 Stephen Yerka, phone interview by author, April 25, 2018.
The Trail of Tears Association also helps to protect trail resources by serving as a liaison between agency and tribes concerning planning, programs, signs, museum exhibits, panels, and more. While the association is not considered a “government-to-government” partner in the formal Big C consultation, its dedicated and experienced members often facilitate contact and communication that is integral to the consultation process. For example, Trail of Tears Association volunteers and other advocate groups are currently working to secure federal protection of the Butterfield Overland Trail as a national historic trail. At PERI, FOSM, and ARPO, Trail of Tears Association volunteers work with park managers, develop task agreements, and encourage park superintendents to join the Arkansas Trail of Tears Association advisory board.

The Trail of Tears Association also reflects a successful partnership with the NPS and tribal partners that adds to the on-going process of preservation of trail resources. The National Trail System was designed primarily to function on volunteerism and public engagement, and the future of national trails still depends on volunteers and partners. Due to the relationship of the Trail of Tears Association to the NPS, Cherokee Nation, and the three parks in Arkansas, it is vital that parks secure a central role for volunteers and non-profits in the structure of trail management. In fact, Volunteer-In-Park hours are vital to the support, expansion, and success of many agency programs and goals. In 2017, the Trail of Tears Association submitted 28,689 Volunteer-In-Park hours that quantified to close to $700,000 in value. These volunteer hours contributed to hiring interns, conducting project work and historical studies, compiling

128 The Butterfield Overland Mail Route Feasibility Study is currently being considered by Congress as a national historic trail, 2018.
archaeological reports, and designing signs and panels. In addition, due to the importance of volunteers to park and program trail management, as evidenced by PERI, FOSM, and ARPO, it is vital to provide adequate training, support, and communication to non-profit partners that are integral to collaboration with tribal partners.

The Trail of Tears Association may reflect a manifestation of the original intent of the National Trail System Act through partnership with the PERI, FOSM, and ARPO, but there are no formal agreements with the Trail of Tears Association to provide support and resources. Formalizing this partnership would increase opportunities and strengthen the federal-tribal relationship. Each park has room for growth through opportunities to facilitate communication between parks and tribal partners and coordinate public engagement. The Trail of Tears Association is an example of partnership through cooperative engagement, but it has not been fully utilized as an option to co-manage trail resource, educate the public, and meet shared needs.

A third innovation that benefits interpretation and preservation of the Trail of Tears at national parks is multi-use trail development and heritage tourism. At PERI, FOSM, and ARPO, heritage tourism and public interaction with trail resources were significantly improved by the presence of multi-use trail development. Multi-use development means that segments of the Trail of Tears National Historic Trail are targeted for different recreational and educational opportunities, such as biking, walking, or horseback riding. Since the Trail of Tears contains land and water-based routes, even canoeing with a park ranger is a multi-use opportunity that could engage more diverse demographics of the public. According to tribal partners and the Trail of Tears Association, the public health benefits, economic development, and educational

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opportunities that result from multi-use trails are a valuable and important resource for communities and should be pursued by agencies and parks.\textsuperscript{131}

However, to pursue the original intent of the Trail of Tears National Historic Trail multi-use trail development requires more than simply preserving segments of the original trail. Multi-use development requires strategy, consultation, partnerships, and planning in order to straddle the line between preserving a sensitive piece of history and educating the public through interaction and active learning. Not all segments of the historic trail are appropriate for biking or motorcycle riding. It is evident that early planning documents of the Trail of Tears National Historic Trail outline a goal to develop trails through mixed-use opportunities. Yet, the Cherokee Nation and Eastern Band of Cherokee Indians, who worked to establish the national trail, cautioned the NPS against overemphasizing recreation and leisure over education and commemoration of a site that is so important to contemporary American Indian people. They urged the NPS to remain aware of how the removal deeply impacted Cherokee people when considering proposals for development.\textsuperscript{132} Due to the nature of the Trail of Tears story, managing agencies must gently navigate its development for multi-use opportunities while maintaining commemoration and recognition of its legacy.

A review of the three parks in Arkansas reveals that managers and trail partners advocate for the NPS to expand opportunities for multi-use trails on the Trail of Tears National Historic Trail while balancing the needs of contemporary tribes. They argue that the managing agency should expand its scope to consider different trail use that would still maintain the original purpose and integrity of the trail but engage new audiences and partners and tell a more inclusive

\textsuperscript{131} Troy Wayne Poteete, interviewed by author; West Siloam Springs, OK, April 28, 2018.

Native story. An example of managing these goals is found near a certified site of the Trail of Tears National Historic Trail in Fayetteville, Arkansas that sees nearly 94,000 annual visitors. Near the University of Arkansas campus, where a detachment of Cherokee encamped during the winter of 1839 on the Benge Route, segments of the original trail are being developed for mixed-trail use. Through a combination of federal and state grants, the City of Fayetteville partnered with the Cherokee Nation, NPS Trails Office, and Arkansas Chapter of the Trail of Tears Association to create opportunities for the public to engage with the Tsa La Gi trail through recreation, education, artistry, and interpretive panels. A local artist painted a mural, on exterior wing walls of a railroad tunnel, entitled “Holding On, Letting Go: The Struggle and Strength of the Tsa La Gi,” to illustrate the perseverance of the Cherokee in the face of forced removal. Each trail panel was drawn in collaboration with the Cherokee Nation, which guided the language and artwork and thereby took an active role in telling their own history. This is a great example of a national historic trail being developed for pedestrian and bike use but still contains elements of local character and regional influence, reflects the commitment of individuals, organizations, tribal partners, elected officials, and agencies, and honors contemporary Native people.

In conclusion, whether serving 36,000 or 140,000 annual visitors, the three Arkansas national parks manage important resources related to the Trail of Tears National Historic Trail that have lasting impacts on a cohesive story presented to the public. After a comprehensive review of policy and planning, it is clear that over the past thirty years, since the development of the Trail of Tears National Historic Trail, Native history related to Indian removal has

increasingly become a priority, as seen in its gradual implementation through planning
documents, management materials, multi-media materials, museum exhibits, and partnerships at
PERI, FOSM, and ARPO.

Based on each park’s enabling legislation and interpretive themes, they are adequately
meeting the goals set out by policy and planning documents, given that the direction toward an
inclusive history based on consultation with tribal partners has only gained significant attention
in the past decade. As parks continually develop, adapt, and revise integral planning documents
to guide the progress in resource management and education, the Trail of Tears story has more of
an opportunity for visitor engagement.

At the park level, superintendents have significant influence over managing resources and
history related to Indian removal. As managers over all divisions, they have the power to control
the emphasis placed on themes by amending park planning documents that direct the use of
funding and resources. PERI, FOSM, and ARPO reveal that leadership at the park level is critical
to building positive relations with tribal partners, developing lasting formal agreements, and
conducting Big C and Little C consultation. It is possible that the advancement and growth of
resource management and interpretation of Trail of Tears National Historic Trail resources at
PERI and FOSM is due to their Cherokee superintendents, who have invested in connections
with their own heritage and tribal affiliation. Yet, some non-Native superintendents have
acknowledged that management guidelines increasingly stress the need for higher levels of
achievement, when engaging with tribal partners.\textsuperscript{134}

\textsuperscript{134} Department of Interior, \textit{Strategic Plan for Fiscal Years 2014-2018}, Office of Planning and Performance
2019). Mission Area 2 includes “strengthening tribal nations and insular communities.”
But park managers are not the only anchors when building relationships with tribal partners. As all three parks show, park staff can exceed minimum management standards if they take a personal interest in working with Native communities. Some park employees make a meaningful effort to engage tribal partners, even when park policy does not require it or offer any incentive to consult with American Indians. This phenomenon was not only observed at the three parks in Arkansas, but also found more generally as a pattern within the National Park Service agency, to be explored further in Chapter 5. Considering the gradual growth at PERI, FOSM, and ARPO in managing Trail of Tears resources and interpreting the history of Indian removal, NPS staff, trail and tribal partners have general recommendations for the parks to consider.

A collective recommendation to improve interpretation and preservation of the Trail of Tears is to conduct Visitation Surveys that examine trends in demographics, ages, motivations, expectations, and satisfaction levels of visitors to the park. In accordance with the Government Performance and Results Act (GPRA) of 1993, national park units are responsible for developing a strategic plan to assess visitor experiences and understanding. The existing annual visitor survey at PERI, FOSM, and ARPO collects data on recreational visits, recreational trails, appreciation of the park’s significance, and facility standards. However, according to the NPS, a “visitor” is anyone who uses the park’s interpretation and education services, whether in person or virtually, or through digital platforms. Each park would benefit by utilizing a more refined and specific visitor survey that measures access to interpretation and education to help identify how visitor experiences relate to first and secondary themes, how those themes are

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135 The University of Idaho collects and compiles the data for the NPS Natural Resource Stewardship and Science division then distributes the responses to the park superintendent.

communicated through various mediums, and how those comparisons aid in future interpretation and resource management.

Another recommendation is for each park to conduct formal research, including ethnographic studies to provide support to managers working with traditional cultural groups on managing park resources. According to an internal NPS study, only twenty-one percent of parks have basic cultural anthropological studies, and seventy-nine percent of parks do not have any reports on traditionally associated peoples. Ethnographic Overviews and Assessments identify traditionally associated peoples and their histories at each site to help managers develop plans for understanding communities and values important to the park. The study often engages park superintendents in building stronger relationships with American Indians and other traditional groups to create or fulfill partnership agreements. In addition, utilizing the expertise and support of the Trail of Tears Association on research studies can be a valuable asset to park managers.

The lands and resources managed by the NPS provide invaluable opportunities to enrich public understanding and interest in our collective past. As the historic trails designated within the NPS commemorate and preserve stories of national significance, it is incumbent upon the managing agencies to include those that represent the diversity of the nation. Because Native concerns on the presentation of their history are longstanding and tangible, park managers should be committed to meaningful and good faith efforts to co-manage, preserve, and interpret these stories. In response to tribal concern over the past decade, the NPS has established a priority to identify existing park units with the opportunity to present diverse heritages. Pea Ridge

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National Military Park, Fort Smith National Historic Site, and Arkansas Post National Memorial are excellent examples of parks with potential to preserve Native history and meet agency goals.

Even as some park managers comment on the challenges of public consumption of a dark and terrible event, tribal partners encourage the NPS to construct an active learning experience for the public that affords opportunities to confront the past and present. In addition to appropriate museum space, parks can become sites of commemoration where the public can confront the difficult past and construct new meanings for contemporary communities and identity. National parks with cultural heritage related to American Indians, like the Trail of Tears, offer a unique opportunity for the public to learn about the era of federal-Indian policy in ways that confront ideals of citizenship and civil rights in a critical way. The power of the Trail of Tears narrative inspires visitors to consider past and present policies dealing with American Indians and public lands, which is the fundamental purpose of the NPS.

While the Trail of Tears stories and related resources can be appropriated by all Americans, contemporary Native communities, such as the Remember the Removal bike riders, also give them meaning. As evidenced by the Cherokee tribes, Native communities are not ambivalent about the value of displaying and interpreting their past but ask for an active role in it. They encourage the NPS to display and discuss these difficult topics. In 2018, the NPS announced its commitment to ensure that all parks and programs “benefit from the use and enjoyment of these public lands for both present and future generations.”

139 Sara Hill, interviewed by author, Tahlequah, OK, February 16, 2018; Reed Robinson, interviewed by author, Pocola, OK, October 17, 2017.
140 Elizabeth Toombs, interviewed by author, Tahlequah, OK, February 16, 2018.
Chapter 5: Building a Collaborative American Indian Narrative in National Parks

A national trail is indeed a portrait to the past. It is also an inroad to our national character—Steward Udall

National park-tribal relations have improved significantly since the initial wave of reform in the 1960s, and especially since the late 1980s, when it became politically expedient and publicly expected for the National Park Service to pursue diversity and inclusion initiatives. With renewed assertion of tribal identity and growing public support for tribal sovereignty, American Indian tribes have enjoyed greater self-government, which allows them to be heard more clearly at national levels.

While some scholars have documented the long struggle between the NPS and Native communities as “the story of cultures in conflict—that is, the question of who controls all these resources,” and described the relationship as “a costly triumph of the public interest or a bitter betrayal of America’s Native people,” the picture of federal-tribal relationships from the perspective of the Trail of Tears National Historic Trail is generally more of progress and promise.¹ The successful partnerships between the NPS, Cherokee tribes, and Trail of Tears Association has resulted in more cohesive interpretation, increased mixed trail use opportunities, and a co-management model that the agency might consider adopting more broadly.

Despite gains in Native voices influencing interpretation and resource management associated with one of the nation’s best known American Indian tragedies—the Trail of Tears—tribal partners today continue to call for more action and programmatic changes to improve government-to-government consultation and build further trust. Based on a review of tribal input, there is evidence that a paternalistic ideology is still present within the agency, even as it

has softened over the decades to allow more tribal input regarding traditional and contemporary practices to inform policy and planning decisions. Tribal partners believe the NPS perceives itself as the master gatekeeper of history, with a sense that “park officials own the parks and have a proprietary claim” and Natives do not always have a key to telling their stories.²

NPS policy and planning—under which national historic trail management lies—appear to primarily grant legitimacy to tribal expertise and practice when it is embedded in “traditional” ways or perceived to be related to an idealized past. As a result, to some tribal partners, federal-tribal co-management practices and participation at the national and park level are still limited by a Euro-centric ideology that frames Native communities—in this case the Cherokees—as historical actors yet often excludes them from contemporary discussions. Yet, they point out that the park is the “nation’s park” and “tribal folks who have lived and had this subsistence relationship with the land for such a long time” pass down this invaluable cultural knowledge. “There is no PhD” that can be conferred,” and there is “no institution that could give them a degree,” but park managers should respect traditional and cultural knowledge and not override their judgement argue the tribes.³

While the NPS has moved forward in the past decade in acknowledging Native participation as partners in preservation, there is not yet a broad national policy that acknowledges and implements the Native perspective and interpretation of their history. One tribal partner commented that it would be “good if the United States had a way to acknowledge that [tribal] expertise” and to give cultural knowledge “some deference.”⁴

² Sara Hill, interviewed by author, Tahlequah, OK, February 16, 2018.
³ Ibid.
⁴ Ibid.
The NPS was among the first Department of Interior agencies to work closely with American Indian communities, but due to lack of national priorities and funding, it gradually lost its leadership position. This study of national policy and planning at three national parks in Arkansas reveals inherent limitations in NPS and tribal collaboration. One limitation is the quasi-military organization of the NPS, which makes collaboration with outside partners a challenge. Another limitation is its view that Indians are like other minorities, rather than being politically distinct sovereign entities. As a unique, politically distinct group within the borders of the United States, American Indians must be treated by all agencies as full partners. Finally, the NPS has not yet fully accepted principles of co-management or partnership agreements mandated by similar agencies, such as the U.S. Forest Service.

Based on a survey of existing policies, park planning documents, and personal interviews, this study concludes with four thematic recommendations to improve the working relationship and trust between the NPS and American Indians. The conclusions are drawn from a review of how the Trail of Tears has been interpreted and preserved by three national parks in Arkansas. These NPS public presentations of Cherokee removal were reviewed by contemporary tribal partners. Their comments, paired with a historical review of the park’s progression in managing the Trail of Tears National Historic Trail, formed the basis of the following recommendations. The recommendations cover categories that build on one another to address the central question of the NPS’s efforts to expand, integrate, and collaborate with American Indians on a more inclusive Native history. This point is examined through the

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5 Robert H. Keller and Michael F. Turek, *American Indians and National Parks* (Tucson: University of Arizona Press, 2005), 237. Keller and Turek observed that an inherent limitation between NPS and tribes is that “tribes have immediate interests and explicit rights, whereas the Park Service has a sweeping mandate to serve everyone.” Park officials must weigh the Indian interest with the general public and their mission to preserve unimpaired for future generations.

6 American Indian tribes are unique politically distinct groups pursuant to case law from *Cherokee Nation v Georgia* (1831) and *Worcester v Georgia* (1832), through *Morton v Mancari* (1974).
relationship between the management and interpretation of the Trail of Tears National Historic Trail and the NPS’s strategies and plans toward building stronger federal-tribal relationships. The recommended categories include: National Leadership and Renewed National Spirit; Funding, Accessibility, and Organization; Communication and Collaboration; and Training, Education, and Experience.

Building “national leadership and a renewed national spirit” is based on a review of the Trail of Tears preservation and interpretation at the three national parks in Arkansas that show that strong leadership from the national to the park levels influences meaningful consultation and co-management practices. With renewed national emphasis on tribal partnerships and consultation as central to the NPS mission and success, addressing “organization, accessibility, and funding” will strengthen the NPS structure to allow diverse partners to connect policy and planning with preservation and interpretation practices. These practices are then strengthened by effective “communication and collaboration” that are essential to maintaining the decentralized structure of the NPS and building strong tribal relationships at all levels. As evidenced by the three Arkansas parks and tribal input, the importance of “training, education, and experience” for park management is integral to effective and meaningful collaborative projects.

**National Leadership and Renewed National Spirit**

Through interpretation comes understanding. Through understanding comes appreciation, and through appreciation comes preservation—Freeman Tilden

The NPS is responsible for managing land with significant natural and cultural value, interpreting and educating the public, and presenting the past to the public accurately and meaningfully. In this role, the agency has an obligation to consult with American Indians when
developing programs from the national to the park levels. A review of three parks in Arkansas shows that the Trail of Tears story has grown and been improved in the past decade due in large part to the agency’s recognition of public interest in considering diverse perspectives and partnerships with tribal and trail partners such as the Cherokee Nation and Trail of Tears Association.

Strong leadership at the national level influences strong leadership at the regional and park levels. A review of agency history reveals a progression in heritage management and consultation programs with tribes that have been primarily led by passionate individuals at the national, regional, and park level who feel a personal, more than just a programmatic, desire to build strong relations with American Indian communities and other partners as stewards of the Trail of Tears National Historic Trail.

NPS efforts to coordinate policy and planning to incorporate American Indians in the preservation process grew in the 1970s and 1980s. Collaboration and consultation with American Indians in the NPS was nearly singlehandedly shifted by Dr. Muriel Crespi, the first chief ethnographer from 1981 to 2003. Through her leadership at the congressional level, the NPS received appropriations to create a permanent ethnography program, this fulfilling a legislative mandate to consult with Native communities and making the park service one of the first federal agencies to develop such a program intended specifically to engage with the tribes. In promoting the program, Crespi stated “National parks and the diverse peoples linked to them are members of the same ecosystem, bound by different yet joint interests to the same body of resources. Ethnography makes these links apparent.”

While the new ethnography program was pioneered by Crespi, the NPS director, William Penn Mott, supported its development and drove

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the agency in a direction toward Native inclusion. At this time, co-management ideals were ahead of their time, since no other Department of Interior agency had defined such a role.

Director Mott designated a new Division of Native Americans in the early 1980s that he believed reflected the agency’s responsibility to preserve and conserve resources critical to the survival of ethnic groups. Mott may have been influenced by political factors in the 1970s and 1980s, but he believed, nonetheless, that the NPS had a social responsibility to help Native Americans maintain their right to self-determination and preserve their Native identity in their own way. John Cooke, director of the Southwest Region, was another important NPS leader in the 1980s who contributed to the NPS advancement in collaborating with American Indians. He implemented the first Indian Assistance Program, which helped to protect cultural resources of Native American value. Cooke was also integral to the establishment of the Trail of Tears National Historic Trail in 1987.

In addition to the personal motivation of NPS leaders at the national and regional levels to consider integrating Indian perspective in interpretation and preservation, Native inclusion was also prompted by a wave of new executive mandates and laws from the 1960s to 1980s. There is evidence again of strong NPS national leadership as one of the first federal agencies to immediately respond to these legal requirements with internal policy to reflect national priorities outlined through the National Historic Preservation Act of 1966, the National Environmental Policy Act of 1970, the American Indian Religious Freedom Act of 1978, and the Archaeological Resources Protection Act of 1979. Creating programs and divisions designed to work with Native Americans through the NPS set a precedence for other agencies to implement their own

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tribal-centric policies. The Bureau of Land Management developed its first *Manual Section 8160 on Native American Coordination and Consultation* in 1990 and the U.S. Fish and Wildlife Service developed its first Native American policy in 1994. In fact, many tribal partners point out that the conservation idea of the U.S. Forest Service for proper use of the land is more in line with tribal goals than those of the NPS. These distinctions make it even more important to share successful practices between agencies and tribes through inter-agency collaboration.

After the initial wave of programs led by inspired NPS leaders, the drive to engage with American Indians lost steam by the 1990s and slowly declined due to a loss in evident national interest and reallocated budgets. Indeed, while the U.S. Fish and Wildlife Service and the Bureau of Land Management now have comprehensive agency-wide policies on government-to-government relations with tribes, the NPS still relies on its 1990 plan. It appears that after the initial wave of policy and programs of the 1980s to meet federal policy mandates, the NPS became stagnant in pursuing programmatic changes to facilitate collaborative efforts with tribes, both formally and informally. As a result, NPS and tribal partners believe that national and regional leadership today is not working optimally when it comes to consultation related to interpreting American Indian history. “To their detriment, the [NPS] is crisis driven rather than relationship driven,” said one tribal partner. These factors emphasize the need not only for renewed national spirit toward collaboration with American Indians but a revised comprehensive NPS policy on tribal relations.

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9 Eric Oosahwee-Voss, interviewed by author, Tahlequah, OK, August 31, 2017.
The history of the NPS progress in incorporating American Indians in the planning and preservation process reveals that developing a revised co-management plan today that includes Native participation requires strong leadership at the national level to influence the regions and parks. Without the institutional support and national leadership, park managers may not have the mandate or motivation to develop innovative co-management techniques to work with tribes. Tribal partners note there are many “creative” ways agencies and tribes can collaborate, but they express “frustration” with the agency’s reluctance to invent new strategies. They argue that the NPS might enhance its role as a national leader in heritage management by introducing more innovative methods to co-manage resources with tribes. As a result, programmatic change at the national level is needed in order to move beyond the policy driven motives, funding issues, and personalities that may limit the agency’s efforts to work with tribes.

That national leadership sets the tone and expectation for consultation and collaboration has been acknowledged by the NPS. The Second Century Commission Cultural Resource and Historic Preservation Committee Report of 2008 encouraged leadership to focus on professional standards rather than declining budgets to drive cultural resource and historic preservation. The report outlined the importance of national leadership by stating: “New and energetic executive-level leadership must immediately replace the dead hand of inhibition and limitation with a renewed sense of pride and possibility.” The report identified “exemplary management” as its

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12 Sara Hill, interviewed by author, Tahlequah, OK, February 16, 2018.
first recommendation for the future.\textsuperscript{15} It outlined how leadership is essential to setting an example and teaching others within and outside the agency.

Yet, NPS annual reports reveal that senior leadership engagement in tribal consultations remains low, with only .001% of the Washington Support Office (WASO) or American Indian Liaison Office specialists and 22% of regional program managers participating in tribal consultations. Even with formal NPS tribal liaisons at the park or regional level, the total reported consultations with official federal representatives remains at 36%. Roughly, one in five Big C or formal consultations with tribal partners within the NPS has senior leadership present. As a result, most consultations rely on park superintendents or division managers as the formal authority and decision-maker.\textsuperscript{16} Many times tribal partners meet with a park employee who has little training or experience. As one tribal partner recounted, “It is really helpful when you go into those meetings and don’t start from zero level knowledge about tribes and they can trickle that down without me having to work from the bottom up.” They emphasize, “If I see a high-level official in those meetings then there is leadership with expertise.”\textsuperscript{17} According to NPS staff, this situation is not the fault of any one manager but the product of decades of oversight, and a lack of resources and funding.\textsuperscript{18}

A significant aspect of national leadership and building a renewed national spirit is in setting standards of accountability at all levels of the system.\textsuperscript{19} Tribal partners have noted the need for more effective standards of park-level performance and accountability for the

\begin{footnotes}
\footnotetext[16]{National Park Service, \textit{Annual Summary of Consultations, FY17}, (Washington D.C.) American Indian Liaison Office.}
\footnotetext[17]{Sara Hill, interviewed by author, Tahlequah, OK, February 16, 2018.}
\footnotetext[18]{Michael Groomer, interviewed by author, Fort Smith, AR, September 14, 2017.}
\end{footnotes}
superintendent, who manages the majority of consultations. They remember a series of investigations at Effigy Mounds National Monument in 2015, when the failure of park superintendent and division managers to consult with tribal partners on resource alterations led to significant adverse effects. In addition, several managers knowingly stored human skeletal remains and burial artifacts to avoid repatriation. Officially, the park superintendent was the responsible agency official for formal consultation and ensuring legal requirements were met, but investigations later revealed that a number of employees at the regional office were aware of the illegal undertakings and took no action.²⁰

While the park leadership was reprimanded and removed, tribes across the nation believed the incident reflected a broader breakdown in consultation and accountability. Effigy Mounds sparked agency-wide changes that added requirements for training, transparency, and awareness, but tribes and NPS representatives called for even more attention on this issue. They recommend that a stronger accountability system be put in place to create incentives for meaningful consultations and reaching shared goals.²¹ One study advised the NPS to consider adopting stronger performance-based standards and goals to measure management and inform decision-making at all levels.²² Unfortunately, working above and beyond expectations is seen by some park managers as a risk because there are no requirements or financial incentives.²³ Many

²¹ Reed Robinson, interviewed by author, Pocola, OK, October 17, 2017; Aaron Mahr, interviewed by author, Pocola, OK, October 16, 2017.
²³ Reed Robinson, interviewed by author, Pocola, OK, October 17, 2017.
park managers insist that a small budget or deferred maintenance are often more pressing concerns than consultations.24 The three national parks in Arkansas, PERI, FOSM, and ARPO, also show that interpretation of planning documents can change based on management in place at the time. Bringing consistency to the management of parks and building accountability for all managers can begin with the national leadership setting higher expectations and developing comprehensive policy on collaborating with tribal partners.25

At the same time that the NPS has depended on individuals to ensure consultations and the on-going development of relationships with tribes, Native peoples have largely relied on federal-Native employees to ensure their voice is heard in historic preservation. The CIRCLE program is a NPS internal resource group that advocates for American Indian employees. NPS and tribal partners note the relationship between improved consultation in the twenty-first century and federal initiatives, like CIRCLE, to recruit and retain American Indian employees.26 They argue that employing more Native liaisons can strengthen national, regional, and park leadership and improve relationships with American Indian tribes. Some tribal partners argue that the “best scenario” for the NPS to work directly with the tribes would be to recruit a tribal citizen who serves as an NPS liaison with an evident background and longevity in the agency.27 Other tribal partners emphasize a Native or non-Native NPS employee with tribal “understanding” and a “fair and balanced approach” to working with tribes. It is important that they “can stand apart from any pressure they have coming from their own agency to really evaluate the situation,” said one tribal partner. Whether a tribal citizen or experience working

26 Reed Robinson, interviewed by author, Pocola, OK, October 17, 2017.
with tribal governments, they need to see the “grey area” as it should “lean toward the benefit of the tribal nations because there is a long history of strained and improper action taken by the U.S. government toward tribal inhabitants.”

That the NPS today has the least number of tribally affiliated staff in professional positions is evidence that this has not been a national priority. Even the NPS acknowledges that there has been a “colonial type paternal tendency to hire anthropologists and archaeologists” for consultation but, as Midwest Regional Program Manager of the Office of American Indian Affairs admits, “We aren’t going to get anywhere by doing that.”

By increased recruitment of American Indians or those with tribal experience, the NPS would not only meet the desire for growing diversity and demographic changes in America, but would also show allies working with tribes that they are sensitive to the need for cultural affiliation and understanding. However, tribal partners notice the traditional “promotion-by-frequent-transfer system” within the agency can deter Indian recruitment since many Natives desire to stay close to their communities in Indian Country. Nonetheless, as the NPS articulated, “in an era when our flexibility, adaptability, and critical thinking are paramount” to achieving operational excellence, the NPS is “fully committed to utilizing the potential that embracing diversity brings.” The park superintendent leadership at PERI and FOSM, both Cherokee Nation citizens, reflects the success of recruiting and retaining diverse employees.

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29 Reed Robinson, interviewed by author, Pocola, OK, October 17, 2017. According to the National Park Service and United States Census Bureau report, the NPS was made up of 77.1% of white employees in 2015.
30 Reed Robinson, interviewed by author, Pocola, OK, October 17, 2017.
31 Sara Hill, interviewed by author, Tahlequah, OK, February 16, 2018.
With greater diverse internal representation can come expanded initiatives in Native interpretation and preservation.

By reevaluating its priorities, the NPS can renew national spirit toward integrating Native knowledge and perspective in preservation, strengthen national leadership and accountability in park management, and improve engagement with Native communities. These changes then impact a broader improvement of the federal-tribal relationship.

**Organization, Accessibility, and Funding**

*As limited in resources that the federal agencies feel they are, the tribes are bound way more tightly by resource limitations than the federal agencies*—Tribal partner

*We forget that tribes have strong relationships with buffalo, eagles, and the natural world as much of the cultural world*—NPS liaison

With strong national leadership and agency-wide accountability a priority to improving the NPS’s efforts to expand, integrate, and collaborate with American Indians on a more inclusive Native history, addressing organizational, accessibility, and funding improvements are necessary to match reinvigorated attention to tribal-centric perspectives. Strong national leadership and a comprehensive policy on collaborating with American Indians are vital to the strength of the federal-tribal relationship, but individual roles should not be the only marker of success in seeking lasting institutional change. As the three Arkansas parks show, when policy and planning documents on the Trail of Tears coordinate and support one another, then programmatic changes are equipped to outlast individual personnel changes.

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34 Sara Hill, interviewed by author, Tahlequah, OK, February 16, 2018.
The NPS has long operated from a decentralized model in which regions, parks, and offices manage their own resources and challenges relatively independently. The NPS Washington Support Office (WASO) manages such national programs as climate change, museum collections, and international affairs, but the day-to-day operations are navigated by park superintendents who have only occasional contact with the national office. The complicated and quasi-military structure of the agency organization provides a cohesiveness for NPS employees, who feel strong ties to the “NPS family.” Yet, for tribal partners and other stakeholders, the closed nature of the NPS can seem difficult to navigate, with many barriers to entry, including contact and communication.

Given the challenges with the NPS structure, tribal partners note the disconnect between policy set at the national level and implementation at the park or regional level. “If you only have one person in Washington and theoretically it’s the superintendents who are supposed to be executing these [consultations],” said one NPS liaison, “there should be capacity for those members.”\textsuperscript{36} In addition, tribes often feel excluded from the planning and decision process due to inaccessibility.

As a result, tribal partners advocate for more cohesive organization in the NPS as a means of strengthening national initiatives to incorporate Native voices at the regional and park level. They call for the NPS to address necessary organizational changes, improve accessibility, and reevaluate funding needs. The decentralized model should engage employees, partners, and tribes as active participants and leaders in the preservation and interpretation process. As sovereign entities, they argue, tribes have the inherent right to work as full and reciprocal partners with the NPS. Inspired and motivated by strong leaders, and paired with relevant policy

\textsuperscript{36} Reed Robinson, interviewed by author, Pocola, OK, October 17, 2017.
and planning documents, employees at all levels would then be able to implement change without the deep trenches of permission and policy restraints.

Tribal partners have noted that formal consultation as outlined and required by law with agency authorities is increasingly being delegated to individual parks and considered in some cases as an inadequate government-to-government fulfillment. Due to budget cuts and loss of professional staff through retirement or natural attrition, the NPS has compensated by relying heavily on regional offices and park staff, rather than on such professional program staff as tribal liaisons, archaeologists, or cultural resource officers. This model depends on field staff that often lack sufficient training, experience, or time to perform the duties fully. Tribes noticed this change and expressed disappointment at not being able to meet with either senior level officials or trained professionals in the formal consultation process. The NPS acknowledged this weakness by making it a goal in 2016 to “attract, support, and retain a highly skilled and diverse workforce, and support the development of leadership and expertise within the National Park Service.” The report also required cultural resource programs to be led by professionals who meet the standards set by the Secretary of the Interior’s Professional Qualifications Standards, which outlines requirements for certain NPS positions, including tribal liaisons, historians, archaeologists, and program directors.

Tribal partners are not the only advocates to reorganize the NPS. Former Department of the Interior secretary Ryan Zinke announced plans in the spring of 2018 to address this long-standing concern of the tribes to pursue a massive reshuffling of the entire department, which

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37 Sara Hill, interviewed by author, Tahlequah, OK, February 16, 2018.
could have a potentially significant and meaningful impact on the National Park Service.\textsuperscript{39} Zinke’s plan would have put the department’s resources closer to the parks and public lands that use them. The reorganization was meant to cut red tape and allow agencies to better manage resources on the ground. When individual parks and assets are closer together, they can collaborate and work together more effectively. The new structure would have divided the nation into thirteen regions, based on geography rather than state boundaries.\textsuperscript{40} With forty percent of the department’s employees eligible for retirement in the next five years, Zinke planned to reclassify a number of positions and fill them in relocated positions closer to parks. While Zinke’s proposal received support and criticism, when asked about its impact on tribal affairs, Zinke assured Congress that the relationship would indeed improve because decisions would be made at the regional rather than Washington Support Office level.\textsuperscript{41} In fact, many “tribes [were] happy to see someone like him appointed,” since he had “a history of working with tribes.”\textsuperscript{42}

While the proposed national reorganization was not fulfilled, it reflects other NPS institutional restructures recommended by tribal partners to improve Native initiatives and strengthen accessibility. One significant internal organization change that tribal partners argue would have a lasting impact on federal-tribal relations is a restructuring of the national American Indian Liaisons Office. Since 2012, tribal partners have noted challenges of communicating and collaborating effectively with the American Indian Liaison Office, an office that administers agency-wide programs and policy working with American Indians. Yet with “no centralized

\textsuperscript{39} Secretary Zinke’s reorganization plan comes in response to President Donald Trump’s March 13, 2017 Executive Order to reorganize the executive branch. However, Secretary Zinke resigned in January 2019.
\textsuperscript{41} The proposed restructure would cost an estimated $18 million.
\textsuperscript{42} Sara Hill, interviewed by author, Tahlequah, OK, February 16, 2018.
structure or standardized way of doing business across the service,” national contacts in
Washington D.C. do not seem accessible to most of the work that is done in Indian Country,
where tribes hold lands proximate to regions and parks. In addition to practical restructuring,
the national American Indian Liaison Office would benefit from a revised comprehensive policy
on collaborating with American Indians. The Midwest Region Program Manager for the Office
of American Indian Affairs summarized the problem by saying, “Management policies have
tribal relations sprinkled in various chapters and components of chapters but they are not strong
enough” to provide a cohesive program.

While the American Indian Liaison Office has made strides in adhering to federal law on
consulting with American Indian since its creation in 1995—including the well-praised
*Gathering of Plant and Plant Parts* comprehensive document of 2015—tribal partners and NPS
liaisons acknowledge that “there is no formal synapse between any of us,” and the existing
structure “has not moved the needle for the service in a way that is acceptable.”

Tribal partners recommend that the American Indian Liaison Office expand its regional
and park representation to meet more fully the needs of Indian Country and to address the
complexity of national issues while providing consistent leadership on interpretation,
consultation, implementation, and accountability throughout the park system.

According to tribal partners, one way to expand the American Indian Liaison Office’s
impact is by reorganizing it within the Washington Support Office (WASO). Currently, the
American Indian Liaison Office is positioned under the Cultural Resources, Partnership, and
Science division, but even NPS liaisons recognize that they “aren’t going to make any significant

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43 Reed Robinson, interviewed by author, Pocola, OK, October 17, 2017.  
44 Ibid.  
45 Ibid.
progress in Indian Country by putting these positions underneath cultural resources.”

If government-to-government consultation is considered a high priority, then the American Indian Liaison Office that manages American Indian relations across the agency should be directly positioned under the directorate within the NPS organization chart. The need to reposition the office under the director of the NPS is supported by other findings that confirm national policy and agency initiatives often fail to reach the park level, where the consultation with tribes occurs. Each park is different and works with tribes differently, but the NPS American Indian policy needs to be interpreted consistently and enforced with accountability. With consistent professional training staff responsible for consultation and a uniform American Indian Liaison Office presence, policies might be followed more cohesively throughout Indian Country.

Tribal partners note other ways the American Indian Liaison Office can continue developing and guiding meaningful relations with tribes across the NPS. First, it can create a guidebook similar to that of other Department of the Interior agencies, that includes the background for the history of Indian Country, Indian Law, regulations and policies on consultation, the different roles of formal and informal consultation, the importance of sovereignty and self-determination, myths and facts about American Indians, and tribal perspectives. A jointly developed handbook created with tribal partners for all NPS employees on consultation and communication, would set the tone for healthy collaboration in the future. NPS managers at PERI, FOSM, and ARPO have noted the value of developing comprehensive, cohesive guides on working with tribal partners on the Trail of Tears as a means of clarifying policies that often seem unapproachable and inapplicable. With a practical guidebook in the

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46 Reed Robinson, interviewed by author, Pocola, OK, October 17, 2017.
hands of every manager, office, and program responsible for working with tribes, the agency would strengthen its ability to cohesively work with tribes.

According to tribal partners, a second potential organizational improvement for the American Indian Liaison Office would be to create uniform structure in name and practice across the agency. Of the seven regions, four have a liaison-type position that may wax and wane.\textsuperscript{49} Some regional offices assign the Cultural Resources office to work with tribes, while other regions hand that assignment to ethnographers or anthropologists with no formal program or office.\textsuperscript{50} Very few parks have designated tribal liaisons since most regions and parks have disbanded these functions.\textsuperscript{51} By restructuring tribal offices so that they are cohesive in name, function, and responsibility, the agency would assure the tribes that government-to-government consultation is a priority and integral to the success of the agency. Several tribal participants praise the newly formed Midwest Region Office of American Indian Affairs, which includes a program manager as an enrolled member of a tribe.\textsuperscript{52} They also welcome the latest trend with all five formal tribal liaison positions across the regions as enrolled members of a tribe arguing that prioritizing tribal members in formal tribal liaison positions across all seven regions would add value to the government-to-government consultation process and trust building.\textsuperscript{53}

A third recommendation by tribal partners to strengthen the American Indian Liaison Office’s impact is to provide more opportunities for cooperative agreements between tribal

\textsuperscript{49} Reed Robinson, interviewed by author, Pocola, OK, October 17, 2017.
\textsuperscript{50} In addition to the AILO Washington office, the Midwest Region developed an Office of American Indian Affairs in 2015 with a permanent program manager; the Intermountain Region has an American Indian Liaison; the Pacific Region hired a Cultural Resource/Tribal Liaison in 2017; and the Alaska Region has an American Indian Liaison Officer.
\textsuperscript{51} Reed Robinson, interviewed by author, Pocola, OK, October 17, 2017. Sand Creek Massacre and Lewis and Clark Trail have designated Tribal Liaisons
\textsuperscript{52} National Park Service, \textit{Annual Summary of Consultations}, FY17, (Washington D.C.) American Indian Liaison Office.
\textsuperscript{53} Reed Robinson, interviewed by author, Pocola, OK, October 17, 2017.
partners, parks, regions, and programs. Tribal partners note the need to develop a co-led research program to identify traditionally associated communities with ties to parks and park resources and involve them directly in management decisions through agreements and contracts.\textsuperscript{54} They ask that the NPS renew emphasis on preserving resources essential to contemporary Native Americans. The NPS \textit{Second Century Cultural Resources and Historic Preservation Committee Report} identified this same goal in seeking to “establish sound professional cultural resources and historic preservation leadership in Washington and Regional Offices and engage it fully in working with the field.”\textsuperscript{55}

A final way to potentially improve the American Indian Liaison Office’s outreach and consultation is to update the reporting process to the NPS and Department of Interior. Reporting and documenting consultation with tribal partners, including Big C and Little C consultation efforts, is vital to a successful program and will improve coordination with national, regional, and park efforts. The existing American Indian Liaison Office reporting template, \textit{Summary Narrative Report}, could be improved by documenting less tangible methods of consultation in the Little C process, including the use of social media, phone calls, and in-person visits. In addition, not all parks respond to the agency-wide report, since there is no mandate or incentive to respond. This leaves a significant gap in the number of consultations reported and is not an accurate representation of Big C or Little C communications with tribal partners. For example, the formal consultation at Fort Smith National Historic Site in the spring of 2017 was not included in the final \textit{Summary Narrative Report}. This compiled report is a valuable resource, but as former director of the American Indian Liaison Office Dr. Joe Watkins has said, there is

currently no system in place for accountability or follow-up. He recommends that the reporting process at the regional levels be consistent and based on a cohesive national American Indian Liaison Office system.

In addition to tribal partners’ recommendations to reorganize the American Indian Liaison Office, additional internal changes would improve the relevance of the office to Indian Country and accessibility of national contacts. Renewing the national ethnography/cultural anthropology program that Dr. Muriel Crespi pioneered would benefit national and park efforts to work collaboratively with tribal partners. Ethnography is a cross-disciplinary approach that links community cultural values with national park management goals and the NPS mission. Ethnography facilitates understanding of contemporary American Indians and other ethnic communities associated with parks.

As the first director of the ethnography program in the early 1980s, Crespi believed that the national office should aim to “incorporate the perception of those whose lives and histories are being interpreted.”⁵⁶ “Clearly,” she argued, “park visitors benefit from multiple, if sometimes conflicting, interpretations that convey real complexities instead of unidimensional, homogenized stories.”⁵⁷ Former chief ethnographer David Ruppert reflected that the ethnography program showed that “the nation [was] beginning to understand that cultural diversity was not an abstraction: it had social, legal, and moral consequences that could not be ignored.”⁵⁸ As a nuanced approach among federal agencies to include diverse perspectives, the ethnography

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⁵⁶ While in practice for years, the Ethnography/Cultural Anthropology Program was formalized in 1981.
program at its height in the 1990s supported professional positions in regional offices and parks across the system.\textsuperscript{59}

Despite its initial leadership and contributions, drastic reductions in staffing and funding in cultural resources and historic preservation programs in the early twenty-first century nearly dissolved the ethnography program. Ruppert found that in 2001, the NPS senior leadership was more interested in “controlling, limiting, and shrinking the Service than to inspire it to great achievements.”\textsuperscript{60} The cultural resources budget was reduced by twenty-six percent, and staffing declined by twenty-seven percent. Folding the ethnography program into the newly formed American Indian Liaison Office, reported Ruppert, “rewarded loyalty to the hierarchy rather than talent and motivation.”\textsuperscript{61} Many ethnography programs across the regions and parks were dissolved after the chief ethnographer position remained vacant in 2003. With no national budget or staffing, the regions and parks did not have a centralized structure, and as a result, nearly the entire NPS ethnography program has been unfilled since 2007.\textsuperscript{62} Many contemporary agency ethnographers and anthropologists believe the NPS has never recovered from the reductions in budget and programmatic shifts of nearly twenty years ago. As Ruppert observed, “The program’s profile has faded and there exists no national leadership to meet existing and emerging needs and challenges.”\textsuperscript{63}

\textsuperscript{59} Joe Watkins, phone interview by author, February 9, 2018.
\textsuperscript{63} David Ruppert, “Rethinking Ethnography in the National Park Service” \textit{The George Wright Forum}. Vol 26 No. 3 (2009), 53.
In order to maintain its leadership with sister agencies and increase relevance in Indian Country, the NPS might consider a renewed commitment by national leadership to stress ethnography/cultural anthropology as significant to the future of the agency. The NPS could begin by filling the chief ethnographer position within the American Indian Liaison Office and across the seven regions to reinforce a cohesive national presence. Addressing these vacancies would also encourage regions and parks to adopt ethnography programs and recruit Native employees. Because ethnographers are essential to identifying stakeholders and their concerns related to park management, they can help make the voice of minority communities heard in the decision-making process. In addition, tribes acknowledge that a reinvigorated ethnography program would provide vital social and cultural information to park managers that conveys insights on education and interpretive planning, and day-to-day operations.

Reconsidering the ethnography program would not only meet responsibilities through the National Historic Preservation Act and Native American Graves Protection and Repatriation Act, but also bolster the NPS once again as the model for working with American Indians. A cohesive ethnography program could help fulfill the NPS’s goal to “lead by example in sustainable planning, development, resource management, operations, and concessions management practices.”

In addition to benefiting agency missions and goals, there is mutual benefit to tribal relationships with a reinvested focus on ethnography/cultural anthropology. Sharing resources helps with the flow of information as ethnographers/cultural anthropologists provide partners, professional services and reliable studies. Cultural anthropologists and ethnographers can help make Native history and culture more accessible to the public at national parks by helping to

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interpret and translate social knowledge and work with partners to create opportunities to communicate cultural knowledge. Studies also show that when the NPS leads in the preservation of cultural properties, the tribes are reinvigorated and renew their efforts in turn.  

Just as Ruppert denied that the decline in ethnography/cultural anthropology programs was a result of “fewer demands on agency resources,” so too tribal partners have found that demands for preservation and interpretation of such important park resources as the Trail of Tears have increased while NPS programs have decreased. In terms of the expanding interpretation of the Trail of Tears and Indian removal at the park level, a renewed ethnographic approach emphasizes the contemporary relations that are integral to its memorialization and preservation. After all, were it not for the contemporary citizenry and legislative conviction that the Trail of Tears merited federal designation, the Trail of Tears National Historic Trail would not have been preserved today. Indeed, it was because of the impassioned leadership of Crespi and the ethnographic team of the NPS in the 1980s that the Trail of Tears National Historic Trail became integrated into the National Trails System. The same ethnographic approach that led to the early development of the Trail of Tears is vital to its continued preservation and interpretation today, particularly because of the unique role of the Cherokee tribes and Trail of Tears Association. 

A strong and vibrant ethnography program would also complement a strong Park History and Oral History program in providing support to the NPS national office, the regions, and the parks. While the NPS park history program is still understaffed and underfunded, its very existence, while the ethnography division sits vacant, reveals the priority. Yet, the presence of a

The park history program should not diminish the importance of an ethnography division. The stories each tell are different, and often incomplete unless told together.

For complicated and sometimes controversial stories, such as the Trail of Tears and Indian removal, the park history program provides necessary research and documentation, while the ethnography program could provide cohesive direction in telling a fully relevant story, one with multiple perspectives. Both the NPS and tribes have emphasized that the way park managers consult with American Indians influences the way they interpret history and memory. 

Therefore, strong leadership in history programs paired with an ethnographic approach to American Indian descendants would be invaluable to park superintendents who manage museum space and try to tell diverse stories.

Approving these organization shifts through the American Indian Liaison Office and ethnography program would improve accessibility and relevance to American Indian communities. Joint efforts by park history and ethnography programs are the best approach to address the unique historical and contemporary nature of the Trail of Tears and other Native stories. The current NPS emphasis on the Trail of Tears as a story told through “historic places,” while also dissolving the ethnography program, is evidence of a long tradition within the agency to treat tribal history as stagnant and irrelevant to present concerns.

The Organization of American Historians, in a recent evaluation of the NPS interpretation, pointed out that the agency has portrayed history in a narrow, static way that separates people from the past rather than connecting them to it. By addressing complicated stories like Indian removal only through the lens of historical resources while neglecting to

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66 Reed Robinson, interviewed by author, Pocola, OK, October 17, 2017.
utilize tools in ethnography and ethnohistory, can result in a homogenized narrative that fails to portray Native history as a living aspect of communities today. As evidenced by Native youth engagement with the Trail of Tears National Historic Trail and the active participation of the Cherokee tribes, living peoples have real, meaningful ties to natural and cultural resources that are not stagnant. Therefore, an approach to preservation and interpretation that engages contemporary communities and considers their relation to available resources is imperative to a well-rounded, fair, and complete picture of the past.

In addition to advocating reorganization of the American Indian Liaison Office, redevelopment of the ethnography program, and greater cohesion between the history programs, tribal partners also note the importance of addressing necessary changes to the consultation process. Tribal partners have long identified the lack of a uniform definition and complicated protocol for consultation as an obstacle to effective collaboration within the NPS and across federal agencies. 68 While some tribal partners enjoy strong consultation relationships with the Corp of Engineers, U.S. Forest Service, and Bureau of Land Management, they believe the NPS could improve its efforts in tribal leadership by declaring a more concise definition and implementation policy for consultation. 69

According to an Advisory Council on Historic Preservation report on improving federal-tribal consultation, the diversity of federal agencies and tribes—with over 573 federally recognized tribes—can be an obstacle to effective consultation because of different “authorities, missions, operating procedures, budgets, and staffing capacities.” The report found that tribes believed that many of the federal programs had improved but cautioned against uneven

68 Stephen Yerka, interviewed by author, by phone, April 25, 2018; Sara Hill, interviewed by author, Tahlequah, OK, February 16, 2018; Eric Oosahwee-Voss, interviewed by author, Tahlequah, OK, August 31, 2017.
69 Reed Robinson, interviewed by author, Pocola, OK, October 17, 2017.
implementation and recommended that consultation issues addressed at the local level would be more meaningful and effective.\textsuperscript{70}

Tribal partners in this study take it a step farther by encouraging the NPS to see the difference between consultation and consensus building. “Consultation is great but consent is better,” they argue, meaning that consensus building should prize partnerships that create decisions, rather than imposing them.\textsuperscript{71} In short, consensus building requires communication before taking action. “That’s the difference between consultation which can still be dictatorship versus real consultation which is true consensus building and true consent from the tribes that are affected by those decisions,” said one tribal partner.\textsuperscript{72} Consensus building should be the model for consultation because it can remove the hazardous bureaucratic, box-checking, autocratic process that hinders real give-and-take.

Other authorities, such as former American Indian Liaison Office director Dr. Watkins, also recommended that consultation receive a fundamental restructuring in order to foster trust and build positive relations with tribes at the national, regional, and park levels across the NPS.\textsuperscript{73} Institutionalizing the consultation process would build better understanding and promote cultural sensitivity and make the process more efficient, he argues.\textsuperscript{74}

Another consideration Watkins recommended is that, rather than being project driven on a case-by-case basis, consultation should be pursued as a programmatic approach to working

\textsuperscript{71} Sara Hill, interviewed by author, Tahlequah, OK, February 16, 2018
\textsuperscript{72} Ibid.
\textsuperscript{73} Joe Watkins, interviewed by author, by phone, February 9, 2018.
with tribes that includes regular scheduled meetings and face-to-face relationship building.\textsuperscript{75} Tribal partners frequently insist that relationships between the federal agencies and tribes would be stronger if the consultation process focused on issues or topics that tribes considered important, rather than viewing consultation as only a process required for proposed federal undertakings. Some tribal partners suggest the development of an agency-wide communication system for regional and routine discussions that are documented and reported in order to fully integrate tribes in the decision-making process.\textsuperscript{76} A cohesive communication system would also promote a two-way exchange of ideas and provide feedback to tribes on how their ideas were incorporated.\textsuperscript{77}

Not only adjusting a uniform definition of consultation but shifting expectations for consultation to consider natural and cultural resource management can also accompany revised procedures and processes making it more flexible to accommodate tribal concerns. Another way to help restructure consultation and make it more effective is to move away from old perceptions that consultation pertains only to cultural resources. Watkins points out that among most American Indian tribes there is a strong relationship between the buffalo and eagles in the natural world as much as in the cultural world. There is a misconception, he says, “that natural resources folks don’t need to deal with consultation as cultural resources.”\textsuperscript{78} In comparison, the Cherokee Nation Secretary of Natural Resources manages all cultural resources including the Trail of Tears National Historic Trail.

\textsuperscript{75} Joe Watkins, phone interview by author, February 9, 2018.
\textsuperscript{76} Sara Hill, interviewed by author, Tahlequah, OK, February 16, 2018.
\textsuperscript{77} Eric Oosahwee-Voss, interviewed by author, Tahlequah, OK, August 31, 2017. Eric said that he did not have much hope that the NPS would accomplish anything as a result of the consultation but ideally he would hope that there could be change.
\textsuperscript{78} Joe Watkins, phone interview by author, February 9, 2018.
Active partnerships with the Trail of Tears Association and Cherokee tribes at PERI, FOSM, and ARPO show that tribal partners have every desire to participate in consultation with the NPS at all levels, but they wish to do so on a government-to-government basis, working with agencies and liaisons, and not through them. If tribes and agencies are to participate effectively and negotiate over management and interpretation, there must be enough institutional accessibility for them to participate effectively. As one tribal partner put it, the “biggest struggle is finding the right person to talk to.”

They also describes their relationship with the NPS as often slow, and without reasonable response.

One way to improve accessibility would be through annual or periodic meetings with tribes on a regular basis. “There is no real substitute for face to face meetings,” said one tribal partner. Tribal partners endorse an Advisory Council on Historic Preservation report which suggests that regular meetings are necessary to discuss and resolve issues and plans necessary to project consultations. Regular meetings would also facilitate frequent communication, which in turn would further mutual trust. Tribal partners also favored making information available as digitized records to improve accessibility and timeliness. “A standardized format for sending and receiving things”, said one tribal partner, should make them “link together and talk to each other.” This information would include an open exchange for consultations, project proposals, and processes. This streamlined process would “ease the burden on a lot of tribal folks.”

Accessibility of NPS American Indian programs and offices would also be improved through flexible budgets and resource allocations. On the logistical side, tribal partners note the

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79 Erik Ditzler, interviewed by author, Gillett, AR, August 1, 2017.
81 Stephen Yerka, phone interview by author, April 25, 2018.
82 Ibid.
83 Ibid.
need for agencies to understand that uncompensated participation in meetings often is impractical if not impossible. Most tribal partners point out that lack of funding is not just a federal agency problem, but also a critical tribal concern. 84

According to the 2015 Advisory Council on Historic Preservation report on improving tribal-federal consultation, a major challenge to consultation is “the lack of adequate resources to manage the review process.” 85 These gaps include a lack of infrastructure development, time restraints on complex projects, and “chronically understaffed and underfunded” conditions. Tribal partners emphasize the need for funding appropriations to NPS programs to be able to travel and meet on a regular basis with individual tribes. While “I work for an independent sovereign nation,” said one tribal historic preservation officer, and “our interests often do align with other tribal nations, I really think the job of the federal agency is to interact and consult individually with the tribes.” 86 Acknowledged as a potential “burden” for the agencies, tribes still emphasize the value of the NPS visiting their offices as it is “very important to us” and “a lot is accomplished in a short amount of time.” 87

Recognizing that tribes have limited resources, taking steps to mediate the strain on time and funding will improve consultation procedures. Tribal partners recommend several changes to rectify this problem. The NPS could provide travel funds relevant and consistent with individual management and consultation goals. Due to budget cuts and the absence of national and regional professionals, park staff often carry the burden of financially supporting consultations that can

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84 Reed Robinson, interviewed by author, Pocola, OK, October 17, 2017; Sara Hill, interviewed by author, Tahlequah, OK, February 16, 2018.
86 Stephen Yerka, phone interview by author, April 25, 2018.
87 Stephen Yerka, phone interview by author, April 25, 2018.
last for months to years. Tight travel budgets and the annual travel ceilings imposed by the government make it difficult for managers and tribal liaisons at the regional and park level to visit tribes. When resources are allocated for professional NPS staff to meet directly with tribal partners, they are sincerely appreciated and make the tribes feel respected. Studies by the National Academy of Public Administration have also found that travel restrictions and budget cuts severely undercut appropriate cultural resource management, which forces managers to rely extensively on untrained field staff. It is clear that an essential and meaningful component of consultation is to meet face-to-face with tribes. Tribal partners believe that a collaborative network is integral to managing tribal concerns that involves multiple partners. They encourage the NPS to view them as full partners, eligible for cross-cultural training and resource sharing.

Because federal agencies like the NPS have a responsibility to include Indian tribes in all stages of consultation to ensure federal actions are “achievable, comprehensive long-lasting, and reflective of tribal input,” the NPS might consider these recommendations based on a survey of tribal and NPS input. Following the recommendations in this study would not only fulfill the

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89 Stephen Yerka, interviewed by author, by phone, April 25, 2018; Sara Hill, interviewed by author, Tahlequah, OK, February 16, 2018.
goals of the NPS for the twenty-first century, but also the secretary of the interior’s professional standards.

**Communication and Collaboration**

*We will actively engage diverse communities and strengthen partnerships to develop innovative communication and education strategies. To achieve the promise of democracy, we will create and deliver activities, programs, and services that honor, examine, and interpret America’s complex heritage—NPS A Call to Action*

*How do you make your [NPS] priority their [tribe] priority? It’s by developing relationships. If you have a relationship that’s based upon mutual respect that’s going to pay dividends—Tribal partner*

With strong national leadership reevaluating organization, accessibility, and funding as it relates to improving relationships with American Indian tribes, the NPS can address communication and collaboration efforts to strengthen interpretation of Native history at all levels. As the three parks in Arkansas reveal, effective communication and collaboration are essential to maintaining partnerships and a cohesive interpretation of the Trail of Tears. On a broader scale, communication is central to maintaining the decentralized operation of the NPS and building relevance across Indian Country. Tribal partners note that “those boring conversations when there’s nothing going wrong are the ones that are the most valuable when something does go wrong.” They identify the need for NPS liaisons to communicate with tribes

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94 Reed Robinson, interviewed by author, Pocola, OK, October 17, 2017.

95 Sara Hill, interviewed by author, Tahlequah, OK, February 16, 2018.
early in the process to allow sufficient time for consultation.\textsuperscript{96} Otherwise, if there are “no real possibilities for change to your plans then you’re not consulting, you’re informing,” they say.\textsuperscript{97}

Studies show that it can take up to two years to meet and build a relationship with tribal partners before trust is established.\textsuperscript{98} Federal policy indicates that communication must be open and transparent without compromising the rights of tribes or the government-to-government consultation process.\textsuperscript{99} American Indian law professor and advocate, Larry Keown, identifies communication as the most important factor in effectively working with tribes because it begins the trust process. Respect is the foundation of trust, he argues, and the first step to trust is effective communication that honors cultural differences. He recommends that consultants put aside “filters” or myths about American Indians because they impede communication by distorting such human factors as cultural norms, feelings, and fears. To acknowledge and then change those filters requires a paradigm shift to consider tribes as full equitable partners.\textsuperscript{100}

To most tribal partners, lack of education and ignorance—not knowing who to contact and their role—is a real barrier to effective consultation. “There has to be some reeducation process with the tribal folks,” said one tribal historic preservation officer, as “it’s a mutual problem that the tribes and federal agencies need to work on.”\textsuperscript{101} With the shifting of positions and change of administrations, websites and contacts are not always updated to reflect current information. “Things are slow to change,” said one tribal partner, with many agencies “still

\begin{footnotes}
\item[96] Ibid.
\item[97] Ibid.
\item[101] Sara Hill, interviewed by author, Tahlequah, OK, February 16, 2018.
\end{footnotes}
sending information to the old address.” Projects at Arkansas Post National Memorial, for example, have been delayed for extended periods due to lack of communication that begins with inaccurate contact information. Many tribal partners also note the difference between human communication and receiving an impersonal notice, which does little to build the trust relationship. They reassert the legal precedence that holds federal agencies accountable for the taking initiative to contact tribes. In addition, smaller tribes like the United Keetoowah Band of Cherokee Indians have one person covering multiple positions, so it can be a challenge to get on the government agenda.

An effective way to overcome challenges with communication between the NPS and tribes is to make it a priority to conduct regularly scheduled visits to reduce mismanagement, miscommunication, and resulting crises. “Go talk with the tribes”, tribal partners emphasize, “the information you get from a phone call is 100% more than you’ll get from a letter and the information from a visit is a hundred times again.” Some tribal partners recommend that NPS liaisons conduct in-person visits to the tribes at least once a year so they can sit down with newly elected leaders, discuss shared interests, and inform tribes of their role at the park and planned projects. Some liaisons even recommend set times for collaboration between parks/regions and tribes as a way to create trust and accountability. They nod to the success of the U.S. Forest Service in hosting regional meetings, where agency authorities meet directly with tribal representatives. The Environmental Protection Agency is another federal agency with “a good

103 Erik Ditzler, interviewed by author, Gillett, AR, August 1, 2017; Kirby McCallie, interviewed by author, Gillett, AR, July 26, 2017.
104 Stephen Yerka, phone interview by author, April 25, 2018.
107 Ibid.
108 Ibid.
system,” with the Region Tribal Operations Committee as a model in that it allows tribal representatives to meet regularly with the EPA director. Other federal studies by the Advisory Council on Historic Preservation found that by hosting regular national and regional meetings, tribal partners across many agencies feel welcomed to participate and share their ideas.

In addition to more intentional communication, either in person or on the phone, tribal partners point out that written communication is also valuable, but that it needs to be done in “plain English,” free of federal jargon, which often obscures the issues, challenges, and proposed solutions. “Clear visual information is key as we get thousands and thousands of letters every year,” said one tribal historic preservation officer.109 Too often, they say, parks simply announce a project and how it will be conducted without adequate information or consent.110

Another important way to build trust with tribes, encourage communication, and improve accessibility is to pursue flexible co-management approaches through collaborative agreements. While the NPS is committed to be the leader in heritage preservation and historic interpretation, there are several partnership opportunities built in to the policy structure of the agency that have yet to be used to their fullest potential in working with tribal partners. Some evidence of this is the lack of formal partnership agreements with tribal partners at PERI, FOSM, and ARPO, despite strong years of active participation and co-hosted programs among the parks and Cherokees. But when partnership agreements were in place, like between the Cherokee Nation and Trail of Tears Association, the parks saw successful growth in public programs, Native interpretation, and research. Many policies outline the importance of cooperative management agreements between agencies and tribes to foster healthy trust relationships.111

110 Sara Hill, interviewed by author, Tahlequah, OK, February 16, 2018.
111 “Secretarial Order 3342 of October 21, 2016, Identifying opportunities for cooperative and collaborative partnerships with federally recognized Indian tribes in the management of federal lands and resources,” Decisions of
recognize that federal managers and resource managers should value traditional knowledge of tribes to inform decision making and develop the federal-tribal relationship. Formalized agreements build communication and strengthen the consultation process because they are designed to outline points of contact, methods for meeting, common issues, and agreed solutions.

A review of collaborative agreements surrounding the Trail of Tears National Historic Trail at the three sites in Arkansas reveals that the presence of formal agreements with the NPS significantly strengthened communication, consultation, and trust. Based on the success of the memorandum of understanding agreement between the Cherokee Nation and Trail of Tears Association, the NPS might consider pursuing more cooperative agreements with non-profit organizations and tribes because volunteers are becoming a greater asset to consultation and collaboration. Since its founding in 1987, when the memorandum of understanding identified twenty-two sites as components of the Trail of Tears National Historic Trail, to 2018, when eighty-four more sites were added, Native and non-Native volunteers have been committed to telling the Trail of Tears story. Their efforts show that the NPS can “collaborate with partners and education institutions to expand NPS education programs and the use of parks as places of learning.”

Due to the success of the Trail of Tears Association, the NPS could make financial and resource support to local groups a priority in conservation programs. The Trail of Tears Association illustrates the NPS vision and goal of working with “grassroots-driven initiatives” to be “given a much greater role, especially in cultural and historical interpretation.”

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history and culture are going to be filled in,” says the NPS, “then people whose history is being interpreted need to have a greater part in determining their nationally significant stories. This will require improved communication between the NPS and grassroots organizations as well as engagement of scholars.”\textsuperscript{113}

Not only do partnership agreements benefit the development of strong communication and collaboration, they also set the stage for conflict resolution. When participants from the NPS, tribes, and non-profit partners face disagreements, effective resolution can be developed and maintained with the presence of expected communication through managed agreements. “Most of the crisis things that happen don’t happen because somebody wanted to do harm to anything,” said one tribal partner, “it’s because people don’t communicate well.”\textsuperscript{114} Some miscommunication and misunderstanding surrounding the Trail of Tears stems from “an emotional component” because “places are not just places to tribes.” Because Trail of Tears components are not just places on a map, tribal partners emphasize the importance of demonstrating tribal understanding and significance to federal agencies.\textsuperscript{115}

The Advisory Council on Historic Preservation identified a “solid and productive working relationship” as one of the foundations for improving consultation. The study found that when “a federal agency and an Indian tribe commit to working together,” they find “mutually acceptable solutions and historic preservation thrives.”\textsuperscript{116} With national, regional, and park leadership focused on actively engaging diverse communities through cooperative partnership agreements, sharing resources and knowledge, and building cohesive preservation plans, then

\textsuperscript{114} Sara Hill, interviewed by author, Tahlequah, OK, February 16, 2018.
\textsuperscript{115} Ibid.
communication and collaboration improve with American Indian tribes as stewards of shared national treasures.

**Training, Education, and Experience**

There aren’t enough people with the appropriate level of experience to do good consultation with tribes —NPS liaison\(^\text{117}\)

A barrier, too, is just that lack of education and ignorance—Tribal partner\(^\text{118}\)

When national leadership reevaluates organization, accessibility, and funding to improve working with American Indians, then communication and collaboration can improve based on these national programmatic changes. The final area the NPS can address to ensure effective and transparent consultation from the national to park level is by improving training, education, and experience for those involved in the collaborative process. The NPS recently identified enhanced training, evaluation incentives, and career development opportunities as essential for sustaining partnerships.\(^\text{119}\) While not codified in policy yet, program managers at the American Indian Liaison Office recommend that tribal consultations across the park system be conducted by NPS liaisons who are well qualified to work on a government-to-government basis.\(^\text{120}\)

Given the practice of consultation at the park level and the strong participation of park superintendents, it is vital that park managers are given adequate training and experience in this capacity. Management and interpretation of the Trail of Tears National Historic Trail at PERI, FOSM, and ARPO shows that implementing policy and planning with trail and tribal partners requires essential education and experience. Effective collaborative projects with the Trail of

\(^{117}\) Joe Watkins, phone interview by author, February 9, 2018.

\(^{118}\) Sara Hill, interviewed by author, Tahlequah, OK, February 16, 2018.


\(^{120}\) Joe Watkins, phone interview by author, February 9, 2018.
Tears Association and Cherokee tribes depends on park managers equipped with appropriate training. Adequate training ensures that all employees in parks, offices, and programs understand and value integrating Native voice in interpretation through consultation as an integral part of the NPS mission.

Meaningful and effective consultation requires both parties to understand the subject or project and most importantly its potential impact. Yet the NPS and tribal partners notice a challenge when NPS liaisons often enter consultations claiming to be both the expert on the subject and a spokesperson for the proposal, thus causing a conflict of interest and overburdening the park liaison. Moreover, as federal studies indicate, only a quarter of NPS employees responsible for consultation are adequately trained. In the absence of trained NPS tribal liaisons, federal representatives can struggle to understand Native community structures, history, preservation, and goals, which significantly hinders communication.

The former NPS Chief American Indian Liaison Officer summarizes the challenges by pointing out that, first, too often the people conducting consultations lack experience in that role. Second, those consulting are typically cultural anthropologists or archaeologists who focus on short term projects with specific results rather than long term relationships and programs. However, as the “point persons” for the NPS, these liaisons are central to successful consultation. Consequently, they merit appropriate funding, training, and support. Investment in NPS liaisons also holds significance for tribes, who view consultation as an inherent right and of special importance in building continued relations with the federal government.

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121 Eric Oosahwee-Voss, interviewed by author, Tahlequah, OK, August 31, 2017.
122 Reed Robinson, interviewed by author, Pocola, OK, October 17, 2017; Sara Hill, interviewed by author, Tahlequah, OK, February 16, 2018.
There are a number of free and easily accessible online training options for federal staff responsible for pursuing consultation. The DOI Learn online portal offers training on topics that range from the Native American Graves Protection and Repatriation Act to Indian law to the National Historic Preservation Act. The sessions are mainly offered in-person at a designated location with some online trainings, all at a cost to the park. Some classes include “Effective Tribal Consultation” with the goal of outlining key concepts in government-to-government consultation including strategies for building relations and trust with tribes. The training illustrates the value of cultural and sacred sites and how federal Indian policies have shaped federal-tribal relations. Some courses deal more specifically with consultation policy, including “Compliance with Section 106 of the National Historic Preservation Act for Managers,” and other courses cover “best practices” in “Building Tribal and NPS Relationships.” An “Essentials of Indian Law,” which costs $510, is a week-long training program that participants with interactive lectures, group discussions, and presentations by tribal historic preservation officers who relate their firsthand experiences in consulting with the NPS. In addition to DOI Learn training, the Advisory Council on Historic Preservation offers advanced training to federal agencies on specific ways to comply with the National Historic Preservation Act consultation requirements.

Yet tribal partners note that education and training for effective consultation goes beyond the formal classroom, especially when it comes to “cultural competency.” Cultural competency means an awareness of diverse American Indian cultures, and it requires either the development of cultural knowledge of a community or seeking cultural brokers who have that knowledge. “It’s the ability to understand the sensitivities required to develop relationships and understand
tribal culture versus the park service culture,” explains one NPS liaison. Programs and policies can adapt to fit the cultural context of a community and to understand how the tribe functions. The need for cultural competency among NPS liaisons is essential in an environment where the expectation is to “be sympathetic, humble yourself and have intellectual curiosity and learn and prepare yourself to learn.”

However, according to tribal partners, lack of understanding of tribal cultural differences is common among NPS representatives, which makes effective consultation more challenging. They note that “Having those first-grade discussions with [agency liaisons] means that the whole meeting is going to be spent trying to tell [them] about our structure of government; that we have elected leaders, we have a Chief who is the Chief Executive like the Governor of the state.” Tribes often feel frustrated by federal participants who cannot engage in adequate dialogue or lead consultations due to lack of cultural competency. Another tribal partner said, “Federal leaders need to feel comfortable in uncomfortable situations because they aren’t familiar with working with particular tribes because they are different. They need to prepare.” They recommend that “a little Indian Law 101 or Indian Country 101 and training for the folks at the leadership level,” led by tribes, “would be a great benefit for the people of the tribes that have to deal with that agency just so they walk into those meetings with at least that background, then that gives us lot to start with.”

According to tribal partners, the most effective consultation with the NPS is one in which participants are well versed in the laws, policies, and traditions of tribes, the unique federal-tribal

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125 Reed Robinson, interviewed by author, Pocola, OK, October 17, 2017.
126 Elizabeth Toombs, interviewed by author, Tahlequah, OK, February 16, 2018.
127 Reed Robinson, interviewed by author, Pocola, OK, October 17, 2017.
129 Ibid.
130 Ibid.
relationship, and the participants in each process.\textsuperscript{131} They say an effective way to improve cultural competency and tap into tribal expertise is to address long standing myths about American Indians. One myth is that Natives have a special spiritual connection with nature and aim to preserve the land unimpaired. “I cannot tell you the number of times I’ve had to start with a conversation with someone who has no idea what an Indian tribe is—they think about tribes romantically, they think that tribes are great unchanging protectors of the environment and the land,” said one tribal partner.\textsuperscript{132} Tribes encourage agency representatives to re-educate themselves and reject old stereotypes of Indians as nostalgic versions of nature. They point out that this image is based on a romanticized historic public perception that Indians have a mystical spirituality. They argue that tribes and Indians should not be suspended in time as museum artifacts. Others have noted that rejecting myths about Native relationship with the land does not mean suppressing access to preservation on the land.\textsuperscript{133} Another myth to address it that there is one pan-Indian culture and therefore one approach to consultation. Tribal partners point out that there are vastly different cultures, ethnicities, languages, histories, and preservation practices among American Indian tribes.\textsuperscript{134} Their perspective aligns with recent scholarship showing the relationship between the idea of one Indian culture to the history of federal agencies interpreting Native Americans as obstacles rather than actors of the past. As a result, tribes perceive there remains a “pristine myth” that tribes only have concerns with traditional issues and thus agencies ignore their legitimate contemporary concerns.\textsuperscript{135}

\textsuperscript{131} Elizabeth Toombs, interviewed by author, Tahlequah, OK, February 16, 2018; Stephen Yerka, phone interview by author, April 25, 2018; Sara Hill, interviewed by author, Tahlequah, OK, February 16, 2018; Eric Oosahwee-Voss, interviewed by author, Tahlequah, OK, August 31, 2017.

\textsuperscript{132} Sara Hill, interviewed by author, Tahlequah, OK, February 16, 2018.


\textsuperscript{134} Sara Hill, interviewed by author, Tahlequah, OK, February 16, 2018.

\textsuperscript{135} Ibid.
In addition to acknowledging myths about the preservation and interpretation interests of American Indians, tribal partners say it is crucial for NPS liaisons to be familiar with tribal policies, tribal law, Indian Country, and individual tribal politics in order to build cultural competency. Tribes argue that a major barrier to effective consultation is the time it takes to reeducate federal representatives on Indian law and Indian Country. When tribes have to “share the same conversation sixteen times that is really a strain on resources,” said one tribal partner. Because forms of government vary among tribes and administrations, NPS liaisons should take time to be familiar with the structures of the tribe by meeting with the tribal office, introducing their park/office, and answering questions. Tribal partners note a series of key subjects to consider for training NPS liaisons, including the trust responsibility, cultural resource preservation from a Native American viewpoint, geographic history and displacement of tribes (removal), loss of sovereign rights, and federal-tribal policies. American Indian legal scholars agree that knowing these historical points is the foundation for trust and a successful collaborative process.

To provide opportunities to build experience working directly with tribal governments, tribal partners recommend the NPS to offer co-led training that address politically sensitive projects and discuss the time and fiscal constraints for tribes. Co-led training with tribal partners can balance online and in-person opportunities which accommodates challenges with “funding [as] probably the major restriction” for participation. One NPS participant agreed,

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136 Ibid.
137 Ibid.
138 Ibid.
139 Elizabeth Toombs, interviewed by author, Tahlequah, OK, February 16, 2018.
141 Kirby McCallie, interviewed by author, Gillett, AR, July 26, 2017.
142 Erik Ditzler, interviewed by author, Gillett, AR, August 1, 2017.
saying “The federal government in this country has more resources than any other country in the world with zero comparison.” They point out that as much as the NPS is constrained by resources, the tribes are even more constrained, thus underscoring the importance of co-led trainings conducted in partnership.

NPS liaisons and tribal representatives benefit from co-led trainings that stress sensitivity, inclusiveness, and cultural diversity. One successful co-led training session was created by the American Indian Liaison Office in the summer 2018 and hosted by NPS liaisons and tribal historic preservation officers. The pilot training, *Pathways to Confidence: Engaging in Effective NPS-Tribal Consultation*, was held at Fort Smith National Historic Site and received positive reviews from participants who praised the transparent, non-traditional nature of the training as valuable to their understanding of tribes and consultations. NPS participants recognized the differences between taking online training sponsored by the NPS and a tribal-led training in partnership with the NPS with one person saying they got “more of the tribal perspective than I have ever gotten.” They also commented on the value of mock consultations to play various roles, which required not only the knowledge and application of policy but communication and collaboration. The American Indian Liaison Office is also developing a “Nuts and Bolts of Tribal Consultation” program to develop step-by-step curriculum on tribal consultation in a NPS context. Continuing co-led training sessions between the NPS and tribal partners would help facilitate growth and knowledge to educate park managers from a Native perspective, thereby increasing accountability, encouraging co-management, and facilitating trust.

Addressing imbedded myths through tribal-led training programs and interpreting Native social knowledge can be particularly important to work on the Trail of Tears. NPS participants

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143 Reed Robinson, interviewed by author, Pocola, OK, October 17, 2017.
144 Kirby McCallie, interviewed by author, Gillett, AR, July 26, 2017.
charged with telling the removal story or managing related resources often fear a particular approach may be criticized by the public and prevent open dialogue.\textsuperscript{145} By encouraging park liaisons to visit tribal partners, inviting tribes to present informative programs for park staff, and increasing opportunities for co-led trainings, interpretive and preservation programs not only improve cultural competency, but also build strong federal-tribal relationships.

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Twenty-nine years ago, the last comprehensive NPS planning document for working with tribes, \textit{Keepers of the Treasures}, called on the agency to adopt a holistic approach to historic properties and cultural resources in order to consider the concerns of American Indians and to adjust “federal procedures, standards, and guidelines accordingly.”\textsuperscript{146} Since 1990, NPS policy and planning documents have increasingly stressed the importance of including Native voices in interpretation and management by facilitating meaningful dialogue with tribal partners. Yet, the largest agency in the Department of Interior does not have a comprehensive tribal consultation policy to “provide accountability for executing our responsibility toward Indian Country.”\textsuperscript{147}

An important role of the NPS is to “present factual and balanced presentations of the many American cultures, heritages, and histories” associated with park resources.\textsuperscript{148} A review of planning documents, management policy, agreements, and other resource management materials related to the Trail of Tears National Historic Trail reveals valuable stories of successes yet also shows gaps in collaboratively and cooperatively working with tribal partners. While improvement in working with American Indians to interpret Native history has been made, with

\textsuperscript{145} Erik Ditzler, interviewed by author, Gillett, AR, August 1, 2017.
\textsuperscript{147} Reed Robinson, interviewed by author, Pocola, OK, October 17, 2017.
gradual changes based on individual interests, project driven efforts, and a general public atmosphere of support and volunteerism, the NPS has greater potential to measure up to the standards of consultation and collaboration in addressing the nation’s past and present.¹⁴⁹

When drawing comparisons between their successful participation in heritage programs and interpretation surrounding the Trail of Tears National Historic Trail at Pea Ridge National Military Park, Fort Smith National Historic Site, and Arkansas Post National Memorial, and the scope of options within the NPS, tribal partners conclude that this progress is not reflected in the broader picture of American history presented to the public that tends to understate the diversity of our nation’s cultural heritage and Native legacy.

While the establishment, development, and management of the Trail of Tears National Historic Trail is a unique grassroots effort linked to three Cherokee tribes that continue to influence preservation and interpretation practices through the Trail of Tears Association, the Trail of Tears reflects increasing public sentiment toward the removal era and Native history with over thirty years of dedicated advocates fervently working to recognize, develop, and mark a tragic yet important event. The Trail of Tears is gaining traction, but the impetus for a majority of the programs is driven by tribal partners or individual NPS employees with a personal interest, rather than by programmatic expectations within the agency.

Recommendations by tribal partners based on their experience with the Trail of Tears story reflects how other parks and programs can more meaningfully meet responsibilities to work collaboratively with American Indians to strengthen the federal-tribal relationship. One of the best ways to improve government-to-government relationships is by increasing professional, trained staff and building a comprehensive, service-wide implementation of policy and planning

that emphasizes partnership, mandates accountability, and requires collaboration. Consultation and co-management policies should be incorporated at the programmatic level, driven by strong national leaders, and carried out by accountable regional and park staff.

By leading the way in co-management of the Trail of Tears National Historic Trail, the NPS is interpreting public history reflecting diverse and evolving groups across the American landscape, preserving past and present resources associated with the trail, and providing a well-rounded representation of Native perspective and traditional knowledge through full consultation with tribal partners. There remains much work to be done in fostering positive interactions with tribes, and these efforts must be made a permanent, prominent part of the NPS. The advantage to these changes is that they are already in place and working well when initiated. The National Park Service can be the leader once again in historic preservation and cultural resource management by capitalizing on the Trail of Tears as an example of how to improve broad national, regional, and park advancements in working directly with tribes. Incorporating these recommendations, even in small increments, will strengthen the NPS by leading to a “deepened understanding of our individual and national identity.”150

The NPS can better fulfill its mission by pursuing programmatic changes and resource allocation that affords tribes “the opportunity to participate fully in the national historic preservation program on terms that respect their cultural values and traditions as well as their status as sovereign nations.”151 The NPS has an opportunity to reinvigorate national spirit with the rising generation that values cross-cultural preservation and memorialization. A broader,

more expansive view of local, regional, and national events from a Native perspective is imperative if the agency is to maintain its position as the nation’s storyteller.

To fully embrace its mission as public educator and a preservationist committed to telling all Americans’ stories, the National Park Service should strengthen its efforts to secure a more relevant identity among American Indian communities in the twenty-first century. Native communities are already committed to heritage preservation and storytelling with or without the National Park Service, as evidenced by several privately led initiatives on the Trail of Tears. But opportunities for co-management and meeting NPS mandates are abundant. Tribal and non-profit partners insist that the agency embrace change by renewing its national leadership role and national spirit, pursuing necessary organizational and accessibility changes, building on communication and collaboration through formal agreements and accountability, and implementing adequate and co-led education and training.

National parks are places held in high esteem by the public. They have great potential to represent all our nation’s diverse communities. As our nation’s first stewards of the land, American Indian communities are prime partners in resource management and interpretation. With co-management the goal, NPS professionals working collaboratively with local Native experts form an ideal combination for comprehensive management of park resources.

The work surrounding the Trail of Tears National Historic Trail and its non-profit Trail of Tears Association are excellent examples of successful collaboration for the NPS to apply more broadly. They show what can happen when promise through policy and practice through planning align to form an expanded, integrated, and collaborative narrative about American Indians in our national parks.
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Trail of Tears Association. Board Meeting Minutes, 2010-2018. Author’s notes.


**SECONDARY SOURCES**


APPENDICES

APPENDIX A

INTERVIEW PARTICIPANTS
*Nineteen in-person or phone oral-history interviews

- Sara Hill, Director of Natural Resources, Cherokee Nation, Tahlequah, OK
- Elizabeth Toombs, Tribal Historic Preservation Officer, Cherokee Nation, Tahlequah, OK
- Troy Wayne Poteete, Executive Director, Trail of Tears Association, Webbers Falls, OK
- Steven Yerka, Historic Preservation Officer, Eastern Band of Cherokee Indians, Cherokee, NC
- Jack Baker, President, Trail of Tears Association, Oklahoma City, OK
- Erik Oosahwee-Voss, former Tribal Historic Preservation Officer, United Keetoowah Band, Tahlequah, OK
- Lisa Conard-Frost, Superintendent, Fort Smith National Historic Site, Fort Smith, AR
- Michael Groomer, Chief of Interpretation, Fort Smith National Historic Site, Fort Smith, AR
- Kevin Eads, Superintendent, Pea Ridge National Military Park, Garfield, AR
- Troy Banzhaf, Chief of Interpretation, Pea Ridge National Military Park, Garfield, AR
- Erik Ditzler, Park Ranger, Arkansas Post National Memorial, Gillett, AR
- Ed Wood, Superintendent (retired), Arkansas Post National Memorial, Gillett, AR
- Dr. Joe Watkins, former Chief Tribal Liaison and Chief Anthropologists, National Park Service, Washington, D.C.
- Kirby McCallie, Natural/Cultural Resource Manager, Arkansas Post National Memorial, Gillett, AR
- Paul Austin, former Director of Arkansas’s Endowment for the Humanities, Little Rock, AR
- Riley Bock, past president of Trail of Tears Association, Pecola, OK.
- Aaron Mahr, Superintendent, Intermountain Trails Office, Santa Fe, NM
- Frank Norris, Historian, Intermountain Trails Office, Santa Fe, NM
- Reed Robinson, Office of American Indian Affairs Program Manager, National Park Service, Omaha, NE

EXAMPLE INTERVIEW QUESTIONS

Background Information:
- Could you state your name, title, and park/tribe?
- How long have you served in this position?
- What are your main duties associated with formal consultation?
Tribal Consultation:
• In your professional opinion, what is the meaning of consultation?
• Do you feel that Tribal Liaisons in the NPS are a positive and effective way the NPS can negotiate its relations with tribes as federally mandated by law?

Consultation and Training:
• As Tribal Historic Preservation Officer/park manager, what formal training on consultation or working with federal agencies/tribes were you required to complete?
• Did you complete additional training to equip you with knowledge to consult? Any particular personal experience that equipped you for your current position?
• When you first entered a management role, were you given a mentor?
• Do you feel the agency/tribe supported the kind of training you feel was necessary to effectively carry out your duties working with federal agencies/tribes?

Trail of Tears National Historic Trail:
• What is your relationship and experience with the National Trails office in Santa Fe who manage the Trail of Tears National Historic Trail?
• What is your relationship and experience with the Trail of Tears Association?
• Does the tribe/park have specific policies or planning documents related to the Trail of Tears National Historic Trail?

Tribal Consultation at MWR:
• Have you had contact with the new NPS Midwest Region Tribal Liaison or WASO American Indian Liaison Office? Could you explain?

Park-Tribe Consultation:
• Over the past ten years or since you’ve been at your current position, has the tribe/park been consulted on federal agency plans, projects, programs, or activities related to the Trail of Tears National Historic Trail?
• Over the past ten years or since you’ve been at your current position, has a park/tribe consulted or collaborated with you to develop plans for future monitoring, restoration, or interpretive projects?
• In your opinion, how would you rank the level of tribal involvement in the NPS and the parks?
• What do you think is the main priority and focus of the tribes when it comes to your relationship with the National Park Service, and the parks?
• In what ways could the park improve its management of the Trail of Tears National Historic Trail?
• Are written consultation protocols adequate for government-to-government consultation? Are protocols and policies adequate for potential effects on tribal interests at park sites?
• Could you briefly describe an example of formal consultation from start to finish that you have pursued?

Summary of Effectiveness of Federal-Tribal Relationship:
• Since 1987, or as long as you’ve served in your current position, have you noticed any positive or negative changes in federal-tribal consultation in general? Do you think tribes are
satisfied with the outcomes of government-to-government consultation or conflict resolution processes?
• In your professional opinion, what is the next steps, or best direction the NPS should take in regard to working effectively with native communities to preserve, protect, educate, and interpret our shared history in the NPS?
• In your experience, what is the number one obstacle to effective consultation with tribes?

Conclusion:
• Would you be open to further dialogue surrounding this topic via email or phone?
• Would you be willing to take a follow up survey if necessary?
• Any additional information you would like to provide?
### Federal Legislation on Tribal Consultation and Resource Management

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<thead>
<tr>
<th>Title and Date</th>
<th>Public Law</th>
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<tbody>
<tr>
<td><strong>Native American Graves Protection and Repatriation Act of 1990 (NAGPRA)</strong></td>
<td>43 CFR 10</td>
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<tr>
<td>NAGPRA requires federal agencies to identify Native American cultural items, a process of repatriation, and to coordinate and document consultation with tribes. <a href="http://www.cr.nps.gov/local-law/FHPL_NAGPRA.pdf">http://www.cr.nps.gov/local-law/FHPL_NAGPRA.pdf</a></td>
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<tr>
<td><strong>Federally Recognized Tribes List Act of 1994</strong></td>
<td>25 USC 479a</td>
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<tr>
<td>Defines “Indian Tribes” as an American Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of Interior acknowledges to exist. “Native American” is defined as a tribe, people, or culture that is indigenous to the United States. “Tribal land” is defined as all lands within the exterior boundaries of any Indian reservation and all dependent Indian communities.</td>
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<tr>
<td><strong>Organic Act of 1916</strong></td>
<td>16 USC 1</td>
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<td>Established the National Park Service under the Department of Interior responsible for protecting national parks and monuments. The NPS now comprises more than 400 park units.</td>
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<td><strong>Antiquities Act of 1906</strong></td>
<td>PL 209</td>
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<tr>
<td><strong>Government Performance and Results Act of 1993 (GPRA)</strong></td>
<td>PL 103-62</td>
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<tr>
<td>Designed to improve government performance, the GPRA requires agencies to engage in management tasks such as setting goals, measuring results, and reporting progress or challenges. In compliance, the NPS produces strategic plans. <a href="https://www.gpo.gov/fdsys/pkg/STATUTE-107/pdf/STATUTE-107-Pg285.pdf">https://www.gpo.gov/fdsys/pkg/STATUTE-107/pdf/STATUTE-107-Pg285.pdf</a></td>
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<tr>
<td><strong>National Park Service Organic Act of 1916</strong></td>
<td>PL 235</td>
</tr>
<tr>
<td><strong>National Trails System Act of 1968</strong></td>
<td>S. Report 109-239</td>
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<tr>
<td>The Trails Act established the Trail of Tears National Historic Trail in 1987. In regard to tribes, the law only mentions Indian nations as potential contacts to gain permission and make arrangements for right of way or easements across Indian lands (3862)</td>
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<tr>
<td><strong>Historic Sites Act of 1935</strong></td>
<td>PL 74-292</td>
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<tr>
<td><strong>Native American Relationships Management Policy, 1987</strong></td>
<td>Federal Register, 1987</td>
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<tr>
<td>As the first relationships policy developed by a land management bureau, the policy articulated the NPS responsibility for addressing issues related to American Indians.</td>
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It was written in response to the American Indian Religious Freedom Act of 1978. The policy directed NPS personnel on recognizing and responding to Native American relations to park resources and encouraged consultation. Dr. Muriel Crespi, NPS Chief Ethnographer of the NPS was the author and first American Indian to hold this position. This policy was groundbreaking in many ways. The policy was integrated into the NPS Management Policies in 1988 as the official NPS position on consulting with American Indians.

<table>
<thead>
<tr>
<th><strong>Museum Properties Management Act of 1955</strong></th>
<th>PL 84-127</th>
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<tbody>
<tr>
<td><strong>National Historic Preservation Act of 1966 (NHPA)</strong></td>
<td>PL 89-665; PL 91-423 as amended; PL 94-422 as amended; PL 96-515 as amended</td>
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<tr>
<td>NHPA establishes a government-wide policy favoring the responsible use of historic properties. In regard to Indian tribes, NHPA provides for the NPS to enter into agreements with tribes, to consult with tribes and consider traditional practices, and see adaptive use strategies. Section 106 pertains to tribes. Amended in 1992 to enhance the tribal role in historic preservation and create the THPO program. Federal Agency responsibility to consult with tribal governments outlined in Section 106.</td>
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<tr>
<td><strong>National Environmental Policy Act of 1970 (NEPA)</strong></td>
<td>PL 91-190; 42 U.S.C 4321-4347 as amended</td>
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<tr>
<td>NEPA establishes a government-wide policy to protect the human environment and treat it with respect. Together with 40 CFR 1500 -1508 (Protection of the Environment), NEPA requires Federal agencies to consider the environmental impacts of any actions they propose to undertake, assist, or license. <a href="http://ceq.hss.doe.gov/nepa/regs/nepa/nepaeqia.htm">http://ceq.hss.doe.gov/nepa/regs/nepa/nepaeqia.htm</a></td>
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<td><strong>Endangered Species Act of 1973 (ESA)</strong></td>
<td>PL 93-205; PL 94-235 as amended; PL 94-359 as amended; 16 USC 1531-1544 as amended</td>
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<td>ESA provides a program for the conservation of threatened and endangered plants and animals and the habitats in which they are found. The law requires federal agencies to ensure that actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of any listed species or result in the destruction or adverse modification of designated critical habitat of such species. <a href="http://www.fws.gov/endangered/esa-library/index.html#esa">http://www.fws.gov/endangered/esa-library/index.html#esa</a></td>
<td></td>
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<tr>
<td><strong>Indian Removal Act of 1830</strong></td>
<td></td>
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<tr>
<td><strong>The American Indian Religious Freedom Act, 1978 (AIRFA)</strong></td>
<td>PL 95-341</td>
</tr>
<tr>
<td><strong>Protection and Enhancement of the Cultural Environment</strong></td>
<td>E.O. 11593-1971</td>
</tr>
<tr>
<td><strong>Chapter 1 National Park Service</strong></td>
<td>43 CFR</td>
</tr>
<tr>
<td><strong>Archaeological Resources Protection Act of 1979 (ARPA)</strong></td>
<td>PL 96-95; 43 CFR; 16 USC 470aa-470mm as amended</td>
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<td>----------------------------------------------------------</td>
<td>-------------------------------------------------</td>
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<tr>
<td>ARPA prohibits the excavation or defacing archaeological</td>
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<tr>
<td>resources on Federal and tribal land without a permit issued</td>
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<tr>
<td>by the responsible land management agency. Federal agencies</td>
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<tr>
<td>must consult with Indian tribes before issuing such permits.</td>
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<tr>
<td>Archaeological resources are defined as places and items that</td>
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<tr>
<td>are of archaeological interest and over 100 years old. Requires</td>
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<tr>
<td>federal agencies to consult with tribes before permitting</td>
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<tr>
<td>archaeological excavations on tribal lands. It mandates the</td>
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<tr>
<td>confidential information about the location and nature of</td>
<td></td>
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<tr>
<td>archaeological resources.</td>
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<thead>
<tr>
<th><strong>Cultural Resources Management Guidelines Release No.3</strong></th>
<th>NPS-28</th>
</tr>
</thead>
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<tr>
<td>AIRFA states that it is U.S. government policy to respect the</td>
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<td>inherent right of American Indians to practice their traditional</td>
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<td>religions. This has been interpreted by the courts to mean</td>
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<td>that Federal agencies must consult with Indian tribes</td>
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<td>concerning projects the agencies propose to undertake that may</td>
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<tr>
<td>affect traditional religious practices, as well as places and</td>
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<tr>
<td>sacred objects used in religious practices. It does not give</td>
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<tr>
<td>these groups a veto over agency actions, but does require</td>
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<td>that agencies consult with them and pay attention to their</td>
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<tr>
<td>religious concerns.</td>
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<tr>
<th><strong>Archaeological and Historic Preservation Act of 1960</strong></th>
<th>16 USC 469</th>
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<tbody>
<tr>
<td>(AHPA)</td>
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<tr>
<td>AHPA requires Federal agencies to recover archaeological,</td>
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<tr>
<td>historical, and scientific data that may be threatened by</td>
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<td>construction projects or other related actions undertaken,</td>
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<tr>
<td>assisted, or licensed. AHPA does not provide specifically for</td>
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<tr>
<td>consultation with Indian Tribes.</td>
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<tr>
<td>RFRA prohibits federal agencies from burdening any person’s</td>
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<tr>
<td>practice of religion unless doing so is the least restrictive means of</td>
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<tr>
<td>a compelling government interest. Traditional Indian religions have the same rights as all other religions.</td>
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<tr>
<td><a href="http://www.gpo.gov/fdsys/pkg/BILLS-103hr1308enr/pdf/BILLS-103hr1308enr.pdf">http://www.gpo.gov/fdsys/pkg/BILLS-103hr1308enr/pdf/BILLS-103hr1308enr.pdf</a></td>
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<tr>
<th><strong>Environmental Justice, February 11, 1994</strong></th>
<th>E.O. 12898</th>
</tr>
</thead>
</table>
Requires that federal agencies avoid adverse environmental impacts on minority communities. Federally recognized and non-recognized tribes are included.  

<table>
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<tr>
<th><strong>Indian Sacred Sites, May 24, 1996</strong></th>
</tr>
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<tr>
<td>Requires that federal agencies avoid adverse effects on Indian sacred tribal land located on federal sites. Sacred land is identified by tribes but requires boundaries.</td>
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<tr>
<th><strong>Consultation with Tribal Governments, November 6, 2000</strong></th>
</tr>
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<tbody>
<tr>
<td>Affirms the federal government’s commitment to a government-to-government relationship with Indian tribes and directs agencies to establish procedures to consult and collaborate with tribal governments.</td>
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<thead>
<tr>
<th><strong>Curation of Federally Owned and Administered Archaeological Collections</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Regulations issued by the NPS for curation of archaeological collections including standards for establishing a repository for archaeological collections.</td>
</tr>
<tr>
<td><a href="http://www.nps.gov/archaeology/tools/36cfr79.htm">http://www.nps.gov/archaeology/tools/36cfr79.htm</a></td>
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<tr>
<th><strong>Protection of Historic Properties</strong></th>
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<tr>
<td>Guidelines for implementing Section 106 of NHPA including consultation with tribes, THPOs, SHPOs, negotiating agreements and implementation.</td>
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<tr>
<th><strong>Protection of the Environment</strong></th>
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<tbody>
<tr>
<td>Guidelines for implementing NEPA including Environmental Assessments (EAs) to determine environmental impact.</td>
</tr>
<tr>
<td><a href="http://ceq.hss.doe.gov/ceq_regulations/regulations.html">http://ceq.hss.doe.gov/ceq_regulations/regulations.html</a></td>
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<tr>
<th><strong>Native American Graves Protection and Repatriation Act (NAGPRA) Regulations 1990</strong></th>
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</thead>
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<tr>
<td>Regulations issued by the NPS to govern NAGPRA including identifying tribal groups with cultural affiliation, negotiating with tribes, and rules for developing actions and agreements with tribes. Outlines the process for museums and federal agencies to return American Indian cultural items such as human remains, funerary objects, and items of cultural patrimony to cultural affiliated or lineal descendant tribes. Under Section 3, repatriation is required for Indian cultural items discovered and excavated after 1990.</td>
</tr>
<tr>
<td><a href="http://www.nps.gov/nagpra/mandates/index.htm">http://www.nps.gov/nagpra/mandates/index.htm</a></td>
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<tr>
<th><strong>E.O. 13007</strong></th>
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<td>Requires that federal agencies avoid adverse environmental impacts on minority communities. Federally recognized and non-recognized tribes are included.</td>
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<th><strong>E.O. 13175; revised by President Obama on November 5, 2009.</strong></th>
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<th><strong>36 CFR 79</strong></th>
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<th><strong>43 CFR 10</strong></th>
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<td>Requires that federal agencies avoid adverse environmental impacts on minority communities. Federally recognized and non-recognized tribes are included.</td>
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MEMORANDUM

TO: Bethany Rosenbaum
    Daniel Sutherland

FROM: Ro Windwalker
      IRB Coordinator

RE: New Protocol Approval

IRB Protocol #: 17-07-011

Protocol Title: Promise and Practice: Toward an Expansive, Integrated, Collaborative Narrative on American Indians in the National Park Service

Review Type: ☒ EXEMPT □ EXPEDITED □ FULL IRB

Approved Project Period: Start Date: 08/04/2017 Expiration Date: 08/03/2018

Your protocol has been approved by the IRB. Protocols are approved for a maximum period of one year. If you wish to continue the project past the approved project period (see above), you must submit a request, using the form Continuing Review for IRB Approved Projects, prior to the expiration date. This form is available from the IRB Coordinator or on the Research Compliance website (https://vpred.uark.edu/units/rsc/p/index.php). As a courtesy, you will be sent a reminder two months in advance of that date. However, failure to receive a reminder does not negate your obligation to make the request in sufficient time for review and approval. Federal regulations prohibit retroactive approval of continuation. Failure to receive approval to continue the project prior to the expiration date will result in Termination of the protocol approval. The IRB Coordinator can give you guidance on submission times.

This protocol has been approved for 13 participants. If you wish to make any modifications in the approved protocol, including enrolling more than this number, you must seek approval prior to implementing those changes. All modifications should be requested in writing (email is acceptable) and must provide sufficient detail to assess the impact of the change.

If you have questions or need any assistance from the IRB, please contact me at 109 MLKG Building, 5-2206, or irb@uark.edu.