

CHAPTER 9

The Cherokee Removal: An American Tragedy



Most people are aware of the fate of Native Americans as white settlement pushed ever westward. However, one episode in the history of white-Indian relations is in many ways unique and constitutes one of our nation's darkest moments: the forcible removal and transport in 1838-1839 of thousands of Cherokees from their ancestral homeland in the Southern uplands.

Ironically, no other Indian nation had responded so fully to Thomas Jefferson's urgings that they abandon their nomadic ways and pattern their life-style after that of the whites. Jefferson had told Congress in 1803, "In leading them [the Indians] thus to agriculture, to manufactures, and civilizations; in bringing together their and our sentiments, and in preparing them ultimately to participate in the benefits of our Government, I trust and believe we are acting for their greatest good." In 1806, Jefferson congratulated the Cherokee chiefs on the progress they had made in farming; "Go on, my children, in the same way and be assured the further you advance in it the happier and more respectable you will be. . . ."

Dee Brown's essay "The Trail of Tears" graphically describes the Cherokees' progress toward "civilization," and the betrayal by both state and federal govern-

ments of the assurances and promises made to the Cherokee nation by Jefferson and other national leaders. The Cherokees were not the only Native Americans removed forcibly from their ancestral lands, yet the large measure of sympathy and support on their behalf was atypical. How do you account for the apparent contradiction between the strong contemporary sentiment against the removal of the Cherokees and the failure to prevent it?

The three documents following the essay provide eloquent examples of the arguments presented on both sides of the removal controversy. The first is from the "Memorial of the Cherokee Nation" (July 1830), which sets forth the Cherokee view of the removal proposed by President Andrew Jackson. The second is from President Jackson's Second Annual Message to Congress (December 6, 1830). Contrast these two descriptions of the life awaiting the Cherokees in the new western territory. Whose argument do you find more convincing? How did Jackson respond to those who objected to white encroachment on Indian land?

The task of implementing Jackson's program to remove the Cherokees fell on his successor, President Martin Van Buren. The final document is a letter to Van Buren from Ralph Waldo Emerson, who rarely spoke out on political matters. The letter presents the legal and moral arguments against removal and reveals the mood of those opposed to that policy.

ESSAY

The Trail of Tears

Dee Brown

In the spring of 1838, Brigadier General Winfield Scott with a regiment of artillery, a regiment of infantry, and six companies of dragoons marched unopposed into the Cherokee country of northern Georgia. On May 10 at New Echota, the capital of what had been one of the greatest Indian nations in eastern America, Scott issued a proclamation:

The President of the United States sent me with a powerful army to cause you, in obedience to the treaty of 1835, to join that part of your people who are already established in prosperity on the other side of the Mississippi. . . . The emigration must be commenced in haste. . . . The full moon of May is already on the wane, and before another shall have passed away every Cherokee man,

SOURCE: Dee Brown, "The Trail of Tears," *American History Illustrated*, 7 (June 1972): 30-39. Reprinted through the courtesy of Cowles Magazines, publisher of *American History Illustrated*.

woman and child . . . must be in motion to join their brethren in the west. . . . My troops already occupy many positions . . . and thousands and thousands are approaching from every quarter to render resistance and escape alike hopeless. . . . Will you then by resistance compel us to resort to arms? Or will you by flight seek to hide yourselves in mountains and forests and thus oblige us to hunt you down? Remember that in pursuit it may be impossible to avoid conflicts. The blood of the white man or the blood of the red man may be spilt, and if spilt, however accidentally, it may be impossible for the discreet and humane among you, or among us, to prevent a general war and carnage.

For more than a century the Cherokees had been ceding their land, thousands of acres by thousands of acres. They had lost all of Kentucky and much of Tennessee, but after the last treaty of 1819 they still had remaining about 35,000 square miles of forested mountains, clean, swift-running rivers, and fine meadows. In this country which lay across parts of Georgia, North Carolina, and Tennessee they cultivated fields, planted orchards, fenced pastures, and built roads, houses, and towns. Sequoya had invented a syllabary for the Cherokee language so that thousands of his tribesmen quickly learned to read and write. The Cherokees had adopted the white man's way—his clothing, his constitutional form of government, even his religion. But it had all been for nothing. Now these men who had come across the great ocean many years ago wanted all of the Cherokees' land. In exchange for their 35,000 square miles the tribe was to receive five million dollars and another tract of land somewhere in the wilderness beyond the Mississippi River.

This was a crushing blow to a proud people. "They are extremely proud, despising the lower class of Europeans," said Henry Timberlake, who visited them before the Revolutionary War. William Bartram, the botanist, said the Cherokees were not only a handsome people, tall, graceful, and olive-skinned, but "their countenance and actions exhibit an air of magnanimity, superiority and independence."

Ever since the signing of the treaties of 1819, Major General Andrew Jackson, a man they once believed to be their friend, had been urging Cherokees to move beyond the Mississippi. Indians and white settlers, Jackson told them, could never get along together. Even if the government wanted to protect the Cherokees from harassment, he added, it would be unable to do so. "If you cannot protect us in Georgia," a chief retorted, "how can you protect us from similar evils in the West?"

During that period of polite urging, a few hundred Cherokee families did move west, but the tribe remained united and refused to give up any more territory. In fact, the council leaders passed a law forbidding any chief to sell or trade a single acre of Cherokee land on penalty of death.

In 1828, when Andrew Jackson was running for President, he knew that in order to win he must sweep the frontier states. Free land for the land-hungry settlers became Jackson's major policy. He hammered away at this theme especially hard in Georgia, where waves of settlers from the coastal lowlands were pushing into the highly desirable Cherokee country. He promised the Georgians that if they would help elect him President, he would lend his support to opening up the Cherokee lands for settlement. The Cherokees, of course, were not citizens and could not vote in opposition. To the Cherokees and their friends who protested this promise, Jackson justified his position by saying that the Cherokees had fought on the side of the British during the Revolutionary War. He conveniently forgot that the Cherokees had been his allies during the desperate War of 1812, and had saved the day for him in his decisive victory over the British-backed Creeks at Horseshoe Bend. (One of the Cherokee chiefs who aided Jackson was Junaluska. Said he afterward: "If I had known that Jackson would drive us from our homes I would have killed him that day at the Horseshoe.")

Three weeks after Jackson was elected President, the Georgia legislature passed a law annexing all the Cherokee country within that state's borders. As most of the Cherokee land was in Georgia and three-fourths of the tribe lived there, this meant an end to their independence as a nation. The Georgia legislature also abolished all Cherokee laws and customs and sent surveyors to map out land lots of 160 acres each. The 160-acre lots were to be distributed to white citizens of Georgia through public lotteries.

To add to the pressures on the Cherokees, gold was discovered near Dahlonega in the heart of their country. For many years the Cherokees had concealed the gold deposits, but now the secret was out and a rabble of gold-hungry prospectors descended upon them.

John Ross, the Cherokees' leader, hurried to Washington to protest the Georgia legislature's actions and to plead for justice. In that year Ross was 38 years old; he was well-educated and had been active in Cherokee government matters since he was 19. He was adjutant of the Cherokee regiment that served with Jackson at Horseshoe Bend. His father had been one of a group of Scottish emigrants who settled near the Cherokees and married into the tribe.

In Washington, Ross found sympathizers in Congress, but most of them were anti-Jackson men and the Cherokee case was thus drawn into the whirlpool of politics. When Ross called upon Andrew Jackson to request his aid, the President bluntly told him that "no protection could be afforded the Cherokees" unless they were willing to move west of the Mississippi.

While Ross was vainly seeking help in Washington, alarming messages reached him from Georgia. White citizens of that state were claiming the homes of Cherokees through the land lottery, seizing some of them by

force. Joseph Vann, a hard-working half-breed, had carved out an 800-acre plantation at Spring Place and built a fine brick house for his residence. Two men arrived to claim it, dueled for it, and the winner drove Vann and his family into the hills. When John Ross rushed home he found that the same thing had happened to his family. A lottery claimant was living in his beautiful home on the Coosa River, and Ross had to turn north toward Tennessee to find his fleeing wife and children.

During all this turmoil, President Jackson and the governor of Georgia pressed the Cherokee leaders hard in attempts to persuade them to cede all their territory and move to the West. But the chiefs stood firm. Somehow they managed to hold the tribe together, and helped dispossessed families find new homes back in the wilderness areas: John Ross and his family lived in a one-room log cabin across the Tennessee line.

In 1834, the chiefs appealed to Congress with a memorial in which they stated that they would never voluntarily abandon their homeland, but proposed a compromise in which they agreed to cede the state of Georgia a part of their territory provided that they would be protected from invasion in the remainder. Furthermore, at the end of a definite period of years to be fixed by the United States they would be willing to become citizens of the various states in which they resided.

"Cupidity has fastened its eye upon our lands and our homes," they said, "and is seeking by force and by every variety of oppression and wrong to expel us from our lands and our homes and to tear from us all that has become endeared to us. In our distress we have appealed to the judiciary of the United States, where our rights have been solemnly established. We have appealed to the Executive of the United States to protect those rights according to the obligation of treaties and the injunctions of the laws. But this appeal to the Executive has been made in vain."

This new petition to Congress was no more effectual than their appeals to President Jackson. Again they were told that their difficulties could be remedied only by their removal to the west of the Mississippi.

For the first time now, a serious split occurred among the Cherokees. A small group of subchiefs decided that further resistance to the demands of the Georgia and United States governments was futile. It would be better, they believed, to exchange their land and go west rather than risk bloodshed and the possible loss of everything. Leaders of this group were Major Ridge and Elias Boudinot. Ridge had adopted his first name after Andrew Jackson gave him that rank during the War of 1812. Boudinot was Ridge's nephew. Originally known as Buck Watie, he had taken the name of a New England philanthropist who sent him through a mission school in Connecticut. Stand Watie, who later became a Confederate general, was his brother. Upon Boudinot's return from school to Georgia he founded the first tribal newspaper, the *Cherokee Phoenix*, in 1827, but during the

turbulence following the Georgia land lotteries he was forced to suspend publication.

And so in February 1835 when John Ross journeyed to Washington to resume his campaign to save the Cherokee nation, a rival delegation headed by Ridge and Boudinot arrived there to seek terms for removal to the West. The pro-removal forces in the government leaped at this opportunity to bypass Ross's authority, and within a few days drafted a preliminary treaty for the Ridge delegation. It was then announced that a council would be held later in the year at New Echota, Georgia, for the purpose of negotiating and agreeing upon final terms.

During the months that followed, bitterness increased between the two Cherokee factions. Ridge's group was a very small minority, but they had the full weight of the United States Government behind them, and threats and inducements were used to force a full attendance at the council which was set for December 22, 1835. Handbills were printed in Cherokee and distributed throughout the nation, informing the Indians that those who did not attend would be counted as assenting to any treaty that might be made.

During the seven days which followed the opening of the treaty council, fewer than five hundred Cherokees, or about 2 percent of the tribe, came to New Echota to participate in the discussions. Most of the other Cherokees were busy endorsing a petition to be sent to Congress stating their opposition to the treaty. But on December 29, Ridge, Boudinot and their followers signed away all the lands of the great Cherokee nation. Ironically, thirty years earlier Major Ridge had personally executed a Cherokee chief named Doublehead for committing one of the few capital crimes of the tribe. That crime was the signing of a treaty which gave away Cherokee lands.

Charges of bribery by the Ross forces were denied by government officials, but some years afterward it was discovered that the Secretary of War had sent secret agents into the Cherokee country with authority to expend money to bribe chiefs to support the treaty of cession and removal. And certainly the treaty signers were handsomely rewarded. In an era when a dollar would buy many times its worth today, Major Ridge was paid \$30,000 and his followers received several thousand dollars each. Ostensibly they were being paid for their improved farmlands, but the amounts were far in excess of contemporary land values.

John Ross meanwhile completed gathering signatures of Cherokees who were opposed to the treaty. Early in the following spring, 1836, he took the petition to Washington. More than three-fourths of the tribe, 15,964, had signed in protest against the treaty.

When the governor of Georgia was informed of the overwhelming vote against the treaty, he replied: "Nineteen-twentieths of the Cherokees are too ignorant and depraved to entitle their opinions to any weight or consideration in such matters."

The Cherokees, however, did have friends in Congress. Representative Davy Crockett of Tennessee denounced the treatment of the Cherokees as unjust, dishonest, and cruel. He admitted that he represented a body of frontier constituents who would like to have the Cherokee lands opened for settlement, and he doubted if a single one of them would second what he was saying. Even though his support of the Cherokees might remove him from public life, he added, he could not do otherwise except at the expense of his honor and conscience. Daniel Webster, Henry Clay, Edward Everett, and other great orators of the Congress also spoke for the Cherokees.

When the treaty came to a final decision in the Senate, it passed by only one vote. On May 23, 1836, President Jackson signed the document. According to its terms, the Cherokees were allowed two years from that day in which to leave their homeland forever.

The few Cherokees who had favored the treaty now began making their final preparations for departure. About three hundred left during that year and then early in 1837 Major Ridge and 465 followers departed by boats for the new land in the West. About 17,000 others, ignoring the treaty, remained steadfast in their homeland with John Ross.

For a while it seemed that Ross might win his long fight, that perhaps the treaty might be declared void. After the Secretary of War, acting under instructions from President Jackson, sent Major William M. Davis to the Cherokee country to expedite removal to the West, Davis submitted a frank report: "That paper called a treaty is no treaty at all," he wrote, "because it is not sanctioned by the great body of the Cherokees and was made without their participation or assent. . . . The Cherokees are a peaceable, harmless people, but you may drive them to desperation, and this treaty cannot be carried into effect except by the strong arm of force."

In September 1836, Brigadier General Dunlap, who had been sent with a brigade of Tennessee volunteers to force the removal, indignantly disbanded his troops after making a strong speech in favor of the Indians: "I would never dishonor the Tennessee arms in a servile service by aiding to carry into execution at the point of the bayonet a treaty made by a lean minority against the will and authority of the Cherokee people."

Even Inspector General John E. Wool, commanding United States troops in the area, was impressed by the united Cherokee resistance, and warned the Secretary of War not to send any civilians who had any part in the making of the treaty back into the Cherokee country. During the summer of 1837, the Secretary of War sent a confidential agent, John

Mason, Jr., to observe and report. "Opposition to the treaty is unanimous and irreconcilable," Mason wrote. "They say it cannot bind them because they did not make it; that it was made by a few unauthorized individuals; that the nation is not party to it."

The inexorable machinery of government was already in motion, however, and when the expiration date of the waiting period, May 23, 1838, came near, Winfield Scott was ordered in with his army to force compliance. As already stated, Scott issued his proclamation on May 10. His soldiers were already building thirteen stockaded forts—six in North Carolina, five in Georgia, one in Tennessee, and one in Alabama. At these points the Cherokees would be concentrated to await transportation to the West. Scott then ordered the roundup started, instructing his officers not to fire on the Cherokees except in case of resistance. "If we get possession of the women and children first," he said, "or first capture the men, the other members of the same family will readily come in."

James Mooney, an ethnologist who afterwards talked with Cherokees who endured this ordeal, said that squads of troops moved into the forested mountains to search out every small cabin and make prisoners of all the occupants however or wherever they might be found. "Families at dinner were startled by the sudden gleam of bayonets in the doorway and rose up to be driven with blows and oaths along the weary miles of trail that led to the stockades. Men were seized in their fields or going along the road, women were taken from their spinning wheels and children from their play. In many cases, on turning for one last look as they crossed a ridge, they saw their homes in flames, fired by the lawless rabble that followed on the heels of the soldiers to loot and pillage. So keen were these outlaws on the scent that in some instances they were driving off the cattle and other stock of the Indians almost before the soldiers had fairly started their owners in the other direction."

Long afterward one of the Georgia militiamen who participated in the roundup said: "I fought through the Civil War and have seen men shot to pieces and slaughtered by thousands, but the Cherokee removal was the cruellest work I ever knew."

Knowing that resistance was futile, most of the Cherokees surrendered quietly. Within a month, thousands were enclosed in the stockades. On June 6 at Ross's Landing near the site of present-day Chattanooga, the first of many departures began. Eight hundred Cherokees were forcibly crowded onto a flotilla of six flatboats lashed to the side of a steamboat. After surviving a passage over rough rapids which smashed the sides of the flatboats, they landed at Decatur, Alabama, boarded a railroad train (which was a new and terrifying experience for most of them), and after reaching Tuscumbia were crowded upon a Tennessee River steamboat again.

Throughout June and July similar shipments of several hundred Cherokees were transported by this long water route—north on the Tennessee River to the Ohio and then down the Mississippi and up the Arkansas to their new homeland. A few managed to escape and make their way back to the Cherokee country, but most of them were eventually recaptured. Along the route of travel of this forced migration, the summer was hot and dry. Drinking water and food were often contaminated. First the young children would die, then the older people, and sometimes as many as half the adults were stricken with dysentery and other ailments. On each boat deaths ran as high as five per day. On one of the first boats to reach Little Rock, Arkansas, at least a hundred had died. A compassionate lieutenant who was with the military escort recorded in his diary for August 1: "My blood chills as I write at the remembrance of the scenes I have gone through."

When John Ross and other Cherokee leaders back in the concentration camps learned of the high mortality among those who had gone ahead, they petitioned General Scott to postpone further departures until autumn. Although only three thousand Cherokees had been removed, Scott agreed to wait until the summer drought was broken, or no later than October. The Cherokees in turn agreed to organize and manage the migration themselves. After a lengthy council, they asked and received permission to travel overland in wagons, hoping that by camping along the way they would not suffer as many deaths as occurred among those who had gone on the river boats.

During this waiting period, Scott's soldiers continued their searches for more than a thousand Cherokees known to be still hiding out in the deep wildernesses of the Great Smoky Mountains. These Cherokees had organized themselves under the leadership of a chief named Utsala, and had developed warning systems to prevent captures by the bands of soldiers. Occasionally, however, some of the fugitives were caught and herded back to the nearest stockade.

One of the fugitive families was that of Tsali, an aging Cherokee. With his wife, his brother, three sons and their families, Tsali had built a hideout somewhere on the border between North Carolina and Tennessee. Soldiers surrounded their shelters one day, and the Cherokees surrendered without resistance. As they were being taken back toward Fort Cass (Calhoun, Tennessee), a soldier prodded Tsali's wife sharply with a bayonet, ordering her to walk faster. Angered by the brutality, Tsali grappled with the soldier, tore away his rifle, and bayoneted him to the ground. At the same time, Tsali's brother leaped upon another soldier and bayoneted him. Before the remainder of the military detachment could act, the Cherokees fled, vanishing back into the Smokies where they sought refuge with Chief Utsala. Both bayoneted soldiers died.

Upon learning of the incident, Scott immediately ordered that Tsali must be brought in and punished. Because some of his regiments were being transferred elsewhere for other duties, however, the general realized that his reduced force might be occupied for months in hunting down and capturing the escaped Cherokee. He would have to use guile to accomplish the capture of Tsali.

Scott therefore dispatched a messenger—a white man who had been adopted as a child by the Cherokees—to find Chief Utsala. The messenger was instructed to inform Utsala that if he would surrender Tsali to General Scott, the Army would withdraw from the Smokies and leave the remaining fugitives alone.

When Chief Utsala received the message, he was suspicious of Scott's sincerity, but he considered the general's offer as an opportunity to gain time. Perhaps with the passage of time, the few Cherokees remaining in the Smokies might be forgotten and left alone forever. Utsala put the proposition to Tsali: If he went in and surrendered, he would probably be put to death, but his death might insure the freedom of a thousand fugitive Cherokees.

Tsali did not hesitate. He announced that he would go and surrender to General Scott. To make certain that he was treated well, several members of Tsali's band went with him.

When the Cherokees reached Scott's headquarters, the general ordered Tsali, his brother, and three sons arrested, and then condemned them all to be shot to death. To impress upon the tribe their utter helplessness before the might of the government, Scott selected the firing squad from Cherokee prisoners in one of the stockades. At the last moment, the general spared Tsali's youngest son because he was only a child.

(By this sacrifice, however, Tsali and his family gave the Smoky Mountain Cherokees a chance at survival in their homeland. Time was on their side, as Chief Utsala had hoped, and that is why today there is a small Cherokee reservation on the North Carolina slope of the Great Smoky Mountains.)

With the ending of the drought of 1838, John Ross and the 13,000 stockaded Cherokees began preparing for their long overland journey to the West. They assembled several hundred wagons, filled them with blankets, cooking pots, their old people and small children, and moved out in separate contingents along a trail that followed the Hiwassee River. The first party of 1,103 started on October 1.

"At noon all was in readiness for moving," said an observer of the departure. "The teams were stretched out in a line along the road through a heavy forest, groups of persons formed about each wagon. The day was bright and beautiful, but a gloomy thoughtfulness was depicted in the lineaments of every face. In all the bustle of preparation there was a silence and stillness of the voice that betrayed the sadness of the heart. At length

the word was given to move on. Going Snake, an aged and respected chief whose head eighty summers had whitened, mounted on his favorite pony and led the way in silence, followed by a number of younger men on horseback. At this very moment a low sound of distant thunder fell upon my ear . . . a voice of divine indignation for the wrong of my poor and unhappy countrymen, driven by brutal power from all they loved and cherished in the land of their fathers to gratify the cravings of avarice. The sun was unclouded—no rain fell—the thunder rolled away and seemed hushed in the distance."

Throughout October, eleven wagon trains departed and then on November 4, the last Cherokee exiles moved out for the West. The overland route for these endless lines of wagons, horsemen, and people on foot ran from the mouth of the Hiwassee in Tennessee across the Cumberland plateau to McMinnville and then north to Nashville where they crossed the Cumberland River. From there they followed an old trail to Hopkinsville, Kentucky, and continued northwestward to the Ohio River, crossing into southern Illinois near the mouth of the Cumberland. Moving straight westward they passed through Jonesboro and crossed the Mississippi at Cape Girardeau, Missouri. Some of the first parties turned southward through Arkansas; the later ones continued westward through Springfield, Missouri, and on to Indian Territory.

A New Englander traveling eastward across Kentucky in November and December met several contingents, each a day apart from the others. "Many of the aged Indians were suffering extremely from the fatigue of the journey," he said, "and several were quite ill. Even aged females, apparently nearly ready to drop into the grave, were traveling with heavy burdens attached to their backs—on the sometimes frozen ground, and sometimes muddy streets, with no covering for the feet except what nature had given them. . . . We learned from the inhabitants on the road where the Indians passed, that they buried fourteen or fifteen at every stopping place, and they make a journey of ten miles per day only on an average. They will not travel on the Sabbath . . . they must stop, and not merely stop—they must worship the Great Spirit, too; for they had divine service on the Sabbath—a camp meeting in truth."

Autumn rains softened the roads, and the hundreds of wagons and horses cut them into morasses, slowing movement to a crawl. To add to their difficulties, tollgate operators overcharged them for passage. Their horses were stolen or seized on pretext of unpaid debts, and they had no recourse to the law. With the coming of cold damp weather, measles and whooping cough became epidemic. Supplies had to be dumped to make room for the sick in the jolting wagons.

By the time the last detachments reached the Mississippi at Cape Girardeau it was January, with the river running full of ice so that several

thousand had to wait on the east bank almost a month before the channel cleared. James Mooney, who later heard the story from survivors, said that "the lapse of over half a century had not sufficed to wipe out the memory of the miseries of that halt beside the frozen river, with hundreds of sick and dying penned up in wagons or stretched upon the ground, with only a blanket overhead to keep out the January blast."

Meanwhile the parties that left early in October were beginning to reach Indian Territory. (The first arrived on January 4, 1839.) Each group had lost from thirty to forty members by death. The later detachments suffered much heavier losses, especially toward the end of their journey. Among the victims was the wife of John Ross.

Not until March 1839 did the last of the Cherokees reach their new home in the West. Counts were made of the survivors and balanced against the counts made at the beginning of the removal. As well as could be estimated, the Cherokees had lost about four thousand by deaths—or one out of every four members of the tribe—most of the deaths brought about as the direct result of the enforced removal. From that day to this the Cherokees remember it as "the trail where they cried," or the Trail of Tears.

DOCUMENTS

Memorial of the Cherokee Nation, 1830

We are aware, that some persons suppose it will be for our advantage to remove beyond the Mississippi. We think otherwise. Our people universally think otherwise. Thinking that it would be fatal to their interests, they have almost to a man sent their memorial to congress, deprecating the necessity of a removal. This question was distinctly before their minds when they signed their memorial. Not an adult person can be found, who has not an opinion on the subject, and if the people were to understand distinctly, that they could be protected against the laws of the neighboring states, there is probably not an adult person in the nation, who would think it best to remove; though possibly a few might emigrate individually. There are doubtless many, who would flee to an unknown country, however beset with dangers, privations and sufferings, rather than be sentenced to spend six years in a Georgia prison for advising one of their neighbors not to betray his country. And there are others who could not think of living as outlaws in their native land, exposed to numberless vexations, and excluded from being parties or witnesses in a court of justice.

SOURCE: *Nile's Weekly Register*, 38 (August 21, 1830): 454-57.

It is incredible that Georgia should ever have enacted the oppressive laws to which reference is here made, unless she had supposed that something extremely terrific in its character was necessary in order to make the Cherokees willing to remove. We are not willing to remove; and if we could be brought to this extremity, it would be not by argument, not because our judgment was satisfied, not because our condition will be improved; but only because we cannot endure to be deprived of our national and individual rights and subjected to a process of intolerable oppression.

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

But if we are compelled to leave our country, we see nothing but ruin before us. The country west of the Arkansas territory is unknown to us. From what we can learn of it, we have no prepossessions in its favor. All the inviting parts of it, as we believe, are preoccupied by various Indian nations, to which it has been assigned. They would regard us as intruders, and look upon us with an evil eye. The far greater part of that region is, beyond all controversy, badly supplied with wood and water; and no Indian tribe can live as agriculturists without these articles. All our neighbors, in case of our removal, though crowded into our near vicinity, would speak a language totally different from ours, and practice different customs. The original possessors of that region are now wandering savages lurking for prey in the neighborhood. They have always been at war, and would be easily tempted to turn their arms against peaceful emigrants. Were the country to which we are urged much better than it is represented to be, and were it free from the objections which we have made to it, still it is not the land of our birth, nor of our affections. It contains neither the scenes of our childhood, nor the graves of our fathers.

The removal of families to a new country, even under the most favorable auspices, and when the spirits are sustained by pleasing visions of the future, is attended with much depression of mind and sinking of heart. This is the case, when the removal is a matter of decided preference, and when the persons concerned are in early youth or vigorous manhood. Judge, then, what must be the circumstances of a removal, when a whole community, embracing persons of all classes and every description, from the infant to the man of extreme old age, the sick, the blind, the lame, the improvident, the reckless, the desperate, as well as the prudent, the considerate, the industrious, are compelled to remove by odious and intolerable vexations and persecutions, brought upon them in the forms of law, when all will agree only in this, that they have been cruelly robbed of their country, in violation of the most solemn compacts, which it is possible for

communities to form with each other; and that, if they should make themselves comfortable in their new residence, they have nothing to expect hereafter but to be the victims of a future legalized robbery!

Such we deem, and are absolutely certain, will be the feelings of the whole Cherokee people, if they are forcibly compelled, by the laws of Georgia, to remove; and with these feelings, how is it possible that we should pursue our present course of improvement, or avoid sinking into utter despondency? We have been called a poor, ignorant, and degraded people. We certainly are not rich; nor have we ever boasted of our knowledge, or our moral or intellectual elevation. But there is not a man within our limits so ignorant as not to know that he has a right to live on the land of his fathers, in the possession of his immemorial privileges, and that this right has been acknowledged and guaranteed by the United States; nor is there a man so degraded as not to feel a keen sense of injury, on being deprived of this right and driven into exile. . . .

Removal Defended, 1830

It gives me pleasure to announce to Congress that the benevolent policy of the Government, steadily pursued for nearly thirty years, in relation to the removal of the Indians beyond the white settlements is approaching to a happy consummation. Two important tribes [the Choctaws and the Chickasaws] have accepted the provision made for their removal at the last session of Congress, and it is believed that their example will induce the remaining tribes also to seek the same obvious advantages.

The consequences of a speedy removal will be important to the United States, to individual States, and to the Indians themselves. The pecuniary advantages which it promises to the Government are the least of its recommendations. It puts an end to all possible danger of collision between the authorities of the General and State Governments on account of the Indians. It will place a dense and civilized population in large tracts of country now occupied by a few savage hunters. By opening the whole territory between Tennessee on the north and Louisiana on the south to the settlement of the whites it will incalculably strengthen the southwestern frontier and render the adjacent States strong enough to repel future invasions without remote aid. It will relieve the whole State of Mississippi and the western part of Alabama of Indian occupancy, and enable those States to advance rapidly in population, wealth, and power. It will separate the Indians from immediate contact with settlements of whites; free them

SOURCE: Andrew Jackson, "Second Annual Message to Congress" (December 6, 1830), in J. D. Richardson, ed., *A Compilation of the Messages and Papers of the Presidents*, 2 (Washington, D.C.: Government Printing Office, 1896): 519-22.

from the power of the States; enable them to pursue happiness in their own way and under their own rude institutions; will retard the progress of decay, which is lessening their numbers, and perhaps cause them gradually, under the protection of the Government and through the influence of good counsels, to cast off their savage habits and become an interesting, civilized, and Christian community. These consequences, some of them so certain and the rest so probable, make the complete execution of the plan sanctioned by Congress at their last session an object of much solicitude.

Toward the aborigines of the country no one can indulge a more friendly feeling than myself, or would go further in attempting to reclaim them from their wandering habits and make them a happy, prosperous people. I have endeavored to impress upon them my own solemn convictions of the duties and powers of the General Government in relation to the State authorities. For the justice of the laws passed by the States within the scope of their reserved powers they are not responsible to this Government. As individuals we may entertain and express our opinions of their acts, but as a Government we have as little right to control them as we have to prescribe laws for other nations.

With a full understanding of the subject, the Choctaw and the Chickasaw tribes have with great unanimity determined to avail themselves of the liberal offers presented by the act of Congress, and have agreed to remove beyond the Mississippi River. Treaties have been made with them, which in due season will be submitted for consideration. In negotiating these treaties they were made to understand their true condition, and they have preferred maintaining their independence in the Western forests to submitting to the laws of the States in which they now reside. These treaties, being probably the last which will ever be made with them, are characterized by great liberality on the part of the Government. They give the Indians a liberal sum in consideration of their removal, and comfortable subsistence on their arrival at their new homes. If it be their real interest to maintain a separate existence, they will there be at liberty to do so without the inconveniences and vexations to which they would unavoidably have been subject in Alabama and Mississippi.

Humanity has often wept over the fate of the aborigines of this country, and Philanthropy has been long busily employed in devising means to avert it, but its progress has never for a moment been arrested, and one by one have many powerful tribes disappeared from the earth. To follow to the tomb the last of his race and to tread on the graves of extinct nations excite melancholy reflections. But true Philanthropy reconciles the mind to these vicissitudes as it does to the extinction of one generation to make room for another. In the monuments and fortresses of an unknown people, spread over the extensive regions of the West, we behold the memorials of a once powerful race, which was exterminated or has disappeared to

make room for the existing savage tribes. Nor is there anything in this which, upon a comprehensive view of the general interests of the human race, is to be regretted. Philanthropy could not wish to see this continent restored to the condition in which it was found by our forefathers. What good man would prefer a country covered with forests and ranged by a few thousand savages to our extensive Republic, studded with cities, towns, and prosperous farms, embellished with all the improvements which art can devise or industry execute, occupied by more than 12,000,000 happy people, and filled with all the blessings of liberty, civilization, and religion?

The present policy of the Government is but a continuation of the same progressive change by a milder process. The tribes which occupied the countries now constituting the Eastern States were annihilated or have melted away to make room for the whites. The waves of population and civilization are rolling to the westward, and we now propose to acquire the countries occupied by the red men of the South and West by a fair exchange, and, at the expense of the United States, to send them to a land where their existence may be prolonged and perhaps made perpetual. Doubtless it will be painful to leave the 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.

In the consummation of a policy originating at an early period, and steadily pursued by every Administration within the present century—so just to the States and so generous to the Indians—the Executive feels it has a right to expect the cooperation of Congress and of all good and disinterested men. . . .

The "Crime" of Removal, 1838

Sir, [President Van Buren] my communication respects the sinister rumors that fill this part of the country [New England] concerning the Cherokee people. The interest always felt in the aboriginal population—an interest naturally growing as that decays—has been heightened in regard to this tribe. Even in our distant State [Massachusetts] some good rumor of their worth and civility has arrived. We have learned with joy their improvement in the social arts. We have read their newspapers. We have seen some of them in our schools and colleges. In common with the great body of the American people, we have witnessed with sympathy the painful labors of these red men to redeem their own race from the doom of eternal inferiority, and to borrow and domesticate in the tribe the arts and customs of the Caucasian race. And notwithstanding the unaccountable apathy with which of late years the Indians have been sometimes abandoned to their enemies, it is not to be doubted that it is the good pleasure and the understanding of all humane persons in the Republic, of the men and the matrons sitting in the thriving independent families all over the land, that they shall be duly cared for; that they shall taste justice and love from all to whom we have delegated the office of dealing with them.

The newspapers now inform us that, in December, 1835, a treaty contracting for the exchange of all the Cherokee territory was pretended to be made by an agent on the part of the United States with some persons appearing on the part of the Cherokees; that the fact afterwards transpired that these deputies did by no means represent the will of the nation; and that, out of eighteen thousand souls composing the nation, fifteen thousand six hundred and sixty-eight have protested against the so-called treaty. It now appears that the government of the United States choose to hold the Cherokees to this sham treaty, and are proceeding to execute the same. Almost the entire Cherokee Nation stand up and say, "This is not

SOURCE: Ralph Waldo Emerson, "Letter to President Van Buren," in Ralph Waldo Emerson, *Complete Works* 11 (Boston: Houghton Mifflin, 1903-4): 89-96.

our act. Behold us. Here are we. Do not mistake that handful of deserters for us"; and the American President and the Cabinet, the Senate and the House of Representatives, neither hear these men nor see them, and are contracting to put this active nation into carts and boats, and to drag them over mountains and rivers to a wilderness at a vast distance beyond the Mississippi. And a paper purporting to be an army order fixes a month from this day as the hour for this doleful removal.

In the name of God, sir, we ask you if this be so. Do the newspapers rightly inform us? Men and women with pale and perplexed faces meet one another in the streets and churches here, and ask if this be so. We have inquired if this be a gross misrepresentation from the party opposed to the government and anxious to blacken it with the people. We have looked at the newspapers of different parties and find a horrid confirmation of the tale. We are slow to believe it. We hoped the Indians were misinformed, and that their remonstrance was premature, and will turn out to be a needless act of terror.

The piety, the principle that is left in the United States, if only in its coarsest form, a regard to the speech of men, forbid us to entertain it as a fact. Such a dereliction of all faith and virtue, such a denial of justice, and such deafness to screams for mercy were never heard of in times of peace and in the dealing of a nation with its own allies and wards, since the earth was made. Sir, does this government think that the people of the United States are become savage and mad? From their mind are the sentiments of love and a good nature wiped clean out? The soul of man, the justice, the mercy that is the heart's heart in all men, from Maine to Georgia, does abhor this business.

In speaking thus the sentiments of my neighbors and my own, perhaps I overstep the bounds of decorum. But would it not be a higher indecorum coldly to argue a matter like this? We only state the fact that a crime is projected that confounds our understandings by its magnitude, a crime that really deprives us as well as the Cherokees of a country for how could we call the conspiracy that should crush these poor Indians our government, or the land that was cursed by their parting and dying imprecations our country, any more? You, sir, will bring down that renowned chair in which you sit into infamy if your seal is set to this instrument of perfidy; and the name of this nation, hitherto the sweet omen of religion and liberty, will stink to the world.

You will not do us the injustice of connecting this remonstrance with any sectional and party feeling. It is in our hearts the simplest commandment of brotherly love. We will not have this great and solemn claim upon national and human justice huddled aside under the flimsy plea of its being a party act. Sir, to us the questions upon which the government and the people have been agitated during the past year, touching the prostration of the currency and of trade, seem but motes in comparison. These hard times, it is true, have brought the discussion home to every farmhouse

and poor man's house in this town; but it is the chirping of grasshoppers beside the immortal question whether justice shall be done by the race of civilized to the race of savage man, whether all the attributes of reason, of civility, of justice, and even of mercy, shall be put off by the American people, and so vast an outrage upon the Cherokee Nation and upon human nature shall be consummated.

One circumstance lessens the reluctance with which I intrude at this time on your attention my conviction that the government ought to be admonished of a new historical fact, which the discussion of this question has disclosed, namely, that there exists in a great part of the Northern people a gloomy diffidence in the *moral* character of the government.

On the broaching of this question, a general expression of despondency, of disbelief that any good will accrue from a remonstrance on an act of fraud and robbery, appeared in those men to whom we naturally turn for aid and counsel. Will the American government steal? Will it lie? Will it kill?—We ask triumphantly. Our counsellors and old statesmen here say that ten years ago they would have staked their lives on the affirmation that the proposed Indian measures could not be executed; that the unanimous country would put them down. And now the steps of this crime follow each other so fast, at such fatally quick time, that the millions of virtuous citizens, whose agents the government are, have no place to interpose, and must shut their eyes until the last howl and wailing of these tormented villages and tribes shall afflict the ear of the world.

I will not hide from you, as an indication of the alarming distrust, that a letter addressed as mine is, and suggesting to the mind of the Executive the plain obligations of man, has a burlesque character in the apprehensions of some of my friends. I, sir, will not beforehand treat you with the contumely of this distrust. I will at least state to you this fact, and show you how plain and humane people, whose love would be honor, regard the policy of the government, and what injurious inferences they draw as to the minds of the governors. A man with your experience in affairs must have seen cause to appreciate the futility of opposition to the moral sentiment. However feeble the sufferer and however great the oppressor, it is in the nature of things that the blow should recoil upon the aggressor. For God is in the sentiment, and it cannot be withheld. The potentate and the people perish before it; but with it, and its executor, they are omnipotent.

I write thus, sir, to inform you of the state of mind these Indian tidings have awakened here, and to pray with one voice more that you, whose hands are strong with the delegated power of fifteen millions of men, will avert with that might the terrific injury which threatens the Cherokee tribe.

With great respect, sir, I am your fellow citizen.

RALPH WALDO EMERSON.