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John T. Ellisor

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## The Second Creek War

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# The Second Creek War

Interethnic Conflict  
and Collusion on a  
Collapsing Frontier

John T. Ellisor

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## The Second Creek War





## Introduction

### *The Second Creek War?*

Whoever heard of the Second Creek War? Certainly the event never appears in history textbooks, though one may occasionally encounter the term Creek War of 1836, but without any meaningful description of what that conflict actually entailed. Other accounts, monographs on Creek history or Indian removal, say a bit more, but even here the Creek War of 1836 appears as a rather insignificant police action, lasting only a matter of a few weeks. Often we see the term Creek War of 1836 written in quotation marks to downplay its significance as a real war. Other times historians refer to the conflict as the so-called Creek War of 1836. Several historians have devoted a few paragraphs of their books to the war, but they mention it only in passing as they move on to other destinations. Scholars interested in Creek history or Indian-white relations consider the war as a mere sidelight to the more important story of Creek removal.<sup>1</sup> Military historians, for their part, pass over the Creek conflict and set their sights on the two other removal-era wars, the Black Hawk conflict in the Old Northwest and the long and costly Seminole War in Florida.<sup>2</sup> Consequently, for a century and a half, no historian has explored the Creek War of 1836 in any detail. Throughout the years, this war has remained largely ignored and unappreciated, which would have pleased many of the Alabamians, Georgians, and Floridians who fought in it. Indeed, they were not proud of the event and wanted the memory of it expunged. For far too long, they have had their way.<sup>3</sup>

This book proposes to drag the Creek War of 1836 out of the dustbin of history and to explore what has been ignored or even purposefully concealed. In the process, it will show that the Creek conflict was a real war, one that should be called the Second Creek War (the Creek War of 1813–14 being the first) for a number of important reasons. First, contrary to popular belief, the war was more than a sudden, desperate affair. It was the culmination of a long contest between Georgians and Creeks for land and resources. Second, the Lower Creek rebels planned the war. They executed a definite strategy for sweeping whites out of New Alabama (the Old Creek Nation), and with a little more luck, they might have drawn many other southern Indians into the struggle. Third, the Creek war was more extensive than we have been led to believe. The Creek insurgents fought engagements with whites in Alabama, Georgia, and Florida. Fourth, the war was not really short-lived. The federal and state military response to the Creek uprising, while massive, was not as successful as it appeared. The war did not actually end in July 1836, when federal commanders declared victory and as a national defense measure sent most of the Creeks off to the West. Many Indians escaped federal and state troops and continued fighting for years. In fact, Creeks took the lead in Native resistance efforts during the last stage of the Second Seminole War in Florida. Fifth, some of the Creeks avoided removal and never left their ancient homeland. For them, the war was a victory of sorts. Sixth and finally, the Second Creek War had a significant impact on Native, white, and black southerners for the remainder of the antebellum era.

More importantly, however, this book attempts to place the Second Creek War within a larger and more meaningful historical context. The Spanish philosopher José Ortega y Gasset once wrote that “History is a song that can only be sung as a whole,” and this statement certainly applies to our understanding of the Second Creek War, for that event does not stand apart from a long series of other episodes and causal factors preceding it. Moreover, the war was not an ending point in and of itself. It was most certainly a climax, because it led to the forced removal of the Creeks from the Southeast, but the struggle that the war represented has continued on to the present day. The Creeks, along

with all other native communities, have faced a constant process of adaptation and survival, having to choose between accommodation and resistance, or some strategy in between, to live satisfactorily in a country dominated by non-Indians and a constantly expanding and demanding world economic system, which they did not create and which contradicts so many important aspects of traditional Indian religion and culture. The Second Creek War is important in this context because it was a rebellion against the process of a people's final incorporation into the world system, not only as a depressed class of workers, but as actual merchandise themselves. Indeed, one of the most devastating features of world capitalism is its inexorable drive to commodify everything, including people, and turn it all to account.<sup>4</sup>

But we should not suppose that Native Americans or other colonized people have been alone in dealing with the demands of the system. During the decade of the 1830s, Native land cessions and a booming cotton market propelled a rush of settlers into the Old Southwest. Many of these newcomers moved into country still occupied by the Cherokee, Creek, Choctaw, and Chickasaw nations and built their cabins and mansions by Native villages and fields. For a few years prior to the Indian removals, these white immigrants, their black slaves, and the Native inhabitants of the land lived as neighbors. In fact, the decade of the 1830s was unique in the history of southern ethnic relations, because at no other time in the antebellum era did so many Native, white, and black southerners live in such proximity. A study of the Second Creek War and the events leading to it reveals that non-Indians, too, had to accommodate themselves to or resist the economic order on the southern frontier, and this fact forced them into varying degrees of conflict and collusion with their Indian neighbors in a grinding competition to survive, if not to prosper. The war grew out of this situation and consequently we must view it as a multiethnic phenomenon. Indeed, just as we cannot fully appreciate the war apart from its long-term causes and consequences, we cannot properly comprehend its overall importance through the perspective of either the Creeks or colonizers alone. The war was above all a human event that tells us something very interesting about all of southern society during the antebellum era.

Beyond that, it illuminates the fact that the expanding world system grinds all societies before it, remaking families and communities and challenging traditional beliefs by “subordinating all relationships to the calculus of the bottom line.” Indeed, Ortega y Gasset surely knew that just as the song of history must be sung as a whole, it must be sung by many voices at once. A single section of the human choir cannot do the piece justice.<sup>5</sup>

A grassroots, multiethnic approach to the study of the Second Creek War and the Creek removal is also important in another respect. Lacking such a perspective, most previous studies of Indian removal in the South, as well as more general studies of federal removal policy and U.S. expansionism in the Old Southwest, present us with the traditional and rather monolithic view of white versus red, of U.S. oppression and Native victimization. Certainly we see interaction between leaders and policy makers, both Native and white, but we see or hear little from all the other people. Consequently, we are left with the overall impression of a mass of white southerners, united in their hatred and mistrust of Indians and propelled by their incessant desire to conquer new land, driving the Natives from their homes. We also see the Indians as completely different creatures, forced to retreat, leaving very little trace of themselves behind. We do not see Native, white, and black people living together as neighbors with all the complexity and diversity of human motives and emotions that always exist in such situations. We also do not see a complete account of what part this interaction between peoples on the local level played in the whole removal-era story. Therefore, our image of that time is incomplete. Certainly there is much truth in the traditional view of the removal era in southern history, but in the end it is too simplistic.<sup>6</sup>

The picture that emerges from this particular exploration of the Second Creek War, and the pluralistic society that produced it, is one of more complexity. This study reveals that neither whites nor Indians were united in their goals and purposes. The settlers who entered New Alabama in 1832 were divided by class, politics, and economic interests. They competed with one another and exploited one another even as they sought to extract land and resources from the Creeks.

Furthermore, rather than uniting behind the federal government's Indian removal plan, New Alabama's whites actually stymied the process. The competitive economy they created, based as it was on the complete dispossession of the Creeks, actually tended to hold the Natives in place, draining them of their resources. This exploitation, in turn, impoverished the Indians, who were already torn by ethnic competition as well as political factionalism. Divided against themselves, the factions of Creeks did not respond to the white challenge in the same way. Some Natives destroyed themselves; others sought accommodation with whites and exploited their fellow tribe members; still more took up arms to liberate themselves from New Alabama's grinding economy and to escape removal to the West. This armed revolt was the Second Creek War, and it lasted many years, owing both to the determination of the Creek resistance fighters and the divided and competitive nature of white society. The whites, often working at cross purposes, simply could not bring the hostile Indians to bay. Finally, the conflict simply wore itself out.

Thus, it seems that the Second Creek War resulted not from the meeting of culturally homogenous and diametrically opposed societies but from the intermingling of fractious, incohesive ones. In New Alabama, this lack of unity on all sides created volatility and increased social fragmentation, which set the stage for increasing acts of violence, leading to a war of surprisingly long duration. Indeed, this fact is the great lesson of the conflict and forms the central thesis around which this exploration of the previously neglected contest unfolds.

Seen in this light, the Second Creek War fits more readily into larger historiographical contexts as well. Obviously, scholars interested in frontier studies and/or the U.S. West may find familiar patterns here. Indeed, the New Alabama situation is common to other frontier situations throughout the world, a frontier being a "territory or zone of interpretation between two distinct societies," one society indigenous and the other intrusive. The two societies almost invariably compete for control of natural resources, but just as consistently, since no one society is monolithic, rival segments develop within both groups, while at the same time members reach across the ethnic divide to form ties

and alliances. Furthermore, frontiers close when one political authority finally establishes its hegemony over the zone of interaction. In the New Alabama case, some Indians reacted to the closing of their frontier, their final incorporation into the capitalist system, and their complete subjugation to white authority in just the same way other Native people around the world have done. They rose in armed rebellion.<sup>7</sup>

Students of Native American history will see in the social aspects of this account much that relates to the “New World” and “Middle Ground” works so popular in that field. In essence, these works contend that Native Americans were not simply passive victims of white expansionism. On the contrary, Indians often adapted themselves to the ways of their neighbors, white and black, while at the same time holding fast to the elements of their traditional culture that gave their societies coherency and strength. Similarly, non-Indians learned skills from the aboriginal inhabitants of the land that helped them survive and prosper on the frontier, which was a challenging environment, a “New World,” for all, regardless of ethnicity.<sup>8</sup>

Hopefully, this book will also tie the Second Creek War more firmly into mainstream studies of southern history as well as pique the curiosity of all those southern historians who still see Indian affairs as much less important than other themes and events that for them define the real meaning of the South. Indeed, the historian John H. Peterson Jr. once warned historians and anthropologists not to view Indians in the Old South as cultural isolates removed from the mainstream of the region’s history. He contended that Native, white, and black people influenced one another in various ways in the antebellum South, and he called for scholars to adopt a “conceptual framework capable of dealing with the totality of human social relations in the Southeast as they changed through time.”<sup>9</sup> This book offers the world-system approach as that conceptual framework and even suggests that far from being relatively unimportant in southern history, Indians, and Indian removal as an event, may have done much to form that elusive worldview we call the southern personality or mentality. Beyond this, historians and scholars of all sorts should see the Second Creek War as an important episode in the removal story and in U.S. history in

general, deserving of serious mention in textbooks, right alongside its close kin, the Second Seminole War.

But the Second Creek War also has its place in world history. After all, the spread of the cotton plantation regime into the Old Southwest and the drive to remove Indians and take their lands were all part of the final stage of integrating the entire South into the capitalist world system as a mature resource-producing peripheral area. This process of incorporation, in turn, helped fuel the European economy and gave a major impetus to the Market Revolution in the United States as a whole. But the prosperity of the whites of the Western world came at a cost to the Native peoples they colonized, and in the end, the Second Creek War was only one of a number of revolts by these colonized peoples against an economic system that tightened its grip on much of the planet in the nineteenth century. In this regard, the Second Creek War should be of some interest to scholars other than historians, namely those sociologists and anthropologists who study ethnic resource competition, colonial resistance movements, dependency theory, and even peasant revolts around the world.

But regardless of its historiographical import, any study of the Second Creek War demands care. The principal sources—state and federal records, newspapers, letters and county histories—often contradict one another. Local newspapers were party organs, and political considerations often colored the reporting of events. Similarly, the individuals who wrote letters to the War Department often had political and financial interests, or military careers, to protect. The authors of Senate and House reports also had their own agendas. Early county histories, while providing invaluable details about the war and local society, give us little meaningful analysis, tending to view the sweep of events as evidence of the triumph of Christian civilization over Native primitiveness. In short, the great majority of our resource materials come from the points of view of the white males who won the struggle. We hear little from the authors of the hidden transcripts, the largely illiterate Creeks, blacks, and poor whites of the southern frontier. Moreover, the perspectives of women are lacking in the available documents about the war. Consequently, any meaningful social



history of the war and Creek removal, which this book aspires to be, takes a great deal of time and tedious work to put together. Fortunately, there is an abundance of research material, and a very careful analysis of this material, employing the techniques of deconstruction and ethnohistory, along with the application of common sense in reading between the lines, can give us a meaningful interpretation of events, if not a completely full and accurate picture of what happened during this important period in U.S. history. In the end, that is about all we can expect from most historical studies.

A book of this sort also requires input from many individuals, all of whom deserve thanks for their help in producing the final product. Special mention should go to the staffs of the Alabama Department of Archives and History, the Georgia Department of Archives and History, the University of Tennessee Library and Special Collections, the University of Georgia Library and Special Collections, Auburn University Library and Special Collections, the Cobb Memorial Library, the Dothan Public Library, and the National Archives in Washington as well as the Southeastern Regional Branch of the National Archives in Atlanta. Beyond this, thanks extend to Dr. John B. Finger and Dr. Paul Bergeron of the University of Tennessee at Knoxville for their help on the dissertation that stands behind this book. And finally, sincere appreciation goes to Vassie Ellisor, Dr. Jennifer Brooks, Dr. Michael Green, and Dr. Theda Perdue for their continuing encouragement and help in bringing this work to life.

## 1. Creek Politics and Confinement in New Alabama

In September 1810 Tecumseh appeared on the square of Tuckabatchee with an entourage of northern warriors. They were an impressive sight: handsome men sporting eagle feathers in their hair, buffalo tails hanging from their arms and waists, faces painted solid black to signal the seriousness of their business. They marched around the square several times to show themselves off to the many spectators, increasing the curiosity and tension in the crowd. Finally, Tecumseh stood before all the Creek chiefs gathered at one end of the square and gave them gifts of tobacco as symbols of his goodwill. He did not, however, speak of his mission. He waited, biding his time for more than a week until the government's agent, Benjamin Hawkins, left Tuckabatchee along with others who should not hear what he had to say. Only then did Tecumseh deliver his long and animated address to his fellow Native Americans.<sup>1</sup>

We have no transcript of his remarks, but we know something of what he said. Hawkins had his informants in the crowd. Moreover, Tecumseh preached to many Indian nations during that time and his message was much the same wherever he traveled in the heartland. Undoubtedly, he echoed the words of his brother, the Shawnee prophet Tenskwatawa, calling for the Creeks and all other Natives to throw off the corrupting white ways and goods so they might reclaim their ancient spiritual power, unite as one people, and rise up in armed

resistance to stop U.S. expansionism in the trans-Appalachian West. It also seems likely that Tecumseh promised the Creeks that the British in Canada, themselves no friends of the European Americans, would support and assist the great Native alliance once it was formed. But Tecumseh may have promised even more, for Tenskwatawa, like so many other revolutionary prophets trapped in world colonialism, foretold a coming apocalypse, a time when the Master of Breath would restore justice to the land. In Tenskwatawa's version of the sermon, that time would see all sinful Indians and whites buried, and the whole country given back to virtuous Indians, those who rejected white ways and returned to their traditional economy, taking from the land only what they needed to live.<sup>2</sup>

These bold declarations resonated among the Creeks. Tecumseh's mother was a Creek, and they considered the Shawnee leader a fellow tribe member, one of their own. But more importantly, the Creeks had been facing the aggressive expansionism of whites since the sixteenth century, and in that year of 1810, they felt truly threatened by the burgeoning young U.S. Republic. Just to their west, the Creeks saw settlers moving into the Mississippi Territory; not far to the north, the people of Tennessee perched over them like so many hungry vultures; and to the east, stood the greatest threat of all, the state of Georgia. For nearly one hundred years, the Georgians had pushed steadily against the Creeks, overrunning their best hunting grounds, then demanding that the Creeks cede those lands. In fact, the Georgians claimed the Chattahoochee River as the western boundary of their state and made no secret of the fact that they intended, with the help of the federal government, to clear Georgia of its Native population. Moreover, Agent Hawkins, just before he left Tuckabatchee, announced to the Creeks that the government would cut roads through the heart of their nation so the European Americans in the surrounding states and territories could communicate and trade with one another.<sup>3</sup>

However, Tecumseh may have stirred the passions of the Creeks most when he raised the specter of Indian dependence within the world economy. His brother constantly railed against the fur trade, deploring the fact that Indians destroyed animals solely for their skins, leaving their

bodies to rot in the woods, and all to meet the demands of the whites for more leather and fur. Tecumseh surely passed this message to the Creeks, which must have reminded them that during the eighteenth century, at the height of the fur trade, they had, along with many other Native groups, become a “forest proletariat,” scouring their territory for deer hides for the markets of Europe. In the process, they became addicted to foreign manufactured goods, as well as to alcohol, and so indebted to white traders and merchants that they had to sign away large chunks of land to pay what they owed.<sup>4</sup>

But Tecumseh had an even more painful reminder in store for the Creeks and all the other southern Indians he addressed during those fateful days. He spoke of slavery. In one speech, Tecumseh claimed that day by day whites stripped Indians of their ancient liberty and even dared to kick and strike them as they did “their black faces.” At another time, he said of the European Americans, “They have seized our country, and our fathers in their graves reproach us as slaves and cowards.” Then he addressed his Creek kin specifically: “Oh, Muscogees! Brethren of my mother! Brush from your eyelids the sleep of slavery, and strike for vengeance and your country!”<sup>5</sup>

Such a statement must have stung the Creeks. They knew all about slavery. One hundred years before, they had been slave catchers, destroying the Spanish mission system in Florida and selling the mission Indians to Carolina traders, who then sent them as slaves throughout the English empire. Then the Creeks, again owing to their participation in the world economy, became slave owners, buying, selling, and working black men and women in their fields. Beyond that, the Creeks saw how important slaves were to the southern plantation system, indeed to the whole economic structure threatening to finally engulf them, take their remaining lands, and possibly even reduce them to abject slavery, not just the weak dependency of which Tecumseh spoke.<sup>6</sup>

In the end, though, Tecumseh did not succeed in enlisting all the Creeks in his cause. The Creeks after all were not a single tribe but a collection of tribal peoples. The Muscogees were the most numerous group, and sometimes lent their name to the nation as a whole, but even they did not all think alike. Indeed, the Creeks were a particularist

people; they each owed primary allegiance not to a tribe or the Creek Nation but to their individual towns and clans. Faced with all the disease, colonial warfare, and cutthroat economic competition brought to America by the Europeans and their U.S. descendants, the Creeks had come together to form a confederacy for mutual defense, but seldom did they unite behind any single plan of action. Furthermore, the Creeks suffered from a schism between nativists and accommodationists common to many Native American peoples. Big Warrior of Tuckabatchee represented the accommodationists. As the wealthy leader of the Upper Creeks, he owed much of what he had to his ability to get along with Agent Hawkins and fit himself into the whites' economic system. Ultimately, he rejected Tecumseh's plea and kept his townspeople out of the Shawnee's camp. Tecumseh did, however, raise a large nativist party in the towns surrounding Tuckabatchee, and the members of that party, called Red Sticks, soon found themselves locked in armed conflict with both Creek accommodationists and the Americans as part of the larger War of 1812 between Great Britain and the United States.<sup>7</sup>

Armies subsequently converged on the Creek country from three sides. The Tennesseans under Maj. Gen. Andrew Jackson took the lead in the fighting, defeating the Red Sticks at the battles of Tallushatchee and Talladega in the fall of 1813, before delivering what appeared to be the death blow to the Creek uprising in March 1814 at the famed Battle of Horseshoe Bend. Following close on the heels of this victory, Jackson assumed command of the Seventh Military District of the U.S. Army, extracted a punitive land cession from the Creeks (the Fort Jackson Treaty) that amounted to about half of all the lands they owned, and brought a decisive end to the War of 1812 by defeating the British at the Battle of New Orleans. The more recalcitrant Red Stick warriors, those who managed to escape death or capture, fled to the Seminole country in Spanish Florida.<sup>8</sup>

But Red Stick resistance did not end with the flight. The escaped Creeks merely united with disaffected Seminoles, escaped slaves, and British adventurers in continued opposition to the will of the United States. In doing so, they posed a threat to the settlement of the Creek

cession lands bordering Florida, as well as to Georgia's cotton planters' use of the lower Chattahoochee and Apalachicola rivers as outlets to the Gulf of Mexico. So Jackson took to the war trail once again. In 1818 he illegally invaded Spanish Florida, burned a number of Indian villages, seized the Spanish fort at St. Marks, and even occupied the town of Pensacola, claiming that the Spaniards had given aid and comfort to the enemies of the United States. This bold stroke ended the so-called First Seminole War, which was in essence merely a continuation of the colonial revolt called the First Creek War.<sup>9</sup>

In fact, the First Creek War was only one of a number of such revolts staged by Native peoples around the world against the effects of colonialism, an integral part of the constantly spreading world economy. However, these revolts tended to be unsuccessful and even aided the expanding system by giving the colonizers an excuse to militarily crush Natives and appropriate their lands as punishment for their uprisings. In fact, the survival of the world economy meant that traditionalists must always lose out to one degree or another. And in the United States, fighting and defeating Indians came with some added benefits for whites. Coupled with westward expansion, Indian warfare contributed greatly to U.S. nationalism. But most importantly, the acquisition of more and more Indian land between the years 1815 and 1845 initiated a real Market Revolution in the country. It was, after all, the natural resource wealth of the West that proved the key factor in attracting capital and labor to the United States in these years, laying the foundation for the eventual urbanization and industrialization of the country. Furthermore, the Old Southwest was particularly important in the process. There the famed Cotton Kingdom took hold, which may have been the single most important event in building the national economy in the antebellum era. Cotton was the largest single U.S. export in the decades after the War of 1812. Cotton prices spiraled owing to a growing demand in Europe, and cotton purchases provided the nation as a whole with a huge source of income, which went a long way toward financing its overall economic development.<sup>10</sup>

But more immediately, the close of the War of 1812, along with the Creek and Seminole conflicts, put European Americans on the move,

pushing onto the lands of the Creek cession in southern Alabama and Georgia. Spain, realizing the futility of trying to hold Florida in the face of the expansion-minded settlers, ceded that colony to the United States. Meanwhile, Georgia's politicians urged the federal government to finally honor the Compact of 1802, by which Georgia ceded all the land it claimed beyond the Chattahoochee River to the United States in return for a pledge by the government to extinguish Indian claims to Georgia's territory east of the river as soon as possible. With Georgia's population still increasing, and the Chattahoochee and Apalachicola rivers now clear for the transportation of cotton, the demand of Georgia politicians for the government to get the Creeks out of the state grew more and more insistent. Consequently, government officials began to ask the Creeks to consider moving west beyond the Mississippi River, or at the very least, relinquish their lands in Georgia and confine themselves to their holdings in the new state of Alabama, which entered the Union in 1819.<sup>11</sup>

Over the next few years the urging grew more intense, and by the mid-1820s the Creeks faced real pressure to get out of Georgia. Furthermore, a former Georgia governor, David B. Mitchell, replaced Hawkins as the Creek agent and used his position to bend the Creeks to his state's will. But he faced stiff opposition from the principal Upper Creek town, Tuckabatchee. Led first by Big Warrior, and after his death by Opothle Yahola, the speaker of the Upper Creeks, the Tuckabatchee headmen responded to U.S. demands by uniting against any more land cessions and most certainly against a complete removal from their ancient southern homeland. In this response they had the support of a party of educated Cherokees led by John Ridge, who wanted all the Cherokee and Creek people to present a firm front against the aggressive whites. But unfortunately for the Upper Creeks, the Georgians found an influential friend among the Coweta town of Creeks, most notably William McIntosh, speaker of the Lower towns, who, along with a few low-grade chiefs, representing only eight of the fifty-six towns of the Creek Confederacy, signed the Indian Springs Treaty in January 1825. Shockingly, this treaty, obtained through bribery and promises of federal protection for McIntosh's party, delivered not only

all Creek lands in Georgia to the United States, but most of the Creek country in Alabama as well.<sup>12</sup>

McIntosh was a bicultural product of the fur and skin trade. His father was a Scottish trader, his mother one of the Wind People, the Creeks' most prestigious clan. McIntosh became a planter and innkeeper as well as a Lower Creek leader. Then, when faced with U.S. expansionism and the demands of the world system, he capitulated. In fact, his path sat directly opposite the one taken by the Red Sticks. Whereas they revolted, McIntosh not only sought accommodation with the European Americans, he actually placed his material well-being above the interests of his people. During the Red Stick War, he led an army of Lower Creek warriors against the nativists in Alabama. Then he assisted in Jackson's invasion of the Seminole country in Florida in 1818, just so he could profit from capturing blacks among the Seminoles and returning them to slavery in the states. And just for good measure, McIntosh and his warriors took a few Seminole women and children back to Georgia as well, selling them to the expanding cotton plantations. Simultaneously, the Creek headman partnered with the new Creek agent, David Mitchell, in criminal activity, including embezzlement of Creek annuity funds. Mitchell even used his share of the money to buy African slaves and smuggle them into the United States through the Creek Nation, all in violation of the federal law that declared the foreign slave trade illegal. But worse still, as far as the Creeks were concerned, McIntosh and Mitchell sought to demolish the traditional cohesiveness of Creek culture by pushing the Creek Council to approve, also in 1818, a written law code designed primarily to protect private property. These laws increased the policing power of the Creek constabulary, the "law menders," and legalized patrimony by allowing children to inherit from their fathers, both of which tended to break the traditional matrilineal structure of the ancient clans and pointed the Creeks toward the building of nuclear families headed by males with property concentrated in their hands—just the sort of family structure the world system dictated.<sup>13</sup>

McIntosh justified himself by saying that he did what he did for the good of his people, who had to change to survive. They had to learn to



do business as the whites did, he claimed, and must relinquish their lands and move west to save themselves from utter ruin. However, his contention that he could serve his people while enriching himself was only a rationalization employed by many proponents of the system before and since. It was simply another way of saying that greed is good, that the aggressive pursuit of one's individual economic interests is also the best way to promote the greater good of society. But once implanted in the minds of McIntosh and those like him, this rationalization posed a great danger to the aspirations of Native peoples who wished to preserve a traditional community. Indeed, the system and its ideology always beguiled a segment of the indigenous population, who then tied their political and economic interests to those of the colonizers, thereby subverting the efforts of traditionalists to defend their territory and culture from encroachment. Furthermore, colonizers from Australia to Georgia understood the process. They knew full well how to exploit the accommodationists in Native communities, using them to achieve their desired ends. But they also knew ordinary individuals would not do; they needed to win over persons of authority. Thus, George M. Troup, Georgia's governor and chief advocate of planter interests, as well as the most vociferous proponent of Creek removal in his state, spared no effort in seducing McIntosh and bringing him to the treaty table at Indian Springs. However, Troup had an ally in the racial miscegenation that had accompanied, and in many cases aided, the entry of the world system into the southern woodlands. McIntosh, as it turned out, was Troup's first cousin through the old Scottish line.<sup>14</sup>

But more importantly, Troup and other proponents of the system were able to co-opt, incorporate, and corrupt Native economic practices for their own ends. Traditionally, Creek chiefs maintained their influence only insofar as they promoted the general welfare of their communities by encouraging sharing and reciprocity among the people. Creek leaders acted as intermediaries in the transfer of resources to the needy and gave from their personal stores in times of want. In return, the people gave these leaders their allegiance and helped them maintain their privileged economic and political positions. But in McIntosh's case,

his source of supply came by way of his collusion with the Georgians, and by redistributing money, cattle, and slaves to the Lower Creeks he gained the firm loyalty of several villages. He then used the status derived from that support to do the bidding of his white allies. Worst still, this corrupt bargain repeated itself throughout Native America, and in the process an ancient redistribution system actually became a tool for the conquest of the country for the market.<sup>15</sup>

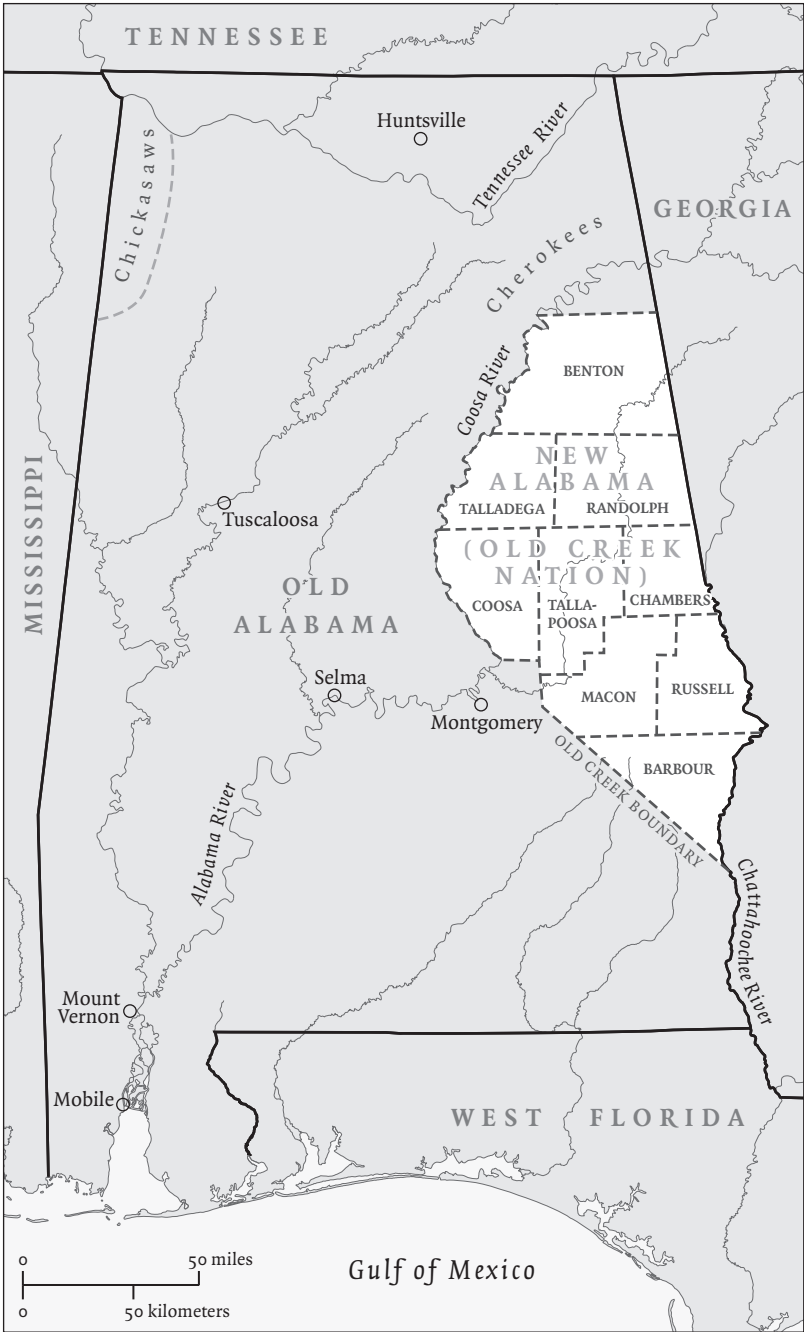
But the larger body of Creeks still had their defenses, including the adaptation of U.S. concepts of law and punitive justice in the protection of Native interests. While the Creek Nation never became a truly centralized political body, the pressure to cede more and more land to the United States did force the Creeks' council of headmen to solidify their hold on the tribal domain. They and the Cherokee chiefs made a pact that neither group would cede any more land to the whites. More importantly, the council chiefs secured an agreement from all the Creek towns of both the Upper and Lower divisions that no land claimed by them could be sold without unanimous agreement from the council members. Furthermore, the council passed a law several years before the Indian Springs Treaty, making the cession of land without the council's approval a capital offense. As a consequence, a party of Upper Creek warriors executed McIntosh and a few of his followers in April 1825. Others of the offending party, including McIntosh's family, fled east to towns in Georgia, seeking protection from Governor Troup, who called on the federal government to enforce the Indian Springs Treaty and punish McIntosh's murderers.<sup>16</sup>

But again, the Creeks had their defenses. President John Quincy Adams realized that the treaty was a fraud and declined to uphold it. Although the president favored Indian land cessions and removal, he believed the process should be conducted honorably and even threatened to use federal force if Georgians persisted in surveying and settling the Creek cession. Furthermore, the president, a New Englander, had little sympathy for southern slaveholders or their plans to extend their plantations across the entire South on lands swindled out of the hands of Native inhabitants. Northerners and southerners, generally speaking, had taken different paths into the world economic system:

the Northeast chose to follow Britain in the development of commerce, manufacturing, and banking, and the South turned away from becoming a core capitalist region to pursue commercial agriculture, developing into what might be termed a mature periphery area in the world system. Increasingly, these differing economic choices would bring North and South into political conflict and finally war. The dispute between Adams and Troup over the disposition of Creek lands was but one incident in a chain of North-South disputes leading to the great schism, and the Creek Council took advantage of it to defy Troup and remain on their lands.<sup>17</sup>

That victory was short-lived, however. While Adams may have found the southern point of view personally distasteful, he was, nevertheless, committed to the expansion of the United States. So when the pugnacious Governor Troup roused Georgians with the banner of states' rights and mobilized his state troops to fight for the Creek cession, the president backed down, unwilling to begin a U.S. civil war for the benefit of Indians. Perhaps Adams realized at that point that fighting his fellow compatriots was foolish when they all believed essentially the same in regard to Indians: U.S. civilization was superior to their culture and must overcome it in the end. Consequently, the president supported the creation of an "honorable" treaty with the Creeks, which would mollify the ill feeling between Georgia and the federal government by giving the Georgians what they wanted, more Creek land. However, government negotiators still used coercion and bribery to secure new, more "legitimate" treaties with the Creeks. Accordingly, the Creek headmen signed a series of accords with the United States, by which they agreed to give up all their lands in Georgia. They did, however, keep their territory in Alabama and gain an increased annual annuity payment from the government. This was certainly a great disappointment to the Georgia Creeks, but as most of the nation's towns sat along the banks of rivers in Alabama, the Creek core remained intact. Moreover, by retaining their Alabama land base, the Creeks were able to avoid a complete removal from their ancient southern homeland.<sup>18</sup>

However, life in Alabama would not be a happy one for the now-



1. Alabama, 1832-36



2. New Alabama

concentrated Creeks. The movement of Lower tribespeople from Georgia across the Chattahoochee River into Alabama was the beginning of the end of the Creek Nation in the Old South. The Washington Treaty of 1826 obligated the Georgia Creeks to move en masse in a relatively short period of time, forcing them to give up their fields along the east bank of the Chattahoochee and its tributary streams, as well as those along the course of the Flint. Thus, many Lower Creeks came into Alabama rather suddenly, settling for the most part on the lands of their kin in the tribal town territories running down the west bank of the Chattahoochee. In descending order these territories were Cusseta, Coweta, Euchee, Hitchitee, Ositchee, Chehaw, Sawokli, Apalachicola, and Eufaula. But, unfortunately, many Georgia Creeks entered these tribal lands without the means to subsist themselves. Therefore, starvation would be a perpetual problem for the Lower Creeks in Alabama.

Lack of social cohesion posed another difficulty. Having for so long lived near the Georgia and Florida frontiers, the Lower Creeks had extensive contacts with whites and blacks and their genetic makeup showed visual evidence. In fact, Lower Creek towns “reflected the social mosaic of the Southern frontier,” and one historian has claimed that the Lower Creeks were becoming “a distinctive, almost hybrid society . . . genetically and culturally mixed.” Moreover, those Lower Creeks consisted of people of “all complexions shading through white, red, and black.”<sup>19</sup>

More significantly, the Lower Creeks had lost their hunting grounds sooner than the Upper Creeks and had been exposed to the economic practices and competitive values driven by the world system for a longer period of time. As a result, the Lower townspeople had lost a good deal of their traditional commonality. Like the whites, the Lower Creeks now had their own economic classes and social gradations. Some of the immigrants from Georgia were wealthy planters and/or ranchers, others were small farmers, many clung to village life and communal agriculture as best they could, and many more were simply poor and demoralized, unable to cope with the injustice done to them by white Georgians, the rise of market competition among them, and the decline of the traditional Creek communalism. This last group produced

numerous young Indians who extended ancient Creek hunting and gathering practices to include the pillaging of Georgia farms and the butchery of Georgia livestock. These youths also engaged in one of the major industries of the southern frontier, horse stealing, and they often worked with white gangs in moving horses out of Georgia and across the Creek country to markets farther west. The Georgians called these young Creeks outlaws, and some undoubtedly were, even among their own people, but others might more appropriately be called social bandits. As such, they resisted the system and fed their starving families in the only way they could, a way that fit with the traditional roles of Creek men as hunters of animals and warriors against tribal enemies. But whatever we call them, this group of men contributed to the growing turmoil and lack of order in Lower Creek life.<sup>20</sup>

The movement of more Creeks into Alabama also increased political tensions in the confederacy. This resulted in part from more Indians living in closer proximity to one another but mostly because the Creeks faced steadily increasing pressure to give up even their Alabama lands and move beyond the Mississippi River. In fact, federal officials, led by Thomas L. McKenney, head of the War Department's Indian office, launched a successful effort to induce some of the detached and dispirited Lower Creeks, including both poor people and the highly acculturated followers of William McIntosh, into emigrating. But worse still as far as the Creeks were concerned, Andrew Jackson, a southerner used to excoriating the Creeks, became president in 1829, and rammed his Indian Removal Act through Congress in 1830. And while Jackson claimed to represent the best interests of both Indians and whites, his strongest support for removal came from planters, politicians, and land speculators who saw the large Indian groups in the South as an obstacle in the way of expanding the southern export economy. More precisely, the Indians impeded white southerners from supplying the world economy's enormous demand for raw cotton and cotton goods, a demand created by the Industrial Revolution. Thus, the Creeks discovered that besides the stress of more people living on less land, they would have to face renewed competition for that land from whites. Consequently, Creek leaders would have to weigh

continually the advantages and disadvantages of staying in Alabama as opposed to giving up their ancient homeland entirely and seeking a fresh start in Indian Territory. But all this pressure only intensified existing political differences among the Creeks.<sup>21</sup>

The pressure tended to widen the divide between Upper and Lower towns, all of which worked against any attempt the Creeks may have made to unite behind a program to preserve traditional culture and the nation's common land base. Furthermore, the strain and tendency toward social fragmentation and political factionalism may have been even more pronounced among a group of people who gave loyalty first to family and their *talwa* (hometown). Thus, the Creeks splintered into parties centered on competing leaders and representing different ways of dealing with both intruders on the Creek domain and the government pressure to emigrate. And while factions had always existed in the Creek Confederacy, a polity that once took strength from incorporating diverse peoples and therefore different points of view, the movement of Georgia Creeks into Alabama forced these factions into closer contact and heightened disagreements and hostility between them. Thus, a former strength turned to weakness as far as dealing with the whites was concerned. Indeed, this tendency of the Creeks and their Seminole cousins to splinter into antagonistic factions perhaps as much as anything explains why they engaged in armed conflicts among themselves on two occasions in the early 1800s, something no other southern Indians did, even though those Natives faced similar challenges from the colonizers.<sup>22</sup>

The largest and most effective party in the nation was the Tuckabatchees, consisting not only of most of the inhabitants of Tuckabatchee town but of a half-dozen surrounding and related Upper Creek towns on or near the lower Tallapoosa River, some of which had been Red Stick towns during the late war. The council chiefs of Tuckabatchee led the party, and Opothle Yahola, the principal speaker and power broker of the Upper Creeks, sat at their head.<sup>23</sup>

Opothle Yahola rose to power during the treaty ordeals of the 1820s, standing in firm opposition to the McIntosh party, and by some accounts he was a traditionalist who early on flirted with the Red Stick cause.



In the 1830s Opothle Yahola still refused to wear white men's clothes or to speak English. He also played an important role in the religious ceremonies of his town, as any headman would, but his name Yahola indicates that he had been a singer in the Black Drink ceremony, which preceded the councils of Creek leaders. But Opothle Yahola was also a practical man who fought the Red Sticks in the end and learned to live within the economic system that engulfed his people. For his part, Opothle Yahola surely knew that a man must accumulate a measure of wealth to maintain his status as an important tribal leader, and in a traditional sense, have the resources necessary to provide for needy followers in times of crisis and want. Consequently, Opothle Yahola acquired a cattle herd and a plantation worked on by slaves. He may have had an interest in a trading store at Tuckabatchee, operated by merchants out of Montgomery, Alabama. Certainly the man earned a reputation as a shrewd trader, known to his people as "Old Gouge," and some of his descendants would use Gouge as their surname in later years. But Opothle Yahola and the other Tuckabatchee headmen provided sound leadership and endeavored to help the Upper Creeks follow in their footsteps, negotiating the difficult path between Native traditionalism and changes demanded by the irresistible forces of the marketplace and white society in general.<sup>24</sup>

In this respect the Tuckabatchees and most other Upper Creeks seemed to have learned some valuable lessons from the Red Stick War. Indeed, that destructive conflict had leveled their towns and society, forcing the Upper Creeks to make a choice and either give up their existence as a distinct Native community or come together to save themselves from extinction and move forward to a better day. To their credit, they found a way to bind their wounds, reconcile their differences, and reconstitute their society. They rebuilt their towns along the Coosa and Tallapoosa rivers and their tributary streams and down along Federal Road near where that thoroughfare passed out of the Creek country and into the state of Alabama. Then, many Upper Creeks actually returned to these towns to engage in communal life and cooperative agriculture, reversing their former, disintegrating trend of moving out of their core settlements to occupy family farms and ranches.

In part this return to town life may have been a conscious effort to tie their fractured society back together through cooperative effort, but in practical terms, the Upper Creeks had little choice. They had lost so much property during the war that few individuals or families had the means to support themselves; they needed the help of others just to survive from season to season.<sup>25</sup>

And along with this lesson came others. First of all, the Upper Creeks learned that a too hasty adoption of white ways had disintegrating and debilitating effects on Indians. Second, they learned that a complete rejection of foreign culture, particularly in the economic sphere, was impossible and could also place a Native people at a dangerous disadvantage in an environment increasingly controlled by outsiders. Consequently, the Upper Creeks chose a middle path, clinging to traditional ways and core values while adopting skills from European Americans that could help them survive and then prosper in the face of advancing white settlement and the growth of the market economy. This middle path became an integrating principle that appealed both to conservative former Red Sticks and the more integrated Creeks, those who grew cotton and corn for the market; ran ferries, roadhouses, and trading stores; and sent their children to mission schools. And again, Opothle Yahola stood forth as the principal spokesperson of this middle path.<sup>26</sup>

But Tuckabatchee's leaders had a serious problem beyond that of rebuilding and holding together Upper Creek society. They had to find a way to hold on to as much of their land as possible and to avoid removal to the West. In this regard, Opothle Yahola may have sought to consolidate Creek government to make it a more efficient tool for resisting the European Americans and disciplining the Lower towns. The Tuckabatchees certainly resented the fact that on more than one occasion Lower Creek headmen had ceded land to the United States without the assent of the Upper towns. Indeed, Opothle Yahola had played a major role in McIntosh's execution. There is also evidence to suggest that Opothle Yahola and the Tuckabatchees wanted to move beyond the localized, nondifferentiated religious-political structure of Creek government to create a Cherokee-Creek coalition with a large

national treasury to help both nations better deal with their common problems vis-à-vis the United States. However, the Tuckabatchee party knew that armed resistance to the settlers was not an option here; they had seen firsthand its failure and the consequent destruction of many Upper Creek towns in 1813 and 1814. Consequently, the Tuckabatchees wanted to work with the Cherokee leaders in appealing to the conscience of the U.S. nation, meaning, in practical terms, convincing northerners to keep their southern brethren from Native lands. But, again, the Tuckabatchee chiefs, like other Creek leaders before them, failed to overcome Creek particularism. The Lower Creek chiefs, along with Agt. John Crowell and commissioner of Indian Affairs, Thomas McKenney, resented the collusion between Upper Creeks and Cherokees and moved to break it up. Thus, Creek factionalism and the Creeks' continued reliance on a town-centered governmental structure made it difficult for them to unite among themselves or with other Native nations in the South to nonviolently resist white aggression.<sup>27</sup>

Furthermore, Opothle Yahola had to fend off a serious rival for leadership in his own Tuckabatchee town. Big Warrior died in the mid-1820s, and at some point thereafter his son, Tuskenea, also known as Big Fellow, took over his position as headman of the Upper Creeks. Such a succession was improper according to Creek tradition. In a matrilineal society, the chiefdomship should have passed to a male member of Big Warrior's mother's clan. Tuskenea was not a member of that clan. He belonged to his own mother's clan. Consequently, Tuskenea's rise to office prompts questions. Did U.S. agents and/or businesspeople, thinking Tuskenea would serve their interests, have something to do with his appointment? Or had Big Warrior simply come to favor his son, and determined to pass along to him his public office and considerable property? It might be that Tuskenea's ascent was just one more example of the Creeks becoming more patrilineal, increasingly mirroring the property relations of white society. In any event, Tuskenea was unpopular, and the Upper Creek Council deposed him as principal chief in 1827, citing his improper appointment.<sup>28</sup>

But breaking tradition was not Tuskenea's biggest problem, for the Creek Council reinstated him as headman after a relatively short

period of time. No, Tuskenea's main fault lay in his disposition. Like his father, he made enemies easily. He had a temper and was given to rash actions. Showing his displeasure at the government's efforts to remove Creeks in 1830, Tuskenea attempted to kill William Walker, the Creek subagent and his own brother-in-law. He also stopped a stagecoach passing through the Creek country, holding the passengers hostage and railing against the removal policy. For this offense, federal marshals arrested Tuskenea and the district court fined him one hundred dollars. The Upper Creek Council, undoubtedly at Opothle Yahola's instigation, then broke him as head chief for a second time, only to reinstate him yet again in 1831. Tuskenea continued to trouble the Tuckabatchees, however, largely because they did not trust his handling of the annuity payment. Consequently, they deposed Tuskenea and put in his place two other men who could share the growing responsibilities of the Upper Creek headman and who would be more amenable to Opothle Yahola's less foolhardy approach in dealing with the settlers and their removal agents. But Tuskenea's seethed under the affront and continued to pursue his claim as headman of the Upper Creeks. Worse, he had supporters. Indeed, the most notable Lower Creek chiefs supported Tuskenea as the legitimate leader of Upper Creeks, probably because they distrusted the powerful Tuckabatchee group and the potential it had to dominate the nation's affairs in the face of the disheveled state of the Lower towns. But even more ominous for the Tuckabatchee party and the peace of the nation, Tuskenea gained the support of some of the Tallassees people, whose main settlement sat just across the Tallapoosa River from Tuckabatchee.<sup>29</sup>

In fact, Tallassees had a history of conflict with Tuckabatchee, dating back to the late 1700s and possibly well before. Hoboithle Micco of Tallassees, also called Tame King in some quarters, served as headman of the Upper Creeks in the early 1800s. He opposed Benjamin Hawkins's civilization program for the Creeks, as well as the agent's plan to build roads across the Creek country for the benefit of the European Americans. Probably for those reasons, he lost the head chieftainship to Big Warrior of Tuckabatchee, who received the federal government's backing and largesse. Seething with resentment, Hoboithle Micco

actually appealed to the British in the Bahamas for support, then welcomed their ally, Tecumseh, with open arms when he came among the Creeks to spread his evangelical nativism and call for all Indians to unite with the British in a last stand against the land-hungry settlers. Thereafter Tame King became the titular head of the Red Stick party, and once the Creek civil war began, he and Tallassee's war chief, Peter McQueen, attacked Tuckabatchee with gusto, hoping to dispose of Big Warrior and his ring of accommodationists. But William McIntosh marched from Coweta to save the Tuckabatchees; then a combined force of European Americans and allied Creeks smashed the Red Stick uprising altogether, killing the aged Tame King in the process. Yet his defiant spirit did not die; it lived on in some of his Tallassee people. Peter McQueen led hundreds of them on a flight into Spanish Florida, where they joined the Seminoles and continued their opposition to U.S. expansionism and Creek accommodation to whites. In fact, Andrew Jackson and William McIntosh invaded Florida in 1818 in part to discipline the Tallassees and hang McQueen. Subsequently, McIntosh fell in with the Tallassee camp, killed a number of warriors, and then rounded up the women and children and returned them to the Creek Nation. McQueen fled across the peninsula and died in lonely exile, while some of his followers made their way back to Alabama on their own. But other Tallassees remained in Florida, retaining their Red Stick nativism. One of these Tallassees was just a babe when Tame King died, but he became, in time, a nationally famous representative of Tallassee's spirit of opposition to U.S. authority. His name was Assi Yahola (Osceola).<sup>30</sup>

But why, given the conservatism and obstinacy of the Tallassees, would they support Tuskenea, a wealthy, slave-owning member of Tuckabatchee's economic elite, the very son of Big Warrior, whom they had detested as a U.S. toady? Most probably, the dissident Tallassees in Alabama needed a leader as their town chief, Tustenuggee Chopco, obviously did not share their level of anger and disaffection. However, Tuskenea, despite his wealth and town affiliation, resented U.S. domination, had actually befriended Tecumseh, sharply opposed removal, and harbored a grudge against the ruling Tuckabatchee party

to which he once belonged. On those points he and the Tallassees found common ground. But it would not be fair to say that a majority of Tallassees gravitated to Tuskenea, nor does it appear his supporters lived in Tallassee town proper. More likely, they lived in two of Tallassee's *taliwas*, or daughter towns, Sougahatchee and Loachapoka, located on tributary streams of the Tallapoosa River. It is also possible that these people were part of the contingent of Red Sticks who fled to Florida in 1814 but returned to the Creek country sometime later. They may have kept in contact with Osceola and their Tallassee kin in Florida, however, and continued to nurse bitter memories of the Red Stick War and Jackson's subsequent invasion of Florida to root them out. Moreover, the Tallassees of Sougahatchee and Loachapoka, although officially classed as Upper Creeks, actually occupied a sort of middle ground geographically and politically between the Upper and Lower towns. In fact, they lived just to the west of the Lower Creek Coweta and Cusseta people and had once claimed hunting grounds far into Georgia in the vicinity of the Okefenokee Swamp. Accordingly, they would have interacted with Lower Creeks more than with other inhabitants of the Upper towns. Perhaps because of this, they tended to join the Lower Creeks in their opposition to Upper Creek leaders.<sup>31</sup>

The third party in the confederacy might be called the Lower Creek, or Cusseta, party; Cusseta and Coweta were the two largest Lower towns. Indeed, both these towns had numerous outlying villages up and down the Chattahoochee basin. These towns also housed the majority of the Muscogee element of the Lower Creek population, and as a general rule, the headman of the Lower towns came from one of the two towns. In the early 1830s, that headman was Neah Micco of Cusseta. He and the councilors on whom he depended, including his brother, Efau Emathla, lived well, carrying on profitable relations with the Creek agent, John Crowell, whose plantation sat in the heart of the Lower Creek territory, near an army post called Fort Mitchell. Indeed, Neah Micco got on well with whites in general and profited from his associations with them. He did, however, oppose removal. Furthermore, Neah Micco supported Tuskenea as head chief of the Upper Creeks and protested to Crowell when the Tuckabatchee party

removed the man from that office. In fact, Tuskenea and Neah Micco made natural allies in their resentment of Tuckabatchee's power, and their alliance had the weight of history behind it. When the famed Alexander McGillivray rose to prominence among the Upper Creeks during the American Revolution, his two major political opponents were Tame King of Tallassee and the first Neah Micco (Fat King) of Cusseta, possibly the aforementioned Neah Micco's uncle. By the 1830s, Opothle Yahola held the seat of power in the Upper Creek country, and Tuskenea stepped into the rival's role once played by Tame King of Tallassee. Neah Micco simply picked up the challenger's mantle left to him by his relative of the same name, thereby standing for Lower Creek interests in the face of Tuckabatchee and the Upper Creeks in general. Unfortunately, though, just as the alliance between Fat King and Tame King had caused the Creeks problems in an earlier time, so the association between Tuskenea and Neah Micco would plague them during their days of confinement in New Alabama.<sup>32</sup>

But why was there a contest between the Tuckabatchee and Cusseta parties? In part it stemmed from the fact that Upper Creeks and Lower Creeks simply did not trust each other, especially when it came to the matter of land cessions to the United States. The Lower Creeks, largely because the system had reduced them to poverty, tended to support land cessions, while the Upper towns opposed them. But mostly, the contest for power between the Tuckabatchees and the Cusseta party had to do with control of annuity funds, the annual disbursements the federal government made to the Creek Confederacy as payment for past land cessions. The world system made it necessary for even Native peoples to have money, especially perpetual debtors like the Creeks, and neither the Upper nor Lower chiefs trusted the other side to handle and distribute these funds fairly without graft or corruption. In truth, the Tuckabatchees and Cussetas had little reason to trust each other as both sides had been guilty of wrongdoing, trying to claim too much of the annuity for themselves and accepting stipends and bribes to do the bidding of the government, traders, or other whites seeking to manipulate Creek policy or capture portions of the annuity. In 1826, for example, when the Creeks ceded all their remaining lands in Georgia,

70 percent of the treaty money went to just twenty-four headmen. And Neah Micco, being elderly and easily influenced by traders, reputedly lived well off the annuity while many of his followers suffered in poverty. Indeed, Neah Micco seemed to be a man who wanted only to live out his days in Alabama in peace and comfort, and had no plan for leading the Lower towns, much less the whole Creek Nation, through a time of great travail. Certainly Opothle Yahola resented Neah Micco for his lack of strong leadership, particularly his inability to control his confused people and keep them from committing acts of violence that could escalate into another war.<sup>33</sup>

While most of the Muscogee tribespeople in the Lower towns followed Neah Micco, many Lower Creek members of the non-Muscogee tribes or towns formed what might be termed the Seminole party in the Creek Nation. This party consisted of the Hitchitee-speaking Chehaws, Sawoklis, Apalachicolas, Ositchees, and Hitchitees proper, as well as the Euchees, who were ancient inhabitants of the Southeast and who spoke a tongue unrelated to that of the Muscogees or Hitchitees. All of these people had relatives and friends among the Florida Seminoles, were distinguished by their poverty, and kept up a mutually predatory resource competition with the frontier settlers of Georgia.<sup>34</sup>

The Euchees, in particular, maintained a particularly bad reputation as thieves and liars among the whites and Muscogee Creeks. Their customs differed from those of the Hitchitees and Muscogees, and many Euchees refused to mix with the Muscogees or speak the Muscogee tongue. When the famed naturalist William Bartram visited Euchee town in 1778, he proclaimed it the largest and most compact Indian town he ever saw, filled with large, neatly built houses. Later, Benjamin Hawkins, also impressed with the looks of the town, praised the Euchees as more orderly and industrious than the other tribes of the Creek Confederacy. But the Euchees began to leave their town to settle elsewhere; some drifted into Florida, and others, displaying the cultural conservatism of their tribe, joined the nativist party during the Red Stick War. Consequently, Euchee town fell into ruin and its people became one of the poorest and most unkempt of the Creek communities. At that point, like many other poor people, they acquired an unfortunate



reputation. They recognized the elderly chief, or *micco*, of High Log town, a man called Blind King, as their senior headman, but as part of the Seminole party, the Euchees would also look to the headman of Hitchitee town, Neah Emathla, for leadership.<sup>35</sup>

Neah Emathla had a long history of opposing the will of the settlers, making him all the more attractive to restless young warriors and all the poor and disaffected inhabitants of the Lower Creek towns. This chief had supported the British in the War of 1812 and had helped precipitate the First Seminole War when he refused to vacate his village, Fowltown, in southwestern Georgia as per the Fort Jackson Treaty. Coming under U.S. attack, he moved into Florida and established a new village in the vicinity of a later U.S. settlement called Tallahassee. At that time, he became an ally of Peter McQueen of Tallassee and the refugee Red Sticks, many of whom took up residence with him. But the settlers also coveted Middle Florida for its rich agricultural lands and, with the Moultrie Creek Treaty, the U.S. government pressured the Indians into vacating the area in 1823. During the treaty meeting, the Florida Indians, a mixed lot of old-time Seminoles and more recently arrived Red Stick and non-Red Stick Creek refugees from Georgia and Alabama, came together as a body to elect Neah Emathla as their principal chief, which may have been the birth of the Seminole Nation. But Neah Emathla would not hold this position for very long. The treaty obligated the Florida Indians to move south onto a reservation in the peninsula, and while Neah Emathla could have stayed in Middle Florida on his own private reserve, he could not bear to see European Americans settling in around him. Consequently, he moved north to the Lower Creek country, built his new town there, joined the Creek Council, and approved the execution of William McIntosh for his violation of Creek law in taking it upon himself to cede Creek land. From that point on, Neah Emathla became the leader of many people like himself who had ties both to the Creeks and Seminoles and who visited back and forth between Alabama and Florida, sometimes conflicting with settlers along the way. In fact, of all the members of the Creek Confederacy, these Seminole-Creeks tended to be the most hostile to whites, and they gravitated to Neah Emathla because of his warrior

reputation and strong presence, which displayed both courage and integrity and impressed even his enemies.<sup>36</sup>

On the opposite end of the political spectrum from the Seminole party stood the McIntosh crowd. By 1830 most of the members of this Lower Creek faction, including numerous prosperous planters, had emigrated and set up the western branch of the Creek Nation in the Indian Territory. In fact, the headmen of the McIntosh faction who signed the Indian Springs Treaty in 1825 expressed their willingness to emigrate in the very preamble of the accord. They also claimed to speak for the entire Creek Nation in this regard, although they excepted the Tuckabatchees, whom the McIntosh people tried to picture as a troublesome minority resisting removal. But the Tuckabatchees, and indeed the majority of Creeks, who certainly did not want to cede their entire country to the United States, got their revenge when the Creek Council ordered not only McIntosh's execution but the deaths of his chief associates as well. These associates included McIntosh's son, Chilly, along with Joseph Marshall, Samuel Hawkins, James Islands, Etomme Tustenuggee, and one Colonel Miller. Samuel Hawkins and Etomme Tustenuggee fell with McIntosh, but Chilly survived to become a leader of the Creek emigrants to the West. Joseph Marshall and James Islands also lived but did not move beyond the Mississippi. They stayed in Alabama and headed the McIntosh faction there along with Benjamin Marshall and Paddy Carr. These leaders, all owing allegiance to McIntosh's Coweta town, represented a number of bicultural Creeks who remained in Alabama either because they loved it or, more likely, because they had substantial cattle herds and other property that they could not transport easily or afford to leave. Indeed, one factor that distinguished the McIntosh Creeks was their ability to prosper, by fair means and foul, under the new economic regime steadily engrossing the Creek Nation. In this regard, they may have stayed in Alabama because they saw more economic opportunities opening for themselves as whites drew closer and closer in on the Creek heartland.<sup>37</sup>

And indeed, some whites had long since infiltrated the Creek Confederacy, forming yet another political faction pulling at the fabric of Creek unity. For want of a better name, we might call this faction

the U.S. party. Undoubtedly, this party had numerous members, but existing documents mention only a portion of them: John Crowell, the Creek agent, and his brother Thomas; William Walker, son-in-law of the late Big Warrior of Tuckabatchee; the combative and colorful Thomas S. Woodward and his friend Nimrod Doyle; Charles McLemore; Drury Spain; John Scott; Luther Blake; and the redoubtable John H. Brodnax, next to Crowell the white man who exercised the most influence over the Creeks. Some writers have called these men Indian countrymen, but that term is not entirely accurate. The real Indian countrymen were those white residents of the Creek Nation who fully understood and identified with Native ways of thinking and acting, those who the Indians accepted as members of their nation. The U.S. party members, however, were self-conscious European Americans who, though they may have lived with the Creeks for years and spoke the Muscogee tongue, really had little knowledge of, or regard for, the Native worldview. In this respect the Creek willingness to welcome foreigners, white and black, into their confederacy, which had once made the Creeks so numerically strong, now served to weaken them, for the U.S. party men came into the Creek country not to escape the conformity of U.S. civilization, including the grinding demands of its competitive economic system, but to seek profit, to find yet another avenue to wealth. These whites came as traders, government agents, or farmers trying to gain rights to the rich river bottom lands by befriending Creek leaders or marrying into important Creek clans. More ominously, some of these men came to spy out and speculate in Indian lands, a long-standing business tradition in the South.<sup>38</sup>

In truth, the southern concept of states' rights actually began in the assertion that states had rights to Indian land lying within their claimed boundaries and that the central government should not interfere with those rights. Federal law said otherwise, that Indians held all rights to their lands, that only the central government could secure land cessions from the Natives, and that all squatting and land speculation in the tribal domain by state citizens was patently illegal. This did not stop speculators, however, and the U.S. party men meant to play key roles in opening the Creek country to economic development. They knew

whites would eventually supplant the Creeks there, building roads, settlements, cotton plantations, and the rest. Knowing the terrain and the Indians as they did, the Creek countrymen realized they could be invaluable to the process of transferring the land out of Native hands and making it a part of the regional, national, and world economies. The opportunity for profit would be immense, so the countrymen attached themselves to various Creek chiefs, hoping to use those leaders in their schemes. Meanwhile, other speculators worked at both the state and federal levels in support of treaty after treaty designed to acquire Creek land cessions.<sup>39</sup>

The Indians knew the score, however. They had always been discriminating in their relationship with whites, and by the 1820s they were well aware of the dire consequences of allowing so many of them into their country. Indeed, they had started a move to purge their nation of outsiders, and race had become much more important to them in determining who was a Creek and who was not. Actually, they had learned the concept of race from the whites and imbibed it through their contact with the world system, which tended to divide the world's population along color lines and used color as a justification for the economic exploitation of one people by another. Consequently, the Creeks adopted only some white men, others they expelled from their midst, and many more they merely tolerated so they could use them for their own purposes. Some McIntosh party men, for example, enriched themselves by working with the speculators, and even those Creek leaders who opposed the speculators in principle found ways to benefit from their presence in the Indian country. Opothle Yahola, Neah Micco, and Tuskenea used various U.S. party men to help them make money or to act as advisers, even secretaries, in their dealings with the government. The large number of well-crafted letters sent by otherwise illiterate Creek chiefs to Washington attests to this fact. In truth, Creek leaders played the white men off against one another, just as these whites did to the Native chiefs, for while a common political goal united the various members of each political faction in the Creek country, the economic system made each individual responsible for his or her own material well-being in the end. This fact engendered both

conflict and collusion among the members of all parties and ethnic groups in the Creek Nation, as individuals grasped and clawed for wealth or mere survival in an increasingly competitive environment. So, despite the existence of definable political boundaries in the nation, these boundaries existed on top of a complicated pattern of fractures and fissures, often economically determined, which broke across all other lines and even blurred the borders between natural friends and enemies. Indeed, this emphasis on individual economic competition proved to be the system's greatest source of strength. It undermined all political parties standing in its way; it divided and conquered all ethnic groups alike.<sup>40</sup>

But despite all the turmoil and pressure, the Creek Council managed to unite in the late 1820s on one important principle at least: the Creek people would not leave the last vestige of their ancient homeland in Alabama. Opothle Yahola expressed the majority opinion: "We feel an affection for the land in which we were born, we wish our bones to rest by the sides of our fathers." The whites who heard this may have appreciated the rhetorical flourish, but they certainly failed to comprehend the full import of the statement. The Creeks and other Native Americans believed that the buried bones of ancestors gave a people a direct physical claim to a country. More importantly, the bones gave them a spiritual attachment to the ground beyond anything the whites were able to understand. European Americans, after all, sprang from a vastly different economic and religious tradition. The Old Testament told them that God had separated them from Nature and given them the earth to rule over and use for their benefit, and their world economy taught them exactly how to commodify the land and its resources and turn all to full account, how to move relentlessly over the face of the earth extracting profit. Being essentially rootless, many whites, Andrew Jackson included, could not understand why Indians would not want to move west to find new land and a better life for themselves, precisely as settlers were doing every day. But the Creek Council members dug in their heels. They notified the secretary of war that they would cede no more land and had "determined to discourage and discontinue the practice as unprofitable to our people and as not

being the correct mode of ensuring our national peace and prosperity.” Then the council chiefs endeavored to bind up the largest Creek clans against any more land cessions and removal to the West. Finally, they turned to coercion and even violence to keep the Creeks together to defend the last piece of their once extensive territory. Armed warriors, acting under the council’s authority, went out to threaten, whip, and occasionally murder tribespeople who signed up for removal with the Creek agent, John Crowell, or his minions. In fact, Neah Emathla, the militant of the Hitchitees, rigidly enforced the council’s decrees. In one particularly ghastly incident, he and his young warriors beat and cut off the ears of some erstwhile Creek emigrants to the West. Warriors also burned storage buildings and other structures set up to facilitate removal but ultimately did stop numbers of people from going off to join the two thousand McIntosh Creeks who had emigrated earlier as per the Indian Springs Treaty.<sup>41</sup>

Simultaneously, Creek leaders began to harass Christian missionaries in their country. They had allowed those missionaries onto their Alabama lands in the 1820s to teach their children reading, writing, sewing, blacksmithing, and other skills needed to survive in a modernizing world. More to the point, Opothle Yahola contended that if young Creeks were “taught in the ways of the white man,” they and their people could “stand unmoved in the flood of the white man.” However, Creek leaders had no interest in an agricultural education for their children, in part because they thought the missionaries had especially designed that sort of training to fit the children for eventual slavery. Nor did the headmen care for Christianity, and they prohibited the missionaries from proselytizing it among the Creeks or Creek slaves. In part, the headmen saw Christianity as a false doctrine, Opothle Yahola once contending that he was more likely to get to heaven by worshipping the ceremonial brass plates buried under Tuckabatchee’s square than bowing down to the whites’ Jesus. But more importantly, Creek leaders saw in Christianity a threat to their traditional religion and thus a threat to the cohesion and coherency of Creek culture as a whole. And if their culture broke, the leaders probably reasoned, so would their hold on the land. Indeed, some evidence suggests that

Creeks attempted to revive old customs and cement their hold on the land during this time by shifting back from private family farms to communal fields. This turn back to tradition flew in the face of the missionaries, who taught that Indian families should live like white ones. However, the Creeks did not care. They must have realized on some level that Christianity, both in the ethics it taught and the way it was used against Native peoples by Europeans and their U.S. progeny, had become simply a handmaiden of the world system, allowing whites to take Indian land and work it with black slaves while proclaiming that blacks and Indians were the real sinners in need of moral uplift and salvation. Furthermore, when the Creek Council chiefs discovered that the missionaries supported the government's removal plan, they reacted violently. They began to break up Christian worship services, even beating and otherwise humiliating the blacks who made up the majority of Christian congregations in Creek Alabama. Eventually, the missions, one among the Upper Creeks and one among the Lower Creeks, simply withered away through lack of support.<sup>42</sup>

But in all honesty, there may have been another reason for the harsh reaction to the missions. Leaders like Opothle Yahola, Tuskenea, and Yargee—Tuskenea's industrious brother—were all strong opponents of the missionaries and undoubtedly advocates of traditional Creek religion. However, they were also well-to-do slaveholders, and they harassed the missionaries partly out of fear that their slaves would discover a message of deliverance and freedom from bondage in Christianity, as many people oppressed by the world system have done. Even Agent Crowell, a white man, opposed the missionaries for this very reason, fearing that their preaching would incite a slave insurrection in the Creek country, where he maintained an expansive plantation worked by numerous slaves. Actually, Crowell seems to have believed that the missionaries were abolitionists who planned to cause trouble in the Creek country. Thus, he declared that their "preaching to Indians was a fudge." And Crowell did have some reason for concern. Creek slaves had been showing signs of restlessness for some time, perhaps because of the Christian message, but more likely because they realized numbers of their Native owners had adopted the white

view of blacks as something less than human, as mere commodities in the market.<sup>43</sup>

That sort of racism was a relatively new development in the Creek Nation. However, this evil did not rear its ugly head just because some Creeks wanted to practice commercial agriculture and needed a hard-working, disciplined labor force to do so. More likely, racism grew because some Creeks found it necessary to distinguish themselves from blacks in the eyes of the whites pressing in on the Indian country. Having a long-standing fear of enslavement themselves, these Creeks, along with many other southern Indians, felt they had to assert their superiority over blacks or be considered as one with them by whites and therefore as potential slaves. Consequently, some Creeks turned away from their former practice of kinship slavery, a benign form of bondage whereby slaves were treated more like family members and their offspring were born free. Creek Council members, namely McIntosh party men, also wrote the new attitude toward blacks into law. In 1818 they decreed that if a black person killed an Indian, he or she would be executed, but if an Indian killed a black person, a fine would suffice as restitution. Then in 1825 the council passed a law aimed at discouraging marriage between blacks and Indians, stating that “It is a disgrace to our nation for our people to marry a Negro.” But a good deal of miscegenation between blacks and Indians had already occurred in the Creek Nation, and the rising racism caused some Creek families to divide against themselves along racial lines. At that point, even free black Creeks began to fear enslavement by their own tribespeople. Moreover, whites became more aggressive in invading Creek country to steal slaves, which more than likely meant any black person they could find. Little wonder then that some Creek slaves grew disaffected, and while none rose in armed revolt against the new racism, more than a few did leave the Creek Nation. They stole away south to the Seminole country, where they could enjoy more freedom and better treatment from Native leaders less tied to the world of commercial agriculture.<sup>44</sup>

Here we see more irony: Creek leaders fighting the system for their land and freedom, while at the same time adopting the values of their



oppressors and denying freedom and equality to others. But that should come as no surprise. It was the way the system operated. It corrupted even those who fought it. It was insidious in that way and in the end all-powerful. However, it would not be fair to leave the impression that all Creeks oppressed their slaves at that time. At the very heart of Creek society, many people clung to traditional beliefs. These people were not so much affected by the marketplace and felt no need to impress whites with their level of acculturation. Among this group of Creeks, blacks still found acceptance and respect and, indeed, even more so as the system drew near and conservative Creeks retreated from it, using their slaves, and blacks in general, as buffers or intermediaries between themselves and the world of whites. Furthermore, slaves in the Creek country, even those facing more racism from Creek headmen and planters, still had better lives and lighter workloads than those blacks in bondage on white plantations in Georgia or Alabama.<sup>45</sup>

In fact, those states, not slaves, posed the real threats to the Creek Nation. Of course, Georgia had always been troublesome, but in 1827 Alabama began to exercise its young muscles by bullying and intimidating the Creeks. Alabamians, like many other colonizers, knew that “the commodification of land requires severing the powerful connection between indigenous peoples and their ancestral homes, followed by public policies that circumvent their legal rights to compete with new settlers for the soil.” Consequently, the Alabama Assembly extended the legal limits of one of its existing counties over all the Creek land in Alabama that McIntosh had ceded to the United States by way of the fraudulent Indian Springs Treaty. At the same, the Alabama Assembly moved to restrict the Creeks’ use of that land by passing legislation that prohibited Indians from hunting, trapping, or fishing “within the settled limits of the State, or upon any lands in this State, to which the Indian title has been extinguished.” The following year the Alabama legislature extended the jurisdiction of two more counties over the Indian Springs cession, thus easing the judicial burden of the first county, making it easier for Alabama to impose its court system on the Creeks. Then, in January 1829, as if sensing they would have the support of the newly elected president Andrew Jackson, Alabama’s

lawmakers drew all the remaining Creek land in Alabama, which no Creek had ever ceded to anyone, into its county jurisdictions. Thus, the state of Alabama attempted to take administrative control of the whole remaining Creek Nation to pressure the Indians into removing west.<sup>46</sup>

Yet Alabamians, and indeed many other southerners, had another reason for exerting authority over Indians living within their state boundaries. They had to stand up for an increasingly important political principle in the South: states' rights. Having chosen their distinctive path in the world system, that of a mature agricultural periphery rather than an industrializing aspirant to the core capitalist communities, southern politicians had caught themselves in a time warp and sentenced themselves to perpetual economic dependency in a sense, and this caused political insecurity. This insecurity became really acute in 1828 when the U.S. Congress passed a bill imposing fairly high tariffs on imports as part of Senator Henry Clay's American System. Clay, of course, wanted to encourage all Americans to buy U.S. products by increasing the prices of foreign imports through the tariff mechanism. The people of New England, where manufacturing had replaced agriculture as the economic base, loved the plan, but southerners hated it because they were used to selling their cotton in Europe and using the proceeds to purchase high quality but reasonably priced European goods. Southerners simply did not want to be forced to subsidize the northern economy and tended to see the tariff as a federal imposition on their states' rights. And, increasingly, these southerners would erect states' rights as a shield to protect their economic interests against any threat, real or imagined, from the commercial centers of the North. Moreover, southerners used the states' rights doctrine to protect their access to a good supply of fresh farmland. Thus, Alabama proclaimed its right of political authority over the Creeks as a first step in pushing them off their rich river land.<sup>47</sup>

But the South's agricultural production also depended on slavery, and the congressional representative Dixon H. Lewis, a major proponent of the extension of Alabama law over the Creeks, made clear the real purpose of said legislation. He explained to his fellow politicians

that if the federal government continued to claim jurisdiction over Indians in Alabama and to insist that Indians could not be subject to state authority, what would prevent the government “by a similar exercise of municipal power” from saying “that Negroes shall not be slaves.” Lewis surely knew, although he may have been loath to admit, that Indian land and black labor were the keys to southern economic prosperity within the world system and that Alabama must secure and protect access to both commodities by continually raising the battle cry of states’ rights. Ironically, though, southerners held more than their fair share of power in the federal government and were not above imposing centralized authority on the rights of other Americans if it served southern economic interests. The fugitive slave laws and the push for Indian removal stand as prominent examples.<sup>48</sup>

However, it should be noted that not all white southerners were virulent supporters of states’ right and bent on abusing Indians. In truth not all whites acted alike in regard to the Natives, and Alabamians, as a general rule, were not as aggressively anti-Indian as Georgians were, for a few very good reasons. First of all, Georgia had a considerably larger white population than Alabama, and consequently Georgians pressed much harder against the Indian boundaries, ever desirous of invading and pushing the Natives out. Furthermore, Georgia, as one of the original colonies and states, held a charter claim to its lands. Consequently, Georgians tended to believe they held legal title to all the Indian lands in their state, and the Natives should quit those lands willingly. When the Indians refused, angry Georgians pictured themselves as the aggrieved parties. But most Alabamians did not have this sense of entitlement. Alabama was a new state, a public land state, a creation of the federal government. Alabamians knew that the title to all Indian territory within Alabama rested with the federal government and most did not see Native occupancy of that territory as an infringement of white property rights. In fact, Alabamians, as a general rule, did not approve of Governor Troup’s radical tactics in driving the Creeks out of Georgia, and a good number of Alabama assembly members actually opposed the extension of their own state law over the Creek country, believing that only federal law should apply there. In truth, only the

representatives of Alabama counties bordering the Creek Nation and the more boisterous states' righters really pushed the extension. Other assembly members fell into line and voted for the extension because, like Andrew Jackson, they believed, or had convinced themselves, that that would be best for the Creeks. These legislators contended that most Creeks wanted to emigrate beyond the Mississippi, but the Creek Council was holding them in place. The only remedy then was for Alabama to impose true justice in the Creek country and use its power to free the common Indians from the tyrannical and arbitrary rule of the chiefs.<sup>49</sup>

Nevertheless, the extension of Alabama law and the county court system over the Creek lands proved a great tragedy for the Indians. It acted as an open invitation to settlers to invade the Indian country, and this they did, claiming Creek cornfields and cattle herds as well as notching trees to mark the acreage they now called their own. However, most of these squatters were Georgians, not Alabamians, and they even set up small villages for themselves in direct violation of federal laws that protected Native lands from white intrusion. Before, the Creeks always had a frontier between themselves and white settlers, and while the line may have been fluid, the Creeks always held to a protected heartland they could call their own and live on as they pleased without fear of molestation. But now the state of Alabama had broken down the frontier buffer zone and begun a process of incorporating the Creeks into a pluralistic society where they would soon be a minority ethnic group with all the problems that status entailed. Neah Micco, headman of the Lower Creeks, believed that he and his people would soon be driven from their homes, and in January 1832 the state of Alabama seemed to move in that direction. The lawmakers in Tuscaloosa passed a bill striking directly at the power of the Creek Council, seeking to eliminate it as a rival governmental entity within the state and to disable it as a body that could resist removal or protect its people. The 1832 bill stated that "all laws, usages, and customs of the Creeks and Cherokees that violated the constitution and laws of this state" were prohibited. Furthermore, the bill forbade "any Indian or Indians [to] meet in any council, assembly, or convention, and there

make any law for said tribe, contrary to the laws and constitution of the state.” However, the Alabama legislators did allow Creek councilors to meet with government officials to negotiate removal: “it shall, at all times, be lawful for the chiefs and head-men, or any portion of any of the Indian tribes within this state, to meet any agent or commissioners of the United States, or this state, for any purpose whatsoever.” Thus, the Alabamians attempted to incapacitate the Creek Council. However, another section of the law did even greater damage to Creek efforts to hold on to their remaining lands, even though the wording of the section appeared harmless, even kind. It stated that Indians were to enjoy the privileges of white people in their various counties of residence and could record their official documents in county courts, but, and here was the rub, Indians could testify in courts only in cases involving other Indians. In other words, Creeks were subject to the penalties of Alabama law, but they could not defend themselves against whites in court with their testimony or that of their Native witnesses. Needless to say, another rush of intruders entered into the Creek country on the heels of this last piece of state legislation.<sup>50</sup>

At that point, the Creeks really began to suffer. Whites settled on their lands and dared the Indians to do anything about it. Murders occurred on both sides, but the intruders went unpunished as Indians could not testify against them. Worse still, famine struck the Lower Creek towns along with the dreaded smallpox. In Columbus, Georgia, just across the Chattahoochee River from the Creek country, Indians staggered about the streets “haggard and naked,” begging door-to-door for food. Other Creeks made do eating berries, roots, and tree bark. Seeing all this, a reporter wrote back to his newspaper, “To see a whole people destitute of food, the incessant cry of the emaciated creatures being bread! bread! is beyond description distressing.”<sup>51</sup>

Now the Creek Council members realized their complete inability to resist Alabama’s authority. They must have been disappointed when the Cherokees tried and failed to have the Supreme Court stop the Georgians from extending their laws over the part of the Cherokee Nation lying within Georgia. Indeed, the *Cherokee Nation v. Georgia* case must have shown the Creeks that they would be equally unsuccessful

if they attempted a federal lawsuit against Alabama. Furthermore, the whole idea of Indian tribes being sovereign polities seemed uniformly unpopular in Washington, the lawmakers there being fond of quoting that part of the Constitution that declared “no new States shall be formed or erected within the jurisdiction of any State without the consent of the Legislature.” And even a northerner such as former president John Quincy Adams seemed surprised that Indians had responded to the introduction of civilization and Christianity (and the world system) by “claiming to be independent and rivals of sovereignty with the territories of the members of our Union.”<sup>52</sup>

Of course, all this ignored the historical fact that Indian communities predated the United States, but facts and logic did the Creeks no good, especially when the Alabama Supreme Court showed its abject hostility toward the notion of Creek sovereignty with its decision in the *Caldwell v. Alabama* case. James Caldwell, a white intruder on Creek lands, murdered an Indian on those lands in 1831, and the state convicted him of that crime. But he appealed to the state’s highest court, claiming that only federal law applied in the Indian country, and Alabama’s extension of authority there, along with his conviction, should be invalidated. Ironically, this appeal served the interest of the Creek Council. Even though they had no love for Caldwell, they surely supported his effort to exclude Alabama’s authority in the Creek country. However, the court upheld Caldwell’s conviction, and in the process, went to great lengths to justify the extension of state law over the Creeks. Worse still, the Indians saw that President Jackson encouraged the extension of state authority over all the southern Indian territory as a means of pressing the Natives into vacating their country and moving beyond the Mississippi River.<sup>53</sup>

And so the Creeks knew they had reached a critical stage in their history. Since the coming of the first Europeans, Creek land and resources had been under duress. But the world system had not yet won, not completely. It had not detached the whole body of Creeks from a spiritual attachment to their land, from the belief that the land and themselves were one. Under pressure they had given up most of their territory, but still they did not view the land as a marketable commodity. They had

not lost the traditional view common to most Native communities that to lose the land was to lose oneself. And perhaps this common belief was the one factor that really held the otherwise diverse Creek Nation together through all the changes over the years, that gave them a sense of identity and common purpose despite their other differences and the outside forces working to rip and homogenize them into the mass. Incredibly, the Creeks had not disintegrated as a nation long before. Indeed, the world system had not turned them into a collection of competing individuals detached from nature and clan, nor had it enslaved them, although the pauperism they were beginning to suffer may have been taken as a precursor to complete enslavement.

At that point the leaders of the various Creek factions realized they must save the nation. They must come together to represent the general will and best interests of their people. Thus, they came together in council at Cusseta town in early 1832, determined to settle on an agreement, which they would propose to the War Department. Hopefully, this agreement would allow the Creeks to avoid removal from their ancient homeland and at the same time protect at least a portion of that homeland from white encroachment. Indeed, the council members knew that just staying in Alabama would not be enough. Their people also needed a protected space, a place for themselves where they would have the freedom to be Creeks. They must retain some semblance of a frontier between themselves and others. They could not allow more whites to intrude on them or all would be lost, their land and freedom. With all this in mind, the council members did, indeed, decide on a plan and then move to implement it. They picked a mixed delegation of Upper and Lower Creeks, along with white advisers, and sent them off to Washington, paper in hand, to negotiate yet another treaty with the government. They hoped against hope it would be the last.<sup>54</sup>