

## **Democracy and Voting from Athens to New Echota.**

Richard Joseph Palmer  
Classics  
The University of North Carolina Asheville  
One University Heights  
Asheville, North Carolina 28804 USA

Faculty Advisor: Dr. Lora Holland-Goldthwaite

### **Abstract**

The Cherokee people were aware of Greek and Roman ideas through their contact with European colonizers, and they incorporated those ideas into their government alongside American culture. The Cherokee ratified and published their constitution in 1828, and some Greco-Roman ideas of governance are apparent in this document. The Cherokee newspaper, the Cherokee Phoenix, also expressed a broad understanding of the classical world by Cherokee people as they discussed the purposes of government. This paper investigates how the Cherokee Nation of the 19th century enacted these democratic ideas through voting rights, and compares them to Classical Athens and Republican Rome. This is done through looking at the requirements to vote alongside the process of voting, and then comparing that number of voters to the population of the society as a whole. Primary sources include: the Cherokee constitution, and the writings within the Cherokee Phoenix, the writings of Quintus Tullius Cicero, and quotations from Aristotle on the Athenian Constitution. This paper concludes that, in terms of voting rights, the Cherokee Nation of the 19th century was far more inclusive than Republican Rome, but only slightly more inclusive than Democratic Athens.

### **1. Introduction**

The Cherokee Nation of the 19th century was a representative republic, with a written constitution that was by and for the people. This government was focusing on public education and ensuring the well-being of its citizens until it was unlawfully removed from its sovereign land in the Trail of Tears through President Jackson's Indian Removal Act of May 1830. Even after the Trail of Tears, the Cherokee Nation continued to increase public education and mass producing literature, and showed the world the resilience of indigenous people.<sup>1</sup> When the Cherokee People wrote their constitution, they were directly aware of the Greco-Roman world through their exposure to American and British cultures, and referenced them in contemporary writings. Using their new alphabet, they created a western style democracy based on a blend of Western and indigenous ideas.<sup>2</sup> The Cherokee nation was influenced by Greco-Roman governments, and they became more representative than the governments of Classical Athens and Republican Rome, which can be seen through their more inclusive voting system.

Indigenous Studies is a field filled with white men's thoughts and opinions, often with little regard, or citation, for indigenous people's views and knowledge. When indigenous knowledge is cited there is a pattern of excluding the names of elders, and minimizing their contributions. In the relevant section of this paper, the author has to the best of his ability used articles by Cherokee authors, or articles that represent Cherokee thoughts and ideas. The author has also relied on the counsel and advice of Watson Harlan and Dr. Adcock. The former is a historian and a member of the Eastern Band of Cherokee Indians, and the latter is a member of the modern Cherokee Nation of Oklahoma and the head of the American Indian and Indigenous Studies department at UNC Asheville. This was done to ensure that Cherokee voices are actively present in this research.

## 2. Athenian Democracy and Voting

Democracy in the ancient Greek world was centered around the city state of Athens. When Athens implemented this system of government, it changed the Greek world.<sup>3</sup> Athenian democratic system was a new system of governing for the Greek world, which started after the reforms of Cleisthenes in 508-507 BCE.<sup>4</sup> This lasted for several centuries with a few exceptions: it started to decline in 403 BCE and fell completely in 322 BCE.<sup>5</sup> During this time period, the definition of a citizen changed to become more exclusive, while logistical and financial complications limited the ability to easily vote. Some of the highest positions in Athenian government were seats in the Council of the Areopagus, or high court, and the position of Archon, but these positions and the people in them were not very democratic in nature.<sup>6</sup> Like the Roman system, this system created, from a historical point of view, a building block for later societies, as well as an example of what not to do.

As with all of these cultures, who could vote is a basic question that needs to be answered in order to discuss the other aspects of the voting system. As in Rome, voting was reserved for male citizens once they had reached adulthood, between 18-20.<sup>7</sup> In Athens this included no or minimal property requirement, which opened voting to poor citizens.<sup>8</sup> Athens created a harsher law to exclude certain men from being able to become citizens partway through their democracy, and unlike Rome they never drastically expanded their citizen rolls.<sup>9</sup> The Citizenship laws of Pericles of 451 redefined citizenship, requiring a citizen to be descended from citizens on both sides of their family, instead of just the father's side.<sup>10</sup> This reduced the number of people who could be citizens, and therefore reduced people's ability to vote and be represented in their own government. Similar to Rome, Athens divided its citizenry into two units, known as the Demes and the Tribes. There were 139 Demes, dividing up the city state of Attica into different counties.<sup>11</sup> These Demes were where citizens would register and they represented the regional interests of these areas.<sup>12</sup> When it came to voting and representation within the government, these Demes were condensed into 10 Tribes. The Tribes were based on population, not just geographical region, and in doing so the Athenians did not have the issue of unequal representation that Rome's divisions created.<sup>13</sup> As all voting and allotment is based on one's Deme and Tribe, creating a system where each vote carries the same weight is essential. In addition to the limitation of voting male citizens, the societal makeup of Athens must also be taken into account.

The state of Athens owned roughly 80,000-100,000 slaves during the 5th century BCE.<sup>14</sup> The entire city state of Athens had a population that fluctuated between 250,000-300,000 people during the democracy.<sup>15</sup> This means that slaves made up roughly 30 percent of the population, while having absolutely no voice in their society. Metics, or foreign residents also had no say in government although they were at least free from bondage. The metic population of the city was about 25,000 people throughout the classical era.<sup>16</sup> In comparison, the male citizen population was roughly 20,000-40,000 people, which could make up roughly 10 to 25 percent of the total population.<sup>17</sup> Similar to the later Roman system, women had little to no civic participation outside of certain religious festivals.<sup>18</sup> On the whole, this is better than the Roman representation but massive percentages of the population were unrepresented within this democracy.

The Athenian democracy did not exactly have a polling place in the same way that the Roman Republic had. The closest equivalent to such a representative force is known as the Assembly, where all male citizens could congregate and vote on the laws, as well as vote on the 10 generals or *Strategoi*.<sup>19</sup> The Assembly met on the Pnyx, right near the Boule house and the market in Athens.<sup>20</sup> This area measures roughly 500 meters across, and could accommodate a large crowd, although an exact number is unknown. What is known is that the Assembly required a minimum of 6,000 citizens to vote on anything, meaning that at least 12 to 20 percent of the voting population was required.<sup>21</sup> This minimum requirement is far more than the maximum of voters that could participate in the Roman voting system, and it ensures that a decent portion of society would always be represented. The Assembly would vote on everything from budgets, to taxes to legislation and it required a majority rule to pass.<sup>22</sup> The way that the Assembly voted was primarily through a show of hands, which is a very public method.<sup>23</sup> However public, the Athenians ensured that the final totals were accurate.<sup>24</sup> Specifically in the Assembly, nine men known as *proedroi* were selected by lot to count votes and to ensure that the votes were accurate.<sup>25</sup> While the secrecy of a ballot can give a level of anonymity, this isn't a concern that the Athenians themselves ever voice. The Assembly gives the voters vast power over their daily lives, and the Athenians were very concerned with ensuring that their votes were accurately counted. The direct democracy of the Assembly worked alongside the Boule to run the city, utilizing representative government alongside the voice of the people.

The Boule is the other major representative force of the Athenian government; composed of 50 representatives from each Tribe. Representatives were chosen by lot, with each Tribal member slipping a bronze card into a chance machine known as a *kleroteria*.<sup>26</sup> Once a Tribal member was selected, he would serve for a year, and he could only become a

Boule member twice in his lifetime.<sup>27</sup> This system of lots ensured that any citizen could hold the office and that these people could not keep power for themselves. This created a legislative body of 500 which wrote laws but could not enact them: they had to bring this legislation to the Assembly in order to enact the bill.<sup>28</sup> The Boule would vote on which legislation to cover in a way very similar to the Assembly. And just like the Assembly there is record of multiple men being selected to count the votes to ensure an accurate system.<sup>29</sup> Ensuring democratic representation was very important to the Athenian city, and they legislated laws to help the poorer citizens afford civil participation.

In both the Boule and the Assembly members were paid a small amount of money per day for their service.<sup>30</sup> The Assembly met over 40 times a year and the Boule for 275 days, which means that poorer participants would need some type of financial compensation.<sup>31</sup> While this payment system took a while to enact in the Assembly, it took power away from the upper and middle classes and ensured that poor citizens could always attend these bodies and voice their opinions.<sup>32</sup> This reform ensures that the democratic institutions stay democratic and its inclusion is a revolutionary action in the process for creating a democratic state.

Some of the positions that an Athenian man could be selected for were classist in nature, and some of the classes in Athenian society could not participate in these positions.<sup>33</sup> Aristotle comments on these institutions in his Athenian Constitution 1.3,

This [the abuse of power by the Areopagus in the Archaic Age] was the natural consequence of the facts that the Archons were elected under qualifications of birth and wealth, and that the Areopagus was composed of those who had served as Archons; for which latter reason the membership of the Areopagus is the only office which has continued to be a life-magistracy to the present day.<sup>34</sup>

This is a clear example of excluding the people from civic participation, as the position of Archon didn't just require a certain amount of land and money, but also a noble birth.<sup>35</sup> Aristotle rightly realizes the undemocratic nature of his country's system, and that it did not become as democratic as the rest of the city. The Areopagus was an aristocratic holdover from an earlier time, and in the 5th century its function was slowly lessened and replaced by citizen courts.<sup>36</sup> Although there was an effort to replace the functions of the Areopagus, it was not removed and the positions were for life. While much of Athens functioned through the Assembly and the Boule, there were still some aspects of the city that were undemocratic.

Athens created a system of varying representation, where male citizens could directly vote on issues and they could be represented by legislative bodies. The extremely low qualification for citizenship is remarkable in the context of the Greek world, where other states required enough land to furnish one's own armor.<sup>37</sup> Most governmental institutions were open to every class of citizen, but the large population of slaves, resident foreigners, and women were completely unrepresented. There were a few institutions such as the Areopagus that were undemocratic in nature, and while there was some reform this law court was never removed. This system was more democratic than the Roman system, and it ensures that more citizens were represented.

### 3. Roman Democracy and Voting

The Roman voting system was restrictive, and few citizens could participate in its democracy. It limited participation to voters within the city, and ensured that the aristocratic classes had significant advantages in voting and holding office.<sup>38</sup> The focus of this paper will be on the latter end of the Roman Republic. Even in the first century BCE there were shifts in civil rights, and the process of voting was refined to attempt to make a more fair election process. While this is notable, it is also important to mention that the reforms enacted almost always had major flaws. In the end they did not fix the underlying issues of unequal representation. The democratic principles of Rome are analyzed through the citizen population, a citizen's ability to vote, and how those votes were counted in Roman elections.

To vote in Republican Rome, one had to be a male citizen past the age of adulthood, and free from bondage.<sup>39</sup> These stipulations seem simple enough; however, Rome had a sizable slave population and no woman could vote. By 28 BCE Rome's slave population is estimated to be roughly three million slaves, and the freedman population roughly four million.<sup>40</sup> Whereas the slave population was entirely unrepresented, once a man was freed from slavery, or once a foreign non-citizen had gained his citizenship, he could gain the right to vote.<sup>41</sup> The right to vote and citizenship could be revoked through slavery. Women could not vote at all and this means a massive portion of the population could not participate in its democracy. This voting system was categorically undemocratic, and effectively constitutes an oligarchy of those men in and around the city.

Voters made up a limited part of the population, and the Roman Republic was representative, rather than truly democratic. This meant that voters could lose their right to vote due to poverty or outstanding debt.<sup>42</sup> Despite these factors there were 910,000 registered voters according to the census of 70/69 BCE: however the slave population was much higher than this.<sup>43</sup> This paper focuses on voting rights and the ability to cast a ballot, but we must never forget the millions of people who never had a voice.

This is compounded by the practice of Roman elections, which limited all political involvement to the city of Rome itself. Elections for the entire Roman state were only held in the city of Rome itself or the Campus Martius. There was no way to vote from outside of the city of Rome. Therefore citizens must be near the City, or have the money and ability to go back to Rome to cast their ballots.<sup>44</sup> This was not as necessary before the massive expansion that followed the Punic Wars, but even before that time period one's location is an obstacle in voting.<sup>45</sup> This severely limited political participation and allowed those in the city of Rome to control politics.

Access to a polling place is an essential feature in a representative republic. One's ability to vote means nothing if they are physically unable to cast a ballot. Rome had a limited number of polling places, the main being the Campus Martius.<sup>46</sup> The Campus Martius is a relatively large field just outside the city, but it could hold between 55,000 and 70,000 citizens, a small fraction of the eligible voters.<sup>47</sup> Polls were open for one day, with rare exceptions of a second day of voting available.<sup>48</sup> According to Plutarch, during the tribunician election of 124-123 BCE a large crowd poured into the Campus to cast their ballots. The crowd was so large that the field could not accommodate them.<sup>49</sup> Only about six percent of the voters eligible in the 70/69 census would have been able to vote in this location. The rest would not have been able to vote in the tribal system due to the limited space of polling places.<sup>50</sup> The way that the tribes were counted continues this trend, with voting reforms doing little to change the inequality.

The two main voting groups were the *Comitia Tributa* and the *Comitia Centuria*, or the tribal council and the centuriac council. These voting blocks are not exclusive and a citizen could vote in both systems; they were just a way to organize and count certain votes. By the mid to late second century BCE, tribal votes were cast on written ballots, although this did not change voting demographics or the ability to vote.<sup>51</sup> This written ballot mostly replaced the process of voting *viva voce*, or speaking out loud to an official.<sup>52</sup> The improved security of the voting process limited the ability of a patron to force his clients to vote for who he wanted elected. While the secret ballot changed the voting process of the *Comitia Tributa*, it did not address the flaws of representation within the voting process.

Once a written ballot was cast, The process of counting the votes prioritized the upper class. Votes were counted by tribe, and there were 35 tribes in and around the city of Rome. Each tribe's votes were counted together and chose one candidate as a tribe - much like the electoral college system in modern day America.<sup>53</sup> Each tribe would essentially have one vote chosen out of the simple majority votes of all of its participants. A candidate or bill would need the support of 18 tribes to win an election, or simple majority. Votes from all tribes were cast simultaneously and announced randomly to maintain some level of fairness.<sup>54</sup> Once the candidate or bill won the required votes, counting stopped. The issue with this system was that the population of the tribes were not equivalent, causing a singular vote from a member of a tribe with a larger population to have much less weight than one from a smaller tribe's member.<sup>55</sup> The location of the tribe often corresponded to the wealth of the members. Urban areas with poorer citizens, such as freedmen and their descendants, have a much higher population density and tribe size than rural areas housing wealthy landowners.<sup>56</sup> This affected every form of tribal elections, which were responsible for the majority of legislation and several different types of officials. This gave far more power to the landowning class in the federal government, an issue which was almost never addressed in Roman politics.<sup>57</sup> The *Comitia Centuria* is the other major voting institution in Rome, and this was the legislative body that elected higher officials such as consuls.

The Forum was the other major polling place, and it was where the votes for the *Comitia Centuria* were often held. The other voting block of Rome is the *Comitia Centuria*, and it was responsible for electing the top leadership such as consuls, praetors, and quaestors. The *Comitia Centuria* is even less representative than the *Comitia Tributa*, and highlights the inequality in the Roman voting system. The Forum could hold 15-20,000 people.<sup>58</sup> This was where the *Comitia Centuria* voted, but Brian S. Roper notes that this number doesn't take into account the time that it would take to vote. When this is taken into account, he estimates that the number of voters for a Centuriac vote would be about 10,000 votes.<sup>59</sup> Using the census data from the years 70/69 BCE, the *Comitia Centuria* would make up roughly one or two percent of the voting population, even if the full 20,000 people were able to cast a vote. While this number would fluctuate during the first century BCE, it shows the trend of suppression within the Roman Republic. The executive offices that were voted in by these elections had vast power over millions of people's lives, and they were elected by an extreme minority of the population. This is far less representative than the already restricted *Comitia Tributa*; and like the *Comitia Tributa* there are more steps that ensure these few votes were even further controlled.

The *Comitia Centuria* has the same written ballot system as the *Comitia Tributa*, but the Centuria was based strictly on class rather than location. Also unlike the system of lots in *Comitia Tributa*, the *Comitia Centuria* voted in succession, from richest to poorest class.<sup>60</sup> The successive voting is partially due to the restricted space in the forum,

so each class would vote in order to ensure some space.<sup>61</sup> However, the result of this is disastrous as voting ended once one candidate earned a simple majority. This gave the upper classes an explicit advantage in elections, as poorer classes might not get the ability to vote.<sup>62</sup> It also means that the decisions of rich men could have influenced the other Centuries to vote a certain way. This doesn't mean that this happened in every election, but the imbalance of power still existed and ensured that an already undemocratic vote would further represent the voice of the most elite in Roman society.

Rome's lack of democratic representation is a fundamental aspect to its government and the Roman people understood this. The major reforms to this system in the latter part of the Republic are in the completion of the Saepta, and the inclusion of the *tabella* ballot, or a tablet in which the voters would write their vote.<sup>63</sup> While they show a small improvement to the voting process and safety, they do not handle the systemic issues of underrepresentation. These ideas of an oligarchic state are clearly said in the treatise attributed to Marcus Tullius Cicero, *Commentariolum Petitionis* or how to win an election 1.4-5,

Etiam hoc multum videtur adiuvare posse novum hominem, hominum nobilium voluntas et maxime consularium. Prodest quorum in locum ac numerum pervenire velis ab iis ipsis illo loco ac dignum numero putari. 5 Ii rogandi omnes sunt diligenter et ad eos adlegandum est persuadendumque iis nos semper cum optimatibus de re publica sensisse...

And, of course, one thing that can greatly help an outsider is the backing of the nobility, particularly those who have served as consuls previously. It is essential that these men whose company you wish to join should think you worthy of them. 5. You must diligently cultivate relationships with these men of privilege. Both you and your friends should work to convince them that you have always been a traditionalist.<sup>64</sup>

This booklet is a how-to guide on winning elections, specifically the elections that were a part of the *Comitia Centuria*. What this quote shows is a fairly clear understanding of the inequality in the Roman state by a Roman author. The Ciceros came from a wealthy family, but their status as Italians rather than Romans cemented Cicero as an outsider to the established oligarchy.<sup>65</sup> The power of the upper class is nearly essential to win office, and those in Rome were aware of the fact, if not entirely. the consulship, but he was considered a New Man, or the first man in his family to become consul; of which there were only 51 within the entirety of the Republic.<sup>66</sup> The political class was entrenched and it controlled politics before and after the Republic. The need for aristocratic approval in this system goes throughout all levels of Roman government.

The entire Roman system of voting is one that tried to be a democratic republic, but in reality it is far more oligarchic. Rome had vast territory, but all of its politics were centered around a single city which held massive power over millions of lives. Even within the city, the aristocratic and rich families held far more power through the voting system and continued to keep this power throughout the Republic. This is compounded by the limitations in polling places, which ensured that only a small fraction of citizens could cast their ballot. There was some minor attempt at reform, but this did not tackle the major problems of systemically unequal representation. But for all of its flaws, this system created the ideas of representation and the limitations of power which inspired the democracies that came after it.

#### 4. The Cherokee Nation; Democracy and Voting

The Cherokee People have been a cultural presence in Appalachia for millennia, but for the purpose of this paper the focus will be on the post-colonial Cherokee Nation during the early to mid 19th century.<sup>67</sup> The Cherokee Council first met in new Echota in 1825, and ratified their written constitution in 1828, although the Cherokee people were mostly unified before this time period.<sup>68</sup> This time period saw European colonialism, but the majority of Cherokee culture kept a strong emphasis on keeping their indigenous ideas while adapting to a rapidly changing world.<sup>69</sup> The Cherokee townships were united under a national government; a three branch system with a legislative, executive, and judicial branch. The legislative branch was voted in directly by citizens, and the legislative branch elected the Principle Chief as well as the Supreme Court.<sup>70</sup> While much of this government resembles western style democracies, it still has indigenous influences and should still be considered an indigenous nation.

The Cherokee populace in general considered this system representative of themselves, this is evidenced both by their support of it, as well as their action when it is violated.<sup>71</sup> When the Cherokee people felt unrepresented the consequences were noteworthy. In 1835 a radical faction of Cherokee men signed the *Treaty of New Echota* without

the consent of the Cherokee government and people. This treaty was the legal basis for the Trail of Tears, and the violation of democratic consent was infamous in the nation. The few men who signed this treaty were all politically assassinated in 1839, and with this action the people reaffirmed their political sovereignty.<sup>72</sup> The Cherokee people elected officials through voting and indirect representation, and made an easy and accessible system.

Elections and voting rights were divided along the eight districts, with two distinct polling places for each district laid out in the constitution, alongside the several courts in each district which would also be used for voting. Voting was done *viva voce*, or spoken to an official who would tally the votes, with a variety of judges and officials ensuring the sanctity of the vote. These spoken votes were compiled by a clerk, who would convene with the officials after the vote to double check the results. Then the findings would be delivered to the winner of the vote and the capitol in New Echota.<sup>73</sup> This system was not geared towards the idea of a secret ballot, but the large number of polling stations compared to the population shows a strong focus on ensuring the populace voted. The Cherokee model allowed for a fairly decentralized state, where voting could be easily accessed by the class of voting citizens.

Voting rights during this time period were fairly restrictive by modern standards, but the total number of voting citizens was quite high compared to the Greco-Roman models. Only male citizens over the age of 18 had the right to vote, which was affirmed in the constitution.<sup>74</sup> By the 19th century the Cherokee society had flipped from a primarily matriarchal culture to a patriarchal culture where women still held some power.<sup>75</sup> This is the result of the Nation adopting some aspects of western gender roles, but they were not completely adopted socially or politically. According to the research of historian M. Amanda Moulder, Cherokee women remained much stronger and independent than their white counterparts, using writing as a new medium to remain politically and socially active.<sup>76</sup> Writers such as Catherine Brown were loud and outspoken political activists, and Brown used her English education to advocate for tribal sovereignty. She adapted the traditional role of an orator for the 19th century and kept her cultural and gender identity in the face of heavy-handed assimilation.<sup>77</sup> Nevertheless, in the law only Cherokee men had the right to vote, so they could be the only ones directly represented in their government. The Cherokee Nation had also adopted chattel slavery from the American south, and the descendants of Africans were explicitly excluded from many of the rights laid out in the constitution.<sup>78</sup> With the groundwork of voting rights laid out, the population of the Cherokee Nation in 1835 was roughly 18,000 individuals.<sup>79</sup> Out of these 18,000, there are roughly 1,600 African American slaves; with the rest of the population being almost completely American Indian.<sup>80</sup> This population is in stark contrast to the other two societies in this paper; as both Athens and Rome had much larger slave populations per capita. While the 1835 census doesn't give an exact amount of male citizens, it can be assumed that 6-7,000 men made up the voting base, which means that the voting class made up more than a third of the entire population, but a bit less than half. A large voting population meaning nothing if a citizen cannot vote, and the Cherokee Nation had a large number of voting centers as well as the easily available knowledge about elections. This means that these voters had the legal right and the physical ability to be able to vote in their national elections. The Cherokee voting system allowed for a large amount of participation for a western style Republic, and it is because it is a mixture of indigenous and western ideas.

Voters mainly voted for the legislative branch, which then elected other positions within the government. Through colonization, the land of the Cherokee Nation was greatly diminished by the 1820s, and it was divided into eight districts. The legislative branch, split between the Committee and the Council (similar to the US Senate and House of Representatives), was also divided among these district lines. The Committee had two members from each district, and the Council had three members.<sup>81</sup> These legislative positions were the main elections within the Cherokee Nation, and it was through these 40 men that the people were represented. These votes were held at the same time every election cycle, the second Monday of October; and the representatives were up for reelection every two years. All Cherokee male citizens were eligible to campaign this position, once they had become 25.<sup>82</sup> On top of the fact that all male citizens could run a campaign, these positions were paid to ensure that class and wealth was not an issue for candidates.<sup>83</sup> The short terms are put in place to ensure that representatives had to keep the consent of the voters. The combination of paying the legislators alongside the ability for any male citizen to run for office was meant to ensure that money or class was not a limiting factor in representing the nation. This entire system was written out to clearly represent the voters; and made civic participation easy.

The Cherokee Nation ensured that its male citizens had the basic civil right of voting; and used that democratic system to create a system of government designed to represent the will of the people. The lack of land requirements ensured that all male citizens could vote, and the Cherokee nation was almost entirely made up of its citizens, alongside a smaller slave population. This democracy improved upon the Greco-Roman democratic ideas by ensuring that people were better represented and able to participate in their democracy.

## 5. Cherokee Adoption of Greco-Roman Ideas and Terminology

Comparing these three societies together is useful for seeing how different Republics enact democratic principles, but it also shows a continuation and a sharing of ideas between cultures. What happened to the First Nations in the Americas was nothing less than genocide, but on the east coast especially there were centuries of interactions between colonizing western states and the indigenous groups. These interactions included many exchanges of ideas, technologies, and history; although the interactions were often unequal. White colonists preferred many indigenous inventions and technology farming to their own, while officially looking down on these advancements.<sup>84</sup> A few white individuals were interested in and valued these societies, but by and large the colonial mindset did and does not leave room for more advanced cultures. On the other side of this, the First Nations were very interested in colonial technology and society: they assimilated European technologies, cultures, and ideas while retaining their tradition and culture. On the east coast, some indigenous cultures like the Cherokee adapted Christianity to their own values.<sup>85</sup> Christian missionaries converted Cherokee individuals, but they failed in their goals of completely forcing European gender roles onto Cherokee society.<sup>86</sup> The Cherokee people were one of five major tribes in the south east, and as part of this exchange quite a few Cherokee went to British and American colonies to be educated.<sup>87</sup> Several of the leading figures in Cherokee politics, such as Elias Boudinot, John Ridge, and John Ross, during the early 1800s went to such schools.<sup>88</sup> This doesn't necessarily mean that they were educated in classics, but it is clear that the Cherokee people and government were aware of Greco-Roman ideas and how those ideas influenced democracy. The historian Ann McGrath sums up this idea, "such ideas [the philosophies of Greece and Rome] permeated the thinking of the new [Cherokee] republic, especially the development of its intellectuals and orators and the designers of its founding documents".<sup>89</sup> The people who wrote and ran the government are consciously looking at Greece and Rome as they founded their Constitution, and they chose to both mimic and improve these systems.

This influence can be seen within the language of the constitution itself, alongside some corresponding letters in the Cherokee Phoenix. This newspaper was the bilingual state sponsored publication, run by the Cherokee Elias Boudinot and it printed a copy the Cherokee Constitution.<sup>90</sup> In the Newspaper' English translation of the Constitution, Article III, Section 6, they chose to use the Latin term *viva voce* to describe the voting process.<sup>91</sup> This term is a small inclusion, but it is fundamental in showing that the writers of this document had some understanding of the Greek and Roman governments. It is also important because the Cherokee newspaper chose to include this language in the constitution, instead of using a more direct English equivalent. The use of Latin shows some intention to link the Cherokee constitution to earlier Western republics. Private letters submitted to the Cherokee Phoenix continue this trend, showing that some sections of the Cherokee population understood and referenced the classical world.<sup>92</sup>

The Cherokee Phoenix allowed for private opinions to be voiced, and many Cherokee wrote letters to express their opinions. These authors often chose pseudonyms and several authors chose to take Latin and Greek pseudonyms, most famously John Ridge wrote under the name Socrates.<sup>93</sup> "Socrates" or John Ridge, was part of a minority group of Cherokee who were more assimilated into American culture than the majority, but it shouldn't be assumed that his reference was misunderstood. Socrates the ancient Greek man had a bit of a revival during the 1820s and 1830s, as several prominent American newspapers published recent translations of the platonic works during this time period.<sup>94</sup> The use of Socrates was deliberate and it was meant to remind people of the Greco-Roman world. John Ridge was not the only Cherokee to write under a pseudonym, as there is a letter by someone under the Latin name Publius.<sup>95</sup> These pseudonyms emphasize that Cherokee people were aware of the classical world, and adopted it to suit their needs and arguments.

While the writings of a single Cherokee does not constitute the will of the entire people, a Cherokee by the name of Utaletah wrote a stirring letter about civic responsibility in the state-run newspaper, *The Cherokee Phoenix*. In the 11th issue of its first Volume, Utaletah mentions the Council and Committee and explains who should fill each position:

The Committee should be composed of men of [western] education, and good knowledge in the affairs of our nation; while the Council should be composed of full blooded Cherokees, known for love of their country, the land of their forefathers, and also celebrated for their good natural sense, justice, and firmness.<sup>96</sup>

The demarcation of these two legislative bodies shows that the Cherokee were concerned with keeping their indigenous mindset and ideas, while at the same time adopting some aspects of western states. There is nothing specific in the constitution that mentions this, or separates roles of the Committee from the Council.<sup>97</sup> This is the fundamental

quality of the Cherokee state; creating a government that was completely indigenous but partially based on the Greco-Roman model.<sup>98</sup> The Cherokee People created a functional and representative democracy, holding onto their identity as indigenous and adapting the rapidly changing world around them. They were able to recover from the Trail of Tears, and continued to strive for increased education by founding 23 schools post removal.<sup>99</sup> Unfortunately the sovereignty of all indigenous nations, the colonialism of the USA did not stop at the Trail of Tears, and the Federal government continued to erase indigenous independence and power. The USA has continued to erase and undermine the contributions and successes of indigenous societies. This narrative of indigenous history should be corrected and tribal contributions to democracy should be fully documented.

## 6. Conclusion

The Cherokee Nation is an inheritor of Greco-Roman ideas and representation in government. The people resisted (and continue to resist) full assimilation while being mutable in the face of adversity, showing the world the power of indigeneity. As the Cherokee Nation used ancient Greek and Roman ideas, its institutions should be looked at in the context of these governments. This paper compares the three governments specifically in the process of voting; looking at the governmental systems, citizen populations, and the opinions of people within these societies. In the context of voting, the Cherokee Republic is far more representative than the Roman Republic, and slightly more representative than Athenian Greece.

## 7. Acknowledgements

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## 9. Endnotes

1 Ellen Cushman, *The Cherokee Syllabary: Writing the People's Perspective*, 142.

2 Ann McGrath, *Socrates, Cherokee Sovereignty, and the Regulation of White Men*, 157.

3 Melissa Lane, Democracy, In *The Birth of Politics: Eight Greek and Roman Political Ideas and Why They Matter*, 96.

4 Brian S. Roper, *Democracy Suppressed: Origins: democracy in the ancient Greek world*, 14. There is some controversy concerning whether this was an original Greek idea or something that has come from the wider Mediterranean world. For this investigation, the true origins of democracy are less important than the fact that it

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was a new invention in Greece and changed the Grecian world. Melissa. Lane, Democracy, In *The Birth of Politics: Eight Greek and Roman Political Ideas and Why They Matter*, 98.

5 Ibid.

6 Brian S. Roper, *Democracy Suppressed: Origins: democracy in the ancient Greek world*, 18-19.

7 Loren J. Samons, *Democracy and Demagogues: Election, Voting, and Qualifications for Citizenship*, 46. Brian S. Roper, *Democracy Suppressed: Origins: democracy in the ancient Greek world*, 24.

8 Loren J. Samons, *Democracy and Demagogues: Election, Voting, and Qualifications for Citizenship*, 45. Loren J. Samons, *Athenian Society and Government*, 23.

9 Loren J. Samons, *Democracy and Demagogues: Election, Voting, and Qualifications for Citizenship*, 46. Brian S. Roper, *Democracy Suppressed: Origins: democracy in the ancient Greek world*, 32.

10 Loren J. Samons, *Democracy and Demagogues: Election, Voting, and Qualifications for Citizenship*, 46. Brian S. Roper, *Democracy Suppressed: Origins: democracy in the ancient Greek world*, 32.

11 Loren J. Samons, *Athenian Society and Government*, 28.

12 Brian S. Roper, *Democracy Suppressed: Origins: democracy in the ancient Greek world*, 23. Loren J. Samons, *Democracy and Demagogues: Election, Voting, and Qualifications for Citizenship*, 46.

13 Brian S. Roper, *Democracy Suppressed: Origins: democracy in the ancient Greek world*, 23.

14 Ibid. 16.

15 Ibid. 32.

16 Ibid. 32.

17 Loren J. Samons, *Athenian Society and Government*, 20.

18 Brian S. Roper, *Democracy Suppressed: Origins: democracy in the ancient Greek world*, 32.

19 Brian S. Roper, *Democracy Suppressed: Origins: democracy in the ancient Greek world*, 26. There are several other forms of voting such as voting in the jury, but for the purposes of this paper voting is focused on legislative or electoral voting. Loren J. Samons, *Democracy and Demagogues: Election, Voting, and Qualifications for Citizenship*, 45.

20 Melissa. Lane, Democracy, In *The Birth of Politics: Eight Greek and Roman Political Ideas and Why They Matter*, 104. Brian S. Roper, *Democracy Suppressed: Origins: democracy in the ancient Greek world*, 25.

21 Brian S. Roper, *Democracy Suppressed: Origins: democracy in the ancient Greek world*, 23.

22 Loren J. Samons, *Athenian Society and Government*, 29. Brian S. Roper, *Democracy Suppressed: Origins: democracy in the ancient Greek world*, 25.

23 Alan L. Boegehold, *Toward a Study of Athenian Voting Procedure*, 371. Melissa. Lane, Democracy, In *The Birth of Politics: Eight Greek and Roman Political Ideas and Why They Matter*, 106.

24 Alan L. Boegehold, *Toward a Study of Athenian Voting Procedure*, 367, 372. Alan's main research is about voting in the context of the law courts. These courts generally used a mixture of pebbles and eventually, in the 4th century, a disk and rod contraption. While the disk and rod contraption gives the ability to hide ones vote, the pebble system and the show of hands are not very concerned with secrecy.

25 Alan L. Boegehold, *Toward a Study of Athenian Voting Procedure*, 373. There are several instances of Assembly votes that were quite close, showing that these accurate votes were a part of Athenian Democracy. Melissa. Lane, Democracy, In *The Birth of Politics: Eight Greek and Roman Political Ideas and Why They Matter*, 105.

26 Brian S. Roper, *Democracy Suppressed: Origins: democracy in the ancient Greek world*, 23. Loren J. Samons, *Democracy and Demagogues: Election, Voting, and Qualifications for Citizenship*, 44.

27 Brian S. Roper, *Democracy Suppressed: Origins: democracy in the ancient Greek world*, 23.

28 Josiah Ober, *The Athenian Debate over Civic Education*, 133. Brian S. Roper, *Democracy Suppressed: Origins: democracy in the ancient Greek world*, 23.

29 Alan L. Boegehold, *Toward a Study of Athenian Voting Procedure*, 373. The record is specifically a late 5th century vote in the years 412/411, although this doesn't exclude the practice in earlier times. Alan assumes with good reason that the process of choosing men to count the votes is far older, and that our records are just incomplete.

30 Brian S. Roper, *Democracy Suppressed: Origins: democracy in the ancient Greek world*, 29. This pay was less than the pay of a skilled artisan, but it was enough to ensure that a citizen wouldn't starve or wouldn't be able to participate.

31 Loren J. Samons, *Athenian Society and Government*, 23. The Boule was somewhat restrictive in the early 5th century, but all citizens were able to participate eventually. Brian S. Roper, *Democracy Suppressed: Origins: democracy in the ancient Greek world*, 25. Claire Taylor, *Economic (In)equality and Democracy: the Political Economy of Poverty in Athens*, 363, 365, 368.

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32 Brian S. Roper, *Democracy Suppressed: Origins: democracy in the ancient Greek world*, 26, 29. The payment system was first introduced in the legal systems, and then fifty years later this was enacted in the Assembly. The payment for the Assembly was enacted at the end of the 5th century. Josiah Ober, *The Athenian Debate over Civic Education*, 133. Loren J. Samons, *Democracy and Demagogues: Election, Voting, and Qualifications for Citizenship*, 44-45. Melissa Lane, Democracy, In *The Birth of Politics: Eight Greek and Roman Political Ideas and Why They Matter*, 103.

33 Brian S. Roper, *Democracy Suppressed: Origins: democracy in the ancient Greek world*, 28. Loren J. Samons, *Democracy and Demagogues: Election, Voting, and Qualifications for Citizenship*, 45. Loren J. Samons, *Athenian Society and Government*, 22, 23. This classist divide is still somewhat revolutionary as it was only based off of wealth and not based off of one's birth. Classism clearly has many problems, but it is a notable thing to recognize.

34 Aristotle, trans. Frederic G. Kenyon, *The Athenian Constitution*, Section 1 Part 3.

35 Loren J. Samons, *Democracy and Demagogues: Election, Voting, and Qualifications for Citizenship*, 45.

36 Loren J. Samons, *Athenian Society and Government*, 30. Melissa Lane, Democracy, In *The Birth of Politics: Eight Greek and Roman Political Ideas and Why They Matter*, 107.

37 Loren J. Samons, *Democracy and Demagogues: Election, Voting, and Qualifications for Citizenship*, 45.

Claire Taylor, *Economic (In)equality and Democracy: the Political Economy of Poverty in Athens*, 359.

38 Ursula Hall, 'SPECIES LIBERTATIS' VOTING PROCEDURE IN THE LATE ROMAN REPUBLIC, 18.

39 Edward E. Best, *Literacy and Roman Voting*, 436-437.

40 Roper, Brian S, *Democracy Suppressed: The Roman Republic and Empire.*" In *The History of Democracy: A Marxist Interpretation*, 42.

41 Edward E. Best, *Literacy and Roman Voting*, 436-437.

42 Edward E. Best, *Literacy and Roman Voting*, 436-437.

43 Ursula Hall, 'SPECIES LIBERTATIS' VOTING PROCEDURE IN THE LATE ROMAN REPUBLIC, 30. Ursula Hall mentions that this does not account for the amount in or near the city, so it must be assumed that the voting base would be smaller. Roper, Brian S, *Democracy Suppressed: The Roman Republic and Empire.*" In *The History of Democracy: A Marxist Interpretation*, 42.

44 Roper, Brian S, *Democracy Suppressed: The Roman Republic and Empire.*" In *The History of Democracy: A Marxist Interpretation*, 44, 51. Philip Freeman, *How to win an election*, introduction, xi, xiv.

45 Roper, Brian S, *Democracy Suppressed: The Roman Republic and Empire.*" In *The History of Democracy: A Marxist Interpretation*, 38.

46 Ursula Hall, 'SPECIES LIBERTATIS' VOTING PROCEDURE IN THE LATE ROMAN REPUBLIC, 23. Ursula suggests that the transition to the Campus Martius happened roughly between 132 and 124 BCE.

47 Edward E. Best, *Literacy and Roman Voting*, 429-430. Ursula Hall, 'SPECIES LIBERTATIS' VOTING PROCEDURE IN THE LATE ROMAN REPUBLIC, . 28.

48 Ursula Hall, 'SPECIES LIBERTATIS' VOTING PROCEDURE IN THE LATE ROMAN REPUBLIC, 16, 29. Roper, Brian S, *Democracy Suppressed: The Roman Republic and Empire.*" In *The History of Democracy: A Marxist Interpretation*, 41.

49 Ursula Hall, 'SPECIES LIBERTATIS' VOTING PROCEDURE IN THE LATE ROMAN REPUBLIC, 24, Plu. CG 8.2.

50 Roper, Brian S, *Democracy Suppressed: The Roman Republic and Empire.*" In *The History of Democracy: A Marxist Interpretation*, 50. Brian uses the slightly lower number of 55,000 voters at the Campus in this estimate, although it is clear that the extra 15,000 votes would do little to change the absolute lack of representation within this voting system.

51 Edward E. Best, *Literacy and Roman Voting*, 430. Four major laws enact the use of the secret ballot in a variety of circumstances over a 40 year period according to Cicero. These are the *lex Gabina* in 139 BCE, the *lex Cassia* in 137 BCE, the *lex Papiria* in 131 BCE, and lastly the *lex Coelia* in 107. Before the secret ballot, *viva voce* was used in votes, and an official would write the tallies down, and in some cases this was still in use.

Ursula Hall, 'SPECIES LIBERTATIS' VOTING PROCEDURE IN THE LATE ROMAN REPUBLIC, 26. Ursula goes as far to say that this had little effect on democracy within Rome, although this does not take into account the Patron-Client system in the same way that Edward E. Best did.

52 Edward E. Best, *Literacy and Roman Voting*, 430.

53 Edward E. Best, *Literacy and Roman Voting*, 429-431 and Ursula Hall, 'SPECIES LIBERTATIS' VOTING PROCEDURE IN THE LATE ROMAN REPUBLIC, 17.

There were two main types of voting blocks in the Roman Republic, the tribes and the centuries. Edward also mentions the *comitia curiata*, which involved a lictor that represents each curiae. He mentions that by the Late Republic, this is mostly a formality.

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Philip Freeman, *How to win an election*, introduction, xiii.

54 Edward E. Best, *Literacy and Roman Voting*, 431 and Ursula Hall, 'SPECIES LIBERTATIS' VOTING PROCEDURE IN THE LATE ROMAN REPUBLIC, 16. This system was specifically used in the tribal elections. Centuriate voting was done within the city. In the case of these votes, the voters were dismissed, possibly before they casted a ballot, once the majority had been reached.

55 Edward E. Best, *Literacy and Roman Voting*, 437. Specifically there were the four urban tribes made up of primarily freedmen.

56 Roper, Brian S speaks on the importance of the landowning class in *Democracy Suppressed: The Roman Republic and Empire.* In *The History of Democracy: A Marxist Interpretation*, 40.

57 Edward E. Best, *Literacy and Roman Voting*, 437 and Ursula Hall, 'SPECIES LIBERTATIS' VOTING PROCEDURE IN THE LATE ROMAN REPUBLIC, 17-18.

58 Roper, Brian S, *Democracy Suppressed: The Roman Republic and Empire.* In *The History of Democracy: A Marxist Interpretation*, 49-50.

59 Ibid. 49-50.

60 Ursula Hall, 'SPECIES LIBERTATIS' VOTING PROCEDURE IN THE LATE ROMAN REPUBLIC, 17.

61 Edward E. Best, *Literacy and Roman Voting*, 431.

62 Philip Freeman, *How to win an election*, introduction, xiii.

63 Edward E. Best, *Literacy and Roman Voting*, 430.

64 Cicero, Quintus Tullius, and Philip Freeman, HOW TO WIN AN ELECTION, 6, 8-9.

65 Philip Freeman, *How to win an election*, introduction, vii-viii.

66 Ibid, ix.

67 *History, About the Nation, Cherokee Nation.*

68 Ann McGrath, *Socrates, Cherokee Sovereignty, and the Regulation of White Men*, 157.

69 This can be seen through a variety of means, including material culture as well as written accounts. The material shifts in architecture and some aspects of home life are documented in Jennifer Elliot's *Ga-ne-tli-yv-s-di (Change) in the Cherokee Nation: The Vann and Ridge Houses in Northwest Georgia*. Ellen Cushman has also written extensively on the political environment of the 1820s, specifically in the creation of the Cherokee syllabary and how it incorporated indigenous ideas with new technologies in *The Cherokee Syllabary Writing the People's Perspective*, 23-38.

70 *The Cherokee Phoenix*, Volume 1, Issue 2, [CONTINUED], Articles IV-V.

71 *The Cherokee Phoenix*, Volume 1, Issue 11, COMMUNICATIONS, Letter by Utaletah. Utaletah gives a stirring letter to the people concerning the importance of voting and being represented. While this is the opinion of just one writer, it was published in the Nation's newspaper and would have been received by many in the nation.

72 Wisecup, Kelly, *Practicing Sovereignty: Colonial Temporalities, Cherokee Justice, and the "Socrates" Writings of John Ridge.* This article does not have page numbers, but a recapping of the events is mentioned around footnote 7. While the Ridges were the primary leaders for the "treaty party", and so they bear the brunt of this punishment. Another recounting of these events can be seen in the article, *Cherokee Cavaliers : Forty Years of Cherokee History As Told in the Correspondence of the Ridge-Watie-Boudinot Family*. This article explains the conflict through the lense of treaty party members and their family. Jerry Clark, *EASTERN CHEROKEE CENSUS ROLLS, 1835-1884*, 2, mentions that the treaty party was in the minority in this debate.

73 *The Cherokee Phoenix*, Volume 1, Issue 1, CONSTITUTION OF THE CHEROKEE NATION, Article III, Section 6.

74 Ibid. Section 7.

75 M. Amanda Moulder, *Cherokee Practice, Missionary Intentions: Literacy Learning among Early Nineteenth-Century Cherokee Women*, 76-77.

76 Ibid. 76. M. Amanda's entire article is devoted to this topic and it is an excellent read. Ann McGrath, *Socrates, Cherokee Sovereignty, and the Regulation of White Men*, 183. Strong Cherokee leaders like Nancy Ward and Peggy Vann Crutchfield were activists in the fights against removal.

77 M. Amanda Moulder, *Cherokee Practice, Missionary Intentions: Literacy Learning among Early Nineteenth-Century Cherokee Women*, 85.

78 Ann McGrath, *Socrates, Cherokee Sovereignty, and the Regulation of White Men*, 172, 176. The Cherokee had some ideas of slavery pre-contact, but this often eventually led to adoption within the clan system. During the early 19th century the Cherokee started associating slavery with African descent. Even so Cherokee slavery was kinder and more flexible than the the comparable American slavery.

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79 Jerry Clark, *EASTERN CHEROKEE CENSUS ROLLS, 1835–1884*, 3-4. This census is one of the closest and most accurate to the ratification of the constitution, although it was conducted by the US army, rather than the Cherokee Nation itself.

80 This does not mean that these Cherokee were genetically 100% American Indian, as intermarriage was not uncommon in the 300 year history before removal. There is an ongoing debate on the importance of blood-quota in American Indian societies, which the author does not want to get into. *Jerry Clark, EASTERN CHEROKEE CENSUS ROLLS, 1835–1884*, 3-4.

81 *The Cherokee Phoenix*, Volume 1, Issue 1, CONSTITUTION OF THE CHEROKEE NATION, Article III, Section 3.

82 Ibid. Section 3-4.

83 Ibid. Section 11.

84 Charles C Mann, *1491 New Revelations of the Americas before Columbus*, 65-66. The example given in the text is a New England and the tribes which surrounded early colonists during the 17th century, although many of its points remain relevant in the 18th and 19th centuries. While these tribes were interested in guns and metal tools they didn't need them in the same way that New Englanders needed maize (and the process of nixtamalization, or chemically changing corn into hominy or masa harina, to avoid malnutrition and the disease pellagra), moccasins, canoes, and many other inventions and plants.

85 M. Amanda Moulder, *Cherokee Practice, Missionary Intentions: Literacy Learning among Early Nineteenth-Century Cherokee Women*, 86.

86 Ibid. 76.

87 M. Amanda Moulder, *Cherokee Practice, Missionary Intentions: Literacy Learning among Early Nineteenth-Century Cherokee Women*, 76. There is a long history of “Indian Schools” during the colonial period, and most of these schools were created to assimilate and “civilize” indigenous people. Whatever the intent of these white institutions, indigenous people chose to be educated during the early 19th century is different than the later institution of the BIA schools.

88 Kelly Wisecup, *Practicing Sovereignty: Colonial Temporalities, Cherokee Justice, and the "Socrates" Writings of John Ridge*.

89 Ann McGrath, *Socrates, Cherokee Sovereignty, and the Regulation of White Men*, 149.

90 Kelly Wisecup, *Practicing Sovereignty: Colonial Temporalities, Cherokee Justice, and the "Socrates" Writings of John Ridge*. *The Cherokee Phoenix*, Volume 1, Issue 1, CONSTITUTION OF THE CHEROKEE NATION.

91 *The Cherokee Phoenix*, Volume 1, Issue 1, CONSTITUTION OF THE CHEROKEE NATION, Article III, Section 6.

92 *The Cherokee Phoenix*, Volume 1, Issue 11, COMMUNICATIONS, Letter by Utaletah.

93 Kelly Wisecup, *Practicing Sovereignty: Colonial Temporalities, Cherokee Justice, and the "Socrates" Writings of John Ridge*.

94 Ann McGrath, *Socrates, Cherokee Sovereignty, and the Regulation of White Men*, 150.

95 Kelly Wisecup, *Practicing Sovereignty: Colonial Temporalities, Cherokee Justice, and the "Socrates" Writings of John Ridge*.

96 *The Cherokee Phoenix*, Volume 1, Issue 11, COMMUNICATIONS, Letter by Utaletah.

97 *The Cherokee Phoenix*, Volume 1, Issue 1, CONSTITUTION OF THE CHEROKEE NATION, Article III.

98 Ann McGrath, *Socrates, Cherokee Sovereignty, and the Regulation of White Men*, 149.

99 Ellen Cushman, *The Cherokee Syllabary: Writing the People's Perspective*, 142.