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Wilma Mankiller, "Reflections on Removal." From *Mankiller: A Chief and Her People* by Wilma Mankiller and Michael Wallis. Reprinted by permission of St. Martin's Press, LLC.

The Cherokee Removal

A Brief History with Documents

SECOND EDITION

Theda Perdue
Michael D. Green

University of North Carolina at Chapel Hill

BEDFORD/ST. MARTIN'S

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Negro woman which she had bought with money accumulated as before stated, and intended making a right of those Negro women to them, after getting some of their increase, for the benefit of her two youngest children, which are not yet of age; and the eldest daughters being desirous to get their mother to make a transfer of bills of sales for those Negro women, was to embrace all their increase; and the mother's refusing to do so having produced a misunderstanding and controversy between the mother and two daughters which has led to this order.

The National Committee are of opinion that justice forbids coercion on the mother to transfer bills of sale for those Negroes, contrary to her own free will and consent.

Therefore, it is decreed that the order herein be disannulled.

By order of the National Committee

Jno. Ross, President

A. McCoy
Clerk, Nl. Committee

A CHEROKEE VIEW OF "CIVILIZATION"

In the 1820s, a new generation of Cherokee leaders began to emerge. The sons of prominent warriors and traders, these young men had received an English education from private tutors or missionaries and entrée into business and politics from their fathers. They moved comfortably in an Anglo-American world and aspired to the same kinds of success as the sons of white southern planters. John Ridge was an important member of this Cherokee upper class.

The son of a warrior, The Ridge, John benefited from his father's early move from hunting and fighting to farming. The Ridge had cleared a large expanse of land in the Oothcaloga valley in northern Georgia before the turn of the nineteenth century. He built a log house with a chimney, planted corn and cotton, and began to buy African American slaves. He became involved in national politics as a promoter of "civilization" and as a patriot who helped execute the unscrupulous chief Doublehead for an illegal land sale. Participation in the Creek War of 1813-14 enhanced his stature as a Cherokee leader and brought him a commission as major, a title that he subsequently took as his first name.

John Ridge was born in 1803, and in 1810 his father enrolled him and his older sister Nancy in the Moravian mission school at Spring-



Figure 3. *Major Ridge (1771?-1839).*

Kahmungdaclageh, or the Man Who Walks on the Mountaintop, shortened the translation of his surname to Ridge, earned the rank of major in the Creek War, and took his title for his first name. A distinguished statesman who promoted "civilization," Ridge came to believe that the Cherokees had no alternative to removal. He signed the Treaty of New Echota with the United States government and paid with his life for what many Cherokees regarded as an act of treason.

Source: National Anthropological Archives, Smithsonian Institution (45, 113-B).

place. This was John's first introduction to the English language. He remained at Springplace until 1814 when his father employed a private tutor. Then in 1817, John and Nancy enrolled in the Brainerd Mission of the American Board of Commissioners for Foreign Missions. The next year, John briefly attended an academy in Knoxville, Tennessee, and then traveled to Cornwall, Connecticut, to enroll in the American Board's Foreign Mission School. While he was a student in Connecticut, John fell in love with Sarah Northrup, daughter of the school's steward. They married in 1824. Two years later, Ridge's fellow student

and cousin Elias Boudinot wed another young woman from Cornwall. The town's outrage over these two interracial marriages forced the school to close.

Following the completion of his formal education and his marriage, John Ridge accepted a position as a secretary for the Creek Indians, the Cherokees' neighbors to the south, in their negotiations with the federal government. This position took the young Cherokee man to Washington, where he came to the attention of Albert Gallatin, a prominent statesman who had served in Thomas Jefferson's cabinet. Gallatin was in the process of collecting information about American Indians, particularly their languages, and he enlisted Ridge in his research efforts. In addition to collecting vocabularies for several Indian languages, Ridge provided Gallatin with information about the Cherokees. The following letter was written in response to a list of questions Gallatin gave Ridge. Two versions of the letter survive. The one printed here, which is in the Payne papers at the Newberry Library, is the draft; the letter Gallatin actually received is in the New-York Historical Society. The two are virtually identical, but the editors have chosen the draft because it contains more spontaneous responses—and perhaps more accurate descriptions—than the final version. If you would like to compare the letters, see "John Ridge on Cherokee Civilization in 1826," edited by William C. Sturtevant, *Journal of Cherokee Studies* 7 (1981): 79–91. The editors have modernized spelling and punctuation to make the letter more readable.

John Ridge was particularly interested in charting culture change among the Cherokees. How had the economy changed? What new crops and animals had been introduced? How had the division of labor changed? What did men do? What did women do? Ridge suggested that among poorer Cherokees, women still farmed. How did he explain their work in the fields? Can you think of other reasons why women might have continued to farm? How had government changed? In what ways did the new Cherokee political organization incorporate the Anglo-American principle of balance of power? How did the Cherokee government compare with that of the United States? What was John Ridge's attitude toward traditional religion? How might you explain his attitude? How did he regard the "civilization" program?

If you are interested in learning more about John Ridge and his family, see Thurman Wilkins, *Cherokee Tragedy: The Story of the Ridge Family and the Decimation of a People* (New York: Macmillan, 1970).

JOHN RIDGE

Letter to Albert Gallatin

February 27, 1826

The Cherokee Nation is bounded on the North by east Tennessee & North Carolina, east by Georgia, south by the Creek Nation & state of Alabama, & west by west Tennessee. The extreme length of the Nation must be upwards of 200 miles & extreme breadth about 150. At a rough conjecture, it has been supposed to contain about 10,000,000 of acres of land. It is divided into eight districts or Counties by a special act of the National Council, & their boundaries are distinctly designated and defined. A census of the Nation was taken last year (1825) by order of the Council to ascertain the amount of property and Taxable persons within the Nation. The correctness of this may be relied on, and the population proved to be 13,583 native citizens, 147 white men married in the Nation, 73 white women, and 1,277 African slaves, to which if we add 400 cherokees who took reservations in North Carolina & who are not included in the census & who have since merged again among us, the Cherokee Nation will contain 15,480 inhabitants.¹ There is a scanty instance of African mixture with the Cherokee blood, but that of the white may be as 1 to 4, occasioned by intermarriages which has been increasing in proportion to the march of civilization.² The above population is dispersed over the face of the Country on separate farms; villages, or a community, having a common enclosure to protect their hutches [cabins], have disappeared long since, & to my knowledge, there is but one of this character at Coosawattee, the inhabitants of which are gradually diminishing by emigration to the woods, where they prefer to clear the forest & govern their own individual

¹The reservations to which Ridge refers were tracts of land (often 640 acres) within cessions that the United States deeded to individual Indians. The United States government originally intended to give private reservations to those Indians who wanted to become citizens and assimilate into Anglo-American society, but in practice officials often awarded these private reservations to prominent individuals as an inducement to sign cessions. The holders often sold this property, pocketed the money, and moved onto common land within the Cherokee Nation; unscrupulous whites defrauded others of their reservations, and they too moved into the Nation.

²The census of 1835 documents the racial composition of the Cherokee Nation. The census lists 12,776 Cherokees, or 77.7 percent, as "full bloods," that is, of only Cherokee ancestry.

plantations. In this view of their location, it really appears that they are farmers and herdsmen, which is their real character. It is true that there are distinctions now existing & increasingly so in the value of property possessed by individuals, but this only answers a good purpose, as a stimulus to those in the rear to equal their neighbors who have taken the lead. Their principal dependence for subsistence is on the production of their own farms. Indian corn is a staple production and is the most essential article of food in use. Wheat, rye & oats grow very well & some families have commenced to introduce them on their farms. Cotton is generally raised for domestic consumption and a few have grown it for market & have realized very good profits. I take pleasure to state, tho' cautiously, that there is not to my knowledge a solitary Cherokee to be found that depends upon the chase for subsistence and every head of a family has his house & farm. The hardest portion of manual labor is performed by the men, & the women occasionally lend a hand to the field, more by choice and necessity than any thing else. This is applicable to the poorer class, and I can do them the justice to say, they very contentedly perform the duties of the kitchen and that they are the most valuable portion of our Citizens. They sew, they weave, they spin, they cook our meals and act well the duties assigned them by Nature as mothers as far as they are able & improved. The African slaves are generally mostly held by Half breeds and full Indians of distinguished talents. In this class the principal value of property is retained and their farms are conducted in the same style with the southern white farmers of equal ability in point of property. Their houses are usually of hewed logs, with brick chimneys & shingled roofs, there are also a few excellent Brick houses & frames. Their furniture is better than the exterior appearance of their houses would incline a stranger to suppose. They have their regular meals as the whites, Servants to attend them in their repasts, and the tables are usually covered with a clean cloth & furnished with the usual plates, knives & forks &c.³ Every family more or less possess hogs, Cattle & horses and a number have commenced to pay attention to the introduction of sheep, which are increasing very fast. The horse is in general use for purposes of riding, drawing the plough or wagon.

Domestic manufactures is still confined to women who were first prevailed to undertake it. These consist of white or striped homespun,

³Cherokees traditionally ate only when they were hungry, a practice many Anglo-Americans considered to be "savage."

coarse woolen Blankets & in many instances very valuable & comfortable, twilled & figured coverlets. Woolen & cotton Stockings are mostly manufactured for domestic use within the Nation. I can only say that these domestic cloths are preferred by us to those brought from the New England. Domestic plaids our people are most generally clothed with them, but calicoes, silks, cambricks, &c. Handkerchiefs & shawls &c. are introduced by Native merchants, who generally trade to Augusta in Georgia. The only trade carried on by the Cherokees with the adjoining States, is in hogs & horned Cattle. Skins formerly were sold in respectable quantities but that kind of trade is fast declining & getting less reputable. Cherokees on the Tennessee river have already commenced to trade in cotton & grow the article in large plantations and they have realized very handsome profit. All those who have it in their power, are making preparations to grow it for market & it will soon be the staple commodity of traffic for the Nation.

You will be able more fully to ascertain their state of improvement by giving the out lines of their Government. Having been honored with a seat in its National Councils, I have better acquaintance with this branch of your enquiry, than any other. All Indian Nations are either divided into tribes, distinguished by different names & these are subdivided into Towns.⁴ In each of these tribes or Towns are of course some men, prominent for valor, humanity & wisdom. The Assemblage of such men forms their Council fire. They are a standing body, & indefinitely so in number of warriors. They possess within themselves Legislation, Judicial & Executive powers. The first law & most prominent law is against murder. This is to be revenged & by the tribe of the victim without trial, whilst the relatives of the offender are compelled to remain neuter by the law of the Nation. This kind of Government existed in our Nation. Their chiefs were numerous and their responsibility was a trifling. Lands then could be obtained of them at a price most convenient to the U. States as their commissioners with the assistance of their agent could always procure a majority for a Cession, & when this was done, all yielded to secure their shares for the trifling equivalent. At length the eyes of our Nation were opened to see their folly. Their existence was in danger & the Remedy was within themselves & this could only be affected in the amendment of their Government. Useless members were stricken off. A Treasurer was appointed & a National seat for their future Government was selected. In short, these Chiefs organized themselves into

⁴Ridge is using "tribe" as a synonym for "clan."

Standing body of Legislators who meet in October annually at New Town [New Echota], their seat of Government.

They are composed of two departments, the National Committee & the Representative Council. The former consist of 13 members including their President & have a Clerk to record their proceedings. They control & regulate their monied concerns: powers to inspect the Books of the Treasury, & acknowledge claims, power to Legislate & Negative the sets of the other Branch of the Legislative Council. The Representatives have also their Secretary, consist of 45 members including their Speaker. They have power to Legislate & Negative the proceedings of the Nat. committee fill their own vacancies & the vacancies in the Committee, to elect the two head chiefs, or their executive in conjunction with the National Committee. All laws of course are passed with the concurrences of these two departments & approved of by the head Chiefs. Their laws at present are written in the English Language and commence in the words, to wit. "Be it Resolved by the National Committee & Council" &c. and are signed by the speaker of the Representatives, the President of the Committee and when approved by the first head Chief & attested by the Clerks. These Branches of our Legislature are composed of men chosen from the eight districts heretofore mentioned in as satisfactory proportion as circumstances will allow. The Judiciary of our Nation is more perfect than the Legislature, having less obstacles to make it so than the latter. It is independent [and has the] Power to bring any Chief before it of any grade, to pass sentence & put it in execution. There is a Court of Justice in every district & its district Judge, who presides over two Districts. Every Court has a Jury and its district officers, Sheriff constables &c. to attend it. A plaintiff or defendant can object to any Jury to sit on his trial or suit & if reasonable, he is indulged by the laws of his Country. There is also a Supreme Court of the Nation held once annually at New Town when all appeals from the district Courts are finally decided. At this Court Costs are exacted, but the District Courts are not allowed the privilege. The Sheriffs, marshals and constable are allowed 8 percent for collecting Taxes and debts &c. We have as yet not prisons and Justice is quickly awarded. The thief as soon as convicted & sentence passed is tied to the first Tree & on the naked skin is impressed, his receipt, for release. We have not as yet many written laws, it being the policy of our Government to regulate itself to the capacity and state of improvement of our people. I will give you a sketch of a few of these laws.

1. Law to regulate our Citizens agreeable to the Intercourse laws of the U. States for the purpose of Securing peace on the frontiers.
2. A law prohibiting the introduction of Intoxicating liquors by the whites.
3. Regulating intermarriages with the whites, making it necessary for a white man to obtain license & be married by a Gospel minister or some authorized person.
4. Against Renting land & introducing white people without a special written permission of the Legislative Council. Penalty: Expulsion of the white people so introduced as intruders, a fine of \$500 on the aggressor and one hundred stripes on the naked back.
5. Giving indefeasible title to Lands improved—houses &c.—to the Citizens with power to sell or transfer them among each other, but not to Citizens of the adjoining States.
6. Regulating Taxes and defining the duties of collectors.
7. Law, prohibiting the sale of any more Lands to the United States except it be done by the concurrences of the Nat. Committee & Council; Penalty: disgrace & death to the offender.
8. A law to protect the orphan & widow to the father's [and] husband's property after death.
9. Regulating the Salary of the two head Chiefs, District & circuit Judges, the pay of the members of the Legislative Council & their clerks during active service and officers of the Nation generally.
10. Regulating the Judicial Courts of the Nation, defining their Powers.
11. against stealing.
12. against murder.
13. Defining the power of the Chiefs and that only exercised in a body in their Legislative capacity at the times appointed by law, and in the recess to be on a level with private Citizens.

I am assured of the loyalty of our Citizens to their Government and their laws and are determined to secure these blessings to their descendants yet unborn as an inheritance.

Property belonging to the wife is not exclusively at the control & disposal of the husband, and in many respects she has exclusive &

distinct control over her own, particularly among the less civilized & in fact in every class & grade of intelligence, the law is in favor of the females in this respect.⁵ Rules & customs in the transfer of property are adopted & respected from the adjoining states in the absence of any law to regulate this branch of our trade. Property descends from parents, equally to the children; if none, to the next relatives &c. But if a will is made, it is respected to the fullest extent & every person, possessed of property, is entitled to dispose of his or her property in this way.

Superstition is the portion of all uncivilized Nations and Idolatry is only engendered in the Brain of rudeness. The Cherokees in their most savage state, never worshipped the work of their own hands—neither fire or water nor any one or portion of splendid fires that adorn heaven's Canopy above. They believed in a great first cause or Spirit of all Good & in a great being the author of all evil. These [were] at variance and at war with each other, but the good Spirit was supposed to be superior to the bad one. These immortal beings had on both sides numerous intelligent beings of analogous dispositions to their chieftains. They had a heaven, which consisted of a visible world to those who had undergone a change by death. This heaven was adorned with all the beauties which a savage imagination could conceive: An open forest, yet various, giving shade & fruit of every kind; Flowers of various hues & pleasant to the Smell; Game of all kinds in great abundance, enough of feasts & plenty of dances, & to crown the whole, the most beautiful women, prepared & adorned by the great Spirit, for every individual Indian that by wisdom, hospitality & Bravery was introduced to this happy & immortal region. The Bad place was the reverse of this & in the vicinity of the good place, where the wretched, compelled to live in hunger, hostility & darkness, could hear the rejoicings of the happy, without the possibility of reaching its shores.

Witches or wizards were in existence and pretended to possess Supernatural powers & intercourse with the Devil or bad Spirit. They

⁵In 1826, the states followed English common law with respect to married women's property. Under this legal tradition, married women had no right to property, even property they had before they married. When a woman married, her husband gained title to everything she owned. In 1839, Mississippi became the first state to enact legislation to protect the property rights of married women. The Cherokee law that protected married women's property may have been a holdover from traditional practices in which women controlled houses and fields, but the Council probably enacted this law to prevent white men from marrying Cherokee women solely to gain control of their property, which the Nation regarded as commonly owned.

were supposed capable of transforming themselves into the beasts of the forest & fowls of the air & take their nocturnal excursions in pursuit of human victims, particularly those suffering from disease, & it was often necessary for their friends to employ witch shooters to protect the sick from such visitors. Such characters were the dread of the Country, & many a time have I trembled at the croaking of a frog, hooting of an owl or guttural hoarseness of a Raven by night in my younger days. After the people began to be a little more courageous, these witches had a bad time of it. They were often on suspicion butchered or tomahawked by the enraged parents, relatives or friends of the deceased, particularly if the sickness was of short duration. The severity of revenge fell most principally on the grey hairs of aged persons of both sexes. To stop this evil, it was necessary to pass a law considering all slaughters of this kind in the light of murder, which has effected the desired remedy. There [are] yet among us who pretend to possess powers of milder character, Such as making rain, allaying a storm or whirlwinds, playing with thunder & foretelling future events with many other trifling conjurations not worth mentioning, but they are generally living monuments of fun to the young and grave Ridicule for the those in maturer years. There [are] about 8 churches, where the gospel is preached on sabbath days with in the Nation. They are missionary stations supported by moravians, Presbyterians, Baptists and methodists and each of these churches have a goodly number of pious & exemplary members and others, not professors, attend to preaching with respectable deportment. I am not able to say the precise number of actual christians, but they are respectable in point of number & character. And many a drunken, idle & good for nothing Indian has been converted from error & have become useful Citizens: Portions of Scripture & sacred hymns are translated and I have frequently heard with astonishment a Cherokee, unacquainted with the English take his text & preach, read his hymn & sing it, Joined by his audience, and pray to his heavenly father with great propriety & devotion. The influence of Religion on the life of the Indians is powerful & lasting. I have an uncle, who was given to all the vices of savagism in drunkenness, fornication and roguery & he is now tho' poorer in this world's goods but rich in goodness & makes his living by hard labor & is in every respect an honest praying christian.

In respect to marriage, we have no law regulating it & polygamy is still allowed to Native Cherokees. Increase of morality among the men, the same among the women & a respect for their characters & matrimonial happiness is fast consuming this last vestige of our ignorance.

We attempted to pass a law regulating marriage, but as nearly all the members of our Legislature, tho' convinced of the propriety, had been married under the old existing ceremony, [and] were afraid it would reflect dishonor on them, it failed. Time will effect the desired change in this system & it is worthy of mention, even now, that the most respectable portion of our females prefer, tho' not required by law to be united in marriage attended by the solemnities of the Christian mode. Indians, tho' naturally highminded, are not addicted to as much revenge as they have been represented, and I can say this, much it is paid for them to endure an intended Insult but they are ready to forgive if they discover marks of repentance in the countenance of an enemy. In regard to Intemperance, we are still as a nation grossly degraded. We are however on the improve. Five years ago our best chiefs during their official labors would get drunk & continue so for two or three days. It is now not the case & any member who should thus depart from duty would now be expelled from the Council. Among the younger class, a large number are of fine habits, temperate & genteel in their deportment. The females aspire to gain the affection of such men & to the females we may always ascribe the honor of effecting the civilization of man. There are about 13 Schools established by missionaries in the Nation and may contain 250 students. They are entirely supported by the humane Societies in different parts of the U. States. The Nation has not as yet contributed to the support of these Schools. Besides this, some of our most respectable people have their children educated at the academies in the adjoining states. Two cherokee females have recently completed their Education, at the expense of their father, at a celebrated female Academy in Salem, North Carolina. They are highly accomplished & in point of appearance & deportment; they would pass for the genteel & wellbred ladies in any Country.

I know of some others who are preparing for an admission in the same institution. I suppose that there are one third of our Citizens, that can read & write in the English Language. George Guess a Cherokee who is unacquainted with the English has invented 86 characters, in which the cherokees read & write in their own Language and regularly correspond with their Arkansas friends. This mode of writing is most extensively adopted by our people particularly by those who are ignorant of the English Language. A National Academy of a high order is to be soon established by law at our seat of Government.⁶ The edi-

⁶The plan to establish a national academy materialized only after removal. In the 1850s the Cherokees opened the Cherokee Male Seminary and the Cherokee Female Seminary, publicly supported institutions of higher education.

fic will be of Brick & will be supported by the Nation. It is also in contemplation to establish an English & Cherokee printing press & a paper edited in both languages at our seat of Government. In our last Session, \$1500 was appropriated to purchase the press and regulations adopted to carry the object into effect.⁷ We have also a Society organized called the "Moral & Literary Society of the Cherokee Nation." A library is attached to this Institution.

Provision has been made by our Delegation at this place, in a Treaty with John C. Calhoun, the Sec'y of War in 1819, to afford aid to education in our Nation, by Reserving twelve miles square of Land to be sold by the President & by him invested to draw interest & applied as he shall think proper. This tract has not been sold as yet, owing as I have understood in the unfavorable condition of the market at this time.

Having given a view of the present of civilization of the Cherokee Nation, it may not be amiss to relate the time & manner when it was first introduced. About the year 1795 Missionaries were sent by the United Abraham Or Moravians to the Cherokees & established a Station called Spring place in the center of Nation.⁸ At or about that time, 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 & 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,

⁷The Cherokee Nation began publication of a bilingual newspaper, the *Cherokee Phoenix*, in 1828 with Ridge's cousin, Elias Boudinot, as editor.

⁸The Moravians actually established their mission in 1800.

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

"Curious to view the Kings of ancient days,"
"The mighty dead that live in endless praise".

I draw to a close. Solemn & gloomy is the thought that all the Indian nations who once occupied America are nearly Gone! Powerful in War & Sage in peace, the Chiefs now sleep with their heroic deeds silent, in the bosom of the Earth! It was not their destiny to become great. Their Council fires could not be united into one, as the Seat of a great empire. It was for strangers to effect this, and necessity now compels the last Remnants to look to it for protection. It is true we Govern ourselves, but yet we live in fear. We are urged by these strangers to make room for their settlements & go farther west. Our National existence is suspended on the faith & honor of the U. States, alone. Their convenience may cut this asunder, & with a little faint struggle we may cease to be. All Nations have had their rises & their falls. This has been the case with us. Within the orbit the U. States move the States & within these we move in a little circle, dependent on the great center. We may live in this way fifty years & then we shall by Natural causes merge in & mingle with the U. States. Cherokee blood, if not destroyed, will wind its courses in beings of fair complexions, who will read that their ancestors became civilized under the frowns of misfortunes & causes of their enemies.

CHRISTIAN MISSIONS

The United States employed an agent to reside among the Cherokees and teach them the skills of "civilization," but much of the responsibility for "civilizing" the Cherokees fell to missionaries. The United States government subsidized Christian missions because the scope of mission work extended far beyond preaching the gospel: Missionaries set up schools and model farms and even served as United States post-masters. The peaceful partnership of missionaries and government agents, however, had a relatively brief tenure. As you will discover in later documents, some missionaries ultimately embraced the Cherokee cause and joined the struggle against land cession and removal.

Indian missions became a major concern of most Protestant denominations in the early nineteenth century as a wave of revivalism swept the United States and reinvigorated Protestantism. Those who responded to revivalism emphasized the salvation experience that resulted from God's grace and the convert's faith, and they became known as evangelicals. Many evangelical Christians believed that they could transform the world into a Christian commonwealth. They embarked on a crusade to convert non-Christians, particularly those who had never heard the gospel, around the globe. Native Americans became a special mission target for many groups, in part because they were closer to home and cheaper to reach.

Although the first permanent missionaries to the Cherokees, the Moravians, were not particularly touched by the revivalism of the period, the Presbyterians (American Board), Baptists, and Methodists who followed them were. While conversion to Christianity was the foremost concern of the missionaries, they linked Christianization to "civilization." With financial assistance from the United States government and encouragement from Cherokee leaders, they established mission stations, which served several purposes. First, the buildings housed the families of missionaries, and the surrounding fields fed them. Second, they provided a site for services and a base from which itinerant ministers could travel. Third, they afforded educational opportunities for Cherokee children who boarded at the mission stations or attended day schools. And finally, the mission family, farm, houses, and life style—even to the point of table manners and dress—served as a model for Cherokees to emulate.

Although most Cherokees found an English education desirable, few had much use for Christianity. By 1835 only about 10 percent of the population belonged to a church. While this is roughly the same

percentage of church membership as in the white South, the failure to join a church meant radically different things for Cherokees and whites. Most white southerners subscribed to some version of Christian doctrine even if they did not place their names on church rolls. Most unchurched Cherokees, however, were not nominal Christians: They rejected basic Christian doctrines in preference to their own religious beliefs.

While missionaries were often dismayed at the difficulty of converting adult Cherokees, they held out great hope for the children. To convert children, missionaries believed that they must also "civilize" them. Children had to be separated from their own culture, and frequently this meant separating them from their parents. Children often lived in dormitories or with mission families, and the missionaries carefully supervised their activities. Children learned not only to read and write, add and subtract, sing and pray, but also how to live like Anglo-Americans. The missionaries taught boys to farm and girls to keep house, and they tried to teach all Cherokee children that "civilization" was preferable to traditional Cherokee culture.

One of the most successful schools, Brainerd Mission, was located at present-day Chattanooga. The American Board of Commissioners for Foreign Missions established Brainerd in 1817. Headquartered in Boston, the American Board was an interdenominational organization composed largely of Presbyterians and Congregationalists. Brainerd Mission depended heavily on contributions from white Christians for its operating expenses, and the missionaries encouraged the students to correspond with benefactors. Several letters written by young Cherokee women at Brainerd survive. They are part of the John Howard Payne papers at the Newberry Library. The letters reprinted here, along with others, have been edited by Theda Perdue and published in *The Journal of Cherokee Studies* 4 (1979): 4-9.

In reading these letters, pay particular attention to the daily regimen, the response of the students to Christianity, and the students' attitudes toward nonmission Cherokees. How did students spend their days? What success were missionaries having in converting them? What was the relationship of these students to their families? How did the students regard Cherokee culture?

For more information about Indian missions in general, see Robert F. Berkhofer Jr., *Salvation and the Savage: An Analysis of Protestant Missions and American Indian Response* (Lexington: University of Kentucky Press, 1965). William G. McLoughlin's studies of missionaries to the Cherokees are well worth reading: *Cherokees and Missionaries,*

1789-1839 (New Haven: Yale University Press, 1984) and *The Cherokees and Christianity, 1794-1870: Essays on Acculturation and Cultural Persistence*, ed. Walter H. Conser Jr. (Athens: University of Georgia Press, 1994). Also see Robert Sparks Walker, *Torchlights to the Cherokees: Brainerd Mission* (New York: The Macmillan Company, 1931). An important published primary source is Joyce B. Phillips and Paul Gary Phillips, *The Brainerd Journal: A Mission to the Cherokees, 1817-1823* (Lincoln: University of Nebraska Press, 1998).

ELIZABETH TAYLOR

Letter to Miss Abigail Parker

June 26, 1828

As we often write to our teachers friends she has requested me to write a few lines to you. She wishes me to give you an idea of the customs of the Cherokees, as she has not time. I am willing to do it because I think when christians know how much we need the means of knowledge, they will feel the importance of sending missionaries. — The unenlightened parts of this nation assemble for dances around a fire. The one that goes before sings; a woman follows after having herself adorned with shells which make a rattling noise when she dances. The others follow after, dancing around a fire in a ring, and keep up their amusements all night. In like manner the men dance the night before their ball plays. The next day when the two parties are collected at the ball ground, the side that excels receives horses, kegs, guns, clothing &c. from the other party. When they wish it to rain, they will send for a conjurer who will throw a black cat into the water, hang up a serpent &c.

Likewise when they are sick, they get one to blow and throw cold water on them and mutter over talk that cannot be understood. . . . Every year when the green corn, beans, &c are large enough to eat, they dance one night and torture themselves by scratching their bodies with snakes teeth before they will eat any.

When they go to each others houses, they will stand and peep through the fence, till some one goes out and inquires what they wish. Their living consist chiefly of pounded corn, sweet potatoes, and some

meat. Their dishes are made by themselves of clay, first hardned by burning, then glazed by the smoke of meal bran; eight or ten will often get around one of these on the ground, with one wooden spoon, one will take a mouthful and pass it on to the other.

Many about this station are more civilized. Some come to meeting and appear as well as white people. Others dress in the Indian manner with maucassins for shoes, and handerchiefs round their heads for turbans.

But I have learned that the white people were once as degraded as this people; and that encourages me to think that this nation will soon become enlightened.

SALLY M. REECE

Letter to Reverend Daniel Campbell

July 25, 1828

First I will tell you about the Cherokees. I think they improve. They have a printing press, and print a paper which is called the Cherokee Phoenix. They come to meeting on Sabbath days. They wear clothes which they made themselves.

Some though rude, have shoes and stockings. They keep horses, cows, sheep, and swine. Some have oxen. They cultivate fields. They have yet a great many bad customs but I hope all these things will soon be done away. They have thought more about the Saviour lately. I hope this nation will soon become civilized and enlightened. There are 25 girls in school at Brainerd. Mary Ann and Electa goes to school. They are not Cherokees. They are the daughters of Mr. John Vail, one of the missionaries.

I am now under the care of Mr and Mrs Fernal. They live down to the creek when Mr Dean used to live. Catharine my sister stays there too. My parents comes here to meeting on Sabbaths. My Father thinks is a great privelege to learn to read. He can read but Mother cannot. I should like to tell you how my Father's house is situated. It is surrrounded with hills. There are trees in the door yard. I take pleasure in sitting under them to attend to my work. And [there is] an orchard back of the house. A road [runs] between the house and field

where the travellers pass. They very often call to stay all night. I help Mother to take care of my Brothers and sisters. My Father works in the field. Mother spins and weaves.

NANCY REECE

Letter to Reverend Fayette Shepherd

December 25, 1828

I will tell you something of our happy school, so you may know how we shall feel if we should be separated from each other, and from our teachers and other missionaries. Miss. Ames has twenty-nine scholars one more is expected which will make the school full. The studies in our school are Reading, Spelling, Writing, Geography, Arithmetick, two have begun to study grammar. Eight new scholars have entered school this year. Part of them cannot talk english, and Miss Ames is obliged to have me interpret for her. I have a class of the younger children in Sabbath school. I ask those children who do not talk english if they understood the sermon that was read and they say they do not but when my father comes on sabbath days he talks in Cherokee. Then they tell me a great [deal] he says. I try to tell them how to spend the sabbath day and tell them where they will go when they die if they are not good. When they first enter school if they are asked these questions, they often say they don't know.

When school hours are over, the girls attend to domestick concerns and learn to make their own clothes and the clothes of the boys so they can do such work when they go home, to assist their parents. They can then take care of their houses and their brothers and sisters and perhaps can learn their parents something that they do not understand.

We have a society on Saturdays we work two hours to try to get some money for the heathen who have not had missionaries as we have. Miss Sargent generally comes in and reads to us.

The boys chop wood and in the summer help about the farm and some that have left school are learning the black smiths trade. Miss Sargent goes into their school room evenings to teach them, and sometimes they set with her in her room. . . .

I do not think that all the people are friends to the Cherokees. Miss. Ames has been reading a part of the Presid. message. Perhaps he does not like the laws of the Indian tribes for he says "This state of things requires that a remedy should be provided." Miss. Ames has been talking to the scholars and she felt bad and told them that they must get a good education soon as they can, so they can teach if they should be removed where they could not attend school and says that we must try to get religion for all the instructors ought to be christians. It seems that it will be a trying season to us and the missionaries if we should be separated from them, but she says if God suffers it to be, we ought not to complain, for it will be for the best. I have been talking to the children about it and one says "if the white people want more land let them go back to the country they came from," another says "they have got more land than they use, what do they want to get ours for?"

QUANTIFYING CHEROKEE "CIVILIZATION"

In 1835 the United States government commissioned an accounting of Cherokees east of the Mississippi, their property and productivity, and their skills. The Census of 1835 contains the names of 2,637 Cherokees whom the census taker assumed to be the heads of households. The census recorded a total of 16,542 Cherokees, of whom 77.27 percent were "full blooded," 201 intermarried whites, and 1,592 African American slaves. These people cultivated 44,000 acres and raised well over half a million bushels of corn. Slightly more than half the households in the Nation had at least one reader of Cherokee, while 18 percent had an English reader. The census entries printed here represent only a tiny fraction of the total number of Cherokees listed on the census.

These particular people lived in the Long Savannah community of what became Hamilton County, Tennessee. This community was typical of most in the Cherokee Nation. Wealthy Cherokees like James Vann lived near much poorer Cherokees, and people with no Anglo-American ancestry lived in the same community with intermarried whites and their descendants. Long Savannah had slaveholders and nonslaveholders, farmers and craftsmen, people who were literate and those who were not. In other words, however economically stratified and culturally divided the Cherokees had become by 1835, few Cherokees lived in isolation from those who had different values and life-



Figure 4. *Vann House, Spring Place, Georgia.*

James Vann built this elegant, red brick house about 1804. In 1834, Georgians seized the house as well as cabins, barns, mills, smokehouses, corncribs, a blacksmith shop, and eight hundred cultivated acres because Joseph Vann, the builder's son and heir, hired a white overseer in violation of Georgia law. The house still stands; it is publicly owned and welcomes visitors.

Source: Photo by James R. Lockhart, Georgia Department of Natural Resources, Historic Preservation Division.

styles. As you examine the census, pay particular attention to the relationship between variables—for example, slave ownership and agricultural productivity.

A census can give us more than merely statistical information. For example, the designer of this census thought that enumerating the amount of wheat a person grew was important, yet in the Long Savannah community only Adam Seabolt produced any. Everyone else who farmed grew corn. The remainder of the census follows this pattern. Why was wheat production included as a variable, and what can this tell us about the Cherokees? Missionaries and other promoters of

two choices: Accept Georgia law or move west. The Supreme Court ruled against Georgia in *Worcester v. Georgia* in 1832, but Georgia refused to acknowledge the ruling and Jackson clearly had no intention of forcing the state to comply. Georgians accelerated their campaign and forced many Cherokees from their homes. The president's unwillingness to intercede left the Cherokees at Georgia's mercy.

While the Jackson administration was eager to remove all of the southern tribes, the articles and essays, memorials and petitions, debates and discussions focused on the Cherokees. They had become the object of everyone's attention, in part because Georgia made them so.

Georgia's Indian policy in the 1820s and 1830s has not been the subject of systematic inquiry in recent years, but material useful for further study does exist. Ulrich B. Phillips, "Georgia and States Rights: A Study of the Political History of Georgia from the Revolution to the Civil War, with Particular Regard to Federal Relations," *Annual Report of the American Historical Association for 1901* (Washington, D.C.: Government Printing Office, 1902, 2: 3-224; reprint edited by Louis Filler, Yellow Springs, Ohio: Antioch Press, 1968), is an important place to begin, although the interpretation is unabashedly pro-Georgia. Michael D. Green, *Politics of Indian Removal: Creek Government and Society in Crisis* (Lincoln: University of Nebraska Press, 1982), discusses the controversy between Georgia and the Creeks that set the stage for Cherokee removal. Mary Young, "The Exercise of Sovereignty in Cherokee Georgia," *Journal of the Early Republic* 10 (1990): 43-63, considers Georgia policy relative to the Cherokees. For a good legal history, see Tim Alan Garrison, *The Legal Ideology of Removal: The Southern Judiciary and the Sovereignty of Native American Nations* (Athens: University of Georgia Press, 2002).

THE GEORGIA LAWS

Resolutions of the Georgia General Assembly in 1826 and 1827 asserted that by virtue of its colonial charter, Georgia held complete sovereign dominion over all the land and people within its borders, including the Cherokees. This claim implied that under the Constitution, the federal government had no authority in dealing with the Cherokees except to regulate commerce. Therefore, if the United States failed to acquire the Cherokee Nation for Georgia under the Compact of 1802, the state was within its sovereign rights simply to take it.

These resolutions were not empty threats. Rather, they were designed to put both the United States and the Cherokee Nation on notice that Georgia would not relax its demand that the Cherokees be expelled. The legislature did not threaten to invade the Cherokee Nation with an armed force, but it clearly believed that it had the right to do so if it wished. For example, the assembly resolved in 1827 "that the Indians are tenants at [Georgia's] will, and [Georgia] may at any time she pleases, determine that tenancy by taking possession of the premises." But because the state was anxious not to "disturb the public tranquility . . . she will not attempt to improve her rights by violence until all other means of redress fail." Rather, the assembly instructed the governor to send copies of its report and resolutions to both the president and the Cherokees so that all would understand that "if the United States will not redeem her pledged honor; and if the Indians continue to turn a deaf ear to the voice of reason and friendship, we now solemnly warn them of the consequences. The lands in question *belong* to Georgia. She *must* and she *will* have them."

The next year, 1828, produced no treaty of cession and in December the General Assembly enacted legislation to attach the Cherokee Nation to five Georgia counties, thus putting the Cherokees and their lands under state jurisdiction. To go into effect June 1, 1830, this extension law also disallowed all laws enacted by the Cherokee National Council. Everyone understood the political and constitutional implications of Georgia's action and eagerly awaited the president's reaction. President Jackson recognized Georgia's claim to sovereignty over the Cherokee Nation and upheld the extension law. But Georgia still had no treaty of cession. Frustrated by continued delay and encouraged by Jackson's supportive Indian policy, the assembly enacted a second, more comprehensive jurisdiction law. In part, this act responded to legislation passed by the Cherokee Council in 1829 that revoked the Cherokee citizenship of people who enrolled to emigrate west.

In December 1830, the General Assembly further tightened the grip on the Cherokee Nation by making it illegal for the Cherokee government to meet and act. To go into effect February 1, 1831, this law also prescribed that whites living in the Cherokee Nation take an oath of allegiance to Georgia and established the Georgia Guard, a special police force empowered to enforce Georgia law within the Cherokee Nation. The acts printed here, along with the 1826 and 1827 resolutions and the 1828 law, come from *Acts of the Georgia General Assembly*, published annually in Milledgeville, then the state capital.

As you read these laws, remember that their purpose was to force the Cherokees to the treaty table by using the political power of the state to make life for the Cherokees so miserable that they would be happy to flee. How did these laws affect the Cherokee Nation's government? How did they challenge Cherokee sovereignty?

GEORGIA STATE ASSEMBLY

Laws Extending Jurisdiction over the Cherokees

*December 19, 1829,
and December 22, 1830*

An act to add the Territory lying within the chartered limits of Georgia, and now in the occupancy of the Cherokee Indians, to the counties of Carroll, DeKalb, Gwinnett, Hall and Habersham, and to extend the laws of this State over the same, and to annul all laws and ordinances made by the Cherokee nation of Indians, and to provide for the compensation of officers serving legal process in said Territory, and to regulate the testimony of Indians, and to repeal the ninth section of the act of eighteen hundred and twenty-eight, upon this subject. . . .

Sec. 6. *And be it further enacted*, That all the laws both civil and criminal of this State be, and the same are hereby extended over said portions of territory respectively, and all persons whatever residing within the same, shall, after the first day of June next, be subject and liable to the operation of said laws, in the same manner as other citizens of this State or the citizens of said counties respectively, and all writs and processes whatever issued by the courts or officers of said courts, shall extend over, and operate on the portions of territory hereby added to the same respectively.

Sec. 7. *And be it further enacted*, That after the first day of June next, all laws, ordinances, orders and regulations of any kind whatever, made, passed, or enacted by the Cherokee Indians, either in general council or in any other way whatever, or by any authority whatever of said tribe, be, and the same are hereby declared to be null and void and of no effect, as if the same had never existed; and in all

cases of indictment or civil suits, it shall not be lawful for the defendant to justify under any of said laws, ordinances, orders or regulations; nor shall the courts of this State permit the same to be given in evidence on the trial of any suit whatever.

Sec. 8. *And be it further enacted*, That it shall not be lawful for any person or body of persons by arbitrary power or by virtue of any pretended rule, ordinance, law or custom of said Cherokee nation, to prevent, by threats, menaces or other means, to endeavor to prevent any Indian of said nation residing within the chartered limits of this State, from enrolling as an emigrant or actually emigrating, or removing from said nation; nor shall it be lawful for any person or body of persons by arbitrary power or by virtue of any pretended rule, ordinance, law or custom of said nation, to punish in any manner, or to molest either the person or property, or to abridge the rights or privileges of any Indian for enrolling his or her name as an emigrant or for emigrating, or intending to emigrate from said nation. . . .

Sec. 10. *And be it further enacted*, That it shall not be lawful for any person or body of persons, by arbitrary power, or under colour of any pretended rule, ordinance, law or custom of said nation to prevent, or offer to prevent, or deter any Indian, head man, chief or warrior of said nation residing within the chartered limits of this State, from selling or ceding to the U. States, for the use of Georgia the whole or any part of said territory, or to prevent or offer to prevent any Indian, head man, chief or warrior of said nation; residing as aforesaid, from meeting in council or treaty, any commissioner or commissioners on the part of the United States, for any purpose whatever. . . .

Sec. 15. *And be it further enacted*, That no Indian or descendant of any Indian residing within the Creek or Cherokee nations of Indians, shall be deemed a competent witness in any court of this State to which a white person may be a party, except such white person resides within the said nation.

An act to prevent the exercise of assumed and arbitrary power, by all persons under pretext of authority from the Cherokee Indians, and their laws, and to prevent white persons from residing within that part of the chartered limits of Georgia, occupied by the Cherokee Indians, and to provide a guard for the protection of the gold mines, and to enforce the laws of the State within the aforesaid territory.

Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That after the first day of February, eighteen

hundred and thirty-one, it shall not be lawful for any person, or persons, under colour or pretence, of authority from said Cherokee tribe, or as head men, chiefs, or warriors of said tribe, to cause or procure by any means the assembling of any council, or other pretended Legislative body of the said Indians, or others living among them, for the purpose of legislating, (or for any other purpose whatever.) And persons offending against the provisions of this section, shall be guilty of a high misdemeanor, and subject to indictment therefor, and on conviction, shall be punished by confinement at hard labour in the Penitentiary for the space of four years.

Sec. 2. *And be it further enacted by the authority aforesaid,* That after the time aforesaid, it shall not be lawful for any person or persons under pretext of authority from the Cherokee tribe, or as representatives, chiefs, headmen, or warriors of said tribe, to meet, or assemble as a council, assembly, convention, or in any other capacity, for the purpose of making laws, orders, or regulations for said tribe. And all persons offending against the provisions of this section, shall be guilty of a high misdemeanor and subject to an indictment, and on conviction thereof, shall undergo an imprisonment in the Penitentiary at hard labour for the space of four years. . . .

Sec. 6. *And be it further enacted by the authority aforesaid,* That none of the provisions of this act, shall be so construed as to prevent said tribe, its headmen, chiefs, or other representatives from meeting any agent or commissioner, on the part of this State or the United States, for any purpose whatever.

Sec. 7. *And be it further enacted by the authority aforesaid,* That all white persons residing within the limits of the Cherokee nation, on the first day of March next, or at any time thereafter, without a license or permit, from his Excellency the Governor, or from such agent as his Excellency the Governor, shall authorise to grant such permit or license, and who shall not have taken the oath hereinafter required, shall be guilty of an high misdemeanor, and upon conviction thereof, shall be punished by confinement in the Penitentiary at hard labour, for a term not less than four years. . . .

Sec. 11. *And be it further enacted by the authority aforesaid,* That his Excellency the Governor, be, and he is hereby empowered, should he deem it necessary, either for the protection of the mines, or for the enforcement of the laws of force within the Cherokee nation, to raise and organise a guard, to be employed on foot, or mounted as occasion may require, which shall not consist of more than sixty persons, which guard shall be under the command of the commissioner or

agent appointed by the Governor, to protect the mines, with power to dismiss from the service, any member of said guard, on paying the wages due for services rendered, for disorderly conduct, and make appointments to fill the vacancies occasioned by such dismissal.

GEORGIA AND THE SUPREME COURT

The Cherokees resisted Georgia's encroachment on their territory and sovereignty by challenging the state in the United States Supreme Court. The first case to reach the Supreme Court was *Cherokee Nation v. Georgia* (1831). The Georgia Guard had arrested George Tassel, a Cherokee citizen, for murdering another Cherokee within the Cherokee Nation. A Georgia court tried and convicted Tassel of violating Georgia law, which the state had extended over Cherokee territory and citizens. The Cherokee Council contended that Georgia laws had no validity within the Cherokee Nation and sought an injunction against their enforcement. The Cherokees engaged as their lawyer William Wirt, who had served as attorney general in the presidential administrations of James Monroe and John Quincy Adams. Georgia did not wait for the case to run its course and executed Tassel. The Supreme Court ultimately declined to rule on the issue at stake—the enforcement of Georgia law within the Cherokee Nation—because the Cherokee Nation had no legal standing as a “foreign nation” before the Court. Chief Justice John Marshall referred to the Cherokees as a “domestic dependent nation,” but he left the door open for a subsequent suit brought by a United States citizen who did have legal standing. Most missionaries in the Cherokee Nation were just such persons. They had come from states other than Georgia to the Cherokee Nation, and if the Cherokee argument prevailed, Georgia had no authority over them. The missionaries generally refused to take the oath of allegiance Georgia required of whites living among the Cherokees on the grounds that they were subject solely to Cherokee law while within the Nation. In July 1831 the Georgia Guard arrested eleven missionaries including Samuel Austin Worcester and Elizur Butler of the American Board of Commissioners for Foreign Missions, and a Georgia court convicted them. Georgia finally released nine of the missionaries who either took the oath or agreed to leave the state. Worcester and Butler refused. Their cases reached the Supreme Court, which in March 1832 ruled specifically on *Worcester v. Georgia* and extended that decision to Butler as well. The Court, in a decision

is now made, for the first time, since the discovery of the continent. Writers upon natural law, courts of high character and jurisdiction, the practice of other nations, are all adverse to it. We can discern no advantages which either party can reasonably anticipate from such a measure.

There can be none to the Indians; for if they are anxious and prepared for a stable government, which shall protect all and encourage all, such governments they will find in the states where they reside. What has a Cherokee to fear from the operation of the laws of Georgia? If he has advanced in knowledge and improvement, as many sanguine persons believe and represent, he will find these laws more just, better administered, and far more equal in their operation, than the *regulations* which the chiefs have established and are enforcing. What Indian has ever been injured by the laws of any state? We ask the question without any fear of the answer. If these Indians are too ignorant and barbarous to submit to the state laws, or duly estimate their value, they are too ignorant and barbarous to establish and maintain a government which shall protect its own citizens, and preserve the necessary relations and intercourse with its neighbors. And if there are any serious practical objection to the operation of these laws, growing out of the state of society among the Indians, it would be easy for the state authorities to make such changes and interpose such securities as would protect them now, and lead them hereafter, if anything can lead them, to a full participation in political rights. . . .

The Cherokee government is acquiring the sanction of time, and their claim has assumed a definite shape. The laws of Georgia will operate upon them on the thirtieth of June next, and their chiefs have formally appealed to the general government for protection against this measure, urging their claim to be independent of that state, and affirming, that this act is to be viewed "in no other light, than a wanton usurpation of power, guarantied to no state, neither by the common law of the land, nor by the laws of nature."

It was necessary that this appeal should be answered. And it has been answered, as we have seen, in a spirit of just regard to the Indians and to the rights of a member of the confederacy. And what rational man could expect any other answer? Is the general government to interpose the arm of power between the state of Georgia or Alabama, and the assertion of rights essential to their "attributes of sovereignty?" A President of the United States would assume a fearful responsibility, who should thus employ the forces of the Union. It would be presumptuous to say, that such a case can never occur. But

we may safely predict, that when it does come, it will shake the confederacy to its centre, and that a foreign war would be light in the balance, compared with such a fearful calamity. And who does not see, that in this contest for sovereignty, the uncivilized tribes must yield? Do not truth and humanity equally require the declaration of this fact? There is no mercy in suffering these Indians to believe, that their pretensions can be established and their independent government supported. In the actual state of the world, none but an enthusiast can expect or hope for the success of such a scheme. We have long passed the period of abstract rights. Political questions are complicated in their relations, involving considerations of expediency and authority, as well as of natural justice. If the laws of the various states, founded essentially upon the English common law, modified by our peculiar circumstances, and administered in a spirit of fidelity and impartiality, which even in this land of violent political feuds, has left the judiciary without suspicion, excite the apprehensions of the Indians, and if they are anxious to escape from their operation and establish governments for themselves, ample provision has been made for their gratification. A region is open to them, where they and their descendants can be secured in the enjoyment of every privilege which they may be capable of estimating and enjoying. If they choose to remain where they now are, they will be protected in the possession of their land and other property, and be subject, as our citizens are, to the operation of just and wholesome laws.

CONGRESS ACTS

The Indian Removal Act, signed into law on May 28, 1830, by President Andrew Jackson, began its legislative history with Jackson's first State of the Union Address, delivered in December 1829. Each house of Congress referred the portion of the message dealing with Indian policy to its Committee on Indian Affairs. Both committees were chaired by Tennesseans—Hugh Lawson White in the Senate, John Bell in the House—and were dominated by southern Democrats. White's committee reported its bill to the Senate floor on February 22, 1830; Bell's committee followed suit two days later. The Senate's agenda permitted that body to complete debate on its version before the House could begin to work on its bill. Both were substantially the same, so Bell withdrew the version prepared by his committee and recommended that the House adopt the Senate bill. The House agreed,

passed a slightly altered version of the Senate bill on May 26, and returned it to the Senate, which concurred two days later. The president signed it immediately.

Many representatives and senators recalled that the debates in both houses had been extremely bitter, highly partisan, emotionally supercharged, and exhausting. Senator Theodore Frelinghuysen of New Jersey, a friend of Jeremiah Evarts, a strong supporter of Christian benevolence, and a bitter anti-Jacksonian, led the attack in the upper house with a six-hour speech that extended over three days. The thrust of his argument was to uphold the sovereignty of the Cherokee Nation, condemn Georgia's extension of jurisdiction and Jackson's refusal to protect the Cherokees from Georgia law, charge that the entire scheme was a transparent attempt to force the Cherokees and other tribes out of their lands, and predict terrible suffering for the Indian victims of the policy. Peleg Sprague (Maine) and Ascher Robbins (Rhode Island) joined with opposition speeches. John Forsyth (Georgia) and Robert Adams (Mississippi), along with chairman White, defended removal. Despairing of victory, opponents also tried unsuccessfully to amend White's bill with language that would force Jackson to protect the Cherokees from Georgia law until they were removed. The final vote, clearly along party lines, was 28 to 19.

The same pattern of attack and defense occurred in the House, which debated removal from May 13 to 26. Heavily influenced by the arguments and evidence presented in the "William Penn" essays, northern anti-Jackson representatives did battle against southern, largely Georgia, Democrats. But the party lines were not quite so strong in the House and some Democrats, particularly from Pennsylvania and the Ohio valley, along with Tennessean Davy Crockett, voted in opposition. The final tally, 102 to 97, reflects how controversial the removal policy actually was.

Note carefully what the act did and did not provide. What was the president authorized to do? How was removal to be arranged? How were the rights of the tribes protected? Opponents of the bill claimed that it would force the tribes to remove. Is there any evidence to support this fear?

This copy of the Indian Removal Act comes from *United States Statutes at Large*, 4: 411-12. The congressional debates over the removal bill make fascinating reading. They can be found in Gales and Seaton's *Register of Debates*, vol. 6, pt. 2. A precursor of the *Congressional Record*, the *Register* contains the record of debates in both

houses of Congress. Wilson Lumpkin, a representative from Georgia who sat on the House Committee on Indian Affairs, probably did more than any other single individual to achieve passage of the removal bill. Shortly after it was signed into law, Lumpkin left Congress to serve two terms as governor of Georgia, where he worked with equal vigor to remove the Cherokees. He believed so strongly that this was the crowning achievement of his life that he titled his two-volume autobiography *The Removal of the Cherokee Indians from Georgia* (New York: Dodd, Mead, 1907; reprint, New York: Augustus M. Kelley, 1971). The best analysis of the congressional debate on removal is in Ronald N. Satz, *American Indian Policy in the Jacksonian Era* (Lincoln: University of Nebraska Press, 1975), chaps. 1-2, and Francis Paul Prucha, *The Great Father: The United States Government and the American Indians* (Lincoln: University of Nebraska Press, 1984), vol. 1, chap. 7. See Fred S. Rolater, "The American Indian and the Origin of the Second Party System," *Wisconsin Magazine of History* 76 (1993): 180-203, for a fascinating discussion of the relation between Indian policy and party politics in the 1830s and 1840s.

UNITED STATES CONGRESS

Indian Removal Act

May 28, 1830

Chapter CXLVIII

An Act to provide for an exchange of lands with the Indians residing in any of the states or territories, and for their removal west of the river Mississippi.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That it shall and may be lawful for the President of the United States to cause so much of any territory belonging to the United States, west of the river Mississippi, not included in any state or organized territory, and to which the Indian title has been extinguished, as he may judge necessary, to be divided into a suitable number of districts, for the reception of such tribes or nations of Indians as may choose to exchange the lands

where they now reside, and remove there; and to cause each of said districts to be so described by natural or artificial marks, as to be easily distinguished from every other.

Sec. 2 *And be it further enacted*, That it shall and may be lawful for the President to exchange any or all of such districts, so to be laid off and described, with any tribe or nation of Indians now residing within the limits of any of the states or territories, and with which the United States have existing treaties, for the whole or any part or portion of the territory claimed and occupied by such tribe or nation, within the bounds of any one or more of the states or territories, where the land claimed and occupied by the Indians, is owned by the United States, or the United States are bound to the state within which it lies to extinguish the Indian claim thereto.

Sec. 3 *And be it further enacted*, That in the making of any such exchange or exchanges, it shall and may be lawful for the President solemnly to assure the tribe or nation with which the exchange is made, that the United States will forever secure and guaranty to them, and their heirs or successors, the country so exchanged with them; and if they prefer it, that the United States will cause a patent or grant to be made and executed to them for the same: *Provided always*, That such lands shall revert to the United States, if the Indians become extinct, or abandon the same.

Sec. 4 *And be it further enacted*, That if, upon any of the lands now occupied by the Indians, and to be exchanged for, there should be such improvements as add value to the land claimed by any individual or individuals of such tribes or nations, it shall and may be lawful for the President to cause such value to be ascertained by appraisement or otherwise, and to cause such ascertained value to be paid to the person or persons rightfully claiming such improvements. And upon the payment of such valuation, the improvements so valued and paid for, shall pass to the United States, and possession shall not afterwards be permitted to any of the same tribe.

Sec. 5 *And be it further enacted*, That upon the making of any such exchange as is contemplated by this act, it shall and may be lawful for the President to cause such aid and assistance to be furnished to the emigrants as may be necessary and proper to enable them to remove to, and settle in, the country for which they may have exchanged; and also, to give them such aid and assistance as may be necessary for their support and subsistence for the first year after their removal.

Sec. 6 *And be it further enacted*, That it shall and may be lawful for the President to cause such tribe or nation to be protected, at their new

residence, against all interruption or disturbance from any other tribe or nation of Indians, or from any other person or persons whatever.

Sec. 7. *And be it further enacted*, That it shall and may be lawful for the President to have the same superintendence and care over any tribe or nation in the country to which they may remove, as contemplated by this act, that he is now authorized to have over them at their present places of residence: *Provided*, That nothing in this act contained shall be construed as authorizing or directing the violation of any existing treaty between the United States and any of the Indian tribes.

Sec. 8 *And be it further enacted*, That for the purpose of giving effect to the provisions of this act, the sum of five hundred thousand dollars is hereby appropriated, to be paid out of any money in the treasury, not otherwise appropriated.

ANDREW JACKSON APPLAUDS THE REMOVAL ACT

In his first annual message, delivered December 8, 1829, President Andrew Jackson outlined his Indian policy and called on Congress to enact legislation that would remove eastern Indians to the region west of the Mississippi. Jackson had a reputation, won during the Creek War of 1813-14, as an Indian fighter, but this was not a blood and glory pronouncement. He was critical, however, of the policies of his predecessors. "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," he explained. Thus, the "civilization" policy, despite "lavish . . . expenditures," had largely been a failure, except in the South where the Cherokees "have lately attempted to erect an independent government." State legislation that subjected Indians to state laws induced the Cherokees to call on the United States for protection. Can the government, Jackson asked, "sustain these people in their pretensions?" The answer clearly was no. The Constitution expressly forbade the erection of one state within the borders of another without the consent of the latter. The Indians, therefore, had two choices: They could "emigrate beyond the Mississippi or submit to the laws of those States."

Jackson's address publicly clarified his recognition of the sovereign rights of the states over the Indian country within their borders. Previous administrations, even as they defended removal as the ideal policy solution to the growing "crisis in Indian affairs," had been unwilling to

graves of their fathers; but what do they more than our ancestors did or than our children are now doing? To better their condition in an unknown land our forefathers left all that was dear in earthly objects. Our children by thousands yearly leave the land of their birth to seek new homes in distant regions. Does Humanity weep at these painful separations from everything, animate and inanimate, with which the young heart has become entwined? Far from it. It is rather a source of joy that our country affords scope where our young population may range unconstrained in body or in mind, developing the power and faculties of man in their highest perfection. These remove hundreds and almost thousands of miles at their own expense, purchase the lands they occupy, and support themselves at their new homes from the moment of their arrival. Can it be cruel in this Government when, by events which it can not control, the Indian is made discontented in his ancient home to purchase his lands, to give him a new and extensive territory, to pay the expense of his removal, and support him a year in his new abode? How many thousands of our own people would gladly embrace the opportunity of removing to the West on such conditions! If the offers made to the Indians were extended to them, they would be hailed with gratitude and joy.

And is it supposed that the wandering savage has a stronger attachment to his home than the settled, civilized Christian? Is it more afflicting to him to leave the graves of his fathers than it is to our brothers and children? Rightly considered, the policy of the General Government toward the red man is not only liberal, but generous. He is unwilling to submit to the laws of the States and mingle with their population. To save him from this alternative, or perhaps utter annihilation, the General Government kindly offers him a new home, and proposes to pay the whole expense of his removal and settlement.

4

The Cherokee Debate

Although the majority consistently opposed land cession and removal, the Cherokees were never unanimous in their opposition. In the early nineteenth century, a group of self-serving chiefs succumbed to the temptations of the federal government and sold land. Their leader, Doublehead, incurred the full wrath of the Cherokees, and other chiefs, including Major Ridge, killed him for his behavior. In 1808–10, the Nation divided over the removal issue, and for a time, the anti-removal forces deposed the principal chief, who favored removal. Ultimately, the Cherokees did cede territory, most who wanted to move west did so, and those who remained strengthened their national government. Again in 1817–19 the Cherokees debated land cession and removal. Under pressure from the federal government, the Cherokees surrendered more land, those who had promoted removal went west, and the remaining people established “articles of government” that clearly defined who had authority to cede land. These early removals had two important results. First of all, they siphoned off the individuals who supported land cession and western migration. The Cherokees who remained, therefore, became even more adamant in their refusal to negotiate removal, and little dissent from the official anti-removal position existed throughout the 1820s. Second, the people who first settled in western Arkansas and then moved in 1828 to northeastern Oklahoma established a distinct Cherokee society that numbered about four thousand by the 1830s. These Cherokees challenged the hegemony of the eastern Cherokees after the larger body of approximately sixteen thousand moved west in 1838–39.

WOMEN AND REMOVAL

In the public debates over removal, or indeed any political issue, the voices of Cherokee women were largely absent. Traditionally, men conducted foreign affairs while women attended to domestic ones.

The increasing importance of war and trade in the eighteenth century had magnified this division and shifted political power to men. The adoption of Anglo-American political institutions, in which women did not participate, further excluded them from the political arena. Nevertheless, in the removal crisis of 1817–19, Cherokee women made themselves heard on two occasions. In 1817 and 1818, women's councils presented petitions to the National Council, which was composed solely of men. Nancy Ward seems to have inspired and led these women's councils. Ward was a War Woman, a title traditionally awarded to women who distinguished themselves while accompanying war parties to cook food, carry water, and perform other gender-specific tasks. Ward had rallied the warriors after her husband's death in battle in 1755. She subsequently aided the patriot cause during the American Revolution and addressed the Hopewell treaty conference in 1785. Now the elderly Ward and other women turned their attention to land cession and removal. The impact of their petitions is difficult to determine. The Cherokees ceded land in 1817 and 1819, but they did not accept individual allotments, which the women had opposed, and after 1819 they ceded no more land until 1835.

How did the women refer to themselves in their petitions to the National Council? Do you think that a tradition of matrilineal kinship may have led the women to describe themselves in such terms? How did women feel about ceding land and moving west of the Mississippi? What reasons did they give for their position? How did they envision the Cherokee future? What did they think motivated the men who supported land cession and removal? Can you find an argument for Cherokee sovereignty in the first petition that supporters of the Cherokee cause later used?

In the second petition, the women also addressed the issue of allotment, that is, dividing Cherokee land into separate tracts and assigning (or allotting) those tracts to individuals. This would have been a dramatic departure from the Cherokee practice of holding land in common, which permitted any citizen to use unoccupied land but prevented an individual from selling the land he or she held. The federal government saw the allotment of land as a means to bypass Indian governments and enable either the United States or its citizens to purchase land from individual owners. Allotment became a feature of treaties with the Chickasaws, Choctaws, and Creeks and generally proved to be a disaster. Did the women support allotment? Can you think of any personal reasons that might have prompted them to oppose allotment?

The first petition can be found in the Presidential Papers Microfilm:

Andrew Jackson (Washington, 1961, series 1, reel 22). The second petition was enclosed in a letter from American Board missionaries to their headquarters in Boston. It is part of the Papers of the American Board of Commissioners for Foreign Missions, Houghton Library, Harvard University. The editors have altered punctuation to make the letters more readable.

The third petition printed here is almost certainly from 1831 rather than 1821, the date attached to it. The letter was written in October and published in the *Cherokee Phoenix* on November 12, 1831. A typographical error easily could have turned what should have been "1831" into "1821." In 1821, the Cherokees were not under any particular pressure from Georgia or the "general government" to remove; by 1831, they were indeed in a "deplorable situation." In any event, the third petition is quite different from the other two. How can you explain the differences? What did the petitioners believe was the proper role of women? How does their justification for petitioning the council compare with the reasoning of the women who wrote the earlier petitions? Do you see any similarities in the petitions?

For more information about Cherokee women, see Theda Perdue, *Cherokee Women: Gender and Culture Change, 1700–1835* (Lincoln: University of Nebraska Press, 1998).

CHEROKEE WOMEN

Petition

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, 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

CHEROKEE WOMEN

Petition

October 17, 1821 [1831?]

To the Committee and Council,

We the females, residing in Salequoree and Pine Log, believing that the present difficulties and embarrassments under which this nation is placed demands a full expression of the mind of every individual, on the subject of emigrating to Arkansas, would take upon ourselves to address you. Although it is not common for our sex to take part in public measures, we nevertheless feel justified in expressing our sentiments on any subject where our interest is as much at stake as any other part of the community.

We believe the present plan of the General Government to effect our removal West of the Mississippi, and thus obtain our lands for the use of the State of Georgia, to be highly oppressive, cruel and unjust. And we sincerely hope there is no consideration which can induce our citizens to forsake the land of our fathers of which they have been in possession from time immemorial, and thus compel us, against our will, to undergo the toils and difficulties of removing with our helpless families hundreds of miles to unhealthy and unproductive country. We hope therefore the Committee and Council will take into deep consideration our deplorable situation, and do everything in their power to avert such a state of things. And we trust by a prudent course their transactions with the General Government will enlist in our behalf the sympathies of the good people of the United States.

ELIAS BOUDINOT'S EDITORIALS IN THE *CHEROKEE PHOENIX*

The Cherokees' national newspaper, the *Cherokee Phoenix*, was a source of national pride and an important tool in their resistance to removal. In 1826, the National Council appropriated funds for the construction of a printing office in the Nation's capital, New Echota, the purchase of a press, and the casting of types in English and the Cherokee syllabary. The inaugural issue appeared in February 1828 with Elias Boudinot, a Cherokee educated in mission schools, as editor. Subscribers included not only Cherokees but also citizens of the

United States and even Europeans. The newspaper kept its readers informed about national and international events, and it published biblical passages and human interest stories. Laws passed by the Cherokee National Council, advertisements, and notices also appeared in its columns. Most important, the *Cherokee Phoenix* conveyed information to the Nation's citizens about the crisis confronting the Cherokees.

As an official organ of the Cherokee Nation, the *Cherokee Phoenix* presented the Nation's case against removal. The editor printed correspondence from the president and secretary of war, messages from Principal Chief John Ross, and editorials that explained the Cherokee position on removal. As a result, the newspaper became an important factor in uniting the Cherokee people against removal and in promoting sympathy among non-Cherokee readers. When Elias Boudinot began to change his views on removal in 1832, he wanted to open the columns of the *Phoenix* to a debate on the issue. The Council and the principal chief refused to permit open discussion, however, and Boudinot resigned. The paper continued publication under new editorship until 1834, when the federal government refused to pay annuities (annual payments for previously ceded land) into the Cherokee national treasury, and financial problems forced what the Cherokees hoped would be only a temporary suspension of publication. The members of the emerging pro-removal party and the state of Georgia understood the importance of the newspaper in maintaining Cherokee unity: In 1835, the Georgia Guard, accompanied by Boudinot's brother, seized the printing press.

During the years Boudinot served as editor, he wrote a number of impassioned editorials in support of the Cherokee cause. The Cherokees faced pressure from both the United States and the states, particularly Georgia. The Cherokee capital, many mission schools, and most of the large plantations were on lands claimed by Georgia, and John Ridge, Elias Boudinot, John Ross, and other prominent leaders lived there as well. President Jackson and Secretary of War John Eaton made it very clear in letters printed in the June 17, 1829, issue of the *Phoenix* that the states had ultimate title to the land and that if Indians wanted to live on land claimed by the states, they must obey state, rather than Cherokee, law. The editorial from the June 17, 1829, *Phoenix*, reprinted here commented on a memorial by Chief Ross protesting the extension of Georgia law over the Cherokees and on letters from Jackson and Eaton. What irony did Boudinot see in the timing of efforts to remove the Cherokees?

On January 8, 1831, Boudinot wrote an editorial complaining about



Figure 6. *Elias Boudinot (1803?–1839).*

A nephew of Major Ridge, Elias Boudinot was known as Galagina or Buck Watie until 1818, when he went north to attend school in Connecticut and adopted the name of a distinguished white statesman and benefactor. He served as editor of the *Cherokee Phoenix* from 1828 until 1832. Along with his uncle and his cousin, John Ridge, Elias Boudinot led the Treaty Party and, like them, was killed in 1839 for signing the Treaty of New Echota.

Source: Western History Collections, University of Oklahoma Library.

Georgia's disregard of both Cherokee rights and federal judicial proceedings, in reference specifically to *Cherokee Nation v. Georgia*. Because Georgia refused to cooperate with federal court proceedings, Boudinot compared Georgia to South Carolina, which was involved in a controversy with the United States over high tariffs. South Carolina claimed the right to nullify acts of Congress that were detrimental to

the state, and violence seemed likely until a compromise was reached. Is there anything in this editorial, particularly in Boudinot's analysis of the nullification crisis, that strikes you as prophetic?

The Georgia law that required white men to take oaths of allegiance to the state, Boudinot believed, imperiled Cherokee "civilization." What impact did the law have on the *Phoenix* (February 19, 1831, editorial)? Why did Boudinot not merely hire a white man who had taken the oath? The plight of the missionaries was particularly painful to Boudinot. He lived near Samuel Austin Worcester, and they were working together on the translation of the Bible into Cherokee. At the same time, he also was sensitive to charges that Worcester was his ghost writer, and, in editorials not reprinted here, he strongly defended his own ability and the paper's integrity. Georgia viewed the missionaries, particularly Worcester, as interlopers who garnered support for the Cherokees outside the Nation and strengthened their resolve to resist removal. How did Boudinot view them (November 12, 1831, editorial)? What kinds of activities in the Nation were likely to end if the missionaries left?

Boudinot defended the progress of "civilization" in his editorials, and the one he published on November 12, 1831, was particularly eloquent. To whom did he attribute the introduction of "civilization"? How did "the first Chief magistrate of the United States" explain differences between Native peoples and Europeans? How had attitudes toward Indians changed by the 1830s? What evidence did Boudinot cite to contradict the view that "an Indian will still be an Indian"?

Most issues of the *Cherokee Phoenix* have survived and are available on microfilm. For more information on Boudinot as well as a larger selection of his writings, see Theda Perdue, ed., *Cherokee Editor: The Writings of Elias Boudinot* (Knoxville: University of Tennessee Press, 1983). The dated but standard biography is Ralph Henry Gabriel, *Elias Boudinot, Cherokee, and His America* (Norman: University of Oklahoma Press, 1941).

to leave the nation, and us to shift for ourselves as well as we can. And, our friends will please to remember, we cannot invite another white printer to our assistance without subjecting him to the same punishment; and to have in our employ one who has taken the oath to support the laws of Georgia which now oppress the Cherokees, is utterly out of the question. Thus is the liberty of the press guaranteed by the Constitution of Georgia.

But we will not give up the ship while it is afloat. We have intelligent youths in the nation, and we hope before long to make up our loss. In the mean time our patrons will bear with us & have patience—let them bear in mind that we are in the woods, and, as it is said by some, in a savage country, where printers are not plenty, and a substitute not easily obtained when one of our hands leave us or become indisposed—our paper is therefore easily deranged. Our readers will please not expect to receive the Phoenix very regularly for a while. We shall do the best we can.

We have already noticed the late law of Georgia, making a high misdemeanor, punishable with four years imprisonment at hard labour in the penitentiary, for any white man to reside, after the 1st of March, *within the limits of the Cherokee nation*, (so the copy of the laws we received reads—let the people of Alabama, Tennessee and North Carolina look out—the Georgia legislature is carrying its sovereignty too far,) unless he takes the oath of allegiance, and obtains from the Governor's agent a permit to continue his residence *until further orders*. We cannot help alluding again to that law as being extremely unjust, without saying any thing of its oppressive tendency, both to the whites and Cherokees. It is certainly oppressive on the whites, even admitting that the state of Georgia has an undoubted jurisdiction over the Cherokee territory. Why is it that it is required of *them* to take the oath, when by the extension of that jurisdiction, they were admitted as citizens of the state? Is such requirement made of other citizens? Do the constitution and the laws recognize such a distinction? But what becomes of the liberty of conscience in this case?—Here a white man cannot enjoy that liberty without going to the penitentiary.

What are the effects of this law on the Cherokees? Disastrous. Just such effects as were intended the law should produce. The design appears to be to bring them back to their old station—carry them back twenty years hence. Deprive them of all their means of improvement, and remove all the whites, and it is thought by some, the great obstacle is taken out of the way, and there will be no difficulty to bring

the Cherokees to terms. If this is not the *design* it may possibly be the *tendency* of the law. Now let the reader just consider. If we introduce a minister of the Gospel to preach to us the way of life and salvation, here is a law of Georgia, a Christian law too it is said, ready to seize him and send him to the Penitentiary, in violation of the constitution of the state itself. [See Constitution of Georgia, Art. 4—Sec. 10.] If we bring in a white man to teach our children, he is also arrested and suffers a similar punishment. If we wish a decent house built, and invite a carpenter into the nation to do the work, here is a law which forces him from our employ and soon numbers him with culprits. If we introduce a Blacksmith, or any other mechanic, it is the same. Is it not natural to suppose that the tendency of such a law on the Cherokees would be disastrous? It forces from them the very means of their improvement in religion and morals, and in the arts of civilized life.

November 12, 1831

It has been customary to charge the failure of attempts heretofore made to civilize and christianize the aborigines to the Indians themselves. Whence originated the common saying, "An Indian will still be an Indian."—Do what you will, he cannot be civilized—you cannot reclaim him from his wild habits—you may as well expect to change the spots of the Leopard as to effect any substantial renovation in his character—he is as the wild Turkey, which at "night-fall seeks the tallest forest tree for his roosting place." Such assertions, although inconsistent with the general course of providence and the history of nations, have nevertheless been believed and acted upon by many well meaning persons. Such persons do not sufficiently consider that causes, altogether different from those they have been in the habit of assigning, may have operated to frustrate the benevolent efforts made to reclaim the Indian. They do not, perhaps, think that as God has, of one blood, created all the nations of the earth, their circumstances, in a state of nature, must be somewhat the same, and therefore, in the history of mankind, we have no example upon which we can build the assertion, that it is impossible to civilize and christianize the Indian. On the contrary we have instances of nations, originally as ignorant and barbarous as the American natives, having risen from their degraded state to a high pitch of refinement—from the worst kind of paganism to the knowledge of the true God.

We have on more than one occasion remarked upon the difficulties which lie in the way of civilizing the Indians. Those difficulties have

been fully developed in the history of the Cherokees within the last two years. They are such as no one can now mistake—their nature is fully revealed and the source from whence they rise can no longer be a matter of doubt. They are not to be found in the “nature” of the Indians, which a man in high authority once said was as difficult to change as the Leopard his spots. It is not because they are, of all others, the most degraded and ignorant that they have not been brought to enjoy the blessings of a civilized life.—But it is because they have to contend with obstacles as numerous as they are peculiar.

With a commendable zeal the first Chief magistrate of the United States undertook to bring the Cherokees into the pale of civilization, by establishing friendly relations with them by treaties, and introducing the mechanic arts among them. He was indeed a “father” to them—They regarded him as such—They placed confidence in what he said, and well they might, for he was true to his promises. Of course the foundation for the improvement which the Cherokees have since made was laid under the patronage of that illustrious man. His successors followed his example and treated their “red children” as human beings, capable of improvement, and possessing rights derived from the source of all good, and guaranteed by compacts as solemn as a great Republic could make. The attempts of those good men were attended with success, because they believed those attempts were feasible and acted accordingly.

Upon the same principle have acted those benevolent associations who have taken such a deep interest in the welfare of the Indians, and who may have expended so much time and money in extending the benign influence of religion. Those associations went hand in hand with the Government—it was a work of co-operation. God blessed their efforts. The Cherokees have been reclaimed from their wild habits—Instead of hunters they have become the cultivators of the soil—Instead of wild and ferocious savages, thirsting for blood, they have become the mild “citizens,” the friends and brothers of the white man—Instead of the superstitious heathens, many of them have become the worshippers of the true God. Well would it have been if the cheering fruits of those labors had been fostered and encouraged by an enlightened community! But alas! no sooner was it made manifest that the Cherokees were becoming strongly attached to the ways and usages of civilized life, than was aroused the opposition of those from whom better things ought to have been expected. No sooner was it known that they had learned the proper use of the earth, and that they were now less likely to dispose of their lands for a mess of pot-

tage, than they came in conflict with the cupidity and self-interest of those who ought to have been their benefactors—Then commenced a series of obstacles hard to overcome, and difficulties intended as a stumbling block, and unthought of before. The “Great Father” of the “red man” has lent his influence to encourage those difficulties. The *guardian* has deprived his *wards* of their rights—The sacred obligations of treaties and laws have been disregarded—The promises of Washington and Jefferson have not been fulfilled. The policy of the United States on Indian affairs has taken a different direction, for no other reason than that the Cherokees have so far become civilized as to appreciate a regular form of Government. They are now deprived of rights they once enjoyed—A neighboring power is now permitted to extend its withering hand over them—Their own laws, intended to regulate their society, to encourage virtue and to suppress vice, must now be abolished, and civilized acts, passed for the purpose of expelling them, must be substituted.—Their intelligent citizens who have been instructed through the means employed by former administrations, and through the efforts of benevolent societies, must be abused and insulted, represented as avaricious, feeding upon the poverty of the common Indians—the hostility of all those who want the Indian lands must be directed against them. That the Cherokees may be kept in ignorance, teachers who had settled among them by the approbation of the Government, for the best of all purposes, have been compelled to leave them by reason of laws unbecoming any civilized nation—Ministers of the Gospel, who might have, at this day of trial, administered to them the consolations of Religion, have been arrested, chained, dragged away before their eyes, tried as felons, and finally immured in prison with thieves and robbers.

Is not here an array of *difficulties*?—The truth is, while a portion of the community have been, in the most laudable manner, engaged in using efforts to civilize and christianize the Indian, another portion of the same community have been busy in counteracting those efforts. Cupidity and self-interest are at the bottom of all these difficulties—A desire to *possess* the Indian land is paramount to a desire to see him *established* on the soil as a *civilized* man.

THE TREATY OF NEW ECHOTA

When the Supreme Court ordered the release of the imprisoned missionaries, the Cherokees were jubilant. Soon, however, their joy turned to dismay. State officials simply ignored the Supreme Court ruling, and

hundred and thirty-one, it shall not be lawful for any person, or persons, under colour or pretence, of authority from said Cherokee tribe, or as head men, chiefs, or warriors of said tribe, to cause or procure by any means the assembling of any council, or other pretended Legislative body of the said Indians, or others living among them, for the purpose of legislating, (or for any other purpose whatever.) And persons offending against the provisions of this section, shall be guilty of a high misdemeanor, and subject to indictment therefor, and on conviction, shall be punished by confinement at hard labour in the Penitentiary for the space of four years.

Sec. 2. *And be it further enacted by the authority aforesaid,* That after the time aforesaid, it shall not be lawful for any person or persons under pretext of authority from the Cherokee tribe, or as representatives, chiefs, headmen, or warriors of said tribe, to meet, or assemble as a council, assembly, convention, or in any other capacity, for the purpose of making laws, orders, or regulations for said tribe. And all persons offending against the provisions of this section, shall be guilty of a high misdemeanor and subject to an indictment, and on conviction thereof, shall undergo an imprisonment in the Penitentiary at hard labour for the space of four years. . . .

Sec. 6. *And be it further enacted by the authority aforesaid,* That none of the provisions of this act, shall be so construed as to prevent said tribe, its headmen, chiefs, or other representatives from meeting any agent or commissioner, on the part of this State or the United States, for any purpose whatever.

Sec. 7. *And be it further enacted by the authority aforesaid,* That all white persons residing within the limits of the Cherokee nation, on the first day of March next, or at any time thereafter, without a license or permit, from his Excellency the Governor, or from such agent as his Excellency the Governor, shall authorise to grant such permit or license, and who shall not have taken the oath hereinafter required, shall be guilty of an high misdemeanor, and upon conviction thereof, shall be punished by confinement in the Penitentiary at hard labour, for a term not less than four years. . . .

Sec. 11. *And be it further enacted by the authority aforesaid,* That his Excellency the Governor, be, and he is hereby empowered, should he deem it necessary, either for the protection of the mines, or for the enforcement of the laws of force within the Cherokee nation, to raise and organise a guard, to be employed on foot, or mounted as occasion may require, which shall not consist of more than sixty persons, which guard shall be under the command of the commissioner or

agent appointed by the Governor, to protect the mines, with power to dismiss from the service, any member of said guard, on paying the wages due for services rendered, for disorderly conduct, and make appointments to fill the vacancies occasioned by such dismissal.

GEORGIA AND THE SUPREME COURT

The Cherokees resisted Georgia's encroachment on their territory and sovereignty by challenging the state in the United States Supreme Court. The first case to reach the Supreme Court was *Cherokee Nation v. Georgia* (1831). The Georgia Guard had arrested George Tassel, a Cherokee citizen, for murdering another Cherokee within the Cherokee Nation. A Georgia court tried and convicted Tassel of violating Georgia law, which the state had extended over Cherokee territory and citizens. The Cherokee Council contended that Georgia laws had no validity within the Cherokee Nation and sought an injunction against their enforcement. The Cherokees engaged as their lawyer William Wirt, who had served as attorney general in the presidential administrations of James Monroe and John Quincy Adams. Georgia did not wait for the case to run its course and executed Tassel. The Supreme Court ultimately declined to rule on the issue at stake—the enforcement of Georgia law within the Cherokee Nation—because the Cherokee Nation had no legal standing as a “foreign nation” before the Court. Chief Justice John Marshall referred to the Cherokees as a “domestic dependent nation,” but he left the door open for a subsequent suit brought by a United States citizen who did have legal standing. Most missionaries in the Cherokee Nation were just such persons. They had come from states other than Georgia to the Cherokee Nation, and if the Cherokee argument prevailed, Georgia had no authority over them. The missionaries generally refused to take the oath of allegiance Georgia required of whites living among the Cherokees on the grounds that they were subject solely to Cherokee law while within the Nation. In July 1831 the Georgia Guard arrested eleven missionaries including Samuel Austin Worcester and Elizur Butler of the American Board of Commissioners for Foreign Missions, and a Georgia court convicted them. Georgia finally released nine of the missionaries who either took the oath or agreed to leave the state. Worcester and Butler refused. Their cases reached the Supreme Court, which in March 1832 ruled specifically on *Worcester v. Georgia* and extended that decision to Butler as well. The Court, in a decision

authored by Chief Justice Marshall, found in favor of Worcester and decreed that Georgia law was not valid within the Cherokee Nation, but Georgia refused to follow the Supreme Court's order to release the missionaries. In his annual message delivered in November 1832, Georgia Governor Wilson Lumpkin denounced the "fallibility, infirmities, and errors of this Supreme tribunal." In December, the missionaries decided to end legal proceedings to force Georgia's compliance, and in January 1833 they appealed to the governor for a pardon, which he granted.

Since World War II, the *Worcester* case has become one of the cornerstones of federal Indian law. Having languished for nearly a century and a half, Marshall's opinion on the nature of Cherokee sovereignty in 1832 has provided the tribes with the arguments necessary to reaffirm their sovereign status today. The key element in the *Worcester* decision is the doctrine of retained sovereignty—the idea that a nation retains all those attributes of sovereignty it does not voluntarily surrender. In other words, according to Marshall, a tribe came to the treaty table with full sovereignty, surrendered certain specified attributes of sovereignty in exchange for particular benefits, and held on to all the sovereign rights and powers it did not agree to give up.

The following selection is an excerpt from John Marshall's opinion in *Worcester v. Georgia*, printed in Richard Peters, ed., *Report of Cases Argued and Adjudged in the Supreme Court of the United States: January Term, 1832* (Philadelphia: Thomas, Cowperthwait & Co., 1845). The United States prints Supreme Court decisions in an ongoing government publication, *United States Reports*. Before 1875, Supreme Court decisions are cited by the name of the reporter, and each reporter has his own series of volumes beginning with volume 1. The first Cherokee case, *Cherokee Nation v. Georgia*, is cited as 5 Peters 1–80 (the fifth volume of the series edited by Richard Peters, pages 1 through 80). *Worcester v. Georgia* is cited as 6 Peters 515–97. You can find a good introduction to laws and court decisions regarding Native Americans in Charles F. Wilkinson, *American Indians, Time, and the Law* (New Haven: Yale University Press, 1987). The best discussion of the Cherokee cases remains Joseph C. Burke, "The Cherokee Cases: A Study in Law, Politics, and Morality," *Stanford Law Review* 21 (February 1969): 500–31. A more recent study is Jill Norgren, *The Cherokee Cases: The Confrontation of Law and Politics* (New York: McGraw-Hill, 1996).

What right, according to Marshall, did Native Americans have to their land? What rights did European discoverers have to Native land?

What evidence does Marshall cite in support of Cherokee sovereignty? What evidence had Georgia presented to counteract claims of Cherokee sovereignty? Which argument does Marshall find most compelling?

UNITED STATES SUPREME COURT

Worcester v. Georgia

March 1832

Mr. Chief Justice Marshall delivered the opinion of the Court.

This cause, in every point of view in which it can be placed, is of the deepest interest.

The defendant is a state, a member of the Union, which has exercised the powers of government over a people who deny its jurisdiction, and are under the protection of the United States.

The plaintiff is a citizen of the state of Vermont, condemned to hard labour for four years in the penitentiary of Georgia; under colour of an act which he alleges to be repugnant to the Constitution, laws, and treaties of the United States. . . .

The indictment charges the plaintiff in error, and others, being white persons, with the offence of "residing within the limits of the Cherokee nation without a license," and "without having taken the oath to support and defend the constitution and laws of the state of Georgia." . . .

The indictment and plea in this case draw in question, we think, the validity of the treaties made by the United States with Cherokee Indians; if not so, their construction is certainly drawn in question; and the decision has been, if not against their validity, "against the right, privilege, or exemption, specially set up and claimed under them." They also draw into question the validity of a statute of the state of Georgia, "on the ground of its being repugnant to the Constitution, treaties, and laws of the United States, and the decision is in favour of its validity." . . .

The Indian nations had always been considered as distinct, independent political communities, retaining their original natural rights, as the undisputed possessors of the soil, from time immemorial, with the single exception of that imposed by irresistible power, which

excluded them from intercourse with any other European potentate than the first discoverer of the coast of the particular region claimed; and this was a restriction which those European potentates imposed on themselves, as well as on the Indians. The very term "nation," so generally applied to them, means "a people distinct from others." The Constitution, by declaring treaties already made, as well as those to be made, to be the supreme law of the land, has adopted and sanctioned the previous treaties with the Indian nations, and consequently admits their rank among those powers who are capable of making treaties. The words "treaty" and "nation" are words of our own language, selected in our diplomatic and legislative proceedings, by ourselves, having each a definite and well understood meaning. We have applied them to Indians, as we have applied them to the other nations of the earth. They are applied to all in the same sense.

Georgia, herself, has furnished conclusive evidence that her former opinions on this subject concurred with those entertained by her sister states, and by the government of the United States. Various acts of her legislature have been cited in the argument, including the contract of cession made in the year 1802, all tending to prove her acquiescence in the universal conviction that the Indian nations possessed a full right to the lands they occupied, until that right should be extinguished by the United States, with their consent: that their territory was separated from that of any state within whose chartered limits they might reside, by a boundary line, established by treaties: that, within their boundary, they possessed rights with which no state could interfere; and that the whole power of regulating the intercourse with them was vested in the United States. A review of these acts, on the part of Georgia, would occupy too much time, and is the less necessary, because they have been accurately detailed in the argument at the bar. Her new series of laws, manifesting her abandonment of these opinions, appears to have commenced in December, 1828.

In opposition to this original right, possessed by the undisputed occupants of every country; to this recognition of that right, which is evidenced by our history, in every change through which we have passed; is placed the charters granted by the monarch of a distant and distinct region, parcelling out a territory in possession of others whom he could not remove and did not attempt to remove, and the cession made of his claims by the treaty of peace.

The actual state of things at the time, and all history since, explain these charters; and the King of Great Britain, at the treaty of peace, could cede only what belonged to his crown. These newly asserted

titles can derive no aid from the articles so often repeated in Indian treaties; extending to them, first, the protection of Great Britain, and afterwards that of the United States. These articles are associated with others, recognising their title to self-government. The very fact of repeated treaties with them recognises it; and the settled doctrine of the law of nations is, that a weaker power does not surrender its independence—its right to self-government, by associating with a stronger, and taking its protection. A weak state, in order to provide for its safety, may place itself under the protection of one more powerful, without stripping itself of the right of government, and ceasing to be a state. Examples of this kind are not wanting in Europe. "Tributary and feudatory states," says Vattel, "do not thereby cease to be sovereign and independent states, so long as self-government and sovereign and independent authority are left in the administration of the state." At the present day, more than one state may be considered as holding its right of self-government under the guarantee and protection of one or more allies.

The Cherokee nation, then, is a distinct community, occupying its own territory, with boundaries accurately described, in which the laws of Georgia can have no force, and which the citizens of Georgia have no right to enter, but with the assent of the Cherokees themselves, or in conformity with treaties, and with the acts of Congress. The whole intercourse between the United States and this nation, is, by our Constitution and laws, vested in the government of the United States.

The act of the state of Georgia, under which the plaintiff in error was prosecuted, is consequently void, and the judgment a nullity. Can this Court revise and reverse it?

If the objection to the system of legislation, lately adopted by the legislature of Georgia, in relation to the Cherokee nation, was confined to its extra-territorial operation, the objection, though complete, so far as respected mere right, would give this Court no power over the subject. But it goes much further. If the review which has been taken be correct, and we think it is, the acts of Georgia are repugnant to the Constitution, laws, and treaties of the United States.

They interfere forcibly with the relations established between the United States and the Cherokee nation, the regulation of which, according to the settled principles of our Constitution, are committed exclusively to the government of the Union.

They are in direct hostility with treaties, repeated in a succession of years, which mark out the boundary that separates the Cherokee country from Georgia; guaranty to them all the land within their

boundary; solemnly pledge the faith of the United States to restrain their citizens from trespassing on it; and recognise the pre-existing power of the nation to govern itself.

They are in equal hostility with the acts of Congress for regulating this intercourse, and giving effect to the treaties.

The forcible seizure and abduction of the plaintiff in error, who was residing in the nation with its permission, and by authority of the President of the United States, is also a violation of the acts which authorize the chief magistrate to exercise this authority. . . .

It is the opinion of this Court that the judgment of the Superior Court for the county of Gwinnett, in the state of Georgia, condemning Samuel A. Worcester to hard labour in the penitentiary of the state of Georgia, for four years, was pronounced by that Court under colour of a law which is void, as being repugnant to the Constitution, treaties, and laws of the United States, and ought, therefore, to be reversed and annulled.

DISPOSSESSING THE CHEROKEES

While the state laws extending jurisdiction into the Cherokee Nation had as their general purpose to harass the Indians to the treaty table and out of the state, the body of legislation enacted by the Georgia General Assembly between 1828 and 1835 covered a range of specifics that applied both to government and to property. As the Cherokees clung to their homes, farms, and businesses despite the pressures to leave, politicians devised new schemes to turn up the heat. Many Georgians were reluctant to infringe on the rights of the Cherokees to their improved property, however, and so most improvements remained relatively secure for a while.

Many of the leading men in the Cherokee government were wealthy businessmen and planters. If they could be dispossessed, Georgians came to think, they would surely agree to removal. The problem of how to do so was solved when a federal agent realized that many of the wealthiest, including Principal Chief John Ross, had accepted reserves (individual or personal reservations) under the terms of the treaties of 1817 and 1819. The treaty provisions in question assumed that those who took reserves intended to leave the Cherokee Nation and either become citizens in the states where their reserves were located or sell them and move west. While no one in the Cherokee Nation believed that accepting these reserved tracts

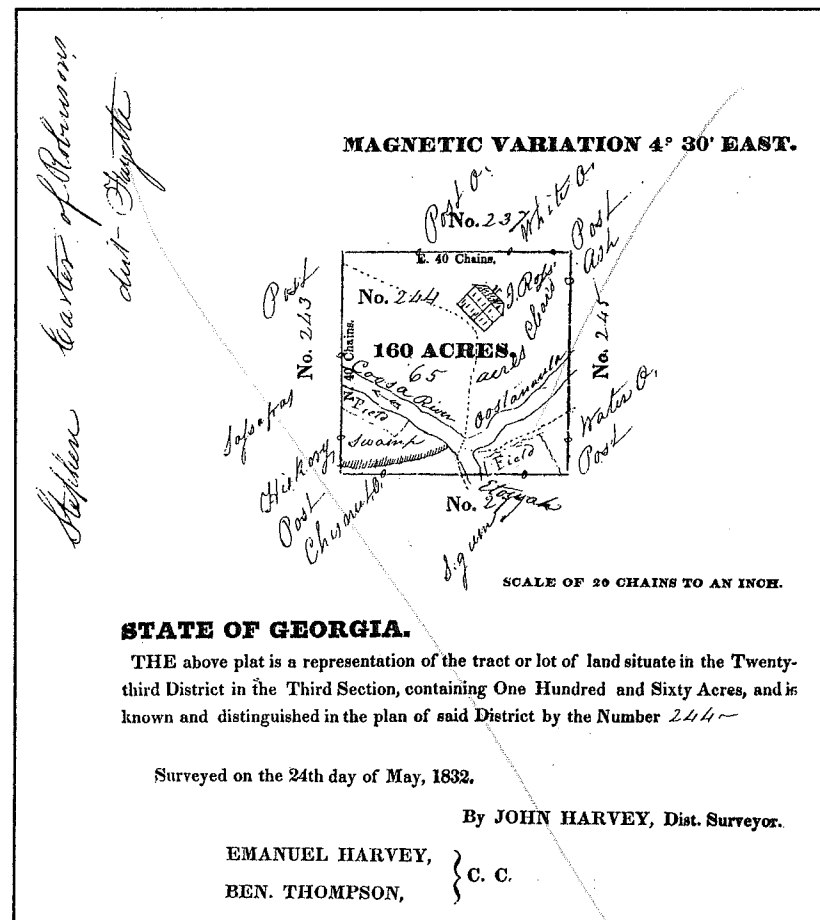


Figure 5. Survey of John Ross's Plantation.

In 1832, Georgians surveyed the Cherokee Nation in preparation for the distribution of Cherokee land to Georgia citizens in a land lottery. This plat of John Ross's plantation shows the principal chief's house, the road that passed in front of it, and his ferry across the Coosa River. It also noted cleared acres and timber resources.

Source: Part of Record Group 3 (Records of the Surveyor General). Reproduced with permission of the Georgia Archives, Office of Secretary of State.

been fully developed in the history of the Cherokees within the last two years. They are such as no one can now mistake—their nature is fully revealed and the source from whence they rise can no longer be a matter of doubt. They are not to be found in the “nature” of the Indians, which a man in high authority once said was as difficult to change as the Leopard his spots. It is not because they are, of all others, the most degraded and ignorant that they have not been brought to enjoy the blessings of a civilized life.—But it is because they have to contend with obstacles as numerous as they are peculiar.

With a commendable zeal the first Chief magistrate of the United States undertook to bring the Cherokees into the pale of civilization, by establishing friendly relations with them by treaties, and introducing the mechanic arts among them. He was indeed a “father” to them—They regarded him as such—They placed confidence in what he said, and well they might, for he was true to his promises. Of course the foundation for the improvement which the Cherokees have since made was laid under the patronage of that illustrious man. His successors followed his example and treated their “red children” as human beings, capable of improvement, and possessing rights derived from the source of all good, and guaranteed by compacts as solemn as a great Republic could make. The attempts of those good men were attended with success, because they believed those attempts were feasible and acted accordingly.

Upon the same principle have acted those benevolent associations who have taken such a deep interest in the welfare of the Indians, and who may have expended so much time and money in extending the benign influence of religion. Those associations went hand in hand with the Government—it was a work of co-operation, God blessed their efforts. The Cherokees have been reclaimed from their wild habits—Instead of hunters they have become the cultivators of the soil—Instead of wild and ferocious savages, thirsting for blood, they have become the mild “citizens,” the friends and brothers of the white man—Instead of the superstitious heathens, many of them have become the worshippers of the true God. Well would it have been if the cheering fruits of those labors had been fostered and encouraged by an enlightened community! But alas! no sooner was it made manifest that the Cherokees were becoming strongly attached to the ways and usages of civilized life, than was aroused the opposition of those from whom better things ought to have been expected. No sooner was it known that they had learned the proper use of the earth, and that they were now less likely to dispose of their lands for a mess of pot-

tage, than they came in conflict with the cupidity and self-interest of those who ought to have been their benefactors—Then commenced a series of obstacles hard to overcome, and difficulties intended as a stumbling block, and unthought of before. The “Great Father” of the “red man” has lent his influence to encourage those difficulties. The *guardian* has deprived his *wards* of their rights—The sacred obligations of treaties and laws have been disregarded—The promises of Washington and Jefferson have not been fulfilled. The policy of the United States on Indian affairs has taken a different direction, for no other reason than that the Cherokees have so far become civilized as to appreciate a regular form of Government. They are now deprived of rights they once enjoyed—A neighboring power is now permitted to extend its withering hand over them—Their own laws, intended to regulate their society, to encourage virtue and to suppress vice, must now be abolished, and civilized acts, passed for the purpose of expelling them, must be substituted.—Their intelligent citizens who have been instructed through the means employed by former administrations, and through the efforts of benevolent societies, must be abused and insulted, represented as avaricious, feeding upon the poverty of the common Indians—the hostility of all those who want the Indian lands must be directed against them. That the Cherokees may be kept in ignorance, teachers who had settled among them by the approbation of the Government, for the best of all purposes, have been compelled to leave them by reason of laws unbecoming any civilized nation—Ministers of the Gospel, who might have, at this day of trial, administered to them the consolations of Religion, have been arrested, chained, dragged away before their eyes, tried as felons, and finally immured in prison with thieves and robbers.

Is not here an array of *difficulties*?—The truth is, while a portion of the community have been, in the most laudable manner, engaged in using efforts to civilize and christianize the Indian, another portion of the same community have been busy in counteracting those efforts. Cupidity and self-interest are at the bottom of all these difficulties—A desire to possess the Indian land is paramount to a desire to see him *established* on the soil as a *civilized* man.

THE TREATY OF NEW ECHOTA

When the Supreme Court ordered the release of the imprisoned missionaries, the Cherokees were jubilant. Soon, however, their joy turned to dismay. State officials simply ignored the Supreme Court ruling, and

President Jackson declined to force the state to comply. At this point, Elias Boudinot and John Ridge along with several other Cherokee leaders began to doubt whether the Cherokees would ever receive justice. Invaded by Georgians, powerless to resist, and pressured by both federal and state authorities, the Cherokees seemed to have no alternative to negotiating removal. Those who despaired of remaining in the East and advocated negotiation became known as the Treaty Party. They attracted relatively few followers since the vast majority of Cherokees continued to place their faith in John Ross's leadership and their own sense of righteousness.

The breach between those who favored negotiation and those who refused to even consider removal widened. In June 1834, Treaty Party members, led by Ross's own brother Andrew, signed a removal treaty, but the Senate refused to ratify the clearly fraudulent document. Each side sent delegations to Washington, but the Treaty Party, now led by Ridge and Boudinot, found the warmer reception. Forced into negotiating, Ross agreed to take a proposed treaty to the annual Council meeting in October 1835, but he made only vague references to a financial settlement offered by the United States Senate. The Council rejected the Senate's offer and then appointed a delegation of treaty and antitreaty men to go to Washington and work out a mutually acceptable agreement. Elias Boudinot soon resigned from the delegation, but Ridge went to Washington with Ross.

In the meantime, United States treaty commissioner John F. Schermerhorn called for a conference at New Echota in December 1835. John Ross and the Cherokee Council did not attend. Out of a total population of approximately sixteen thousand, just over two hundred Cherokees met there and ratified a removal treaty by a vote of seventy-five to seven. Although Ridge was not in attendance, he later attached his signature to the document his father, Major Ridge, and cousin, Elias Boudinot, had already signed. Despite Cherokee protests, the United States Senate ratified the Treaty of New Echota in the spring of 1836, and the government prepared to enforce its provisions.

What did the Cherokees receive in exchange for their territory? What guarantees were made to them? How long did they have to prepare for the journey west? What responsibility did the United States have for their move? Has Congress acted on Article 7? Compare the description of the Cherokees in Article 7 to the descriptions of Cass and Jackson.

An excerpt of the Treaty of New Echota is printed here. If you would like to read the entire text, you can find it in Charles J. Kappler,

ed., *Indian Affairs: Laws and Treaties*, 5 vols. (Washington, D.C.: Government Printing Office, 1904-1941), which often is kept in the government documents department of university libraries.

Treaty with the Cherokees

1835

Whereas the Cherokees are anxious to make some arrangements with the Government of the United States whereby the difficulties they have experienced by a residence within the settled parts of the United States under the jurisdiction and laws of the State Governments may be terminated and adjusted; and with a view to reuniting their people in one body and securing a permanent home for themselves and their posterity in the country selected by their forefathers without the territorial limits of the State sovereignties, and where they can establish and enjoy a government of their choice and perpetuate such a state of society as may be most consonant with their views, habits and condition; and as may tend to their individual comfort and their advancement in civilization. . . .

And whereas the Cherokee people, at their last October council at Red Clay, fully authorized and empowered a delegation or committee of twenty persons of their nation to enter into and conclude a treaty with the United States commissioner then present, *at that place or elsewhere* and as the people had good reason to believe that a treaty would then and there be made or at a subsequent council at New Echota which the commissioners it was well known and understood, were authorized and instructed to convene for said purpose; and since the said delegation have gone on to Washington city, with a view to close negotiations there, as stated by them notwithstanding they were officially informed by the United States commissioner that they would not be received by the President of the United States; and that the Government would transact no business of this nature with them, and that if a treaty was made it must be done here in the nation, where the delegation at Washington last winter *urged that it should be done for the purpose of promoting peace and harmony among the people*; and since these facts have also been corroborated to us by a communication recently received by the commissioner from the Government of the

United States and read and explained to the people in open council and therefore believing said delegation can effect nothing and since our difficulties are daily increasing and our situation is rendered more and more precarious uncertain and insecure in consequence of the legislation of the States; and seeing no effectual way of relief, but in accepting the liberal overtures of the United States. . . .

And whereas the said commissioners did appoint and notify a general council of the nation to convene at New Echota on the 21st day of December 1835; and informed them that the commissioners would be prepared to make a treaty with the Cherokee people who should assemble there and those who did not come they should conclude gave their assent and sanction to whatever should be transacted at this council and the people having met in council according to said notice.

Therefore the following articles of a treaty are agreed upon and concluded between William Carroll and John F. Schermerhorn commissioners on the part of the United States and the chiefs and head men and people of the Cherokee nation in general council assembled this 29th day of Decr 1835.

Article 1

The Cherokee nation hereby cede relinquish and convey to the United States all the lands owned claimed or possessed by them east of the Mississippi river, and hereby release all their claims upon the United States for spoliations of every kind for and in consideration of the sum of five millions of dollars to be expended paid and invested in the manner stipulated and agreed upon in the following articles. But as a question has arisen between the commissioners and the Cherokees whether the Senate in their resolution by which they advised "that a sum not exceeding five millions of dollars be paid to the Cherokee Indians for all their lands and possessions east of the Mississippi river" have included and made any allowance or consideration for claims for spoliations it is therefore agreed on the part of the United States that this question shall be again submitted to the Senate for their consideration and decision and if no allowance was made for spoliations that then an additional sum of three hundred thousand dollars be allowed for the same. . . .

Article 5

The United States hereby covenant and agree that the lands ceded to the Cherokee nation in the forgoing article shall, in no future time

without their consent, be included within the territorial limits or jurisdiction of any State or Territory. But they shall secure to the Cherokee nation the right by their national councils to make and carry into effect all such laws as they may deem necessary for the government and protection of the persons and property within their own country belonging to their people or such persons as have connected themselves with them: provided always that they shall not be inconsistent with the constitution of the United States and such acts of Congress as have been or may be passed regulating trade and intercourse with the Indians; and also, that they shall not be considered as extending to such citizens and army of the United States as may travel or reside in the Indian country by permission according to the laws and regulations established by the Government of the same. . . .

Article 7

The Cherokee nation having already made great progress in civilization and deeming it important that every proper and laudable inducement should be offered to their people to improve their condition as well as to guard and secure in the most effectual manner the rights guarantied to them in this treaty, and with a view to illustrate the liberal and enlarged policy of the Government of the United States towards the Indians in their removal beyond the territorial limits of the States, it is stipulated that they shall be entitled to a delegate in the House of Representatives of the United States whenever Congress shall make provision for the same.

Article 8

The United States also agree and stipulate to remove the Cherokees to their new homes and to subsist them one year after their arrival there and that a sufficient number of steamboats and baggage-wagons shall be furnished to remove them comfortably, and so as not to endanger their health, and that a physician well supplied with medicines shall accompany each detachment of emigrants removed by the Government. Such persons and families as in the opinion of the emigrating agent are capable of subsisting and removing themselves shall be permitted to do so; and they shall be allowed in full for all claims for the same twenty dollars for each member of their family; and in lieu of their one year's rations they shall be paid the sum of thirty-three dollars and thirty-three cents if they prefer it.

Such Cherokees also as reside at present out of the nation and shall

remove with them in two years west of the Mississippi shall be entitled to allowance for removal and subsistence as above provided.

Article 9

The United States agree to appoint suitable agents who shall make a just and fair valuation of all such improvements now in the possession of the Cherokees as add any value to the lands; and also of the ferries owned by them, according to their net income; and such improvements and ferries from which they have been dispossessed in a lawless manner or under any existing laws of the State where the same may be situated.

The just debts of the Indians shall be paid out of any monies due them for their improvements and claims; and they shall also be furnished at the discretion of the President of the United States with a sufficient sum to enable them to obtain the necessary means to remove themselves to their new homes, and the balance of their dues shall be paid them at the Cherokee agency west of the Mississippi. The missionary establishments shall also be valued and appraised in a like manner and the amount of them paid over by the United States to the treasurers of the respective missionary societies by whom they have been established and improved in order to enable them to erect such buildings and make such improvements among the Cherokees west of the Mississippi as they may deem necessary for their benefit. Such teachers at present among the Cherokees as this council shall select and designate shall be removed west of the Mississippi with the Cherokee nation and on the same terms allowed to them.

Article 10

The President of the United States shall invest in some safe and most productive public stocks of the country for the benefit of the whole Cherokee nation who have removed or shall remove to the lands assigned by this treaty to the Cherokee nation west of the Mississippi the following sums as a permanent fund for the purposes hereinafter specified and pay over the net income of the same annually to such person or persons as shall be authorized or appointed by the Cherokee nation to receive the same and their receipt shall be a full discharge for the amount paid to them viz: the sum of two hundred thousand dollars in addition to the present annuities of the nation to constitute a general fund the interest of which shall be applied annu-

ally by the council of the nation to such purposes as they may deem best for the general interest of their people. The sum of fifty thousand dollars to constitute an orphans' fund the annual income of which shall be expended towards the support and education of such orphan children as are destitute of the means of subsistence. The sum of one hundred and fifty thousand dollars in addition to the present school fund of the nation shall constitute a permanent school fund, the interest of which shall be applied annually by the council of the nation for the support of common schools and such a literary institution of a higher order as may be established in the Indian country. And in order to secure as far as possible the true and beneficial application of the orphans' and school fund the council of the Cherokee nation when required by the President of the United States shall make a report of the application of those funds and he shall at all times have the right if the funds have been misapplied to correct any abuses of them and direct the manner of their application for the purposes for which they were intended. The council of the nation may by giving two years' notice of their intention withdraw their funds by and with the consent of the President and Senate of the United States, and invest them in such manner as they may deem most proper for their interest. The United States also agree and stipulate to pay the just debts and claims against the Cherokee nation held by the citizens of the same and also the just claims of citizens of the United States for services rendered to the nation and the sum of sixty thousand dollars is appropriated for this purpose but no claims against individual persons of the nation shall be allowed and paid by the nation. The sum of three hundred thousand dollars is hereby set apart to pay and liquidate the just claims of the Cherokees upon the United States for spoliation of every kind, that have not been already satisfied under former treaties. . . .

Article 16

It is hereby stipulated and agreed by the Cherokees that they shall remove to their new homes within two years from the ratification of this treaty and that during such time the United States shall protect and defend them in their possessions and property and free use and occupation of the same and such persons as have been dispossessed of their improvements and houses; and for which no grant has actually issued previously to the enactment of the law of the State of Georgia, of December 1835 to regulate Indian occupancy shall be again put in possession and placed in the same situation and condition, in reference to

the laws of the State of Georgia, as the Indians that have not been dispossessed; and if this is not done, and the people are left unprotected, then the United States shall pay the several Cherokees for their losses and damages sustained by them in consequence thereof. And it is also stipulated and agreed that the public buildings and improvements on which they are situated at New Echota for which no grant has been actually made previous to the passage of the above recited act if not occupied by the Cherokee people shall be reserved for the public and free use of the United States and the Cherokee Indians for the purpose of settling and closing all the Indian business arising under this treaty between the commissioners of claims and the Indians.

The United States, and the several States interested in the Cherokee lands, shall immediately proceed to survey the lands ceded by this treaty; but it is expressly agreed and understood between the parties that the agency buildings and that tract of land surveyed and laid off for the use of Colonel R. J. Meigs Indian agent or heretofore enjoyed and occupied by his successors in office shall continue subject to the use and occupancy of the United States, or such agent as may be engaged specially superintending the removal of the tribe. . . .

Article 19

This treaty after the same shall be ratified by the President and Senate of the United States shall be obligatory on the contracting parties. . . .

In testimony whereof, the commissioners and the chiefs, head men, and people whose names are hereunto annexed, being duly authorized by the people in general council assembled, have affixed their hands and seals for themselves, and in behalf of the Cherokee nation.

I have examined the foregoing treaty, and although not present when it was made, I approve its provisions generally, and therefore sign it.

Wm. Carroll,
J. F. Schermerhorn

Major Ridge, his x mark,	[L.S.]	Te-gah-e-ske, his x mark,	[L.S.]
James Foster, his x mark,	[L.S.]	Robert Rogers,	[L.S.]
Tesa-ta-esky, his x mark,	[L.S.]	John Gunter,	[L.S.]
Charles Moore, his x mark,	[L.S.]	John A. Bell,	[L.S.]
George Chambers, his x mark,	[L.S.]	Charles F. Foreman,	[L.S.]
Tah-yeske, his x mark,	[L.S.]	William Rogers,	[L.S.]
Archilla Smith, his x mark,	[L.S.]	George W. Adair,	[L.S.]
Andrew Ross,	[L.S.]	Elias Boudinot,	[L.S.]
William Lassley,	[L.S.]	James Starr, his x mark,	[L.S.]
Cae-te-hee, his x mark,	[L.S.]	Jesse Half-breed, his x mark,	[L.S.]

Signed and sealed in presence of—

Western B. Thomas, secretary.	C. M. Hitchcock, M.D., assistant
Ben. F. Currey, special agent.	surgeon, U. S. A.
M. Wolfe Batman, first lieutenant, sixth	G. W. Currey,
U.S. Infantry, disbursing agent.	Wm. H. Underwood,
Jon. L. Hooper, lieutenant,	Cornelius D. Terhune,
fourth Infantry.	John W. H. Underwood.

THE OPPOSITION CONTINUES

The signing of a removal treaty in December 1835 and its ratification by the Senate in the spring of 1836 did not end opposition to removal. John Ross continued his efforts to have the treaty abrogated. Simultaneously and in apparent contradiction to his resistance to removal, he lobbied to have the payment for lands in the East increased and the title to a western territory guaranteed. He suggested alternatives to removal including the extension of United States citizenship to Cherokees remaining in the East and their acceptance of fair state laws. Such a measure would have ended the Cherokee Nation and his own political career. He even explored the possibility of emigration to Mexico, where the Cherokees would at last be beyond the reach of the United States. Ross worried that removal under the Treaty of New Echota would not be the Cherokees' last. Indeed, in 1828 Cherokees who had earlier moved west had to give up their land in what became Arkansas and move even farther west.

Most Cherokees continued to support Ross even when his position was not clear. The public statements of the vast majority of Cherokees left little doubt where they stood. Councils rejected negotiation, and fifteen thousand Cherokees protested the Treaty of New Echota in petitions to the United States Senate. Ross insisted that he merely represented their views. The Treaty Party, according to Ross, had behaved unethically, illegally, and undemocratically. They had subverted, Ross believed, the incontrovertible will of the people.

Because the president and the Congress recognized the Treaty Party and the Treaty of New Echota as legitimate, Ross felt compelled to go on the offensive. Ross relied on the pen of his friend John Howard Payne, a journalist who had been arrested along with the chief by the Georgia Guard, and sympathetic newspapers. With Payne's advice, in 1836 he published a pamphlet, *Letter from John Ross . . . in Answer to Inquiries from a Friend Regarding the Cherokee Affairs with the United States*. Excerpts from his pamphlet appeared, with supporting

boundary; solemnly pledge the faith of the United States to restrain their citizens from trespassing on it; and recognise the pre-existing power of the nation to govern itself.

They are in equal hostility with the acts of Congress for regulating this intercourse, and giving effect to the treaties.

The forcible seizure and abduction of the plaintiff in error, who was residing in the nation with its permission, and by authority of the President of the United States, is also a violation of the acts which authorize the chief magistrate to exercise this authority. . . .

It is the opinion of this Court that the judgment of the Superior Court for the county of Gwinnett, in the state of Georgia, condemning Samuel A. Worcester to hard labour in the penitentiary of the state of Georgia, for four years, was pronounced by that Court under colour of a law which is void, as being repugnant to the Constitution, treaties, and laws of the United States, and ought, therefore, to be reversed and annulled.

DISPOSSESSING THE CHEROKEES

While the state laws extending jurisdiction into the Cherokee Nation had as their general purpose to harass the Indians to the treaty table and out of the state, the body of legislation enacted by the Georgia General Assembly between 1828 and 1835 covered a range of specifics that applied both to government and to property. As the Cherokees clung to their homes, farms, and businesses despite the pressures to leave, politicians devised new schemes to turn up the heat. Many Georgians were reluctant to infringe on the rights of the Cherokees to their improved property, however, and so most improvements remained relatively secure for a while.

Many of the leading men in the Cherokee government were wealthy businessmen and planters. If they could be dispossessed, Georgians came to think, they would surely agree to removal. The problem of how to do so was solved when a federal agent realized that many of the wealthiest, including Principal Chief John Ross, had accepted reserves (individual or personal reservations) under the terms of the treaties of 1817 and 1819. The treaty provisions in question assumed that those who took reserves intended to leave the Cherokee Nation and either become citizens in the states where their reserves were located or sell them and move west. While no one in the Cherokee Nation believed that accepting these reserved tracts

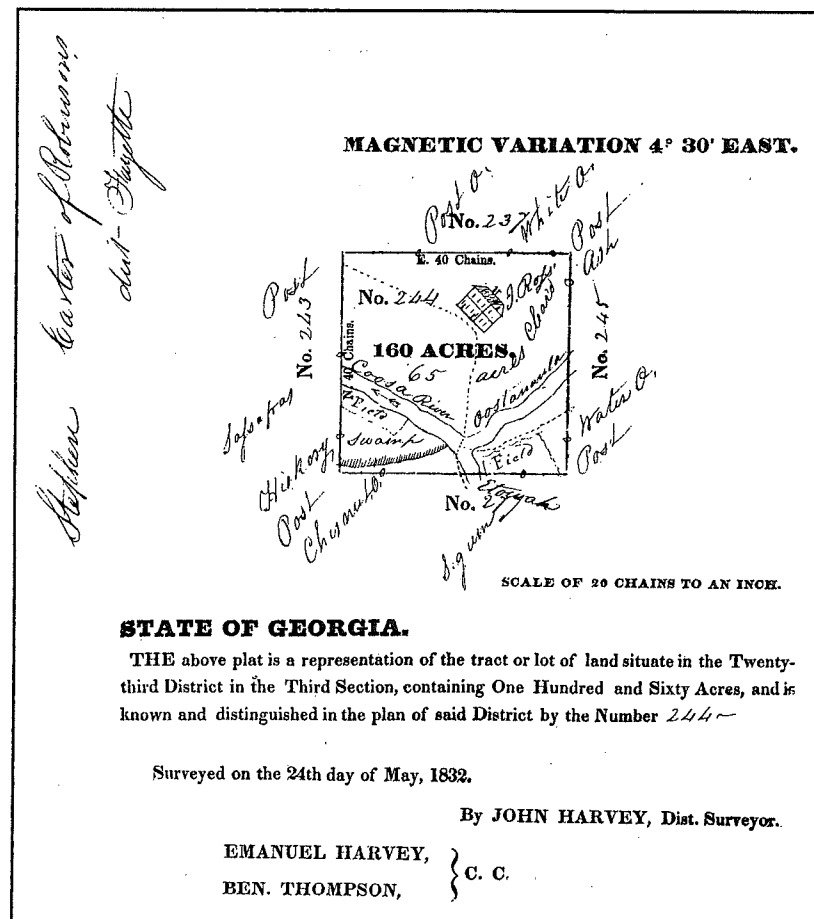


Figure 5. Survey of John Ross's Plantation.

In 1832, Georgians surveyed the Cherokee Nation in preparation for the distribution of Cherokee land to Georgia citizens in a land lottery. This plat of John Ross's plantation shows the principal chief's house, the road that passed in front of it, and his ferry across the Coosa River. It also noted cleared acres and timber resources.

Source: Part of Record Group 3 (Records of the Surveyor General). Reproduced with permission of the Georgia Archives, Office of Secretary of State.

had denationalized Ross and the others, the politicians claimed that it had, which meant that they had no legal or moral right to the property they had subsequently acquired in the Nation. Acting on this argument, in December 1833 the Georgia General Assembly passed a law that authorized the confiscation of their improvements.

The legislators went after these people for two reasons. One was that the politicians could concoct an argument that permitted them to increase the pressure while blaming the victims for the action. The other was that the victims of this policy composed a substantial segment of the Cherokee economic and political elite. As the leadership class, they were the ones who led Cherokee resistance to removal. Furthermore, the pro-removal advocates in Georgia and Washington had claimed for years that this privileged elite blocked the desire of the mass of Cherokees, who really wanted to move west where they could continue their hunting lifestyle, in order to protect their property. If they were stripped of their possessions, the leaders supposedly would have no reason to block the removal of their people.

The following selection, part of a memorial submitted by the Cherokee Nation to Congress on June 22, 1836, is one of dozens of statements and petitions drafted by Cherokee leaders in a frantic hope that somehow they could convince the government to rescind its policy to remove them. Signed by John Ross, John Martin, James Brown, Joseph Vann, John Benge, Lewis Ross, Elijah Hicks, and Richard Fields, delegates sent to Washington by the National Council, this petition describes something of the hardship and terror Cherokees experienced daily as the laws of Georgia did their work. Men of wealth, these Cherokees represented the most "civilized" element of their Nation. But being "civilized" did not protect them from a policy rationalized as a measure to save helpless and "degenerate" Indians from the evils of American culture. Instead their property targeted them for special attack. Mary Young's article "The Exercise of Sovereignty in Cherokee Georgia" (cited on p. 74) provides further information on this topic.

The "Memorial of Protest of the Cherokee Nation" was printed in the *United States Congressional Serial Set* as House Document 286, 24th Cong., 1st sess. The serial set is a varied collection of documents that Congress began to publish in 1817. Virtually anything that congressional committees or individual representatives and senators wished to include was printed, and historians have found it to be an enormously valuable source of primary records. It is one of the few places, for example, where documents produced by Native people,

such as this memorial, can be found quite easily. This collection normally is housed in the government documents section of a library. Some libraries have the serial set in its original bound (book) form while others have it on microfiche. For an index to material in the serial set relevant to Indians, see Stephen L. Johnson, *Guide to American Indian Documents in the Congressional Serials Set, 1817-1899* (New York: Clearwater Publishing Company, 1977).

Memorial of Protest of the Cherokee Nation

June 22, 1836

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 faithful 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 neighborhood.* 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 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, and his actual improve-

ments adjoining. Many of the Cherokees filed bills, and obtained injunctions against dispossession, and would have found relief in the courts of the country, if the judiciary had not been prostrated at the feet of legislative power. For the opinion of a judge, on this subject, there was an attempt to impeach him, then to limit his circuit to one county, and when all this failed, equity jurisdiction was taken from the courts, in Cherokee cases, by acts passed in the years 1833 and 1834. The Cherokees were then left at the mercy of an interested agent. This agent, under the act of 1834, was the notorious William N. Bishop, the captain of the Georgia Guard, aid to the Governor, clerk of a court, postmaster, &c. and his mode of trying Indian rights is here submitted:

Murray county, Georgia, January 20, 1835

Mr. John Martin:

Sir: The legal representative of lots of land,

No.	95	25 district	2d section
	86	25 "	2 "
	93	25 "	2 "
	89	25 "	2 "
	57	25 "	2 "

has called on me, as States agent, to give him possession of the above described lots of land, and informs me that you are the occupant upon them. Under the laws of the State of Georgia, passed in the years 1833 and 1834, it is made my duty to comply with his request, you will, therefore, prepare, yourself to give entire possession of said premises, on or before the 20th day of February next, fail not under the penalty of the law.

Wm. N. Bishop, *States Agent*

Mr. Martin, a Cherokee, was a man of wealth, had an extensive farm; large fields of wheat growing; and was turned out of house and home, and compelled, in the month of February, to seek a new residence within the limits of Tennessee. Thus Mr. Bishop settled his rights according to the notice he had given. The same summary process was used towards Mr. John Ross, the principal chief of the Cherokee nation. He was at Washington city, on the business of his nation. When he returned, he travelled till about 10 o'clock at night, to reach his family; rode up to the gate; saw a servant, believed to be his own; dismounted, ordered his horse taken; went in, and to his utter astonishment, found himself a stranger in his own house, his family having been, some days before, driven out to seek a new home. A

thought then flitted across his mind, that he could not, under all the circumstances of his situation, reconcile it to himself to tarry all night under the roof of his own house as a stranger, the new host of that house being the tenant of that mercenary band of Georgia speculators, at whose instance his helpless family had been turned out and made homeless.

Upon reflecting, however, that "man is born unto trouble," Mr. Ross at once concluded to take up lodgings there for the night, and to console himself under the conviction of having met his afflictions and trials in a manner consistent with every principle of moral obligation towards himself and family, his country and his God. On the next morning he arose early, and went out into the yard, and saw some straggling herds of his cattle and sheep browsing about the place. His crop of corn undisposed of. In casting a look up into the wide spread branches of a majestic oak, standing within the enclosure of the garden, and which overshadows the spot where lies the remains of his dear babe, and most beloved and affectionate father, he there saw, perched upon its boughs, that flock of beautiful peafowls, once the matron's care and delight, but now left to destruction and never more to be seen. He ordered his horse, paid his bill, and departed in search of his family, after travelling amid heavy rains, had the happiness of overtaking them on the road, bound for some place of refuge within the limits of Tennessee. Thus has his houses, farm, public ferries and other property, been seized and wrested from him. Mr. Richard Taylor was, also, at Washington, and in his absence, his family was threatened with expulsion, and compelled to give two hundred dollars for leave to remain at home for a few months only. This is the "*real humanity*" the Cherokees were shown by the real or pretended authorities of Georgia, "disavowing any selfish or sinister motives towards them."

Mr. Joseph Vann, also, a native Cherokee, was a man of great wealth, had about eight hundred acres of land in cultivation; had made extensive improvements, consisting, in part, of a brick house [see p. 51], costing about ten thousand dollars, mills, kitchens, negro houses, and other buildings. He had fine gardens, and extensive apple and peach orchards. His business was so extensive, he was compelled to employ an overseer and other agents. In the fall of 1833, he was called from home, but before leaving, made a conditional contract with a Mr. Howell, a white man, to oversee for him in the year 1834, to commence on the first of January of that year. He returned about the 28th or 29th of December 1833, and learning Georgia had prohibited any Cherokee

from hiring a white man, told Mr. Howell he did not want his services. Yet Mr. Bishop, the State's agent, represented to the authorities of Georgia, that Mr. Vann had violated the laws of that State, by hiring a white man, had forfeited his right of occupancy, and that a grant ought to issue for his lands. There were conflicting claims under Georgia for his possessions. A Mr. Riley pretended a claim, and took possession of the upper part of the dwelling house, armed for battle. Mr. Bishop, the State's agent, and his party, came to take possession, and between them and Riley, a fight commenced and from twenty to fifty guns were fired in the house. While this was going on, Mr. Vann gathered his trembling wife and children into a room for safety. Riley could not be dislodged from his position up stairs, even after being wounded, and Bishop's party finally set fire to the house. Riley surrendered and the fire was extinguished.

Mr. Vann and his family were then driven out, unprepared, in the dead of winter, and snow upon the ground, through which they were compelled to wade, and to take shelter within the limits of Tennessee, in an open log cabin, upon a dirt floor, and Bishop put his brother Absalom in possession of Mr. Vann's house. This Mr. Vann is the same, who, when a boy, volunteered as a private soldier in the Cherokee regiment, in the service of the United States, in the Creek war, periled his life in crossing the river at the battle of the Horse Shoe. What has been his reward?

Hundreds of other cases might be added. In fact, near all the Cherokees in Georgia, who had improvements of any value, except the favorites of the United States agents, under one pretext or other, have been driven from their homes. . . .

The Cherokee delegation have thus considered it their duty to exhibit before your honorable body a brief view of the Cherokee case, by a short statement of facts. A detailed narrative would form a history too voluminous to be presented, in a memorial and protest. They have, therefore, contented themselves with a brief recital, and will add, that in reviewing the past, they have done it alone for the purpose of showing what glaring oppressions and sufferings the peaceful and unoffending Cherokees have been doomed to witness and endure. Also, to tell your honorable body, in sincerity, that owing to the intelligence of the Cherokee people, they have a correct knowledge of their own rights, and they well know the illegality of those oppressive measures which have been adopted for their expulsion, by State authority. Their devoted attachment to their native country has not been, nor ever can be, eradicated from their breast. This, together with the

implicit confidence, they have been taught to cherish, in the *justice, good faith, and magnanimity of the United States*, also, their firm reliance on the generosity and friendship of the American people, have formed the anchor of their hope and upon which alone they have been induced and influenced to shape their peaceful and manly course, under some of the most trying circumstances any people ever have been called to witness and endure.

WHITE INTRUDERS

The Cherokees complained bitterly about white people moving onto their land, mining their gold, stealing their livestock, and evicting them from their houses and farms. The United States government sent soldiers to eject intruders and offer protection to the Cherokees, but the small force had little effect, except perhaps in the gold country where the soldiers were concentrated. While many intruders had no claim to Cherokee land, the status of others was less clear-cut. Confronted with Cherokee refusal to negotiate removal, Georgia began awarding Cherokee land to its citizens in an attempt to force the Cherokees out. Thousands of white settlers, who believed that they had legitimate title to land, moved into the Cherokee Nation.

Georgia had a well-established method for distributing public lands which, the state insisted, included Cherokee territory. Male residents of the state as well as widows and orphans registered for land lotteries, and certain categories of people, such as veterans, could register twice. Surveyors partitioned the land into plots and prepared plats, or maps, for each of these plots. Lottery officials pulled a name out of one hopper and a plat out of another, thereby matching winner and prize. The winner paid only a small filing fee for his or her acreage. Unlike the later federal homestead law that required people to settle the land they claimed, Georgia's lotteries placed no restrictions on the winners. Consequently, many winners did not move to their new land but sold either their chances or the property to another party, often through one of the real estate agents who appeared on the scene. Wealthy planters tended to buy up the best land and leave that of marginal quality to poorer folk. The market was speculative and volatile, and some participants lost a great deal of money.

One of those who lost money in the market that followed the lottery for Creek lands was John Brandon, husband of Zillah Haynie Brandon, whose memoir is printed here. The Creeks ceded their last

land in Georgia to the federal government in 1827. The Compact of 1802 required that this land be surrendered to the state, and so Creek lands became available for distribution to the citizens of Georgia through the lottery. The lottery was so successful and popular that Georgia did not wait for the Cherokees to vacate their land before granting it to state citizens. Indeed, Georgia officials hoped a survey and lottery might hasten the Cherokees' departure. In 1830, the Georgia legislature provided for a survey of Cherokee lands in preparation for a lottery. In 1832, the same year that the Cherokees won their case before the United States Supreme Court, the lottery wheels began to turn in the state capital. Georgia law gave some protection to land that Cherokees actually occupied, but the process for halting eviction by a lottery winner became so complicated and expensive that few Cherokees could take advantage of it. As a result, lottery winners or those who bought land from winners swarmed into the Cherokee Nation.

John Brandon's early loss had not dampened his enthusiasm for the land lottery and the secondary market that followed. When he failed to draw a lot, he purchased another man's rights to Cherokee land. He had not met with much success in life, and land in the Cherokee Nation gave him yet another opportunity to start over. He did not hope alone. Many in Georgia sang the popular song:

All I want in this Creation
Is a pretty little wife and a big plantation
Way up north in the Cherokee Nation.

John and Zillah Brandon moved with their three small children to a Cherokee cabin in what Georgia had designated Cass (later renamed Bartow) County. When she was an elderly woman, Zillah Haynie Brandon remembered these trying times in a memoir spanning her life from 1823 to 1871, which she wrote for her children. Her original handwritten memoir is housed in the Alabama Department of Archives and History in Montgomery. In transcribing the memoir, the editors standardized punctuation and capitalization to make the document more readable, but they retained the author's spelling.

Brandon's memoir gives us some insight into conditions in the Cherokee Nation in the period between the signing of the Treaty of New Echota (1835) and removal (1838). Many Cherokees lived in despair. Forced from their homes, uncertain of their future, they exhibited profound distrust far more than hostility. Many unfortunately turned to alcohol to ease their pain. The Cherokee Nation had strict

gun and refused to go. Currey and Miller returned without him. He made the facts known to Hugh Montgomery, the Cherokee agent, who gave him a certificate that he should not be forced away against his will. So the matter rested till the emigrants were collected the next year, and then Currey sent a wagon and guard for him. He was arrested, tied, and hauled to the agency, leaving some of his children behind in the woods, where they had fled on the approach of the guard. Richard Cheek enrolled for emigration, but before the time of departure, he hired to work on the Tuscumbia rail-road, in Alabama. When the emigrants started, Currey had Cheek's wife taken, put on board a boat, and started to Arkansas. She was even denied the privilege of visiting her husband as she descended the river. He was left behind, and never saw her more. She died on the way.

Such outrages, and violations of treaty stipulations, have been the subject of complaint to the Government of the United States, on the part of the Cherokees, for years past; and the delegation are not surprised, that the American people are not now startled at those wrongs, so long continued, for by habit men are brought to look with indifference upon death itself. If the Government of the United States have determined to take the Cherokee lands without their consent, the power is with them; and the American people can "reap the field that is not their own, and gather the vintage of his vineyard whom by violence they have oppressed."

FORCED REMOVAL

Evan Jones, a Baptist missionary who worked among the Cherokees in North Carolina, accompanied his congregation to the stockades and on the westward trek. Jones, like Worcester and other missionaries, did much to publicize the Cherokee cause and garner support among evangelical Protestants in the North. Their courage in defying both state and federal authorities and their willingness to share the Cherokees' suffering gained such missionaries considerable trust and admiration. Jones, who came to the most conservative part of the Cherokee Nation in 1822, also had developed a tolerance and even appreciation for traditional Cherokee culture that was rare among missionaries. Clearly John Ross had confidence in him, for he acted as the principal chief's secretary during the summer of 1838. When the time came to go west, Ross named him as assistant conductor of a detachment, and he became one of only three white missionaries who actu-

ally accompanied the Cherokees on the Trail of Tears. His detachment of 1,250 people left in October, and the journey took three and a half months. Seventy-one people died en route, and five babies were born before they arrived in their new homeland.

Jones's feelings about the Cherokees are clear in letters he sent to the *Baptist Missionary Magazine*, which reprinted excerpts in its issues of September 1838 and April 1839. If you would like to know more about Evan Jones and his son John, see William G. McLoughlin's superb book, *Champions of the Cherokees: Evan and John B. Jones* (Princeton: Princeton University Press, 1990).

How did Jones regard the Cherokees? What was his opinion of white Georgians? How did the Cherokees spend their time in the stockade? What were conditions on the removal west?

EVAN JONES

Letters

May-December 1838

May 21

Our minds have, of late, been in a state of intense anxiety and agitation. The 24th of May is rapidly approaching. The major-general has arrived, and issued his summons, declaring that every man, woman and child of the Cherokees must be on their way to the west before another moon shall pass. The troops, by thousands, are assembling around the devoted victims. The Cherokees, in the mean time, apprized of all that is doing, wait the result of these terrific preparations; with feelings not to be described. Wednesday, the 16th inst.,¹ was appointed as a day of solemn prayer.

May 31

We have cause for thankfulness that some few glimmerings of hope have at length penetrated the gloom. The delegation at Washington have at last come to an understanding with the Secretary of War on

¹"Instant": the current month.

the basis of a new arrangement; the Indians to cede the country east, to remove within two years to the west, to be protected during their stay, and escorted to their place of destination; to remove themselves, and have a title in fee to the country west of Arkansas; to receive a gross sum to cover all demands. May the Lord direct all for the advancement of his own glory!

Camp Hetzel, Near Cleveland, June 16

The Cherokees are nearly all prisoners. They have been dragged from their houses, and encamped at the forts and military posts, all over the nation. In Georgia, especially, multitudes were allowed no time to take any thing with them, except the clothes they had on. Well-furnished houses were left a prey to plunderers, who, like hungry wolves, follow in the train of the captors. These wretches rifle the houses, and strip the helpless, unoffending owners of all they have on earth. Females, who have been habituated to comforts and comparative affluence, are driven on foot before the bayonets of brutal men. Their feelings are mortified by vulgar and profane vociferations. It is a painful sight. The property of many has been taken, and sold before their eyes for almost nothing—the sellers and buyers, in many cases, being combined to cheat the poor Indians. These things are done at the instant of arrest and consternation; the soldiers standing by, with their arms in hand, impatient to go on with their work, could give little time to transact business. The poor captive, in a state of distressing agitation, his weeping wife almost frantic with terror, surrounded by a group of crying, terrified children, without a friend to speak a consolatory word, is in a poor condition to make a good disposition of his property and is in most cases stripped of the whole, at one blow. Many of the Cherokees, who, a few days ago, were in comfortable circumstances, are now victims of abject poverty. Some, who have been allowed to return home, under passport, to inquire after their property, have found their cattle, horses, swine, farming-tools, and house-furniture all gone. And this is not a description of extreme cases. It is altogether a faint representation of the work which has been perpetrated on the unoffending, unarmed and unresisting Cherokees.

Our brother Bushyhead and his family, Rev. Stephen Foreman, native missionary of the American Board, the speaker of the national council, and several men of character and respectability, with their families, are here prisoners.

It is due to justice to say, that, at this station, (and I learn the same is true of some others,) the officer in command treats his prisoners with great respect and indulgence. But fault rests somewhere. They are prisoners, without a crime to justify the fact.

These *savages*, prisoners of *Christians*, are now all hands busy, some cutting and some carrying posts, and plates, and rafters—some digging holes for posts, and some preparing seats, for a temporary place for preaching tomorrow. There will also be preaching at another camp, eight miles distant. We have not heard from our brethren in the mountains since their capture. I have no doubt, however, but the grace of God will be sufficient for them, and that their confidence is reposed in the God of their salvation. My last accounts from them were truly cheering. In a few days they expected the victorious army, to sweep them into their forts, but they were going on steadily in their labors of love to dying sinners. Brother O-ga-na-ya wrote me, May 27, that seven, (four males and three females,) were baptized at Taquohee on that day. He says, "If it shall be peace, we intend to meet at this place on the second Saturday. We are in great trouble. It is said, that on Monday next we are to be arrested, and I suppose it to be true. Many are greatly terrified."

The principal Cherokees have sent a petition to Gen. Scott, begging most earnestly that they may not be sent off to the west till the sickly season is over. They have not received any answer yet. The agent is shipping them by multitudes from Ross's Landing. Nine hundred in one detachment, and seven hundred in another, were driven into boats, and it will be a miracle of mercy if one-fourth escape the exposure to that sickly climate. They were exceedingly depressed, and almost in despair.

July 10

The work of war in time of peace, is commenced in the Georgia part of the Cherokee nation, and is carried on, in most cases, in the most unfeeling and brutal manner; no regard being paid to the orders of the commanding General, in regard to humane treatment of the Indians. I have heard of only one officer in Georgia, (I hope there are more,) who manifests any thing like humanity, in his treatment of this persecuted people. . . .

The work of capturing being completed, and about 3,000 sent off, the General has agreed to suspend the further transportation of the

captives till the first of September. This arrangement, though but a small favor, diffused universal joy through the camps of the prisoners. . . .

July 11

Brethren Wickliffe and O-ga-na-ya, and a great number of members of the church at Valley Towns, fell into Fort Butler, seven miles from the mission. They never relaxed their evangelical labors, but preached constantly in the fort. They held church meetings, received ten members, and on Sabbath, June 17, by permission of the officer in command, went down to the river and baptized them, (five males and five females.) They were guarded to the river and back. Some whites present, affirm it to have been the most solemn and impressive religious service they ever witnessed.

I have omitted till now to say that as soon as General Scott agreed to suspend the transportation of the prisoners till autumn, I accompanied brother Bushyhead, who, by permission of the General, carried a message from the chiefs to those Cherokees who had evaded the troops by flight to the mountains. We had no difficulty in finding them. They all agreed to come in, on our advice, and surrender themselves to the forces of the United States; though, with the whole nation, they are still as strenuously opposed to the treaty as ever. Their submission, therefore, is not to be viewed as an acquiescence in the principles or the terms of the treaty; but merely as yielding to the physical force of the U. States.

On our way, we met a detachment of 1,300 prisoners. As I took some of them by the hand, the tears gushed from their eyes. Their hearts, however, were cheered to see us, and to hear a word of consolation. Many members of the church were among them. At Fort Butler, we found a company of 300, just arrived from the mountains, on their way to the general depot, at the Agency. Several of our members were among these also. I believe the Christians, the salt of the earth, are pretty generally distributed among the several detachments of prisoners, and these Christians maintain among themselves the stated worship of God, in the sight of their pagan brethren, and of the white heathens who guard them.

We had a very laborious journey through the mountains, which we extended to the Cherokee settlement in North Carolina. Here we had several meetings with whites and Indians, and on Sabbath, the 1st

inst., had the pleasure to baptize, on profession of their faith, three Cherokee females, who had previously been examined and approved.

December 30

We have now been on our road to Arkansas seventy-five days, and have travelled five hundred and twenty-nine miles. We are still nearly three hundred miles short of our destination. We have been greatly favored by the kind providence of our heavenly Father. We have as yet met with no serious accident, and have been detained only two days by bad weather. It has, however, been exceedingly cold for some time past, which renders the condition of those who are but thinly clad, very uncomfortable. In order, however, to counteract the effects of the severity of the weather in some degree, we have, since the cold set in so severely, sent on a company every morning, to make fires along the road, at short intervals. This we have found a great alleviation to the sufferings of the people. . . .

The members of the church, generally, maintain consistency of conduct, and many of them are very useful. Our native preachers are assiduous in their labors, seizing all favorable opportunities to cherish a devotional spirit among the brethren. Their influence is very salutary.

I am afraid that, with all the care that can be exercised with the various detachments, there will be an immense amount of suffering, and loss of life attending the removal. Great numbers of the old, the young, and the infirm, will inevitably be sacrificed. And the fact that the removal is effected by coercion, makes it the more galling to the feelings of the survivors.

WAITING TO CROSS THE MISSISSIPPI

Of the many physical obstacles facing the Cherokees as they moved west, perhaps the most daunting was the Mississippi River. Chunks of ice made crossing the great river extremely dangerous, and Cherokee detachments camped on the east bank to await a thaw. The cold, damp weather made the delay almost unbearable, as the following letter from George Hicks, the leader of a detachment, demonstrates. Marshall of one of the eight Cherokee districts, Hicks had attended the Moravian mission school and had become a church member. Unlike John Ridge and Elias Boudinot, who also attended the Moravian

school, George Hicks continued to oppose removal, and his continuing commitment to his Moravian faith and to the missionaries, along with the friendship of other Cherokee leaders, helped assuage suspicions about the Moravians, who opposed removal but remained silent publicly. Three Moravian missionaries originally planned to travel with Hicks to the West, but delays in his departure prompted them to go on ahead. His detachment, the last of the thirteen to leave the East, departed on November 4, 1838, with 1,118 people, and they arrived in the new Cherokee Nation in the West on March 5, 1838, with 1,039.

Hicks addressed his letter to Reverend William Van Vleck, a Moravian bishop and minister in Salem, North Carolina, and the original is in the Moravian Archives in Winston-Salem, North Carolina. Research rarely takes place in a vacuum: Scholars with similar interests usually share ideas and sources. This letter appears in this book as a result of that process. Our friend Anna Smith discovered the letter while pursuing her own research project and shared it with us. C. Daniel Crews, archivist at the Moravian Archives, kindly permitted us to publish it. The editors have standardized punctuation and spelling. To learn more about the Moravians and the Cherokees, see Edmund Schwarze, *History of the Moravian Missions among Southern Indian Tribes of the United States* (Bethlehem, Pa.: Times Publishing Company, 1923), or the more readable C. Daniel Crews, *Faith and Tears: The Moravian Mission among the Cherokee* (Winston-Salem, N.C.: Moravian Archives, 2000).

GEORGE HICKS

Letter from the Trail of Tears

January 13, 1839

JOHNSON CTY ILLINOIS 13TH JANY. 1839

My Dear Friend & Brother,
Having a few leisure moments to spare & thinking you would like to hear from us, I cannot more agreeably employ a few moments than in addressing you a few lines. We left the Cherokee Nation East, the land of our nativity, on the first day of last November & took up the line of our March for the far West & through the Mercies of an all Wise Prov-

idence, who is ever ready to assist the oppressed & whose ear is ever open to their cries, have arrived thus far on our Journey West. The fall & Winter has been very cold & we have necessarily Suffered a great [deal] from exposure, from cold & from fatigue. Our people, a great many of them were very poor & very destitute of clothing & of the means of rendering themselves comfortable. We done all in our power to remedy their destitute situation & contributed very much to their comfort by supplying them, so far as we could, with clothing Blankets & shoes, but still we have Suffered a great deal with sickness & have lost since the 21st of October last about 35, a great proportion of them were aged & children. Our numbers are probably over 1100 & so large a train to see to, to attend to their wants & to watch over required a great deal of care & industry & caused a great anxiety of mind & so much responsibility added to the fatigue of travelling brought upon me a spell of sickness from which I thought I should not recover, but through the the mercies of an all wise providence, I have in a good degree recovered my health. We are now lying within about 20 miles of the Mississippi river which we could not cross on account of Ice. We have been lying by about two weeks & have not been travelling on account of their [sic] being ahead of us two detachments of Cherokees who must cross before we can cross. The Mississippi has been full of large quantities of floating Ice, which at times rendered it impassable, but they still keep crossing & I am in hopes we will get over in one or two weeks. We will start in the Morning again on our Journey West. The roads are in very bad Order as the ground was frozen very deep & there has been for the last ten days a general thaw, not even any frost, together with a good deal of wet which probably will make them almost impassable, but we must necessarily calculate on suffering a great deal from hardships & exposure before we yet reach our homes in the far West. We look to the Almighty for strength & protection to enable us to reach the place of destination—As yet we are hardly half way—& to look forward to the Termination of Journey & our toils we can not as yet—But hope for the best.

I Shall never so long as memory remains forget the kind friends, Brethren in Christ, which I met in last August in your country. The recollection of the happiness I felt among them & of their kindness & hospitality affords to me a pleasing reflection & shows the happiness a christian community can enjoy with one another when all are united in the bonds of brotherly love and affection. I solicit from you & from my dear friends and Brothers in Christ an Interest in your prayers at a

throne of grace for continuance of Divine favor & for protection. My family are all in the enjoyment of as good health as we could expect. I should be Extremely happy when leisure offers to hear from you & my Christian friends when we arrive West

& Believe me I ever Remain
Your friend & Brother in christ

Respectfully
George Hicks

Rev. Wm. Van Vleck

REMOVAL THROUGH A CHILD'S EYES

In early summer 1838, United States soldiers rounded up most Cherokees and imprisoned them in stockades to await deportation. Emotions no doubt ranged from indignation to anger to terror to resignation as people abandoned their homes and belongings. Stories abounded of families inadvertently separated and children accidentally left behind in the confusion. The hot, crowded conditions of the stockades ultimately gave way to the seemingly endless journey west. Most detachments took about five to six months to cover the thousand miles between the Cherokees' old home and their new. Some people rode in wagons or on horses while others walked the entire way. Fatigue, disease, and ultimately the cold took a heavy toll.

Rebecca Neugin was three years old when she made the journey west with her family. Her parents and brother no doubt augmented her memory by frequent recounting of the family's experience on the Trail of Tears. She shared her personal account with Grant Foreman, an Oklahoma historian, in 1932 when she was nearing one hundred years of age, and Foreman published the interview in his *Indian Removal*.

Do you think that this account of removal as experienced by a very small child and retold by her at an advanced age has historical value? Should a historian use family stories that are handed down orally? How does this account compare with those of Evan Jones and George Hicks, which were written at the time of removal rather than nearly a hundred years later?

REBECCA NEUGIN

Recollections of Removal

1932

When the soldiers came to our house my father wanted to fight, but my mother told him that the soldiers would kill him if he did and we surrendered without a fight. They drove us out of our house to join other prisoners in a stockade. After they took us away my mother begged them to let her go back and get some bedding. So they let her go back and she brought what bedding and a few cooking utensils she could carry and had to leave behind all of our other household possessions. My father had a wagon pulled by two spans of oxen to haul us in. Eight of my brothers and sisters and two or three widow women and children rode with us. My brother Dick who was a good deal older than I was walked along with a long whip which he popped over the backs of the oxen and drove them all the way. My father and mother walked all the way also. The people got so tired of eating salt pork on the journey that my father would walk through the woods as we traveled, hunting for turkeys and deer which he brought into camp to feed us. Camp was usually made at some place where water was to be had and when we stopped and prepared to cook our food other emigrants who had been driven from their homes without opportunity to secure cooking utensils came to our camp to use our pots and kettles. There was much sickness among the emigrants and a great many little children died of whooping cough.

REBUILDING THE CHEROKEE NATION

In 1841 Ethan Allen Hitchcock traveled west to investigate charges of corruption in the removal of the southern Indians. In addition to writing a scathing report on the government's Indian policy, which was suppressed, he kept a diary of his travels. He visited many Cherokee homes and dined at Cherokee tables. What he saw in the Cherokee Nation was a people rebuilding. Only two years after their arrival, the Cherokees were tilling fields, sending their children to school, and attending Council meetings. Although there was political turmoil and considerable violence, the lives of most Cherokees seemed to be returning to normal. Certainly suffering continued, but the Cherokees

couple; certifies the marriage on the back of the license which is then deposited with the Court. They have a number of preachers among them, some who do not speak English at all. . . .

As we approached Tallequah we met several persons riding out, two women among them, well dressed and covered with shawls, the men well dressed with hats and all are riding good horses. These people, said I, don't look very wild. Mr. Drew was flattered. Presently we met another party and among them I found one of the Vann's, the Treasurer of the Nation, whom I knew in Washington last summer. We shook hands cordially.

As we came in sight of the capital, I saw a number of log houses arranged in order with streets; or one street at all events, was clearly visible but the houses were very small. One house was painted: "The Council sit there"—"The Committee sit there"; (some distance off) "to the left, the principal chief stays"—we saw a number of people "There are cooks, public cooks we call them" said Mr. Drew, "along those houses, meat etc., is furnished to them and they cook for the public. Everybody can go to the public tables. See there," said he, "you see some eating dinner." I saw some 20 at one table. "The nation pays the expense." We passed the centre of the town, "I live" said Mr. Drew "with a cousin over yonder. You had better go to Mr. Wolfe's on the hill" pointing in the direction I was riding. He politely offered to show me everything and we parted. . . .

I have seen a number of people and heard much which has left a general impression. It would be difficult to recall the particulars. Lewis Ross the merchant is wealthy and lives in considerable style. His house is of the cottage character, clapboarded and painted, his floor carpeted, his furniture elegant, cane bottomed chairs, of high finish, mahogany sofa, two superior mahogany Boston rocking chairs, mahogany ladies work table with drawers, a very superior Chickering piano on which his unmarried daughter, a young lady of about 17 or 18, just from school at Rawway in New Jersey, plays some waltzes, and sings some songs. She is lively and pretty with rich flowing curls, very fine eyes and beautiful regular ivory teeth. She has two cousins, twins, Misses Nave, 16 about, modest fair looking girls who have not the confidence and presence of mind of Miss Ross whose accomplishments perhaps overawe them. Mrs. Lewis Ross is a portly fine looking woman who has just returned from a 3 year absence superintending the education of her daughter. A married daughter Mrs. Murrill was also there and her husband a white man who seems to be in partnership with Lewis Ross. Mr. Lewis Ross told me he sold as a merchant

no ornaments of any consequence, that the Cherokees bought nothing of that kind now, he sold a great proportion of domestics, some ready-made clothing, especially pantaloons and overcoats, and a great many shoes. Of the latter article the Cherokees make a great use almost dispensing with moccasins.

REMOVAL 150 YEARS LATER

Removal remains a central event in the historical consciousness of modern Cherokees. Most families have removal stories, and all Cherokees keenly feel the injustice of removal and the loss of their ancestral lands. They sing hymns, such as "One Drop of Blood" and "Orphan Child," that they associate with removal. Exhibits in tribal museums, outdoor dramas in Oklahoma and North Carolina, and the Trail of Tears Art Show commemorate removal. Cherokee artists, including Donald Vann and Dorothy Sullivan, use removal as a theme in their paintings, and Cherokee novelists have written about removal—in particular, Robert J. Conley in *Mountain Windsong* (Norman: University of Oklahoma Press, 1992) and Diane Glancy in *Pushing the Bear* (New York: Harcourt Brace, 1996). The Trail of Tears Association works in conjunction with the National Park Service to mark sites along the route taken by the Cherokees and the graves of those who traveled it. Three distinct, federally recognized Cherokee tribes exist today—the Cherokee Nation (population 220,000) and the United Keetoowah Band (population 10,000) in Oklahoma and the Eastern Band of Cherokee Indians (population 12,500) in western North Carolina—but the members of all three tribes join together periodically for two events that commemorate removal. The Trail of Tears Singing, a gospel music festival, takes place in western North Carolina where the ancestors of the Eastern Band managed to avoid removal, and a joint council of the Cherokee Nation and the Eastern Band convenes at Red Clay in Tennessee, the site of the last council meeting before removal. Former Cherokee Nation chief Wilma Mankiller's "tear dress" and current chief Chad Smith's colorful sashed coat, which they sometimes wear on public occasions, are styles from the removal era.

Mankiller, who served as principal chief from 1985 to 1995, has written an autobiography, *Mankiller: A Chief and Her People* (New York: St. Martin's Press, 1993), that intertwines her life and Cherokee history. Her feelings about removal are unambiguous, as is her conviction that Cherokees must draw strength from their history and culture

in order to live satisfying lives in the modern world. As you read the following excerpt, consider the intersection of past and present. In what ways does the council at Red Clay represent the past? What modern issues did the two Cherokee tribes who met there discuss? Do you see any connections?

WILMA MANKILLER

Reflections on Removal

1993

During the winter of 1838–1839, thousands of my people died on a forced removal from our Cherokee homes in the southeastern United States to present northeastern Oklahoma, where I now live. Some of my own kinspeople came to this land during that time. The routes the federal soldiers forced our tribe to take were known as *Nunna daul Tsunyi*, which in Cherokee means literally, “the trail where we cried.” In English, the removal became known as the Trail of Tears.

It was in March of 1839 when the last of the groups of Cherokees arrived in this area. One hundred fifty years later, in 1989, our tribe observed the sesquicentennial of that journey. Before it was decided that we should recognize the historic date, we had considerable discussion and hesitation because of sensitivity about the entire removal process that lingers to this day. We ultimately settled on a commemoration only after some wagon-train hobbyists, who were not affiliated with the tribe, retraced the Trail of Tears. We needed to set the record straight. Many of our people did not make the trip in wagon trains. Far from it. They had neither that option nor that luxury. Old ones and small children were placed in wagons, but many of the Cherokees made that trek by foot or were herded onto boats. Some were in shackles. Thousands perished or were forever scarred in body, mind, and soul.

It was not a friendly removal. It was ugly and unwarranted. For too many Cherokees, it was deadly. The worst part of our holocaust was that it also meant the continued loss of tribal knowledge and traditions. So when we marked that infamous date 150 years later, there could be no celebration. There were no festivities. Nobody smiled.

There was absolutely nothing to be happy about. It was a solemn observance, a very emotional time. We regarded the removal as something that happened to our family—something very bad that happened to our family. It was a tragedy. It brought us pain that never seemed to leave. Still, for me, the removal commemoration at Tahlequah did not have the historical impact on our people that an event five years earlier had.

It was in 1984 at Red Clay, Tennessee. It was a reunion of the Cherokee Nation of Oklahoma and the Eastern Band of Cherokees. During the removal in the late 1830s, several hundred Cherokees evaded the soldiers. They escaped to the mountains and remained in hiding. Those people formed the nucleus of the Eastern Band of Cherokees, now living on the Qualla Reservation in North Carolina. The meeting at Red Clay in 1984 was the first gathering of the two Cherokee groups since the removal. The reunion was very emotional. I stepped into the circle where Cherokee meetings had been held such a long time ago. I felt the anger and passion of my ancestors as they had gathered to discuss whether to fight to the death for the right to remain in our ancestral homeland, or to cooperate with the federal removal.

Besides the formal joint council meetings at Red Clay, which I co-chaired, there were wonderful ceremonial events. One of the most interesting was a stickball game. It is said that in the old days, stickball was sometimes played to settle disputes instead of going to war with another tribe. There are several variations of the game, but all of them are played in an open field. In one version, each player enters the field with a pair of ball sticks, one in each hand. The sticks are about two feet long and curved at one end, then laced with rawhide to form a kind of a racket. The ball is small and hard and covered with rawhide. Sometimes a pole, with a fish or another symbol from nature placed on top of it, serves as the goal. The object of the game is to score by capturing the ball in a ball stick, then throwing it toward the goal, striking the symbol on top of the pole.

No matter what version is played, it is a rough game with few rules. It can become extremely dangerous when the players begin to swing their ball sticks. I remember that at the stickball game at Red Clay, an ambulance was standing by in case one of the players was injured.

Today, when stickball is played in Oklahoma at the ceremonial grounds, both women and men compete. Stickball is an exciting game, and one of the few physical games I have ever really enjoyed. Teams are divided into male and female. Some women play stickball

well into their seventies. The men carry ball sticks and the women use their hands. Some people say women are not allowed to use ball sticks because they have so many grievances against men, they might use the sticks as weapons of punishment.

Another important symbolic event at Red Clay was the lighting of an eternal flame by the two Cherokee groups. The flame was ignited by torches that had been lighted a few days earlier at Cherokee, North Carolina. The torches were carried by Eastern Cherokee runners along 150 miles of mountainous road. I will never forget the sight of the young Cherokee runners holding the torches high above their heads as they ran into Red Clay for our bittersweet reunion. Thousands of people were there to welcome them and to wish the Cherokees well.

The reunion at Red Clay was the beginning of regular meetings between the two Cherokee councils to discuss and act on matters of concern for all Cherokees. It also gave us an opportunity to provide public education about our history, for there is little accurate information about what modern native people are really like. There is a vacuum. Until recent times, most white Americans knew about native people only from what they saw in John Wayne-type movies.

Even in Oklahoma—in this land where so many Native Americans reside—plenty of people imagine that the state's history begins with the land run of 1889. That is because they think only in terms of white history. Our people had already been in Oklahoma for a couple of generations, and other native people had been living here long before that. We were the first ones to make this place hospitable. We had already settled this land for many years before the whites even arrived. Although it is so crucial for us to focus on the good things—our tenacity, our language and culture, the revitalization of tribal communities—it is also important that we never forget what happened to our people on the Trail of Tears. It was indeed our holocaust.