CHAPTER

7

Land, Growth, and Justice: The Removal of the Cherokees

The Problem

In the spring of 1838, General Winfield Scott and several units of the U.S. Army (including artillery regiments) were deployed to the Southeast to collect Native Americans known as Cherokees[1] and remove them to lands west of the Mississippi River. Employing bilingual Cherokees to serve as interpreters at $2.50 per day, Scott constructed eleven makeshift stockades and on May 23 began rounding up Native Americans and herding them into these temporary prisons. According to John G. Burnett, a soldier who participated in the removal,

> Men working in the fields were arrested and driven to the stockades. Women were dragged from their homes by soldiers whose language they could not understand. Children were often separated from their parents and driven into the stockades with the sky for a blanket and the earth for a pillow. And often the old and infirm were prodded with bayonets to hasten them to the stockades.[2]

Just behind the soldiers came whites, eager to claim homesteads, search for gold, or pick over the belongings that the Cherokees did not have time to carry away.

On August 23, 1838, the first of thirteen parties of Cherokees began their forced march to the West, arriving in what had been designated as Indian Territory (later Oklahoma) on January 17, 1839. With some traveling by boat while others journeyed overland, a total of approximately thirteen thousand Cherokees participated in what became known as the Trail of Tears. (See Map 1.) It has been estimated that over four thousand died in the squalid stockades or along the way.[3] But recent

1. The Cherokees referred to themselves as Ani'Yun'wiya ("principal people"). The origin of the term *Cherokee* is unknown, but the name almost certainly was given to them by Native American neighbors. See Russell Thornton, *The Cherokees: A Population History* (Lincoln: University of Nebraska Press, 1990), pp. 7–8.

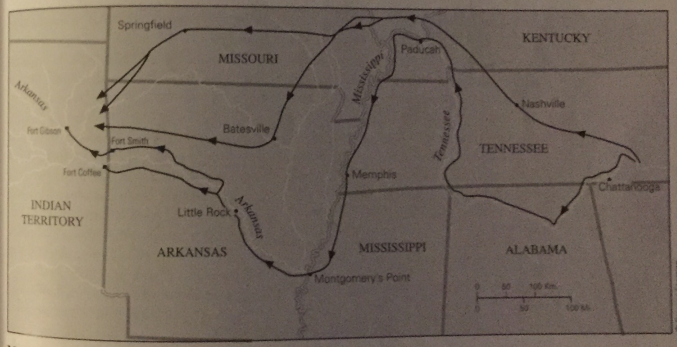
2. See John G. Burnett, "The Cherokee Removal Through the Eyes of a Private Soldier," *Journal of Cherokee Studies* 3 (1978): 180–185.

3. The official U.S. Army count of those removed to Indian Territory totaled 13,149, of whom 11,504 actually arrived in the West. Based on the tribal census of 1835, at least 2,000 died in the stockades.

research has determined that the figure may have been higher than that, in part because of shoddy record keeping and in part because numerous Cherokees died in an epidemic almost immediately on reaching their destination. In addition, conflict broke out between new arrivals and those Cherokees (around six thousand) who had earlier moved. And, once in the West, those who opposed removal took out their vengeance on the leaders of the Cherokee removal faction. Cherokee advocates of removal (including leaders Major Ridge, John Ridge, Elias Boudinot, and Thomas Watie) were murdered.[4]

The forced removal of the Cherokees marked the end of a debate that was older than the United States itself. As white populations mushroomed and settlements moved ever westward, the question of how to deal with Native Americans came up again and again, especially when Native American peoples refused to sell or give their lands to whites by treaty.

In 1829, Andrew Jackson became president. For at least ten years it was well known that he believed that Native Americans had no legitimate titles to their lands and should be removed from all of their lands east of the Mississippi River in order to make way for



Map 1. The Trail of Tears, 1838–1839.
Adapted from Grace Steele Woodward, *The Cherokees* (Norman: University of Oklahoma Press, 1963), pp. 206–207. Copyright © 1963 by the University of Oklahoma Press, Norman, Publishing Division of the University of Oklahoma. Reprinted by permission.

4. See Russell Thornton, "The Demography of the Trail of Tears Period: A New Estimate of Cherokee Population Losses," in William L. Anderson, ed., *Cherokee Removal: Before and After* (Athens, Ga.: University of Georgia Press, 1991), pp. 75–95.

white settlement. And although he was not known as an accomplished speaker or writer (his spelling was nearly as poor as that of George Washington), in his First Annual Message to Congress (Source 1 in the Evidence section), Jackson almost surely was one of the most articulate voices in favor of removal.[5]

The major difficulty, however, involved the Cherokee lands in the state of Georgia, roughly five million acres. In 1802, the United States government and the state of Georgia had reached an agreement whereby the federal government had promised to "extinguish, for the use of Georgia, as early as the same can be peaceably obtained upon reasonable terms . . . the Indian titles to all lands lying within the limits of the state." The state of Georgia was becoming more insistent that the federal government honor its 1802 promise. At the same time, having already ceded portions of their lands in Georgia in treaties of 1785, 1791, 1794, 1798, 1817, and 1819, the Cherokee National Council reached "a decisive and unalterable conclusion not to cede away any more lands."[6]

5. For Jackson's early opinions, see Joseph McMinn to Secretary of War William Crawford, October 25, 1816, in *American State Papers: Indian Affairs* (Washington, DC: Gales and Seaton, 1834), vol. 2, p. 115.
6. For the 1802 agreement, see *American State Papers: Public Lands* (Washington: Gales and Seaton, 1834), vol. 1, p. 114. For the Cherokee decision, see Joseph McMinn to Secretary of War John C. Calhoun, June 24, 1823, in W. Edwin Hemphill, ed., *The Papers of John C. Calhoun* (Columbia, SC: Univ. of South Carolina Press, 1975), vol. 8, pp. 129–130; Cherokee National Council to Cherokee National Committee, October 25, 1823, in *American State Papers: Indian Affairs*, vol. 2, pp. 470–471; and Cherokee Delegation to the President of the United States, January 19, 1824, in *ibid.*, vol. 2, p. 473.

The hardening of attitudes of both white Georgians and Cherokees presented the federal government with a serious dilemma. Although President Jackson was not the only white person to argue in favor of removal, whites both in and out of the government advocated several alternatives to removal, and these alternatives were debated—sometimes fiercely—both in Congress and among the white population at large.

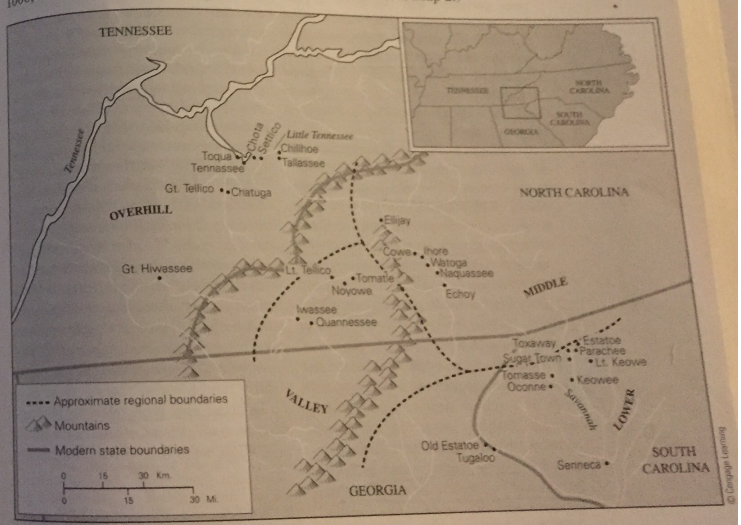
Of course, the Cherokees themselves were deeply divided as to what response they should make if the federal government ultimately decided to remove them. Here again several possible alternatives were offered and, as with whites, they were debated with considerable ferocity.

In this chapter, you will be analyzing the two debates, the first among whites, who in the end would determine the fate of the Cherokees, and the second, among the Cherokees as to how they would respond to the whites' final decision. What alternatives did whites consider? What were the strengths and weaknesses of each alternative? Then, what alternatives did the Cherokees consider? What were the strengths and weaknesses of each position?

For both whites and Cherokees, significant segments of both populations did not view removal as inevitable. Many years later, people look back on a particular decision (to fire on Fort Sumter, for instance, or to support the Civil Rights Movement of the twentieth century) as inevitable. Most contemporaries, however, did not see it that way. As a historian, you should avoid the concept of "inevitability" as well.

Background

The origins of the Cherokees are clouded in mystery. Linguistically related to the Iroquois of New England and northern New York, it is thought that the Cherokees migrated south into present-day Georgia, Tennessee (itself a derivation of the name of a Cherokee town, Tanasi), South Carolina, and North Carolina and settled the area somewhere between the years 600 and 1000, centuries before the first regular contact with white people in the late 1600s. Spread across much of the Southeast, the Cherokees were divided into three main groups: the Lower Towns, along the upper Savannah River in South Carolina; the Middle Towns, along the Little Tennessee River and its tributaries in western North Carolina; and the Overhill Towns, in eastern Tennessee and extreme western North Carolina. (See Map 2.)



Map 2. Cherokee Settlements, 1775.
From Duane H. King, ed., *The Cherokee Nation: A Troubled History* (Knoxville: University of Tennessee Press, 1979), p. 50. Reprinted by permission.

Sometime before their regular contact with Europeans, the Cherokees became sedentary. Women performed most of the farm duties, raising corn and beans, whereas men hunted deer and turkey and caught fish to complete their diet. The Cherokees built towns organized around extended families. Society was *matrilineal*, meaning that property and position passed from generation to generation through the mother's side of the family. Each town theoretically was autonomous, and there were no leaders (or chiefs, in European parlance) who ruled over all the towns. Local leaders led by persuasion and example, and all adults, including women, could speak in town councils. Indeed, Cherokee governing practices were considerably more democratic and consensual than the Europeans' hierarchical ways.

Initial contacts with Europeans were devastating. Europeans brought with them measles and smallpox, against which Native Americans were not immune. Also, Cherokees were attracted to European goods such as fabrics, metal hoes and hatchets, firearms, and (tragically) alcohol. In order to acquire these goods, Cherokees traded deerskins for them. By the early 1700s, Cherokees were killing an average of fifty thousand deer each year to secure their hides for barter, and estimates are that by 1735 over one million deer had been killed, almost certainly depleting the herds. Gradually, the Cherokees were losing their self-sufficiency and becoming increasingly dependent on European goods.

With European colonization and expansion in North America, the Cherokees inevitably became swept up into European peoples' wars. Initially siding with the British against the French, the Cherokees turned against the British when the colonial governor of South Carolina called thirty-two chieftains to a conference and then killed twenty-nine of them. The British retaliated against a Cherokee outburst by destroying the Lower Towns, killing over one hundred Cherokee warriors, and driving the survivors into the mountains. In the American Revolution, the Cherokees, hoping to stem white western expansion, again sided with the British. American Patriots destroyed over fifty Cherokee towns, scalping men and women indiscriminately.

After the American Revolution, the new U.S. government pursued a policy of attempting to "civilize" the Cherokees. For their part, some Cherokee leaders recognized that less land and fewer deer demanded major changes in their way of life, and they accepted "civilization." As Chief Eskaqua explained to President Washington, "Game is going fast away from us. We must plant corn and raise cattle."[7] Aided by government Indian agent Return J. Meigs (who lived with the Cherokees from 1801 to 1823) and a number of missionaries (sent by the American Board of Commissioners for Foreign Missions), several Cherokees were able to embrace many of the "white man's ways." Many men gave up hunting and took over agriculture from women. Plows, spinning wheels, and looms were introduced, and many

7. Chief Eskaqua to Washington, 1792, quoted in William G. McLoughlin, *Cherokee Renascence in the New Republic* (Princeton: Princeton Univ. Press, 1986), p. 3.

Cherokee women took up the making of cloth and clothing. As it did with white settlers, land ownership and agriculture produced a class system. By 1824, the most affluent Cherokees lived in stately homes and owned 1,277 African American slaves. For some, therefore, the "civilization" process led to a vastly improved standard of living.

Mission boarding schools, supported by white contributions, dotted the landscape. For some of the most promising young boys, the American Board of Commissioners for Foreign Missions founded a school in Cornwall, Connecticut, where two of the Cherokee Nation's most prominent future leaders, John Ridge and Elias Boudinot, were educated.[8] At the same time, a Native American man, Sequoyah, began devising a Cherokee alphabet (he called it a syllabary) of eighty-five phonetic symbols that allowed Cherokees to write what previously had been their oral language. In 1828, the first edition of the bilingual newspaper the *Cherokee Phoenix and Indians' Advocate* appeared, edited by Elias Boudinot.

Governmental and political forms also were modeled after Anglo-European institutions. A Native American police force was instituted in 1808, and in the following year a detailed census was taken. In 1827, a formal constitution was adopted, modeled on the United States Constitution, setting up a representative government and courts for the Cherokee Nation. Women, who were more nearly equal to men in traditional Cherokee society, saw their position deteriorate, as they were prohibited from voting or serving as representatives by the new constitution. In many ways, then, Cherokees remade their economy, society, culture, and government.

Yet, in the eyes of some whites, the Cherokees' progress toward "civilization" was frustratingly slow. Several Cherokees, perhaps a majority, resisted the new ways, refused to adopt Anglo-European gender roles, ignored the mission schools, and opposed efforts to teach them the English language or convert them to Christianity. Moreover, those who interacted with whites realized that no matter how "civilized" they had become, they were still looked down upon, often abused, and generally referred to as "savages." Indeed, the school in Connecticut was forced to close its doors when two of its students (John Ridge and Elias Boudinot) planned to marry two local white girls, as this news very nearly caused a riot. Angered, John Ridge wrote:

> If an Indian is educated in the sciences, has a good knowledge of the classics, astronomy, mathematics, moral and natural philosophy, and his conduct [is] equally modest and polite, yet he is an Indian, and the most stupid and

8. The American Board of Commissioners for Foreign Missions was chartered in 1812. The purpose of the school was to train Native Americans to become Christian missionaries. Elias Boudinot's Cherokee name was (anglicized) Buck Watie. When traveling to the school in Cornwall, he stayed with Elias Boudinot (1740–1821), a former member of the Continental Congress, Director of the United States Mint (1795–1805), and a sponsor of the Board School for Indians in Cornwall. The young student then took Boudinot's name.

illiterate white man will disdain and triumph over this worthy individual.[9]

For those who had lost confidence in the Cherokees' abilities to embrace "white men's civilization," a powerful alternative was removal. Even Indian agent Return J. Meigs had given up hope and advocated it, even though he remained with the Cherokees for the rest of his life.[10]

The Louisiana Purchase (1803) acquired roughly 500 million acres, some of which theoretically could be used for the relocation of the eastern Native Americans. The emergence of harsher white attitudes about Native Americans undoubtedly increased public opinion in favor of removal. The major question, therefore, was how to induce Cherokees and other Native American peoples to cede their lands and accept relocation. Since the founding of the nation, it was generally agreed that no Native American lands could be acquired except by treaty. General Andrew Jackson, however, believed that no such land agreements were necessary and therefore the United States could take these lands by eminent domain, a notion that in 1818 was rejected by the House Committee on Public Lands. But when President James Monroe stated that "there is no obligation on the United States to remove the Indians by force," a showdown had become very nearly unavoidable. In an effort to avoid violence, in 1818, a trickle of Cherokees began to migrate to lands west of the Mississippi River.[11]

The vast majority of Cherokees, however, refused to move. They had built farms, sawmills, tanneries, ferries, stores, and towns. The Treaty of Hopewell (1785) had promised that they would be able to hold onto their lands "forever." In addition, Christian missionaries who lived among the Cherokees strengthened their resolve to resist removal, believing that the Cherokees were making great strides at becoming "civilized" right where they were. Yet one Cherokee chieftain's 1775 statement turned out to be prophetic: "Indian Nations before the Whites are like balls of snow before the sun."[12]

The conclusion of the War of 1812 touched off a tremendous white population boom in the West, thereby increasing the difficulty of Native Americans holding onto their lands. From 1810 to 1830, the white population of the area that comprised the states of Georgia, Tennessee, Mississippi, and Alabama more than tripled, and the white population of Georgia alone more than doubled. Ignoring treaty lines, whites

9. *Christian Herald*, December 20, 1823, quoted in Thurman Wilkins, *Cherokee Tragedy: The Story of the Ridge Family and of the Decimation of a People* (New York: Macmillan, 1970), p. 145.
10. Meigs to Secretary of War Henry Dearborn, June 11, 1808, quoted in Theda Perdue and Michael D. Green, *The Cherokee Nation and the Trail of Tears* (New York: Viking Books, 2007), p. 38.
11. *Ibid.*, p. 92. For Jackson's opinion, see Jackson to Monroe, March 4, 1817, in *ibid.*, p. 50. For Monroe's view, see Wilkins, *Cherokee Tragedy*, p. 155. The early migrants initially moved to the Arkansas Territory but were forced to relocate to the Indian Territory (Oklahoma) in 1836 when Arkansas became a state. Those who migrated prior to the Trail of Tears became known as the Old Settlers.
12. J. G. M. Ramsey, *Annals of Tennessee* (Charleston, S.C.: Walker and James, 1853), pp. 117–118.

began drifting into Cherokee country. Cherokees retaliated by attacking and burning the buildings and crops of the white settlers; federal troops had to be dispatched to restore order. In the past, the federal government had been able to restore order by negotiating treaties to obtain lands that whites had overrun. But the decision by Cherokee leaders not to give up any more lands heightened an already tense situation. For its part, Georgia increased its demands that the federal government honor its 1802 agreement and remove the Cherokees immediately.

The election of Andrew Jackson in 1828 was a signal to Georgians that they now could move with impunity. In December 1828, over three months before Jackson's inauguration, the Georgia legislature passed an act declaring that as of June 1, 1830, all Cherokee territory would be subject to Georgia laws, and Cherokee laws (including their constitution) would be null and void. At roughly the same time, the Georgia legislature also made provisions for a lottery to be used to distribute Cherokee lands to whites. The discovery of gold in Cherokee territory touched off another land rush of around four thousand whites, accompanied by predictable violence.[13]

Against almost insurmountable odds, the Cherokees continued to resist, supported by a number of white missionaries who had built churches and schools throughout the territory. Here again the American Board of Commissioners for Foreign Missions was at the center of missionary activity as well as efforts to strengthen Cherokee resolve to stand firm against the Georgia state government and white encroachment. As a result, Georgia passed an act requiring all whites living in Cherokee territory to secure licenses, an obvious attempt to expel the missionaries. When the missionaries refused to apply for the required licenses, eleven of them were arrested and sentenced to terms of four years in the Milledgeville state penitentiary. When the Georgia governor offered executive clemency to all those who would leave voluntarily, only two (Samuel Worcester and Elizur Butler) refused. Worcester appealed to the United State Supreme Court, and in *Worcester v. Georgia* Chief Justice John Marshall declared that the Cherokee territory was a distinct, independent political community in which Georgia laws did not apply. President Jackson ignored Marshall's decision, and Worcester served out his term of four years, then moved to the West to establish a mission among the Cherokees. Before his death in 1859, he had translated the Bible into the Cherokee language.[14]

13. Some of those who made a great deal of money from the Georgia gold rush included the South Carolina political leader John C. Calhoun, his son-in-law Thomas G. Clemson (who used some of the profits to found Clemson College in South Carolina), and future governor of New York and Democratic presidential candidate Samuel J. Tilden.
14. Both Worcester and Butler were American Board missionaries. For their difficulties, see Jack Frederick Kilpatrick and Anna Gritts Kilpatrick, *New Echota Letters: Contributions of Samuel A. Worcester to the Cherokee Phoenix* (Dallas: Southern Methodist University Press, 1968), p. 113. Worcester, one of the American Board's original commissioners, corresponded with the Rev. Ezra Stiles Ely, another officer of the American Board. Worcester to Ely, March 10, 1830, in *ibid.*, pp. 74–77. For Ely, see Chapter 6.

By the time Worcester was released from prison, however, the conflict was almost over. In his First Annual Message to Congress of December 8, 1829 (see Source 1), President Jackson made his case for the "voluntary" removal of all Native Americans east of the Mississippi River. Responding to the president's message in February 1830, the House of Representatives took up the Indian Removal Bill. The bill, however, reignited a furious debate both in Congress and among the general public. Hundreds of petitions were sent to Congress, the majority from religious groups and benevolent societies opposed to removal. Many congressional opponents of the bill were genuinely concerned about the welfare of Native Americans, but at least an equal number were Jackson's political opponents, seeking to embarrass the president. On April 23, 1830, the Senate approved the Indian Removal Bill by a vote of 28–19, the House following suit on May 24 by the close margin of 102–97. Jackson signed the bill on May 28, 1830.[15] The act empowered the president to trade land in the West for lands on which Native Americans east of the Mississippi then resided, to pay Native Americans for improvements they had made to lands they were giving up, to assist and protect Native Americans during their migration, and to superintend and care for them once they had reached their destinations.

The Removal Act, however, only *authorized* removal, and longstanding United States policy still required that all land cessions or sales of Native American lands must be completed by treaty. Therefore, while Cherokees debated over how to respond to the Removal Act, the federal government began to search for pliable Cherokee leaders who would approve a removal treaty.

By 1835, the Ridge-Watie-Boudinot extended family provided the core of a small minority of Cherokees that originally had vehemently opposed relocation but had come to see it as the only realistic alternative. President Jackson then named John F. Schermerhorn, a retired Dutch Reformed minister, to negotiate a treaty. The Treaty of New Echota finally was approved, in late 1835, by a "council" of twenty and a committee of eighty-six Cherokees. Neither group, however, had the authority to negotiate such an agreement and had no legal standing with the Cherokees' National Council.[16]

Meanwhile, the state of Georgia instituted its lottery. In late 1832, surveying had begun and some lottery winners began to move into Cherokee territory

15. For the text of the Removal Act, see Wilcomb E. Washburn, ed. *The American Indian and the United States: A Documentary History* (New York: Random House, 1973), Vol. III, pp. 2169–2171.

16. For biographies of the principal "Treaty Party" leaders, see Edward Everett Dale and Gaston Litton, eds., *Cherokee Cavaliers: Forty Years of Cherokee History As Told in the Correspondence of the Ridge-Watie-Boudinot Family* (Norman: Univ. of Oklahoma Press, 1939). Most of the Treaty Party leaders were well-educated Cherokees, had numerous white ancestors, and in some cases had married white women. For his part, Schermerhorn was nicknamed the "Devil's Horn" by Cherokees because of his reputation as a "notorious womanizer." Perdue and Green, *Cherokee Nation*, p. 111.

to claim their prizes, resulting in more violence. In the same month that the Treaty of New Echota was approved by the "Treaty Party," the Georgia legislature authorized all lottery winners to take possession of their lands by November 1836, an obvious ploy to induce Cherokees to leave the state.

Outraged by the actions of both the "Treaty Party" (as they had been derisively labeled) and the state of Georgia, Principal Chief John Ross and the National Council circulated a petition to the United States Congress that was purportedly signed by 15,665 Cherokees. The petition maintained that the Treaty of New Echota was invalid because it never had been approved by the National Council, and begged that Congress would reverse its position on removal and protect the Cherokees from the incursions of white Georgians. At last, on April 9, 1838, the United States Senate, which earlier had ratified the Treaty of New Echota by a single vote, voted to table the petition, and General Winfield Scott was given his orders.

About eleven hundred Cherokees remained in North Carolina, principally because these Cherokees convinced a white merchant named William Holland Thomas to use money from the Treaty of New Echota to purchase thousands of acres in western North Carolina on which these Cherokees settled (he kept the land title in his own name). In 1837, the North Carolina General Assembly acknowledged the Cherokees' right to remain in North Carolina. The fact that the land Thomas purchased for the Cherokees was land that virtually no one else wanted probably was a factor in the legislature's decision. In addition to the eleven hundred Cherokees who were allowed to stay in North Carolina, an additional three hundred remained scattered throughout Georgia, Alabama, and Tennessee. Some had hidden themselves from Scott's soldiers; others were related by blood and marriage to their white neighbors.

Eyewitness accounts of the Trail of Tears, by both Native Americans and U.S. Army escorts, make for grim reading. As many as twenty-five hundred or more died in the makeshift stockades prior to the journey. And of the 13,149 (cited by army records) who began the trip, only 11,504 arrived in Indian Territory. In addition, several hundred died soon after their arrival, by either disease or violence between the new arrivals and earlier migrants or between the "accommodationists" and the last-ditch resisters.[17]

What alternatives did whites consider? What were the strengths and weaknesses of each alternative? For the Cherokees, answer the same two questions. Note that some Cherokees actually favored relocation. What were their reasons for doing so?

17. Burnett, "The Cherokee Removal Through the Eyes of a Private Soldier," pp. 180–185; Vicki Rozema, ed., *Voices from the Trail of Tears* (Winston-Salem, N. C.: John F. Blair, 2003); and Theda Perdue and Michael D. Green, eds., *The Cherokee Removal: A Brief History with Documents* (Boston: Bedford St. Martin's, 2005).

The Method

As you examine and analyze the principal arguments both in favor of and opposed to Cherokee removal, almost immediately you will see that some of the speakers and writers chose to *rephrase* the question. For example, instead of listing the reasons the Cherokees should be removed, President Jackson preferred to discuss *why the Cherokees could not remain where they were* (Source 1). By carefully reading his answers (there were several) to that question, you will be able to infer what his answers would have been to the question of *why the Cherokees ought to be removed*.

The same holds true for speakers and writers opposed to Cherokee removal. In some cases, they offered what they thought were alternatives that would have been superior to that of removal. As with Jackson's message, you will have to infer from what opponents said or wrote what they *would have* said or written regarding why the Cherokees ought *not to have been removed*.

Similarly to Jackson, many other speakers and writers offered more than one answer to the question. Therefore, as you examine and analyze the evidence, be sure to take notes carefully.

The second central question in this chapter regards the strengths and weaknesses of the principal points both in favor of and opposed to Cherokee removal. This is not nearly so easy as it may first appear. For one thing, you may not be able to uncover the real reasons a speaker or writer took a particular position. For example, almost no one in favor of removal said that Cherokees should be removed because whites wanted their lands. Even Georgia Governor Wilson Lumpkin (Source 5), who allowed whites to begin settling on Cherokee lands before any treaty was negotiated and who wanted to speed up the process so that he would still be in office when the issue was finally settled, was not willing to be so obvious. Similarly, no opponent of removal would have been crass enough to say that the opponent's true motive was to embarrass President Jackson politically. Without considerably more information than is available here, you will have to take the speaker's or writer's comments at face value. Jackson, for example, always claimed that removal was the most humane policy for the Cherokees themselves. Is there any evidence to the contrary?

Moreover, as you assess the strengths and weaknesses of each speaker's or writer's position, you will almost inevitably be drawn into the interesting but highly dangerous process of evaluating the alternatives to removal. Typically, historians concern themselves with what *actually did* happen rather than what *might have* happened. To be sure, some of the opponents of removal did advocate alternatives to removal, and in some cases you may have to deal with such alternatives as you determine the strengths and weaknesses of a particular position. If you plan to do this, however, use the actual facts at your disposal to assess a particular alternative. Do not *create* facts to fit your hypothesis—perhaps the worst charge that can be made against a historian. Also remember that you are dealing with people from the early 1800s, *not* the twenty-first century. Avoid putting ideas and thought processes contemporary to you into their minds.

The process of removing Cherokees from the East took decades. During that period, several principal figures in this drama actually changed their minds regarding removal. For example, several members of the Treaty party at first had vehemently opposed relocation, but in the end came to embrace it. Is there any clue in the evidence as to why they might have done so? What arguments did they use?

Let us offer a final note of caution. As you examine each piece of evidence, avoid the temptation to "take sides" in the debate or to make the historical individuals into one-dimensional heroes or villains. Analyze the logic of each of the arguments, even when you find the conclusions of a speaker or writer to be reprehensible.

Beneath the surface of all the arguments is the *image* of Native Americans, both in the eyes of European Americans and in those of Native Americans. What underlying assumptions regarding Cherokees can you detect in both the white and Cherokee evidence?

Now proceed to the Evidence section of the chapter. Take notes as you read each selection. Once again, a chart may prove helpful.

The Evidence

WHITE SOURCES

Source 1 from James D. Richardson, *A Compilation of the Messages and Papers of the Presidents* (New York: Bureau of National Literature, 1897), vol. III, pp. 1019–1022.

1. Excerpt from President Andrew Jackson's First Annual Message to Congress, December 8, 1829.[18]

The condition and ulterior destiny of the Indian Tribes within the limits of some of our States, have become objects of much interest and importance. It has long been the policy of Government to introduce among them the arts of civilization, in the hope of gradually reclaiming them from a wandering life.

18. From George Washington to Woodrow Wilson, no president of the United States appeared in person before Congress. All communications between the president and Congress were conducted in writing.

This policy has, however, been coupled with another, wholly incompatible with its success. Professing a desire to civilize and settle them, we have, at the same time, lost no opportunity to purchase their lands, and thrust them further into the wilderness. By this means they have not only been kept in a wandering state, but been led to look upon us as unjust and indifferent to their fate. Thus, though lavish in its expenditures upon the subject, Government has constantly defeated its own policy; and the Indians, in general, receding further and further to the West, have retained their savage habits. A portion, however, of the Southern tribes, having mingled much with the whites, and made some progress in the arts of civilized life, have lately attempted to erect an independent government, within the limits of Georgia and Alabama. These States, claiming to be the only Sovereigns within their territories, extended their laws over the Indians; which induced the latter to call upon the United States for protection. . . .

Actuated by this view of the subject, I informed the Indians inhabiting parts of Georgia and Alabama, that their attempt to establish an independent government would not be countenanced by the Executive of the United States; and advised them to emigrate beyond the Mississippi, or submit to the laws of those States.

Our conduct towards these people is deeply interesting to our national character. Their present condition, contrasted with what they once were, makes a most powerful appeal to our sympathies. Our ancestors found them the uncontrolled possessors of these vast regions. By persuasion and force, they have been made to retire from river to river, and from mountain to mountain; until some of the tribes have become extinct, and others have left but remnants, to preserve, for a while, their once terrible names. Surrounded by the whites, with their arts of civilization, which, by destroying the resources of the savage, doom him to weakness and decay; the fate of the Mohegan, the Narragansett, and the Delaware, is fast overtaking the Choctaw, the Cherokee, and the Creek. That this fate surely awaits them, if they remain within the limits of the States, does not admit of a doubt. Humanity and national honor demand that every effort should be made to avert so great a calamity. It is too late to inquire whether it was just in the United States to include them and their territory within the bounds of new States whose limits they could control. That step cannot be retraced. A State cannot be dismembered by Congress, or restricted in the exercise of her constitutional power. But the people of those States, and of every State, actuated by feelings of justice and a regard for our national honor, submit to you the interesting question, whether something cannot be done, consistently with the rights of the States, to preserve this much injured race?

As a means of effecting this end, I suggest, for your consideration, the propriety of setting apart an ample district West of the Mississippi, and without the limits of any State or Territory, now formed, to be guarantied to the Indian tribes, as long as they shall occupy it; each tribe having a distinct control over the portion designated for its use. There they may be secured in the enjoyment of governments of their own choice, subject to no other control from the United States than such as may be necessary to preserve peace on the frontier, and between the several tribes. There the benevolent may endeavor to teach them the arts of civilization; and, by promoting union and harmony among them, to raise up an interesting commonwealth, destined to perpetuate the race, and to attest the humanity and justice of this Government.

This emigration should be voluntary: for it would be as cruel as unjust to compel the aborigines to abandon the graves of their fathers, and seek a home in a distant land.[19] But they should be distinctly informed that, if they remain within the limits of the States, they must be subject to their laws. In return for their obedience, as individuals, they will, without doubt, be protected in the enjoyment of those possessions which they have improved by their industry. But it seems to me visionary to suppose, that, in this state of things, claims can be allowed on tracts of country on which they have neither dwelt nor made improvements, merely because they have seen them from the mountain, or passed them in the chace [*sic*]. Submitting to the laws of the States, and receiving, like other citizens, protection in their persons and property, they will, ere long, become merged in the mass of our population.

Source 2 from Andrew A. Lipscomb and Albert Ellergy Bergh, eds., *The Writings of Thomas Jefferson* (Washington, D.C.: Thomas Jefferson Memorial Association, 1903), vol. XVI, pp. 450–454.

2. President Thomas Jefferson to Captain Hendrick, the Delawares, Mohicans, and Munries, December 21, 1808.

The picture which you have drawn, my son, of the increase of our numbers and the decrease of yours is just, the causes are very plain, and the remedy depends on yourselves alone. You have lived by hunting the deer and buffalo—all these have been driven westward; you have sold out on the seaboard and moved westwardly in pursuit of them. As they became scarce there, your

19. Jackson believed, perhaps naively, that a majority of Cherokees would move to the West voluntarily. See his Third Annual Message to Congress, December 6, 1831, in Richardson, *Messages and Papers of the Presidents*, vol. III, p. 1117.

food has failed you; you have been a part of every year without food, except the roots and other unwholesome things you could find in the forest. Scanty and unwholesome food produce diseases and death among your children, and hence you have raised few and your numbers have decreased. Frequent wars, too, and the abuse of spirituous liquors, have assisted in lessening your numbers. The whites, on the other hand, are in the habit of cultivating the earth, of raising stocks of cattle, hogs, and other domestic animals, in much greater numbers than they could kill of deer and buffalo. Having always a plenty of food and clothing they raise [an] abundance of children, they double their numbers every twenty years, the new swarms are continually advancing upon the country like flocks of pigeons, and so they will continue to do. Now, my children, if we wanted to diminish our numbers, we would give up the culture of the earth, pursue the deer and buffalo, and be always at war; this would soon reduce us to be as few as you are, and if you wish to increase your numbers you must give up the deer and buffalo, live in peace and cultivate the earth. You see then, my children, that it depends on yourselves alone to become a numerous and great people. Let me entreat you, therefore, on the lands now given you to begin to give every man a farm; let him enclose it, cultivate it, build a warm house on it, and when he dies, let it belong to his wife and children after him. Nothing is so easy as to learn to cultivate the earth; all your women understand it, and to make it easier, we are always ready to teach you how to make ploughs, hoes, and necessary utensils. If the men will take the labor of the earth from the women they will learn to spin and weave and to clothe their families. In this way you will also raise many children, you will double your numbers every twenty years, and soon fill the land your friends have given you, and your children will never be tempted to sell the spot on which they have been born, raised, have labored and called their own. When once you have property, you will want laws and magistrates to protect your property and persons, and to punish those among you who commit crimes. You will find that our laws are good for this purpose; you will wish to live under them, you will unite yourselves with us, join in our Great Councils and form one people with us, and we shall all be Americans; you will mix with us by marriage, your blood will run in our veins, and will spread with us over this great island. Instead, then, my children, of the gloomy prospect you have drawn of your total disappearance from the face of the earth, which is true, if you continue to hunt the deer and buffalo and go to war, you see what a brilliant aspect is offered to your future history, if you give up war and hunting! Adopt the culture of the earth and raise domestic animals; you see how from a small family you may become a great nation by adopting the course which from the small beginning you describe has made us a great nation.

Source 3 from Theda Perdue and Michael D. Green, eds., *The Cherokee Removal: A Brief History with Documents* (Boston: Bedford Books, 1995), pp. 98–102.

3. Excerpt from William Penn (pseudonym for Jeremiah Evarts of the American Board of Commissioners for Foreign Missions), "A Brief View of the Present Relations Between the Government and People of the United States and the Indians Within Our National Limits," November 1829.

The positions here recited are deemed to be incontrovertible. It follows, therefore,

That the removal of any nation of Indians from their country by force would be an instance of gross and cruel oppression:

That all attempts to accomplish this removal of the Indians by bribery or fraud, by intimidation and threats, by withholding from them a knowledge of the strength of their cause, by practising upon their ignorance, and their fears, or by vexatious opportunities, interpreted by them to mean nearly the same thing as a command;—all such attempts are acts of oppression, and therefore entirely unjustifiable:

That the United States are firmly bound by treaty to protect the Indians from force and encroachments on the part of a State; and a refusal thus to protect them would be equally an act of bad faith as a refusal to protect them against individuals: and

That the Cherokees have therefore the guaranty of the United States, solemnly and repeatedly given, as a security against encroachments from Georgia and the neighboring States. By virtue of this guaranty the Cherokees may rightfully demand, that the United States shall keep all intruders at a distance, from whatever quarter, or in whatever character, they may come. Thus secured and defended in the possession of their country, the Cherokees have a perfect right to retain that possession as long as they please. Such a retention of their country is no just cause of complaint or offence to any State, or to any individual. It is merely an exercise of natural rights, which rights have been not only acknowledged but repeatedly and solemnly confirmed by the United States.

Although these principles are clear and incontrovertible, yet many persons feel an embarrassment from considering the Cherokees as *living in the State of Georgia*. All this embarrassment may be removed at once by bearing in mind, that the Cherokee country is not in Georgia. . . .

[Here Penn argued that the Cherokees owned their land by treaty with the U.S. government, that in 1825 the state of Georgia made a treaty with the Creek Nation to acquire their land, and hence would have to do so with the Cherokees as well.]

If the separate existence of the Indian tribes *were* an inconvenience to their neighbours, this would be but a slender reason for breaking down all the

barriers of justice and good faith. Many a rich man has thought it very inconvenient, that he could not add the farm of a poor neighbour to his possessions. Many a powerful nation has felt it to be inconvenient to have a weak and dependent state in its neighbourhood, and has therefore forcibly joined the territory of such state to its own extensive domains. But this is done at the expense of honour and character, and is visited by the historian with his severest reprobation.

In the case before us the inconvenience is altogether imaginary. If the United States were examined, with a view to find a place where Indians could have a residence assigned them, so that they might be as little as possible in the way of the whites, not a single tract, capable of sustaining inhabitants, could be found more secluded than the present country of the Cherokees. It is in the mountains, among the head waters of rivers diverging in all directions; and some parts of it are almost inaccessible. The Cherokees have ceded to the United States all their best land. Not a twentieth part of what remains is of a very good quality. More than half is utterly worthless. Perhaps three tenths may produce moderate crops. The people of the United States have a free passage through the country, secured by treaty. What do they want more? If the Cherokee country were added to Georgia, the accession would be but a fraction joined to the remotest corner of that great State;—a State now scarcely inferior in size to any State in the Union except Virginia; a State having but six or seven souls to a square mile, counting whites and blacks, and with a soil and climate capable of sustaining a hundred to the square mile with the greatest of ease. There is no mighty inconvenience, therefore, in the arrangement of Providence, by which the Cherokee claim a resting place on the land which God gave to their fathers. . . .

There is one remaining topic, on which the minds of many benevolent men are hesitating; and that is, *whether the welfare of the Indians would not be promoted by a removal*. Though they have a right to remain where they are; though the whole power of the United States is pledged to defend them in their possessions; yet it is supposed by some, that they would act wisely, if they would yield to the pressure, quietly surrender their territory to the United States, and accept a new country beyond the Mississippi, with a new guaranty.

In support of this supposition, it is argued, that they can never remain quiet where they are; that they will always be infested by troublesome whites; and that the states, which lay claim to their territory, will persevere in measures to vex and annoy them.

Let us look a moment at this statement. Is it indeed true, that, in the very prime and vigour of our republican government, and with all our boasted reliance upon constitutions and laws, we cannot enforce as plain an act of Congress as is to be found in our national statute-book? Is it true, that while treaties are

declared in the constitution to be the supreme law of the land, a whole volume of these supreme laws is to be at once avowedly and utterly disregarded? Is the Senate of the United States, that august body, as our newspapers have called it a thousand times, to march in solemn procession, and burn a volume of treaties? Are the archives of state to be searched, and a hundred and fifty rolls, containing treaties with the Indians, to be brought forth and consigned to the flames on Capitol Hill, in the presence of the representatives of the people, and all the dignitaries of our national government? When ambassadors from foreign nations inquire, *What is the cause of all this burning?* are we to say, "Forty years ago President Washington and the Senate made treaties with the Indians, which have been repeated and confirmed by successive administrations. The treaties are plain, and the terms reasonable. But the Indians are weak, and their white neighbors will be lawless. The way to please these white neighbours is, therefore, to burn the treaties, and then call the Indians our dear children, and deal with them precisely as if no treaties had ever been made." Is this answer to be given to the honest inquires of intelligent foreigners? Are we to declare to mankind, that in our country law is totally inadequate to answer the great end for which human laws are made, that is, the protection of the weak against the strong? And is this confession to be made without feeling and without shame? It cannot be. The people of the United States will never subject themselves to so foul a reproach.

Source 4 from *Speeches on the Passage of the Bill for the Removal of the Indians, Delivered in the Congress of the United States, April and May, 1830* (Boston: Perkins and Marvin, 1830), pp. 25–28.

4. Excerpt from Speech of Senator Theodore Frelinghuysen[20] of New Jersey.

It is alleged, that the Indians cannot flourish in the neighborhood of a white population—that whole tribes have disappeared under the influence of this propinquity. As an abstract proposition, it implies reproach somewhere. Our virtues certainly have not such deadly and depopulating power. It must, then, be our vices that possess these destructive energies—and shall we commit injustice, and put in, as our plea for it, that our intercourse with the Indians has been so demoralizing that we must drive them from it, to save them? True, Sir, many tribes have melted away—they have sunk lower and lower—and

20. Theodore Frelinghuysen (1787–1862) was president of the American Board of Commissioners for Foreign Missions from 1841 to 1857. For more on Frelinghuysen, see Chapter 6.

Our true situation and motives on this question are still misunderstood, and often misrepresented, by those at a distance. In order to appreciate our policy, our true situation must be understood. I will not attempt to enumerate the wrongs, embarrassments, and perplexities, which this State has encountered, by what I am constrained to deem the impertinent intermeddling of "busy-bodies." Officious persons of various descriptions have unfortunately succeeded in inducing our Indian people to believe that we are their enemies and oppressors, and in alienating their affections from us. These various intermeddlings hastened the crisis which compelled the State to the course which she has taken; and the day must speedily arrive when all the heart-burnings on this subject must be put to final rest. The combined and combining influences now in operation against the character, interest, peace, and prosperity of the State, cannot be much longer deplored in silent inaction; nor ought we to place any reliance on inefficient measures. Unfounded calumny and prejudice, kept at a distance, may be endured; but domestic and household enemies produce unceasing disquietude and danger.

The unfortunate remnant of Cherokee Indians remaining in Georgia ought now to consider themselves the admitted charge of our peculiar care; and if possible we ought, as their friends and benefactors, to preserve and cherish them. They ought not forcibly to be dispossessed of their homes, or driven from the land of their fathers; they ought to be guarded and protected in the peaceable enjoyment of a sufficient portion of land to sustain them, with their families, in their present abodes, so long as they may choose to remain; and their rights and property should be as well secured from all lawless depredation as those of the white man. It would be as cruel as unjust, to compel the aborigines to abandon the graves of their fathers; but in the present extraordinary state of things it would be visionary to suppose, that the Indian claim can be allowed to this extensive tract of country—to lands on which they have neither dwelt, nor made improvements.[22]

Principles of natural law and abstract justice have often been appealed to, to show that the Indian tribes within the territorial limits of the States ought to be regarded as the absolute owners and proprietors of the soil they occupy.

All civilized nations have acknowledged the validity of the principles appealed to, with such modifications and interpretations of these principles as the truth of history has verified, especially in the settlement of this country.

The foundations of the States which form this confederacy were laid by civilized and Christian nations who considered themselves instructed in the nature of their duties by the precepts and examples contained in the Sacred Volume which they acknowledged as the basis of their religious creed and

22. See similarity to Jackson's phrase in Source 1, pg. 189.

obligations. To go forth, subdue, and replenish the earth, were considered Divine commands. . . .

The present state of things in the Cherokee country, it is believed, is strengthening the adversaries of Georgia, at home and abroad.

In order to secure and protect the Indians in their abodes, and their property of every kind under our laws, their individual and separate possessions ought to be defined by actual survey; in accomplishing which it will be least expensive and most compatible with the views of the State (as provided by the act of the Legislature at its last session), to survey the entire country.

Until we have a population planted upon the unoccupied portion of this territory, possessed of all the ordinary inducements of other communities to sustain our laws and government, our present laws providing for the government of this part of the State should not only be continued, but ample power should be afforded to enforce obedience to their requirements. To effect this object, the Executive should be vested with full power promptly to control the agents who have been, or may be, selected to maintain the authority of the laws in that portion of the State. . . .

CHEROKEE SOURCES

Sources 6 and 7 from Perdue and Green, *The Cherokee Removal: A Brief History with Documents*, pp. 43–44, 131–132.

6. Petition of Cherokee Women, May 2, 1817

The Cherokee ladys now being present at the meeting of the chiefs and warriors in council have thought it their duty as mothers to address their beloved chiefs and warriors now assembled.

Our beloved children and head men of the Cherokee Nation, we address you warriors in council. We have raised all of you on the land which we now have, which God gave us to inhabit and raise provisions. We know that our country has once been extensive, but by repeated sales has become circumscribed to a small track [*sic*], and [we] never have thought it our duty to interfere in the disposition of it till now. If a father or mother was to sell all their lands which they had to depend on, which their children had to raise their living on, which would be indeed bad & to be removed to another country. We do not wish to go to an unknown country [to] which we have understood some of our children wish to go over the Mississippi, but this act of our children would be like destroying your mothers.

Your mothers, your sisters ask and beg of you not to part with any more of our land. We say ours. You are our descendants; take pity on our request. But

keep it for our growing children, for it was the good will of our creator to place us here, and you know our father, the great president,[23] will not allow his white children to take our country away. Only keep your hands off of paper talks for its our own country. For [if] it was not, they would not ask you to put your hands to paper, for it would be impossible to remove us all. For as soon as one child is raised, we have others in our arms, for such is our situation & will consider our circumstance.

Therefore, children, don't part with any more of our lands but continue on it & enlarge your farms. Cultivate and raise corn & cotton and your mothers and sisters will make clothing for you which our father the president has recommended to us all. We don't charge any body for selling any lands, but we have heard such intentions of our children. But your talks become true at last; it was our desire to forwarn you all not to part with our lands.[24]

7. John Ridge (a Cherokee leader) to Albert Gallatin,[25] February 27, 1826.

[In this long letter, Ridge began by giving a geographic location of the Cherokee Nation, its population, its successful adoption of agriculture, its government, the status of women, its religious beliefs, and its educational institutions.]

Col. Silas Dinsmore was appointed by Genl. Washington as Agent of the Nation, who from the Indian Testimony itself labored indefatigably in Teaching the Cherokees the art of agriculture by distributing hoes & ploughs & giving to the women Spinning wheels, cards & Looms. It appears when this change of Hunter life to a civilized one was proposed by the Agent to the Chiefs in Council, that he was unanimously laughed at by the Council for attempting [to] introduce white peoples' habits among the Indians, who were created to pursue the chase. Not discouraged here, the Agent turned to Individuals & succeeded to gain some to pay their attention to his plan by way of experiment, which succeeded. An anecdote is related of a Chief who was heartily opposed to the Agent's view. He came to Col. Dinsmore & said, "I don't want you to recommend these things to my people. They may suit white people, but will do [nothing] for the Indians. I am now going to hunt &

23. President James Monroe.
24. Despite the women's petition, Cherokees signed two more treaties, in 1817 and 1819, before deciding to cede no more land. See Cherokee Delegation to the U.S. Senate, April 16, 1824, "Views of the Cherokees in Relation to Further Cessions of Their lands," *American State Papers: Indian Affairs*, vol. 2, p. 502.
25. Albert Gallatin (1761–1849) was a congressman, secretary of the treasury, and diplomat. When Ridge wrote to Gallatin, Gallatin had just been nominated as U.S. minister to Great Britain.

shall be gone six moons & when I return, I shall expect to hear nothing of your talks made in [my] absence to induce my people to take hold of your plan." But in his absence the Agent induced his wife & daughters to Spin & weave with so much assiduity as to make more cloth in value, than the Chief's Hunt of six months amounted to. He was astonished & came to the Agent with a smile, accusing him for making his wife & daughters better hunters than he & requested to be furnished a plough & went to work on his farm. In the meantime, the Moravians opened their School for the Indians, cleared a farm, cultivated a garden & planted an orchard. The Venerable Rev. John Gambold & his amiable Lady were a standing monument of Industry, Goodness & friendship. As far as they had means, they converted the "Wilderness to blossom as the Rose." There the boys & girls were taught to read & write, & occasionally labor in the Garden & in the field. There they were first taught to sing & pray to their Creator, & here Gospel Worship was first Established. Never shall I forget father Gambold & mother Mrs. Gambold. By them the clouds of ignorance which surrounded me on all sides were dispersed. My heart received the rays of civilization & my intellect expanded & took a wider range. My superstition vanished & I began to reason correctly. . . .

Source 8 from Francis Paul Prucha, ed., *Cherokee Removal: The "William Penn" Essays and Other Writings By Jeremiah Evarts* (Knoxville: Univ. of Tennessee Press, 1981), pp. 259–262.

8. Address of the Committee and Council of the Cherokee Nation . . . to the People of the United States, July 24, 1830.[26]

We are aware that some persons suppose it will be for our advantage to remove beyond the Mississippi. We think otherwise. Our people universally think otherwise. Thinking that it would be fatal to their interests, they have almost to a man sent their memorial to Congress, deprecating the necessity of a removal. This question was distinctly before their minds when they signed their memorial. Not an adult person can be found, who has not an opinion on the subject; and if the people were to understand distinctly, that they could be protected against the laws of the neighboring States, there is probably not an adult person in the nation, who would think it best to remove; though

26. Although the address was issued by the General Council of the Cherokee Nation and published in the *Cherokee Phoenix* on July 24, 1830, it actually was written by Jeremiah Evarts (1781–1831), secretary of the American Board of Commissioners for Foreign Missions. See Source 3. The Council added the last paragraph in this excerpt.

possible a few might emigrate individually. There are doubtless many who would flee to an unknown country, however beset with dangers, privations and sufferings, rather than be sentenced to spend six years in a Georgia prison for advising one of their neighbors not to betray his country. And there are others who could not think of living as outlaws in their native land, exposed to numberless vexations, and excluded from being parties or witnesses in a court of justice. It is incredible that Georgia should ever have enacted the oppressive laws to which reference is here made, unless she had supposed that something extremely terrific in its character was necessary, in order to make the Cherokees willing to remove. We are not willing to remove; and if we could be brought to this extremity, it would be, not by argument; not because our judgment was satisfied; not because our condition will be improved—but only because we cannot endure to be deprived of our national and individual rights, and subjected to a process of intolerable oppression.

We wish to remain on the land of our fathers. We have a perfect and original right to claim this, without interruption or molestation. The treaties with us, and laws of the United States made in pursuance of treaties, guaranty our residence, and our privileges, and secure us against intruders. Our only request is, that these treaties may be fulfilled, and these laws executed. . . .

It is under a sense of the most pungent feelings that we make this, perhaps our last appeal to the good people of the United States. It cannot be that the community we are addressing, remarkable for its intelligence and religious sensibilities, and pre-eminent for its devotion to the rights of man, will lay aside this appeal, without considering that we stand in need of its sympathy and commiseration. We know that to the Christian and the philanthropist, the voice of our multiplied sorrows and fiery trials will not appear as an idle tale. In our own land, our own soil, and in our dwellings, which we reared for our wives and for our little ones, when there was peace on our mountains and in our valleys, we are encountering troubles which cannot but try our very souls. But shall we, on account of these troubles, forsake our beloved country? Shall we be compelled by a civilized and Christian people, with whom we have lived in perfect peace for the last forty years, and for whom we have willingly bled in war, to bid a final adieu to our homes, our farms, our streams, and our beautiful forests? No. We are still firm. We intend still to cling, with our wonted affection, to the land which gave us birth, and which, every day of our lives, brings to us new and stronger ties of attachment. We appeal to the Judge of all the earth, who will finally award us justice, and to the good sense of the American people, whether we are intruders upon the land of others. Our consciences bear us witness that we are the invaders of no man's rights—we have robbed no man of his

territory—we have usurped no man's authority, nor have we deprived any one of his unalienable privileges. How then shall we indirectly confess the right of another people to our land by leaving it forever? On the soil which contains the ashes of our beloved men, we wish to live, on this soil we wish to die. . . .

Source 9 from Theda Perdue, ed., *Cherokee Editor: The Writings of Elias Boudinot* (Knoxville: Univ. of Tennessee Press, 1983), pp. 175–179. Copyright © 1983 by The University of Tennessee Press. Reproduced by permission.

9. Elias Boudinot, "Resolutions," October 2, 1832.

Whereas, a crisis of the utmost importance, in the affairs of the Cherokee people has arrived, requiring from every individual the most serious reflection and the expression of views as to the present condition and future prospects of the Nation; and whereas a portion of the Cherokees have entertained opinions which have been represented as hostile to the true interest and happiness of the people, merely because they have not agreed with the Chiefs and leading men; and as these opinions have not heretofore been properly made known, therefore!

Resolved, That it is our decided opinion, founded upon the melancholy experience of the Cherokees within the last two years, and upon facts which history has furnished us in regard to other Indian nations, that our people cannot exist amidst a white population, subject to laws which they have no hand in making, and which they do not understand; that the suppression of the Cherokee Government, which connected this people in a distinct community, will not only check their progress in improvement and advancement in knowledge, but, by means of numerous influences and temptations which this new state of things has created, will completely destroy every thing like civilization among them, and ultimately reduce them to poverty, misery, and wretchedness.

Resolved, That, considering the progress of the States authorities in this country, the distribution and settlement of the lands, the organization of counties, the erection of county seats and Courthouses, and other indications of a determined course on the part of the surrounding States, and considering, on the other hand, the repeated refusal of the President and Congress of the United States to interfere in our behalf, we have come to the conclusion that this nation cannot be reinstated in its present location, and that the question left to us and to every Cherokee, is, whether it is more desirable to remain

here, with all the embarrassments with which we must be surrounded, or to seek a country where we *may* enjoy our own laws, and live under our own vine and fig-tree.

Resolved, That in expressing the opinion that this nation cannot be reinstated, we do it from a thorough conviction of its truth—that we never will encourage our confiding people with hopes that can never be realized, and with expectations that will assuredly be disappointed—that however unwelcome and painful the truth may be to them, and however unkindly it may be received from us, we cannot, as *patriots* and well-wishers of the Indian race, shrink from doing our duty in expressing our decided convictions. That we scorn the charge of selfishness and a want of patriotic feelings alleged against us by some of our countrymen, while we can appeal to our consciences and the searcher of all hearts for the rectitude of our motives and intentions.

Resolved, That, although *we love the land* of our fathers, and should leave the place of our nativity with as much regret as any of our citizens, we consider the lot of the *Exile* immeasurably more to be preferred than a submission to the laws of the States, and thus becoming witnesses of the ruin and degradation of the Cherokee people.

Resolved, That we are firmly of the opinion, that a large majority of the Cherokee people would prefer to remove, if the true state of their condition was properly made known to them.[27]—We believe that if they were told that they had nothing to expect from further efforts to regain their rights as a *distinct community*, and that the only alternatives left to them is either to remain amidst a white population, subject to the white man's laws, or to remove to another country, where they may enjoy peace and happiness, they would unhesitatingly prefer the latter. . . .

Resolved, that we consider the policy pursued by the Red Clay Council,[28] in continuing a useless struggle from year to year, as destructive to the present peace and future happiness of the Cherokees, because it is evident to every observer that while this struggle is going on, their difficulties will be accumulating, until they are ruined in their property and character, and the only remedy that will then be proposed in their case will be, *submission to the laws of the States* by taking reservations.

27. Boudinot accused Principal Chief John Ross and the National Council of not telling the Cherokees "how seemingly hopeless their situation was." Perdue, *Cherokee Editor*, p. 228, n. 29.
28. "Red Clay Council": the National Council.

Source 10 from John Ross, et. al., to President Andrew Jackson, January 23, 1835, in Gary E. Moulton, ed., *The Papers of Chief John Ross* (Norman: Univ. of Oklahoma Press, 1985), vol. 1, pp. 317–318.

10. John Ross[29] et al. to President Andrew Jackson, January 23, 1835.

It is known to your Excellency, that the history of the Cherokee Nation since the year 1829 up to the present, has been on its part, one of repeated, continued unavailing struggle against the cruel policy of Georgia; on the part of that State, it has been one, of unparalleled aggravated acts of oppression upon the Nation. Actuated by an unextinguishable love of country, confiding implicitly in the good faith of the American Govt. and believing that the Govt. priding itself, as it does upon its justice and humanity would, not only not, disregard its own plighted faith, but would eventually interpose to prevent it from being disregarded, and trampled into dust by the State of Georgia. Being fully convinced in their own judgement that they could not prosper as well any where else as upon their native land, the Cherokees have successively appealed to the Executive, Legislative and Judiciary Departments of this Govt. for redress of wrongs committed and security against injuries apprehended, but as yet those appeals have been unavailing; In defiance of Acts of Congress, decisions of the Supreme Court, and of solemn treaties, Georgia has gone on first, to despoil them of their laws & Govt. and impose upon them laws the most obnoxious, then to distribute their lands unbought, to her own citizens by lottery, and lastly she has put forth her hand under the last Act of her Legislature to expel them from their homes & firesides, to drive them out to hunger and perish in the wild forests—to accomplish this last cruel purpose, armed bands of her citizens are now parading thro' their Country. The Undersigned deeply affected with this deploreable, condition of their people would ask you, Dear Sir, to pity and save them. For, upon the exercise of your power alone, they are firmly persuaded the salvation of their people depend. Let the comforts and enjoyments of life which have been so profusely scattered around you, by a bountiful providence remind you, that hundreds of their people, many of whom are women and children, may now be homeless wanderers, suffering with cold & hunger, for no crime, but, because they did not love their Country less.

The crisis of the fate of the Cherokee people, seems to be rapidly approaching—and the time has come, when they must be relieved of their sufferings—They having fully determined against a removal to Arkansas. The undersigned

29. John Ross (1790–1866), the Principal Chief from 1828 to 1860, was one-eighth Cherokee, well-educated and became a wealthy landowner and businessman. In 1836, his property was appraised at $23,665 ($446,085 in 2001 dollars).

Delegation would therefore most respectfully and earnestly ask to be informed, upon what terms will the President negotiate for a final termination of those sufferings, that their people may repose in peace and comfort on the land of their nativity, under the enjoyment of such rights and privileges as belongs to freemen. And the Delegation would in conclusion beg leave to assure the President in great sincerity, that after a due deliberation on the terms which he may offer, should they be found to have been dictated in that spirit of liberality and justice, as in their best judgement would afford their people ample relief and sattisfaction by adopting them; it may be done. With sentiments of great respect, they remain, yr. Excellency's most Hble. Servts.

Source 11 from John Ridge to Major Ridge, et al., March 10, 1835, in Dale and Litton, eds., *Cherokee Cavaliers*, pp. 12–13.

11. John Ridge[30] to Major Ridge et al., March 10, 1835.

I have delayed this long in writing to you in the consequence of the hard struggles I had to make against John Ross & his party. At the outset they told Congress that our people had decided that they would choose to be citizens of the U. States [rather] than to remove. We contradicted this & he has failed to get an answer from Congress. From various indications we ascertained that he was going to act falsely to his people & sell the Nation either by getting Reservations of land or taking the whole in money on pretense of going out of the limits of the U. States. We protested against this & we have succeeded to get a treaty made to be sent home for the ratification of the people.[31] It is very liberal in its terms—an equal measure is given to all. The poor Indian enjoys the same rights as the rich—there is no distinction. We are allowed to enjoy our own laws in the west. Subsistence for one year, $25. for each soul for transportation, fair valuation for ferries & Improvements, $150 for each individual, more than forty thousand dollars perpetual annuity in the west, & a large sum of money to pay for the losses of the Cherokees against the white people. In fact—we get four milions & a half in money to meet all expenses & large addition in land to that already possessed by our brethren in the west. John Ross and his party tried hard to treat & get the whole in money & go as they said out of the limits of the U. States, but they have failed.[32] Jackson

30. John Ridge (Cherokee name Yellow Bird) was born in 1792, the son of Major Ridge and cousin of Elias Boudinot. He initially opposed Cherokee relocation but changed his mind after President Jackson's refusal to enforce the Supreme Court decision in *Worchester v. Georgia*.
31. The Treaty of New Echota.
32. Ridge's charge that Ross intended to steal the money appropriated for removal was not true.

said that he would not trust them with the money of the people. The Indians here under his care wish that he would refer the whole to the people. Ross has failed before the Senate, before the Secretary of War, & before the President. He tried hard to cheat you & his people, but he has been prevented. In a day or two he goes home no doubt to tell lies. But we will bring all his papers & the people shall see him as he is. . . .

The Congress has allowed money enough to pay the expenses of our Councils while the people are signing this treaty if they approve it. We are all well. I shall go to the north & see my wife's parents & in great haste will return to you. Stand, stay. All will be right. The U. States will never have any thing more to do with John Ross. Thus it becomes of selfish men. . . .

Source 12 from Protest of the Cherokee Delegation, laid before the Senate and House of Representatives, June 21, 1836, (Washington, DC: s.n., 1836) in Southeastern Native American Documents 1790–1842, accessible through the Georgia Virtual Library, Galileo, www.galileo.usg.edu.

12. "Protest of the Cherokee Delegation," June 21, 1836.

To the honourable Senate and House of Representatives of the United States of North America, in Congress assembled:

The undersigned representatives of the Cherokee nation, east of the river Mississippi, impelled by duty, would respectfully submit, for the consideration of your honourable body, the following statement: An instrument purporting to be a treaty with the Cherokee people, has recently been made public by the President of the United States, that will have such an operation, if carried into effect. This instrument, the delegation aver before the civilized world, and in the presence of Almighty God, is fraudulent, false upon its face, made by unauthorized individuals, without the sanction, and against the wishes, of the great body of the Cherokee people. Upwards of fifteen thousand of those people have protested against it, solemnly declaring they will never acquiesce. The delegation would respectfully call the attention of your honourable body to their memorial and protest, with the accompanying documents, submitted to the Senate of the United States, on the subject of the alleged treaty, which are herewith transmitted. . . .

It is the expressed wish of the Government of the United States to remove the Cherokees to a place west of the Mississippi. That wish is said to be founded in humanity to the Indians. To make their situation more comfortable, and to preserve them as a distinct people. Let facts show how this *benevolent* design has been prosecuted, and how faithfully to the spirit and letter has the

promise of the President of the United States to the Cherokees been fulfilled—that "*those who remain may be assured of our patronage; our aid, and good neighbourhood.*" The delegation are not deceived by empty professions, and fear their race is to be destroyed by the mercenary policy of the present day, and their lands wrested from them by physical force; as proof, they will refer to the preamble of an act of the General Assembly of Georgia, in reference to the Cherokees, passed the 2d of December, 1835, where it is said, "from a knowledge of the Indian character, and from the present feelings of these Indians, it is confidently believed, that the right of occupancy of the lands in their possession should be withdrawn, *that it would be a strong inducement to them to treat with the General Government, and consent to a removal to the west;* and whereas, the present Legislature openly avow that their primary object in the measures intended to be pursued, *are founded on real humanity to these Indians*, and with a view, in a distant region, to perpetuate them with their old identity of character, *under the paternal care of the Government of the United States*; at the same time frankly disavowing *any selfish or sinister motives towards them in their present legislation*." This is the profession. Let us turn to the practice of *humanity*, to the Cherokees, by the State of Georgia. In violation of the treaties between the United States and the Cherokee nation, that State passed a law requiring all white men, residing in that part of the Cherokee country, in her limits, to take an oath of allegiance to the State of Georgia. For a violation of this law, some of the ministers of Christ, missionaries among the Cherokees, were tried, convicted, and sentenced to hard labor in the penitentiary. Their case may be seen by reference to the records of the Supreme Court of the United States.

Valuable gold mines were discovered upon the Cherokee lands, within the chartered limits of Georgia, and the Cherokees commenced working them, and the Legislature of that State interfered by passing an act, making it penal for an Indian to dig for gold within Georgia, no doubt "*frankly disavowing any selfish or sinister motives towards them.*" Under this law many Cherokees were arrested, tried, imprisoned, and otherwise abused. Some were even shot in attempting to avoid an arrest; yet the Cherokee people used no violence, but humbly petitioned the Government of the United States for a fulfilment of treaty engagements, to protect them, which was not done, and the answer given that the United States could not interfere. Georgia discovered she was not to be obstructed in carrying out her measures, "*founded on real humanity to these Indians,*" she passed an act directing the Indian country to be surveyed into districts. This excited some alarm, but the Cherokees were quieted with the assurance it would do no harm to survey the country. Another act was shortly after passed, to lay off the country into lots. As yet there was no authority to take possession, but it was not long before a

law was made, authorizing a lottery for the lands laid off into lots. In this act the Indians were secured in possession of all the lots touched by their improvements, and the balance of the country allowed to be occupied by white men. This was a direct violation of the 5th article of the treaty of the 27th of February, 1819. The Cherokees made no resistance, still petitioned the United States for protection, and received the same answer that the President could not interpose. After the country was parcelled out by lottery, a horde of speculators made their appearance, and purchased of the "fortunate drawers," lots touched by Indian improvements, at reduced prices, declaring it was uncertain when the Cherokees would surrender their rights, and that the lots were encumbered by their claims. The consequence of this speculation was that, at the next session of the Legislature, an act was passed limiting the Indian right of occupancy to the lot upon which he resided. . . .

[The memorial gives several examples of Cherokees who were cheated out of their lands or who lost them to white speculators or squatters.]

The delegation must repeat, the instrument entered into at New Echota, purporting to be a treaty, is deceptive to the world, and a fraud upon the Cherokee people. If a doubt exist as to the truth of their statement, a committee of investigation can learn the facts, and it may also learn that if the Cherokees are removed under that instrument, it will be by force.

Questions to Consider

Remember that your task in this chapter is a dual one. First, you must examine and analyze the five sources by white writers concerning how to deal with Native Americans east of the Mississippi River, noting the strengths and weaknesses of each argument. Then you must repeat the process for the seven sources by Cherokee writers[33] on the best course for the Cherokee nation to pursue.

President Andrew Jackson gave four principal reasons why, in his opinion, the Cherokees should not remain where they were as a political entity separate from the state of Georgia (Source 1). What were those four reasons? How important was it, in Jackson's opinion, that the Cherokees become "civilized"? In his view, what would be the results of permitting the Cherokees to remain in the East? Finally, Jackson strongly maintained that any such emigration "should be voluntary," but, in his view, what would happen to the Cherokees

33. See fn. 26.

who refused to leave? Why couldn't the president of the United States intervene to help the Cherokees remain where they were?

President Thomas Jefferson's letter of December 21, 1808 (Source 2), while not specifically referring to the Cherokees, accurately summarized his general policy with regard to Native Americans living within the boundaries of the United States. What did Jefferson believe were the causes of population decline among Native American people (note that Jackson also dealt with this problem, and in a way not terribly different from that of Jefferson)? How, in Jefferson's view, could that situation be reversed? In return for staying on their lands, what would Native Americans have had to give up? What was Jackson's opinion on this topic? In your view, which president was more eager to eliminate Native American cultures: Jackson or Jefferson? Also note that Jefferson realized that Native Americans were not simply wandering hunters, but that they already cultivated the earth ("all your women understand it"). What stereotype did Jefferson seem to believe? What do you make of the phrase, "you will unite yourselves with us, join in our Great Councils and form one people with us"? What was Jefferson proposing? How did Jackson treat the same subject?

Jeremiah Evarts (Source 3) also opposed removal. How did Evarts contest President Jackson's opinion that the Cherokees' position was unconstitutional, according to Article IV, Section 3 of the Constitution? (Remember that even though Evarts wrote months before Jackson's message, the president's position was well known.) What was Evarts's opinion of the much-circulated notion in Georgia that Cherokees were inhabiting some of the best land in the state? What was his position on the inability of the government to protect the Cherokees where they were from intruding whites?

Senator Theodore Frelinghuysen was deeply and genuinely concerned about the fate of Native Americans. The speech excerpted here (Source 4) took approximately six hours to deliver, so it is not possible to include all of the points he made in opposition to removal. Frelinghuysen began his speech by admitting that many Native Americans living in close proximity to whites had experienced great difficulties. Yet why does he say this has happened? Why does he believe that removal will not work and, moreover, is not necessary? What alternative (by inference) might Frelinghuysen have supported? How important was it to Frelinghuysen that the Cherokees become "civilized"? Did he seem less concerned than Andrew Jackson about making the Cherokees more like their white neighbors?

Georgia Governor Wilson Lumpkin (Source 5) maintained that, like Frelinghuyson, he too was genuinely concerned about the fate of the Cherokees but, unlike Frelinghuyson, Lumpkin argued for their removal. In Governor Lumpkin's opinion, why was this the only alternative? What did he believe would happen if the Cherokees were allowed to remain? Lumpkin maintained that the Cherokees were influenced by "busy-bodies." Who were they? How convincing was Lumpkin?[34]

The seven Cherokee sources reveal deep divisions over how—or whether—to oppose their removal. What arguments did the Cherokee women make in opposition to removal (Source 6)? What were the strengths and weaknesses of their position?

John Ridge appears twice in the evidence, once in 1826 (Source 7) and the other in 1835 (Source 11). What was the major difference in Ridge's position in the two sources? What was his major point in Source 7? How would that relate to his opinion in 1826 regarding removal? Source 11?

According to the Cherokee leaders' address in 1830 (Source 8), why were some Cherokees abandoning lands in Georgia and moving west? In their opinion, who were the real "intruders" in Georgia? How would you describe their appeal?

The re-election of President Jackson, and his statement that he would not enforce the Supreme Court's decision in *Worcester v. Georgia* (1832), convinced some Cherokee leaders that the only realistic alternative was to relocate to Indian Territory. In Elias Boudinot's "Resolutions" (Source 9), what arguments did he offer in support of removal? Why did he claim that most Cherokees still opposed relocation? How did Principal Chief John Ross attempt to counter Boudinot's arguments (Source 10)? Which person do you believe had the stronger argument? How would you describe the Cherokee protest in Source 12? What were the major points?

Having extracted from the evidence the principal arguments for and against removal, now use your text, the Background section of this chapter, and the help of your instructor to explain the strengths and weaknesses of each principal argument. In order to do so, take each argument for or against removal and use historical facts to determine its strengths and weaknesses. In some cases, another piece of evidence will assist you. For example, President Jackson claimed that the Cherokees' position was unconstitutional. Jeremiah Evarts, however, attempted (with some success) to challenge Jackson's position.

One more example will suffice. In his essay opposing removal, Evarts maintained that the Cherokees already had given up their best lands and what remained in their hands were lands that were "utterly worthless." What fact, however, did Evarts omit? In what way might that fact weaken his position?

Always keep in mind that a statement of opinion (a hypothesis) must be proved by using *facts*, and *not* by using other statements of opinion. What is the matter with the following two statements? (1) The Cherokees should be removed because they lack the industry to make their lands produce. (2) The Cherokees ought not to be removed because their lifestyle is superior to that of whites.

34. Lumpkin's opinion of Native Americans coincided with Jackson's. In his Fifth Annual Message to Congress (1833), the President stated that the Cherokees "have neither the intelligence, the industry, the moral habits, nor the desire of improvement . . . in their condition." James D. Richardson, *A Compilation of the Messages and Papers of the Presidents* (New York: Bureau of National Literature, 1897), vol. 3, p. 1252.