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# "If This Great Nation May Be Saved?" The Discourse of Civilization in Cherokee Indian Removal

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“IF THIS GREAT NATION MAY BE SAVED?” THE DISCOURSE OF CIVILIZATION IN  
CHEROKEE INDIAN REMOVAL

by

STEPHEN WATSON

Under the Direction of Dr. David Sehat

ABSTRACT

This thesis examined the rhetoric and discourse of the elite political actors in the Cherokee Indian Removal crisis. Historians such as Ronald Satz and Francis Paul Prucha view the impetus for this episode to be contradictory government policy and sincere desire to protect the Indians from a modernizing American society. By contrast Theda Perdue, Michael D. Green, and William McLoughlin find racism as the motivating factor in the removal of the Cherokee. In looking at letters, speeches, editorials, and other documents from people like Andrew Jackson, Theodore Frelinghuysen, Elias Boudinot, and John Ross, this project concluded that the language of civilization placed the Cherokee in a no-win situation. In internalizing this language, the Cherokees tacitly allowed racism to define them as an inferior group to Anglo-Americans. In the absence of this internalization, the Cherokee Indians surely would have faced war with the United States.

INDEX WORDS: Cherokee Indian Removal, Cherokee Nation, Civilization, Georgia, Jackson, Andrew, Jacksonian America

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## **DEDICATION**

This work is dedicated to my two beautiful daughters, Caroline and Ava. I hope one day they will read this and know how much they inspired me in all of my academic endeavors. Of course, I would be tackling no academic endeavors if it were not for my wife, Colleen, who pushed me and believed in me. These women are the light of my life and I am better man and scholar because of them.

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## CHAPTER 1 “YOUR FRONTIER”

### INTRODUCTION

Abraham Steiner and Frederic de Schweinitz travelled from Bethlehem, Pennsylvania to Cherokee country in eastern Tennessee in late 1798. Responding to reports of Cherokee receptivity to assimilation, the Moravian ministers sought to establish mission churches and schools there. While in the southern Appalachians, Steiner and de Schweinitz observed that economic assimilation was already underway. They reported Cherokees using plows and growing cotton just like their distant white neighbors. Amongst all this, there also existed suspicion among those ordinary Cherokees who felt that whites, missionaries and traders alike, were only interested in their land. On the other hand, Cherokee men of rank tended to express optimism about assimilation.

The missionaries spoke to one such man, Upper Town chief Arcowee, who remarked to his fellow Cherokees, “The whites have indeed advantage.” He continued, “They can [clothe] themselves against the cold. The red people can only build small canoes and cross small water; the whites, on the other hand, build enormous canoes and cross safely over the greatest waters.”<sup>1</sup> In this early encounter, the discourse of what became Cherokee Indian Removal revealed a distinctive element. The openness of elite Cherokee men to assimilation – as defined by the U.S. government and its agents – cornered their people into involuntary removal. Meanwhile, a significant portion of the white population remained obtuse to the realities of Cherokee life – a society trying to keep up with the dramatic changes of post-Revolutionary America.

Over the next thirty years this dynamic crystallized as missionaries and the Cherokees, themselves, built the Cherokee Nation. The state of Georgia, eager for its land, simultaneously violated its sovereignty and threatened it with expulsion. After decades of treaty-making and

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<sup>1</sup> William McLoughlin, *Cherokees and Missionaries, 1789-1839*, (Norman: University of Oklahoma Press, 1994), 36-40.

conflicting promises made between federal and state authorities, the Cherokee Nation sparked an intense debate over the proper role of government energy in the management of people's lives. Race and economics informed the discussion as Americans pondered whether a non-white culture could reside in their borderlands without threatening the viability of the new republic. The debate over Cherokee Removal did not merely occur with the rise of the second party system as a backdrop, but this episode played an integral role in defining the ideological lines that hardened the division between partisan factions of the U.S. government.

On all sides, the political crisis of Cherokee Removal discursively pitted civilization against domination. Contributing to the formation of the second American party system, the removal of the Cherokees tapped into the anxieties of class and race that tested the feasibility of republicanism. In Congressional debates, memorials, letters to the editor, sermons, journals, and reports, everyone with an interest in Cherokee Indian Removal engaged in a common discourse – the language of civilization.

After Andrew Jackson took office in 1829, removal occurred as a cooperative effort between frontier whites and a national government eager to guide expansion while also letting the common folk feel as though policy worked in their favor.<sup>2</sup> In the decades leading up to the removal crisis, the federal government pursued a policy of coercive assimilation that it justified under the banner of civilization. The notion of civilization promoted fee-simple farm living and Christianity as superior alternatives to traditional hunting and religious practices for Native Americans. Overlapping the end of the Enlightenment and the beginning of the Second Great Awakening, civilization for American Indians also meant internalizing individualism, agricultural production for surplus value, and temperance.

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<sup>2</sup> Norman Finkelstein, "History's Verdict: The Cherokee Case," *Journal of Palestine Studies*, 24 (Summer 1995): 38.

For proponents, Cherokee Removal offered a chance to open arable land to ordinary farmers being left behind in the expanding market of commercialized agriculture. They portrayed Cherokees as savages whose presence in southern Appalachia threatened national security and local order. Wilson Lumpkin, a Georgia Democrat who served as Governor, Congressman, and Senator during the crisis, remarked that he felt obligated to “relieve Georgia from the incumbrance [sic] of her Indian population.” This realization came to him after a proposed railroad to connect the capital city of Milledgeville to Chattanooga, Tennessee cut through Cherokee country which in his opinion was “but little known to civilized men.”<sup>3</sup> They also characterized opponents of removal as elitists bent on using non-whites as tools to propagate their dominance of the economy and government.

Opponents of removal responded by charging President Jackson and his allies with tyranny as well. They cast removal advocates as uncivilized aggressors – rabble who did not understand the proper role of government and economics as agents of civilization. Protestant missionaries from organizations like the American Board of Commissioners for Foreign Missions (ABCFM) served as the eyes and ears of federal opposition to removal. Figures in the rising Whig Party used missionary reports of Cherokee assimilability to counter the arguments of pro-removal Jacksonites.

Civilization undid the Cherokee resistance movement by informing it with the discourse of Anglo-Saxonism. In the lead-up to removal all “advances” or “great strides” observed by removal opposition and resistance were measurements that attempted to equate a non-white culture with white America. In addition, civilization created the crucial fissure among the Cherokee elite by instilling nationalism into the elite men of Cherokee Nation. As time wore on,

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<sup>3</sup> Wilson Lumpkin, *The Removal of the Cherokee Indians from Georgia*, (New York: Dodd, Mead & Co., 1907), 1:40.

the desires to protect the homeland and preserve ethnic integrity became irreconcilable. The vast majority of Cherokees led by Principal Chief John Ross resisted removal. Meanwhile, a minority party of accommodation coalesced that challenged resistance. Elias Boudinot became the rhetorical leader of that movement. Neither side denied the benefits of civilization. Eventually, the federal government exploited the factional rift to draft and ratify a treaty nearly universally recognized today as fraudulent. However, this decades-long entanglement with civilization came to the Cherokees as their best option after war and removal.

The current historical consensus over the outcome of Cherokee Removal, the Trail of Tears in 1838-39, holds that no one in a position of power could have foreseen the death and suffering of thousands of Cherokees on their way to Indian Territory. However, scholars differ over whether racial animus provided the impetus for removal. Historians Ronald Satz and Frances Paul Prucha argue that Cherokee Removal resulted from “contradictory and unsound” federal policy which arose from “sincere humanitarian desire[s].”<sup>4</sup> This perspective has informed larger treatments of American history in the early nineteenth century including that of historian Sean Wilentz. In *The Rise of American Democracy: from Jefferson to Lincoln*, Wilentz characterizes Andrew Jackson as “no mere Indian hater” and casts the Cherokees, as unfortunate victims of the spread of democracy.<sup>5</sup>

Other scholars, historians Theda Perdue, Michael D. Green, and William McLoughlin, counter this view by pointing to the language of the evolving ideology of white superiority during this time to illustrate the central role that race played in Cherokee Removal. For these scholars, Indian Removal was an episode of ethnic cleansing in which there were no altruistic impulses. Andrew Jackson’s heed to Cherokee Nation to trust their “Great Father” came with

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<sup>4</sup> See Rondald N. Satz, *American Indian Policy in the Jacksonian Era*, (Lincoln: University of Nebraska, 1974) and Francis Paul Prucha, *The Great Father*, (Lincoln: University of Nebraska Press, 1984).

<sup>5</sup> Sean Wilentz, *The Rise of American Democracy*, (New York: W.W. Norton & Co., 2005).

the qualification that they were “established in the midst of a superior race and without appreciating the causes of their inferiority or seeking to control, they must yield to the force of the circumstances and ere long disappear.”<sup>6</sup> The civilizing work of Christian missionaries served only to turn Cherokees into cultural equivalents of white Americans. And even these efforts engendered deep skepticism from across the political spectrum. These scholars see Cherokee Removal as an atrocity rooted in racism.

Perdue, Green, and McLoughlin are surely correct in the racist and invidious purposes of the Indian Removal program, but, as I will argue in this thesis, they err in the level of agency they assign to the Cherokees. Many Cherokees showed a high degree of receptivity to civilization. They sought to turn the rhetoric toward their own purposes. But their embrace of the rhetoric reflected their limited agency and their weak defensive position. Cherokee elites like John Ross and Elias Boudinot constructed the Cherokee Nation as a republic with a written constitution and an economic system that exploited chattel slave labor, but did so in the face of a massive threat from the U.S. Government. As other episodes of removal proved, the U.S. military was always ready to take Indian lands by force when the government felt it was necessary. In other words, Cherokee nationalism emerged entirely as a reactive, rather than a creative, process. As Barbara Fields argues, there are not always “two sides to every story.”<sup>7</sup> Cherokee Indian Removal was motivated by an insurmountable racism, and Cherokee nationalism, which sought to use the rhetoric of civilization to its own ends, only slowed the process.

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<sup>6</sup> Andrew Jackson, “Fifth Annual Message to Congress,” *The American Presidency Project*, (December 3, 1829): <http://www.presidency.ucsb.edu/ws/index.php?pid=29475>, (May 20, 2013).

<sup>7</sup> Barbara Fields, “Whiteness, Racism, and Identity,” *International Labor and Working-Class History*, 60, (Fall 2001), 48.

It is impossible to point to a particular start date for Cherokee Removal; however there were three crucial developments between 1829 and 1839 which turned removal into the Trail of Tears. The passage of the Indian Removal Bill in 1830 codified the Cherokees' fate in northern Georgia. Five years later, the Treaty of New Echota, signed by a tiny minority known as the Treaty Party, officially moved the Nation one step closer to exodus. Finally, in 1838, Principal Chief John Ross gave up his fight with the federal government and the state of Georgia and simply asked that he be placed in charge of the removal process. The massive effort of the removal of the eastern band of Cherokee Nation began the following year. The preceding decade witnessed a protracted struggle between the U.S. government, the state of Georgia, and the Cherokee Nation. The combatants fought in courtrooms, legislative halls, and on the pages of newspapers and pamphlets.

## **CIVILIZATION V. REMOVAL**

John Ross wrote to President James Monroe on the eve of his retirement in March of 1825. Ross took it upon himself to thank the President on behalf of Cherokee Nation for the "blessings under the fostering care of this magnanimous Government." The protection and security provided by the United States government, according to Ross, "cannot and will not fail to ensure a complete civilization of the whole [Cherokee] Nation in due time."<sup>8</sup> In the few years before the removal crisis began in earnest, the language of civilization employed by the Cherokees placed themselves in a no-win situation. By admitting that the Cherokees had benefitted from the guidance of white paternalism, they secured in the minds of all involved the superiority of white culture.

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<sup>8</sup> John Ross, *The Papers of Chief John Ross*, ed. Gary E. Moulton, (Norman: University of Oklahoma Press, 1985), 1:102.

The ABCFM appointed Reverend Samuel A. Worcester to be a missionary in Cherokee Nation on September 17, 1825, and the following year he established a mission in the Cherokees' capital city, New Echota, Georgia. A fellow missionary, Jeremiah Evarts, assured John Ross that Worcester was "laborious, highly intelligent, Judicious, sincerely devoted to the interests of your nation, and, though plain in his manners, possesses of sterling qualities as a man & a Christian." As a missionary inculcating receptive Cherokees into the ideologies of "Christian assimilation and capitalism," he found that any willingness to accept civilization hinged on an absolute intolerance for further land cessions to the state of Georgia.<sup>9</sup>

In Cherokee Nation, Worcester encountered a people coping with the contradictions of assimilation and tradition. The Cherokees puzzled over the controversies that erupted over the marriages of John Ridge and Elias Boudinot to white women in Cornwall, Connecticut – the site of the ABCFM school where they were training to become missionaries.<sup>10</sup> The uproar convinced Elias Boudinot that whites would never fully accept the Cherokees into the national fold. However, he remained committed to civilization which he saw as the means to preserving the ethnic integrity of the Cherokees. It was a brand of separatism that was slow to yield to removal.

Boudinot's "Address to the Whites" in 1826 attempted to walk white audiences through the logic of anti-removal/pro-civilization discourse. In this pamphlet, he portrayed civilization as a tool to save the Cherokees from whites and from themselves. He beseeched white men to think of their distant ancestors when he asked, "Eighteen centuries ago what were the inhabitants of Great Britain?" He continued, "Though it be true that he [an Indian] is ignorant, that he is a heathen, that he is a savage; yet he is no more than all others have been under similar

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<sup>9</sup> Ross, 1:107-108.

<sup>10</sup> McLoughlin, 128-129.

circumstances.”<sup>11</sup> By historically tying whiteness to savagery, Boudinot wanted his audience to sympathize with the Cherokees who now faced the threat of losing their homeland simply because a more civilized race had moved next door. Unfortunately for those resisting removal, this sort of rhetorical ploy failed to compel their opponents to see the analogy.

One such man who held fast to his preconceived notions of Indian savagery was Andrew Jackson who rode into the Executive Mansion after a resounding victory in the election of 1828. With Indian Removal a key part of his agenda, the newly elected president used his office as a bully pulpit to push hard for emigration – voluntary or otherwise. For Jackson and the Democrats, civilizing the Cherokees wasted time and government energy. According to them, the land that Cherokee Nation sat on would have been better suited for small-scale farmers being left behind by market transformations particularly in cotton and gold.

In 1829, a major deposit of gold was discovered in the mountains of northern Georgia. Gold attracted prospectors throughout the 1820s, but this discovery near what would become the town of Dahlonega set off Georgia’s “gold rush.” Immediately, the state of Georgia extended its laws over the territory. It barred Cherokees from mining and entering the subsequent land lottery.<sup>12</sup> Though Georgia’s gold rush paled in comparison to those in California or Colorado, it devastated the Cherokee Nation’s prospects of remaining in the east. Gold heightened the allure of this territory and it attracted adventuring and unscrupulous characters. Order in the Nation faltered as the Cherokees continued to shoulder the blame for their own deterioration.

Wilson Lumpkin contributed to the official record of the state of affairs by the Democrats in making their case for the necessity of removal. Disdain, even hatred, for the Cherokees poured from Lumpkin in floor speeches and correspondence. As a candidate for Congress, he

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<sup>11</sup> Boudinot, in *Cherokee Editor*, 69.

<sup>12</sup> David Williams, *The Georgia Gold Rush* (Columbia: University of South Carolina Press, 1993), 4.



promised to clear the country “but little known to civilized men” for the purpose of constructing a railroad connecting the port city of Savannah to the interior South. By the winter of 1829, Lumpkin felt he had the votes necessary for passing removal in the House of Representatives. However, the “zealous opposition” of “Northern fanatics” weakened the legislative resolve for action. In his opinion, activists disrupted what should have been a prompt and humane process. These Northerners even managed to frighten “the more civilized portion of the Indians, too ... to crush or stay this policy of Indian emigration.”<sup>13</sup> However, after thirty years of perceived inaction from the federal government in upholding the Compact of 1802, Georgia’s establishment refused to be shamed out of Cherokee removal by petitioners.

Removal advocacy hinged on the image of Cherokee savagery with the paradoxical assertion that they were both a violent menace and a paternal responsibility. With this paradox, Lumpkin and the Democrats held a significant discursive advantage over the Cherokees and their removal opponents. In defense of Georgia’s violation of Cherokee sovereignty, Lumpkin pointed to the unrest caused by it and blamed it on the very presence of the Nation in northern Georgia. Without “some acknowledged, competent authority,” he claimed, “we must daily expect to hear of anarchy and blood.” Quietude, on the other hand, also damned the Cherokees as evidence of their wasting away vital land and resources, which could be used by white farmers to keep up in the expanding market. Lumpkin concluded that the Cherokees “[saw] in the future no reward for ambition or exertion.”<sup>14</sup> As the congressional debate over removal loomed, opposition and resistance now had to negotiate this paradox of the Cherokees as lazy and dangerous.

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<sup>13</sup> Lumpkin, 1:40.

<sup>14</sup> Lumpkin, 1:87-88.

Meanwhile at the federal level, Andrew Jackson's brand of producer-class politics, set the tone for removal discourse. To this end, Jackson ignored all of the evidence of Cherokee assimilation. This showed in the most provocative piece of rhetoric from either side of the debate – his "First Annual Message to Congress" in December 1829. In the words of the president, acculturation proved unsatisfactory as the Nation's "present condition, contrasted with what they once were, [and] makes a most powerful appeal to the sympathies." By emigrating west the Cherokees would "preserve peace on the frontier." Meanwhile, their friends, "the benevolent," could continue to "teach [the Cherokees] the arts of civilization."<sup>15</sup> The rhetorical acrobatics of Jackson's infamous message displayed astute political gamesmanship by placing the Cherokees in another discursive paradox – uncivilized in the east, yet civilized in the west.

The first annual message illuminated the obtuse view that Old Hickory took with the Cherokees which made their plight to stay in Georgia seem so hopeless. The president pointed to the standard practice of previous administrations which pursued civilization coupled with removal. The latter, in Jackson's words, was "wholly incompatible with" the program of "reclaiming [the Indians] from a wandering life." This completely ignored the situation of the Cherokees who had long since embraced animal husbandry and market production. In fact, Jackson viewed the Cherokee experience with civilization as detrimental to the Cherokee people. He implicated both missionaries and frontier folk in this threat when he added,

"Surrounded by whites, with their arts of civilization, which, by destroying the resources of the savage, dooms him to weakness and decay; the fate of the Mohegan, the Narragansett, and the Delaware is fast overtaking the Choctaw, the Cherokee and the Creek."

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<sup>15</sup> Andrew Jackson, "First Annual Message to Congress," The American Presidency Project, (December 8, 1829): <http://www.presidency.ucsb.edu/ws/index.php?pid=29471>, (September 1, 2012).

He later offered the Cherokees the prospect of remaining on their homeland if they pledged “obedience as individuals,” not citizens, to their respective states.<sup>16</sup>

The President also argued for the state of Georgia’s constitutional right to maintain its authority within its own borders when he invoked similar cases in Maine and New York of tribal conflicts with those Northern state governments. He referred to the flowering of Cherokee Nation as the result of “Southern tribes having mingled much with the whites and made some progress in the arts of civilized life.”<sup>17</sup> In the wake of the first annual message, Cherokee Removal stoked the anxieties lying just beneath the surface of such hot-button issues as state rights and class warfare. But, most importantly it centered on civilization – its necessity and its consequences.

The debates over removal in congress and the public square used that portion of Jackson’s message as the compass by which each individual oriented his opinion. The crucial flaw in opposition and resistance rhetoric occurred in its agreement that civilization, as defined by white metrics, lifted the Cherokees out of cultural despair. In a letter to Jeremiah Evarts, Principal Chief John Ross lamented that the Cherokees’ pursuit of civilization was now being ignored by the federal government under Jackson. Ross characterized the effects of civilization as having improved the lives of the “many whose situation was once no better than those of the most deplorable.” He added, “it is reasonable to infer that like circumstances would produce like effects – and as the people become more enlightened and prosperous, it became necessary to adopt laws to suit their improved condition.” Finally Ross closed his letter with a lament that encapsulated elite Cherokee attitudes regarding civilization when he wrote, “I regret to discover

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<sup>16</sup> Ibid.

<sup>17</sup> Ibid.

... that great exertions are made to unite the Cherokee cause with the general Indian question.”<sup>18</sup> It was a refutation of Jackson’s first message that Indians posed a threat to order east of the Mississippi River. However, it also conceded that white culture was superior to that of all Indian tribes.

Though most of the actors in Cherokee Removal were mindful of the humanitarian element of the removal crisis, they were not oblivious to the economics that contributed to the debate. Northern Georgia offered not only gold, but also marble, sulfur, and lumber – alluring to the development-minded anti-Jacksonites in Washington. In Philadelphia, a Presbyterian clergyman, Ezra Stiles Ely, wrote in his newspaper, *The Philadelphian*, of the “idle, uncultivated, and destitute” Cherokees. This Northerner argued for removal on the basis that those who had adopted white ways were “generally half-Indians [whose] cornfields, and tobacco plantations are not to be the common property of the wanderers of their nation.”<sup>19</sup> It was the continuation of the civilization trope brought into vogue by Jackson. In short, civilization produced an upper class in Cherokee Nation that exclusively profited from the resources of northern Georgia.

Throughout the debate, opponents of removal remained proponents of civilization. The missionaries in Cherokee Nation, anti-Jacksonian politicians, and even Cherokee leaders framed their opposition to removal in terms of Cherokee receptivity to assimilation. In response to Ezra Stiles Ely, Elias Boudinot shrugged off stories of “wretched” Indians begging “white chief[s] ... for a peck of meal” as hearsay. He asserted that any non-Indian leaders of Cherokee Nation emigrated to Arkansas in the first wave of removal after 1819. As to the state of impoverished Cherokees, Boudinot countered with his own second-hand tale of an Irish family in a northern

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<sup>18</sup> Ross, 1:188-189.

<sup>19</sup> Ezra Stiles Ely to *Cherokee Phoenix*, in *New Echota Letters*, 70.

city too poor to afford blankets. He reminded the clergyman that Protestant missionaries had been in the Nation for decades: “Certainly he could not have intended to convey the idea that the Gospel may be embraced by an Indian, and yet continue in his old habits. No it cannot be – the doctrine of the day is, *Christianize and you civilize.*”<sup>20</sup>

Samuel Worcester fired off his own missive on the day of the publication of Boudinot’s response to Ely. Worcester took umbrage with the minister’s charge of Cherokee half-nakedness and half-starvation claiming, “the mass of the Cherokee people are at this moment decently covered with such clothing as white people wear.” Worcester seconded Boudinot’s claim that any Cherokee that depended on game for their livelihood emigrated to the west years before. Despite the fact that the Cherokees had not “nearly reached a level with the white people of the United States in point of civilization,” they were advancing to such a state. Removal would undo all of the improvement brought by civilization, perhaps even bringing about the extinction of their race by placing them in a new wild frontier with other hostile Indian tribes.<sup>21</sup>

## **THE CONGRESSIONAL DEBATE**

The debate over the Indian Removal Act in 1830 extended Jackson’s civilization discourse to the floor of Congress. The congressional debate over its passage also illustrated the nature of political discourse in the antebellum era – plain republicans versus romantic paternalists. Senator Theodore Frelinghuysen of New Jersey led the anti-Jacksonian faction in the Cherokee Removal debate. Opposition focused on Cherokee receptivity to civilization and echoed the sentiments of ABCFM missionaries. Meanwhile, the Democrats voiced the anxieties

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<sup>20</sup> Boudinot, in *New Echota Letters*, 71-74.

<sup>21</sup> Samuel A. Worcester, in *New Echota Letters*, 75-76.

of their constituents who wanted land and resented the presence of a non-white culture in their midst.

Beginning on April 9, 1830 and over the course of three days, Sen. Frelinghuysen spoke on the Senate floor for a total of six hours. In sum, what the New Jersey senator delivered may have been the most unqualified defense of Cherokee rights and humanity in Congress.

According to him, the state of Georgia's intrusions violated the Cherokee's title to their land held by the ancient right of discovery. While employing the familiar paternalist imagery in referring to the U.S. government as the "father" of Indian tribes, his speech questioned the civilization of the Jacksonites. In proposing amendments to the removal bill, Frelinghuysen accused the Democrats of racism and greed when he denounced the act on the Senate floor when he asked, "Do the obligations of justice change with the color of the skin?" Letting the state of Georgia handle the Cherokees would "give them over to high-handed, heartbreaking legislation of the States, and drive them to despair, that when proper means fail to win them, force and terror may compel them." He sardonically referred to Cherokee skepticism of U.S. beneficence when he quipped, "The Indians are too wise to be caught when the net is spread so fully in sight."<sup>22</sup>

This speech placed the Cherokee episode of removal in the broader context of Euro-American expansion in North America over the preceding centuries. Removal as it was being pursued by the Democratic Party would "disgrace us in the estimation of the whole civilized world." However, he also argued that the coveting of tribal lands had never been the exclusive province of any faction or party. Frelinghuysen even managed to craft an archetypal call from the white man to the Indian when he intoned, "away we cannot endure you so near us! These forests and rivers ... are ours by the right of power, and the force of numbers." He marveled at the Democrats' attempt to trap the Cherokees in the discursive paradox when he cried, "our

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<sup>22</sup> *Register of Debates*, 21<sup>st</sup> Cong., 1<sup>st</sup> sess., 1830, 6: 311.

intercourse with the Indians has been so demoralizing that we must drive them from it to save them.”<sup>23</sup> Over the course of six hours, the senator looked to convince his chamber that Jackson and the Democrats threatened to perpetuate this cycle of expansion and removal. Even when compared the discourse of removal resistance, this was the most radical opposition stance taken.

Another critic of Jackson and Cherokee Removal, Rep. Henry Storrs of New York took a more conservative approach by borrowing a rhetorical tactic from the Democrats. From the House floor on May 15, 1830, Storrs spoke of federal overreach, but it was the Jackson administration that cajoled Congress. He argued that without Jackson’s “coercion,” Congress would be free “to devise some prudent and just course, by negotiation or legislation.” This anti-Jacksonite opposed removal in the manner it was being pursued; however, consensual removal would allow the Cherokee to “enjoy the government of their choice.” Storrs concluded that the state of Georgia and the Jackson administration encouraged “lawless adventurers prowling ... for Cherokee gold” in the Nation’s eastern territory.<sup>24</sup> This along with generations of treaty violations produced an “unfortunate people.” A purportedly “enlightened and Christian community” allowed the Cherokee to slide into this phase, “the obvious consequences which must certainly have followed the least relaxation of the former policy of the Government.” Storrs also enunciated civilizational admonishment of Georgia’s neighboring states, Alabama and Mississippi, whom he accused of receiving premature admission into the Union after the Compact of 1802. According to the Congressman, ensuring the stability of “our institutions” in those states (“immense forests”) imposed an undue fiscal burden on the federal government.<sup>25</sup>

The Jacksonians, for their part, seized the socioeconomic appeal of Anglo-Saxonism to make Cherokee Removal a political imperative. Wilson Lumpkin responded to Storrs from the

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<sup>23</sup> *Register of Debates*, 21<sup>st</sup> Cong., 1<sup>st</sup> sess., 1830, 6: 311, 312, 318.

<sup>24</sup> *Register of Debates*, 21<sup>st</sup> Cong., 1<sup>st</sup> sess., 1830, 6: 993-1015.

<sup>25</sup> *Register of Debates*, 21<sup>st</sup> Cong., 1<sup>st</sup> sess., 1830, 6: 993-1015.

House floor later that month. Allowing that “a remnant of these people may be entirely reclaimed from their native savage habits,” the Georgian swatted down the calls for mercy on the Cherokees. He referred to the Nation as “minors, orphans, and persons who were incapable of managing their own estates.” (A parallel sentiment would later be uttered by Chief Justice John Marshall.) Lumpkin portrayed removal opposition as perpetuating “vain and delusive hopes.” By allowing the state to extend its authority over the territory and opening it to white settlers, removal served “as the best means for agricultural and civilized communities entering into their natural and just right to the benefits of the earth.” The Cherokee, “the sons of the forest,” had no hope in Georgia.<sup>26</sup>

Democrats also tied civilization to class politics by portraying removal opponents as elitists subverting the republic. Wilson Lumpkin mocked the “humanity and benevolence” of the missionaries and asserted removal as the preferable substitute. He accused missionaries of colluding with Cherokee “rulers” in “dividing the spoil” of northern Georgia’s resources and leaving “the common Indians to struggle with want and misery.” This class-based rhetoric obscured its own racism by alluding to the whiteness of removal opponents and Cherokee leaders: “I can readily conclude that but a very small portion of the real Indians are in a state of improvement, whilst their lords and rulers are white men and descendents of white men, enjoying the fat of the land.” Apart from the condescension in Lumpkin’s paternalism, his rhetoric also contrasted with the reports of the Christian missionaries in Cherokee Nation. In his report Lumpkin concluded that “we find the benevolent and pious missionaries, who have long labored for the benefit of this unfortunate race, decidedly in favor of the emigrating plan.”<sup>27</sup>

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<sup>26</sup> Lumpkin, 1:57,53, 82

<sup>27</sup> Lumpkin, 1:77, 83, 51.



Jacksonian intransigence on removal emanated from a denial of Cherokee sovereignty and civilization. House Representative James Wayne of Georgia railed against the Nation calling it “a horde of savages ... in the darkness of their superstitious and savage laws,” adding that only “by the force of our example and aid, they could throw off their bondage.” This allusion to assimilation combined civilization discourse with the imagery of slavery to emphasize white-Indian alienation. He also argued that the Nation’s establishment of a government relinquished all of its treaty claims. The Treaty of Holston stood as a “monstrous concatenation,” to which Wayne recommended “it is only humane to strangle it [the treaty].” Mimicking Andrew Jackson, Wayne concluded that the word “nation” as it applied to the Cherokee was misleading.<sup>28</sup>

For fourteen months, the Democrats exploited the defensive position of removal opposition and resistance with a two-fold strategy. First, the state of Georgia disrupted the Cherokees' civil order by extending its jurisdiction into the territory and refusing to enforce treaty injunctions against white settlement. Second, they misled the public by claiming that the Cherokees had not advanced beyond a hunter-warrior state. After narrow passage in the House (the Senate approved the bill by a comfortable margin), Jackson signed the Indian Removal Act on May 28, 1830. Cherokee Removal cleared its first major hurdle.

The next day Elias Boudinot condemned removal efforts in the *Phoenix* when he wrote, “Full license to our oppressors, and every avenue of justice is closed against us. Yes, this is the bitter cup prepared for us by a republican and religious Government – we shall drink it to the very dregs.”<sup>29</sup> Federal policy now backed the state of Georgia’s efforts to extinguish the Cherokees’ claim to their land. After the legislative battles of 1829-30, Cherokee nationalists,

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<sup>28</sup> *Register of Debates*, 21<sup>st</sup> Cong., 1<sup>st</sup> sess., 1830, 6: 1123-1133.

<sup>29</sup> Elias Boudinot in *Cherokee Editor*, 26.

like Elias Boudinot, reexamined their commitment to preserving the homeland. Civilization produced a Cherokee society modeled on private property rights, Christian faith and ethics, and republican virtue in politics. The commitment of other Cherokee nationalists to these principles would be tested over the next four years.

## CHAPTER 2 “YOU ASKED US ... WE DID SO”

### REMOVAL AND THE SUPREME COURT

At the open of the twenty-first session of Congress, President Jackson submitted his annual message. Six months after the signing of the removal act, two tribes (the Choctaw and the Chickasaw) assented to the bill’s provisions. The Cherokees held out at the peril of a republic, according to Jackson, which eagerly awaited placing “dense and civilized populations in large tracts of country now occupied by a few savage hunters.” Anticipating the cries from removal opponents over the pain that forced relocation would cause, Jackson reminded Congress in his second annual message that “our children by thousands yearly leave the land of their birth to seek new homes in distant regions.” These enterprising folk reinforced the American dream in a country where “our young population may range unconstrained in body or in mind, developing the power and faculties of man in their highest perfection.” Ultimately, the Democrats won the legislative fight in the previous spring. President Jackson now looked to secure a “speedy removal.”<sup>30</sup> However, the next four years proved to be even more contentious than the previous three decades as the Cherokee Nation and their supporters dug in their heels.

A Hall County, Georgia sheriff carried out the execution of a Cherokee man, George Corn Tassel on December 24. Georgia authorities arrested this man for the murder of another Cherokee man in Cherokee territory. While the state saw itself carrying out its obligations, the Cherokees viewed this violation of sovereignty to be as repugnant as the extension of jurisdiction and the land lottery. They knew that they could no longer rely on the conscience of a few anti-Jacksonites in Congress. Significant energies would need to be expended to stave off removal. The legal and public relations fights escalated over the next four years.

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<sup>30</sup> Andrew Jackson, “Second Annual Message to Congress,” The American Presidency Project, (December 8, 1830): <http://www.presidency.ucsb.edu/ws/index.php?pid=29471>, (May 4, 2013).

On New Year's Day of 1831, the *Phoenix* published the ABCFM's reply to Jackson's second annual message to Congress. For emphasis, this statement reiterated that it had no influence on the opinion of the Cherokee people – mirroring the defense of Samuel Worcester against the charge of being the paper's de facto editor. Samuel Worcester, Elizur Butler, and several other missionaries offered a defense of the Cherokees as sincere, eloquent, and impassioned as Theodore Frelinghuysen's marathon Senate speech of the previous year. At the same time, they argued that civilization brought every Cherokee out of the “purely savage state” in which they were originally discovered.<sup>31</sup> It was these kinds of discursive contradictions that proved the most difficult for removal opposition and resistance to overcome. If missionaries had no influence on Cherokee political identity, then how effective was civilization? How could Worcester and Evarts claim to be transforming Cherokee moral and intellectual life, yet not be persuading them to resist Georgia's removal attempts?

The resolution enunciated the contradiction many removal opponents encountered in regard to the close contact of the white and Cherokee societies. The white people of northern Georgia tempted Cherokees with alcohol and violated Cherokee law and sovereignty with adventuring and prospecting. However, they also offered the living example of civilization. In this respect the Cherokee benefitted from being “surrounded by civilized people ... the customs and manners which constantly invite their imitation.”<sup>32</sup> To read this resolution in its entirety is to witness the hopelessness of removal opposition and resistance. Civilization made some Cherokees more like the white people who simultaneously buttressed and undermined their project of advancement.

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<sup>31</sup> “Resolution by Missionaries, in *New Echota Letters*, 82-86.

<sup>32</sup> “Resolution by Missionaries”, in *New Echota Letters*, 88.

Men like Principal Chief John Ross and Elias Boudinot cried out for protection from the federal government. Their cries did not fall on deaf ears. Northern anti-Jacksonians and one celebrated Southerner, Davy Crockett of Tennessee, voted against the Indian Removal Act. In a letter that Ross wrote to Crockett in January 1831, the Chief demonstrated his awareness that the maneuvering of federal and state troops in and out of Cherokee country was “calculated to destroy the peace and tranquility of our citizens.”<sup>33</sup> He understood that this such a show of military force upset the quiet order that the Cherokees had built for themselves.

Two weeks later, John Ross and other leaders of the Cherokee Nation called on the United States Congress in a memorial to provide better protection from white intruders onto its territory. This memorial invoked the many violations of the Nation’s sovereignty inflicted by the state of Georgia. Violations ranged from the George Corn Tassel affair to an injunction against Cherokee gold mining inside treaty-established Nation territory. The memorial pleaded that “our people not be denounced as *savages* [emphasis in the original]” and for the recognition of sovereignty guaranteed in the Treaties of Hopewell (1785) and Holston (1791). The Cherokee Nation warned Congress that it stood “on the brink of angry billows” as the “last fragment of once mighty nations.” This read as a loud indictment. The state of Georgia threatened the peace with chaos and stood poised to finish the destruction of the eastern Indian tribes.<sup>34</sup>

That the Cherokees believed in civilization as a bulwark against removal was articulated by former U.S. Attorney General William Wirt when he represented the Nation in an appeal to the Supreme Court. Wirt argued that the state of Georgia’s violations of Cherokee sovereignty threatened “the doom of their civilization, Christianity, and national existence.” They believed that the high court could intervene in the removal crisis by recognizing the Cherokee Nation as a

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<sup>33</sup> Ross, 1:210-212.

<sup>34</sup> *Register of Debates*, “Memorial of the Cherokee Indians,” 21<sup>st</sup> Cong., 2<sup>nd</sup> sess., 1831, 6: lii-lvi

foreign state. As the complainants in *Cherokee Nation v. Georgia*, they argued that the various treaties between Georgia, the United States and the Cherokees held the same legal standing as a pact between France and England. Any agreements made by Cherokees to “engage in the pursuits of agricultural and civilized life” placed them neither under the jurisdiction of the U.S. nor the state of Georgia. Therefore, the Indian Removal Act and Georgia’s legislative sovereignty violations were not enforceable.<sup>35</sup>

In March, the Supreme Court issued a holding in *Cherokee Nation vs. Georgia*, which rejected the arguments made by William Wirt. Though Chief Justice Marshall declared his affinity for the Cherokee Nation, the ruling gave the state of Georgia two enormous gifts in the removal debate. First, the court officially refused the Cherokees a hearing and, therefore, denied the injunction they sought against the state of Georgia. Second, it affirmed the second-class standing of the Cherokee Nation by declaring the relationship between Indian tribes and the U.S. government to be like that “of a ward to its guardian.”<sup>36</sup> Such thinking paralleled that of Andrew Jackson’s Congressional opponents who viewed the Nation as a childlike group who needed the tutelage of a responsible paternalist. Since the Cherokees could expect to receive protection from possible invasion from other Indian tribes or states, they waived their right to call themselves separate or sovereign. Civilization created this dependency.

In his concurrence, Justice William Johnson more plainly spelled out the standing of the Cherokees. He agreed with Marshall that the Nation was neither a U.S. state nor a foreign state. However, Johnson also concluded that the Constitution established all Indian collectives as “nothing more than wandering hordes, held together only by ties of blood and habit, and having neither laws nor government, beyond what is required in a savage state.” Though he allowed

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<sup>35</sup> *The Cherokee Nation v. The State of Georgia*, 30, U.S. 1 (1831), <http://scholar.google.com/>, (accessed May 7, 2013).

<sup>36</sup> *Ibid.*

that the Cherokee governmental structure was well organized, Johnson could not bring himself to classify the Nation as a state – foreign or domestic.<sup>37</sup>

*Cherokee Nation v. Georgia* benefitted the Democrats in the removal debate. As the party of frontiersmen, the Jacksonites received the highest legal opinion that Indian removals would be met with timidity by the federal government. As wards of the government, the Cherokees were now rubber-stamped with illegitimacy. Already a threat to order and the republic, Marshall added the label of drain on society. Since its costs would be miniscule compared to the costs of maintaining the wards in Georgia, not only would removal empower small farmers, but it would also make for good fiscal policy. In addition, the discursive paradox of removal opposition and resistance met favorably with the removal advocates' narrative of elite manipulation of ordinary Cherokees for political economic gain. However, the legal door was left open for a "suitable case" to assert federal supremacy, at which time Marshall and the nationalists would intervene on behalf of the Cherokees.<sup>38</sup>

The next opportunity arose after the July 7 arrest of Rev. Samuel Worcester for defiance of a Georgia law forbidding whites in Cherokee country without a license from the state. The missionary appeared before the state court in Lawrenceville. While basing his not guilty plea on the unconstitutionality of Georgia's actions, the missionary also invoked the civilizing mission to which he was committed. On behalf of his fellow missionaries, he reminded the court that they resided in Cherokee country "in accordance with the humane policy of the government of the United States for the civilization and improvement of the Indians."<sup>39</sup> Convicted in October,

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<sup>37</sup> Ibid.

<sup>38</sup> McLoughlin, 258.

<sup>39</sup> Samuel A. Worcester v. The State of Georgia, 31 U.S. 515 (1832), <http://scholar.google.com>, (accessed May 8, 2013).

Worcester began serving a four-year sentence of hard labor in the state penitentiary in Milledgeville.<sup>40</sup>

In November and December, Elias Boudinot published two columns in the *Phoenix* that expressed his frustration at what he perceived as a persistent ignorance of Cherokee improvement. He railed against removal advocates when he wrote, “The promises of Washington and Jefferson have not been fulfilled. The policy of the United States has taken a different direction, for no other reason than that the Cherokees have so far become civilized as to appreciate a regular form of government.” The *Phoenix* editor openly espoused that “another portion” of the white community was driven by “cupidity and self-interest.”<sup>41</sup> In his eyes, it was these unenlightened qualities that shifted the government’s policy from civilization to removal. This would not be the last time that he differentiated between the white missionaries and the encroaching frontiersmen. However, the appeals for mercy from Georgia and intercession from the federal government remained in a framework of Cherokee assimilation to white standards of civilization. Perhaps what really jeopardized the Cherokees’ chances for preserving the remains of their homeland was their acceptance of a construction of whiteness repugnant to their closest neighbors.

At the beginning of 1832, the imprisonment of Samuel Worcester sparked a second round of litigation which bought the Cherokee Nation its best opportunity to plead its case to the Supreme Court. However with Worcester as the complainant, this would only come in a roundabout way. John Marshall issued the second of his landmark decisions on Cherokee Removal in *Worcester v. Georgia* in March. Initially, the Cherokees seemingly won a concrete and conclusive victory. Ruling that the Georgia laws on white residency in Cherokee country

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<sup>40</sup> Kilpatrick and Gritts Kilpatrick, 113.

<sup>41</sup> Boudinot to *Cherokee Phoenix*, in *Cherokee Editor*, 142-143.



were unconstitutional, Marshall ordered that Worcester be freed from prison. With no intention of following the court's ruling, Jackson successfully appealed to Governor Lumpkin to grant pardons to the missionaries. Political confrontation was averted, but *Worcester* did nothing for staving off removal.<sup>42</sup>

Unfortunately for removal opposition and resistance, neither the federal government nor the Cherokees had any real legal standing in the case. The suit only settled the wrongful arrest and imprisonment of Samuel Worcester and his fellow missionaries.<sup>43</sup> In addition, the court's ruling did not request its enforcement with federal marshals. This lack of enforceability led to Jackson's famous quote, "Marshall has made his ruling. Now let him enforce it." Almost certainly apocryphal, the construction of this quote says more about the time and political contingencies that created it than about the man who purportedly said it.

The Chief Justice only occasionally touched on Cherokee civilization in his holding. When he did, however abstrusely, it fell in line with his sociopolitical makeup of a nationalist anti-Jacksonite in the 1830s. He empathetically looked at the Cherokees of 1785 who signed the Treaty of Hopewell as unfortunate dupes who ceded land to the state of Georgia when they thought they were acquiring it. The justice also viewed the hunting grounds, which made the Cherokees such a vulnerable target for removal, as an early step in the tribe's evolution from wanderers to agriculturalists. Marshall spent the majority of his ruling opinion analyzing the many treaties brokered between the United States and the Cherokee Nation. In addition, he asserted the Cherokees' right of discovery in maintaining its sovereignty in northern Georgia. Beginning with the Treaty of Hopewell, the Chief Justice defined the relationship between Indian tribes and federal and state government. Ultimately using these texts to conclude that the state of

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<sup>42</sup> Clifford M. Lytle, "The Supreme Court, Tribal Sovereignty, and Continuing Problems of State Encroachment into Indian Country". *American Indian Law Review* 8 (1): 65–77.

<sup>43</sup> Stuart Banner, *How the Indians Lost Their Land: Law and Power on the Frontier*, (2005), 218-24.

Georgia had exceeded its authority by extending its legal code into Cherokee country, his holding read mostly like a nationalist excoriation of state rights advocates.<sup>44</sup>

### **BOUDINOT’S CHANGE OF HEART**

Meanwhile Elias Boudinot and John Ridge toured New York City, Baltimore, and Boston where they spoke to audiences about their plight. On one night in 1832, John Ridge admonished a crowd at Clinton Hall in New York:

“You asked us to throw off the hunter and warrior state: we did so. You asked us to form a republican government: we did so – adopting your own as a model. You asked us to cultivate the earth and learn the mechanic arts: we did so. You asked us to learn to read: we did so. You asked us to cast away our idols and worship: we did so.”<sup>45</sup>

Though a vituperative denunciation of the white assumptions of superiority, Ridge’s exhortation still contained a harsh truth for the Nation – assimilation happened. Like John Ross’s calls for resistance to removal in his annual messages, there were never any calls to resist civilization. There were no appraisals that countered conventional narratives of progress and uplift. These concessions to the purported superiority of white culture vindicated the paternalism of the federal and state governments. It was this vindication that allowed for an easier transition toward aggression.

It was on this speaking tour when Elias Boudinot experienced his conversion on removal. Ironically, it was Senator Frelinghuysen who convinced Boudinot and John Ridge that the Supreme Court had no means to force Jackson to abide by the ruling in *Worcester*. The outgoing *Cherokee Phoenix* editor explained how he came to his new disposition in a resignation letter published in the paper. He told his readership, “I cannot tell [you] that we will be reinstated in

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<sup>44</sup> Samuel A. Worcester v. The State of Georgia, 31 U.S. 515 (1832), <http://scholar.google.com>, (accessed May 8, 2013).

<sup>45</sup> Brian Hicks, *Toward the Setting Sun*, (New York: Atlantic Monthly Press, 2011), 210.

our rights, when I have no such hope, and after our leading, active, and true friends in Congress, and elsewhere, have signified to us that they can do us no good.”<sup>46</sup> After years of begging the U.S. and Georgia for recognition and cooperation, Boudinot declared that his people’s only hope for survival lay out west in Indian Territory. Whether or not it was the internalization of racist normative values, crossing over to removal accommodation resulted from the practical assessment of the likely end for the Cherokees. Elias Boudinot, like everyone else in Cherokee Nation, had no choice.

Boudinot’s change of heart was symptomatic of the last shift in Cherokee acculturation before removal. After decades of cultural rebirth with “selective adaptation and preservative innovation,” Cherokee Nation found itself operating in a position of what McLoughlin has called complete “protective adaptation.” From the onset of civilization through the passage of the Indian Removal Act, the Cherokee Nation on the whole “took what the missionaries had to offer” in terms of cultural innovation but was also able to reject parts that were deemed particularly offensive or impractical.<sup>47</sup> Elias Boudinot now saw that the best hope for preserving Cherokee culture was to move it 1,000 miles west. For the Cherokees, it was never a question of whether or not to accept social change, but instead it was one of how fast is too fast.

In the process of building a continental empire, the federal government debated expedience versus humanitarianism in regard to Indian removals. By the 1830s, expedience appealed to producers as well as entrepreneurs. Though it had fallen out of vogue in contemporary politics, civilization transformed Cherokee Nation in the course of three and half decades. However, missionaries teaching Cherokees how to be more like Northern Brahmins required too much planning. Democrats pushed ahead for removal as the most efficient solution

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<sup>46</sup> McLoughlin, 307, Boudinot in *Cherokee Editor*, 164.

<sup>47</sup> McLoughlin, 7-8.

to opening up northern Georgia to free enterprise. Most importantly for the Democrats, it gave opportunity to white men already squeezed out of the burgeoning cotton empire of the South. They ignored the production of Cherokee men like John Ross and Major Ridge. The astonishing increase in fee simple farmers in Cherokee Nation did not impress Jackson and his political allies. Forgotten, even by the anti-Jacksonites, was the amount of surplus production coming out of Cherokee farms.<sup>48</sup>

The *Cherokee Phoenix* editor, himself, never abandoned the idea of Cherokees reforming themselves along the standards of white culture. He always maintained that civilization offered the Nation its best prospects for sustaining itself as a distinct entity within the U.S. body politic. He displayed this belief as a removal resistor in the late 1820s when he wrote, “As long as we continue to improve as a people in a body, with our internal regulations, we can continue to improve in civilization and respectability.” After the spring of 1832, he still believed that the Cherokee were both improving and needed further improvement. However, remaining in Georgia among hostile whites threatened Cherokee viability.

The appearance of Boudinot’s name on a pro-removal petition publicly signaled his new stance. According to Theda Perdue, his public split with Ross and removal resistance challenged “traditional Cherokee ethics” since it went against the overwhelming majority of Cherokee opinion. Believing that presenting “diversified views” on removal undermined the Cherokee cause, Ross pressured Boudinot to resign as the editor of the *Phoenix*.<sup>49</sup> In separate letters addressed to Ross and published in August 1832, Boudinot stated his case for removal and laid out his vision for Cherokee Nation moving forward. As far as he was concerned, the *Phoenix* had served “all the purposes that it can be expected to answer hereafter.” As a mouthpiece for

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<sup>48</sup> David M. Wishart, “Evidence of Surplus Production in the Cherokee Nation Prior to Removal,” *The Journal of Economic History*, 55, (March 1995), 120-138.

<sup>49</sup> Perdue, *Cherokee Editor*, 11, 26.

the Nation's grievances to the U.S., "we can say nothing which will have more effect upon the community, than what we have already said. It knows our troubles, and yet never was it more silent than at present." For the next three and a half years the Treaty Party, or the "civilization party" as Boudinot preferred, sought a "definite and satisfactory conclusion."<sup>50</sup>

For Boudinot, as opposed to Ross, this meant as favorable a removal as could be negotiated with the federal government. The land lottery being drawn up in Milledgeville along with the continuing encroachment of white prospectors and land speculators spelled disaster for the Cherokees according to Boudinot. As he explained:

"And think, for a moment, my countrymen, the danger to be apprehended from an overwhelming white population ... impudent to those whom, in their sovereign pleasure, they consider as their inferiors. They should have, our sons and daughters, be slaves indeed."

The white population surrounding Cherokee Nation differed from the missionaries from New England. These whites "delug[ed] the country with ardent spirits, [and] would create an enemy more pernicious and destructive to the Cherokees than 'the pestilence that walketh in darkness, and the destruction that wasteth at noon-day.'"<sup>51</sup> This was both an endorsement of civilization and an alert of the coming invasion of individualistic, intemperate frontier whites. It was not, however, an expression of regret over the internalization of civilization values. Boudinot avoided a battle cry to his fellow countrymen to defend their homeland. Instead, he wished to see the experiment of civilization continued out west away from the other portion of white people who threatened its success.

In October, Boudinot and the Treaty Party issued another call for removal in an effort to communicate to the Cherokee Nation without the platform of the *Phoenix*. They wrote and distributed a series of resolutions reiterating the Treaty Party's position of removal to the west to

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<sup>50</sup> Boudinot to Ross, in *Cherokee Editor*, 162-164.

<sup>51</sup> Boudinot to Ross, in *Cherokee Editor*, 168.

escape the “melancholy experience of the Cherokees.” Struggling against a state in the process of violating the Cherokees’ sovereignty “completely destroy[ed] everything like civilization among them, and ultimately reduce them to poverty, misery, and wretchedness.” The resolutions also called for the preservation of the Cherokee people “as a distinct and separate community,” a persistent, yet curious argument from Boudinot given his fervent support and participation in civilization.<sup>52</sup> No longer at the helm of the *Phoenix*, Boudinot actually enjoyed a more advantageous position in relation to the U.S. government as a removal accommodator.

### **MOVING TOWARD A TREATY**

The Treaty Party received a warm welcome from federal officials in Washington. Meanwhile, Ross and the Nationalists continued to be snubbed. The message was clear. After years of legal and judicial haggling, the federal government would only negotiate removal terms. The Cherokee Nation’s Treaty Party became an advocate for its own ethnic cleansing. It promoted apartheid against itself. It did so only because those were the best options as they saw them. Survival through civilization remained the priority for all Cherokees. Now the Treaty Party had an opportunity to improve prospects for the Nation west of the Mississippi. In their view, Ross stood as the greatest obstacle to survival.

In early 1833, the state of Georgia finally released Samuel Worcester and Elizur Butler from the Georgia Penitentiary. The missionaries wrote a letter defending their actions that resulted in the infamous Supreme Court case and subsequent inaction by the Executive. “Apologia” first appeared in a northern publication, *Missionary Herald*, before publication in the *Phoenix* six months later. Though they stated they felt no “vindictive feelings” toward the state, they hoped that “her transgressions ... be forgiven, and those judgements [sic] of heaven averted,

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<sup>52</sup> “Resolutions,” in *Cherokee Editor*, 175-177.

which there is too much reason to fear.” This letter also charged that the state held the missionaries as bargaining chips in removal negotiation. Worcester and Butler believed they would have been released with Cherokee assent to a removal treaty – a suspicion confirmed in a letter from Governor Wilson Lumpkin to Lewis Cass.<sup>53</sup>

Tellingly, they grounded this defense of their act of civil disobedience partly on the preservation of private property – a key component of civilization. They accused the state of acting out of paranoia when it saw the Cherokees’ “progress in knowledge and in civilization had the effect to attach them to their home.” According to Worcester and Butler not only were the Cherokees worthy of protection due to their receptivity to the gospels and the inherent mores that entailed, but they were also enterprising individuals being trampled by runaway state power. Clearly, the missionaries knew their intended audience would respond favorably to such a characterization. Despite the lack of enforceability in the Supreme Court’s ruling, the missionaries expressed their satisfaction that their freedom did not come “by any abandonment of our principle, or by ceasing to bear our testimony against the injustice of the measures by which the Cherokees are deprived of their possessions.”<sup>54</sup>

At the close of 1833, the President submitted his annual message to Congress for a fifth time. As his confidence grew in the prospects of removal, Jackson no longer bothered to mention the Cherokees by name. He only exhorted that the remaining eastern Indian tribes “have neither the intelligence, the industry, the moral habits, nor the desire of improvement which are essential to any favorable change in their condition.”<sup>55</sup> Removal only took up a tiny

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<sup>53</sup> Lumpkin, 1:199.

<sup>54</sup> “Apologia of Worcester and Butler,” in *New Echota Letters*, 121-128.

<sup>55</sup> Andrew Jackson, “Fifth Annual Message to Congress,” The American Presidency Project, (December 3, 1829): <http://www.presidency.ucsb.edu/ws/index.php?pid=29471>, (May 20, 2013).

portion of Jackson's message, but his resolve seemed as strong as ever. Back in Cherokee Nation, John Ross decided it was time to personally plead his case to the Executive branch.

In February Ross arrived in Washington to negotiate with the War Department. Over the next five months, the Chief sought face-to-face negotiations with the President and Secretary Lewis Cass. In letters requesting interviews, he asserted that the Cherokee's position was fragile, but hopeful only if they were allowed to remain in the East. In April, he urged, "our existence and permanent welfare as a people, must depend upon that relation which will eventually lead to an amalgamation with the population of this great republic." This appeal invoked the essence of removal resistance – the prudence of civilization.

Ross also attempted to tap into the militaristic sensitivities of the Jacksonites by reminding the notorious Indian fighter of the Cherokee's assistance in vanquishing a "deluded red foe at Tehopekah on the memorable day 27<sup>th</sup> March 1814." It was a subtle way of inserting Indian soldiers into the narrative of the triumph of American democratic civilization. After this and other reminders of the credit that Cherokee Nation had been to the rights and liberties of white Americans ("never enjoyed" by the Cherokee), the Principal Chief concluded with a resigned acknowledgment of the practicalities of his situation. In closing, he insisted that the U.S. government fund a survey party to explore these promised western lands.<sup>56</sup> Perhaps sending mixed signals as to his stance on removal, Ross's intentions still overlapped with those of Elias Boudinot – to save Cherokee civilization by whatever means.

In May, John Ross presented a new memorial to Congress. This memorial began with the assurance that the Cherokee had been "[h]appy under the parental guidance of the United States." The federally directed civilization program transformed and saved the Cherokee who "applied them assiduously and successfully to learn the lessons of civilization and peace."

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<sup>56</sup> Ross, 1:282-284.



However in the wake of *Worcester*, Jackson “menaced” the Cherokees with “unlawful power.” The enrollment agents in Cherokee country sent by the executive branch forced his people to “abandon their rights by making their lives intolerably wretched.” In addition, Ross objected to the federal government’s failure to pay the Cherokee Nation the annuities it owed for the previous four years. The Principal Chief openly suspected that these and other measures amounted to a concerted effort by the federal government to undermine Cherokee civilization. The effect would be a people reduced to “poverty and despair, and to extort from their wretchedness a concession of their guaranteed rights.”<sup>57</sup>

From the state capital in Milledgeville, Wilson Lumpkin responded to Ross in a letter to Senator John Forsyth. In expressing dismay over the Cherokees’ continued fight against removal, the governor speculated on the necessity of using the state guard to carry out removal. If the Cherokees were not out of Georgia by the end of the year, armed conflict would be a last resort to enforce the state’s laws and protect the new settlers against the “reckless enemies of Georgia.” In this clear reference to removal opponents and resisters he continued that these men “are determined upon evil and confusion.” After several years of political and legal tangling, Lumpkin concluded, “No friend of humanity can, under the existing state of things, any longer encourage the unfortunate Cherokees to persevere in a controversy which has already brought them to the verge of ruin.”<sup>58</sup> Here again is an illustration of the hopelessness of resistance to removal. Despite a decades-long process of assimilation and cooperation, the Cherokees still faced the threat of forced removal based merely on the rumors of unrest in its territory – rumors which even Lumpkin doubted.

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<sup>57</sup> Ross, 1:290-293.

<sup>58</sup> Lumpkin, 1:261-262.

By February 1835 Chief Ross once again intimated that he recognized this hopelessness about the Cherokee situation in Georgia. In another letter to Lewis Cass, Ross despaired that his followers “have no inclination to wander through the mystical avenues of speculation on the subject.” He continued that his fellow Cherokees must view their situation “as it is, and take the most harmless course that will lead their people to safety and happiness if practicable.” It was a step toward removal and perhaps a sign that the elite men of Cherokee Nation could reunite. However, he still reminded the secretary of the project of civilization begun under “General Washington whose sagacity was ever equal to his benevolence and magnanimity.” Allowing civilization to continue would “let peace and tranquility be restored” in a republic already beginning to show signs of irreconcilable divisions. An exasperated Lewis Cass told the Nation, “Circumstances that cannot be controlled and which are beyond the reach of human laws which render it impossible that you can flourish in the middle of a civilized community.”<sup>59</sup> Those who wished that the Cherokees could stay in northern Georgia now stood accused of domination and tyranny.

If, like Boudinot, Ross wanted a favorable removal, he steadfastly maintained his commitment to preserving the homeland and the assimilation of his people. He stressed to Sec. Cass that “in the train of the herdsman, the farmer, the mechanic, & the clergy will soon follow ... in a word the spectacle of a civilized and christianized community of Cherokees will be exhibited before the world, that will bear a contrast with any other community.”<sup>60</sup> For the rest of the year, Ross reached out to the House and Senate, the state of Georgia, and the Treaty Party to find a solution to the removal crisis. That Ross’s aims now seemed unfocused or, even worse, contradictory may have cost his party dearly.

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<sup>59</sup> Prucha, 235.

<sup>60</sup> Ross, 1:321-323.

In July, the Principal Chief invited Major and John Ridge to a meeting where differences between the two factions might be ironed out. The obtuse wording of Ross's reasoning for this meeting belies what was by then a perilously fractured leadership. In his letter, Ross wondered why the federal government "so strenuously insisted ... that we differ, and ... state that distinct parties have grown up amongst ourselves." Curiously Ross requested that any meeting "should be purely Cherokee" which he could have meant in a political sense given his own mixed ancestry. Though the Ridges warmly accepted, Ross was held back in Red Clay tending to an illness in his family and the parties did not meet. It is folly for an historian to speculate about the possibilities of reconciliation. What is clear, however, is that after a meeting held near the home of John Ridge two weeks after Ross's invitation, the Chief was now more convinced than ever that his National Party had the strength to fight removal.

Later that summer, a vote to decide the preferred allocation of annuities from the federal government ended along party lines. By a vote of nearly twenty to one, the special council decided to deposit the annuities in the National Treasury instead of paying them out individually to citizens. While not a stark "up or down" vote on removal itself, this vote reinvigorated Ross's belief in the overwhelming strength of his party. It showed that any move made without the consent of the Nationalists would be characterized as an "absurdity ... that so small a band of unauthorized individuals can ever succeed in making a treaty over the Heads of the Nation."<sup>61</sup> In less than a week, all hopes for a Ross/Treaty Party reconciliation were dashed.

In August, the Georgia Guard seized the home of Elijah Hicks, who succeeded Boudinot as the editor-in-chief of the *Cherokee Phoenix*. Officials also seized the paper's printing press which effectively shut down operations. Ross expressed his dismay to learn that the Guard received the assistance and support of Stand Watie and John Ridge. Watie insisted that he

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<sup>61</sup> Ross, 1:351.

intended to turn the printing press over to Boudinot believing that it “rightfully belonged to his brother ... since he secured the money for undertaking the newspaper.” Moreover, he felt the printing press belonged to Boudinot after Hicks “prostituted [the paper] to party politics.” Stand Watie also reasoned “that since the Cherokee government had been dissolved by the surrounding states the press ought to be returned to Boudinot.”<sup>62</sup> Here again was a crucial declaration by a non-white actor in the removal crisis. Watie, a “full-blood,” minimized the aggression of Georgia by tacitly proclaiming the legitimacy of its violations of Cherokee sovereignty.

The stage was set for a dramatic third act as players on all sides were now firmly ensconced in their quarters. The Treaty Party showed its willingness to comply with and even aid state power to cajole the rest of Cherokee Nation into forced emigration. A long impatient President Jackson had less than two years left before customary retirement would be expected of him. On December 29, 1835, Elias Boudinot awoke in New Echota ready to do his part to save the Cherokee race. John Ross now ran Cherokee national affairs from remote places in Tennessee and North Carolina, powerless to stop the usurpation of his executive authority. Civilization prepared both of these men for this moment. For the latter, the defense of homeland arose from the nationalistic spirit instilled by arminian Christians. For the former, the defense of Cherokee ethnic integrity arose from the same ideological origin.

The discursive record left behind by Boudinot during the years between the passage of the Indian Removal Act and the Treaty of New Echota reveals a man more complex than the man who sold out his own people. If the Cherokees had been able to exercise any real agency, the humanitarianism of civilization would have provided more than international cover for the U.S. government. It would have engendered an atmosphere of mutual cooperation and learning. Instead, the Cherokees were caught in a current that carried them to a new place against their

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<sup>62</sup> Ross, 1:352-353.

will. For four years, the political crisis of Cherokee Indian Removal tested the wills and the ideologies of everyone involved. Over the final years of this conflict, Principal Chief Ross struggled to nullify the treaty and open new negotiations. The discourse of civilization persisted as the basis of his pleas.

### CHAPTER 3 “DULY CONSTITUTED AUTHORITY”

#### THE TREATY OF NEW ECHOTA

The Treaty of New Echota acknowledged the schism among the Cherokees. It recognized the Cherokee signatories as a “certain other delegation composed of John Ridge, Elias Boudinot, [et al.] ... who represented that portion of the Nation in favor of emigration to the Cherokee country.”<sup>63</sup> The treaty commissioners further acknowledged the contentious nature of the proceedings but left no doubt that Ross and the National Party were shut out of all negotiations. What took place at New Echota would be real and binding. The Treaty Party out of preservation agreed to the terms written in the discourse of their conquerors. A clause in Article IV reimbursed missionaries for stations built in Cherokee Nation to be replaced in Indian Territory, which placated the now-subdued Worcester faction.<sup>64</sup>

Acknowledging their “great progress in civilization” the government used this pact to “illustrate [its] liberal and enlarged policy ... towards the Indians.” Removal would be carried out in a humane and clinical manner. Physicians were to accompany every detachment. Steamboats and baggage wagons would carry people and property. The Treaty of New Echota spelled out an agreement between near-equals. One party protected another by moving it out of harm’s way. With Ross’s name printed on the treaty, the Cherokees secured the guarantee of a one-year stipend from the federal government for subsistence in the new territory as well as the “most productive stock of the country” to be supplied by the president, himself.<sup>65</sup>

The year 1836 dawned with Chief Ross back in Washington where he sought meetings with Jackson and Cass. This time he succeeded only in securing brief encounters with both men. Then on January 6, missionary James J. Trott wrote to Ross to inform him of the “late *Christmas*

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<sup>63</sup> “Treaty of New Echota.”

<sup>64</sup> Ibid.

<sup>65</sup> Ibid.

*trick* at New Echota.”<sup>66</sup> After receiving the letter and a copy of the treaty, his correspondence took on increasingly emotional and polemic tones over the subsequent months. In one letter, he described Boudinot and the Treaty Party as being under the influence of “the demonical agent of the Govt. [sic].” The letter proceeds in the anti-Jacksonite rhetoric familiar from the political campaigns and cartoons during the Bank War. For instance he referred to removal advocates as “the minions of the White house [who] have been manoeuvring [sic], so as to impress us.” Ross later continued, “It is said that the treaty has undergone the expurging [sic] operation since reaching the White House, and that the parties have finally adopted to suit the taste of His Royal Majesty’s pleasure.”<sup>67</sup>

In the final years of the removal crisis, Ross’s centered his objections to the treaty on the legitimacy of the document. When the Ridges and Boudinot agreed to the terms laid out by U.S. agents, they did so without the blessing of Chief Ross as the “duly constituted authority” of Cherokee Nation. Without respect for chains of command and diplomatic procedures, the Treaty Party betrayed their own civilization. In a memorial to the Senate in March, Ross chastised the federal government for turning its back on the Cherokees in light of the fact that they had “become civilized under the fostering care of the United States, and are now like the whiteman [sic] in manners, morals, and religion.” Not only was the treaty blatantly undemocratic, but it also threatened the lives of ordinary Cherokees who would be “driven as a senseless herd before the power of the United States.”<sup>68</sup>

According to Major Ridge, signing the treaty and emigrating west became the Nation’s only hope of survival. The treaty presented “an arrangement . . . for the final adjustment of the

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<sup>66</sup> James J. Trott to John Ross, in *Ross*, 1:379.

<sup>67</sup> *Ross*, 1:390.

<sup>68</sup> *Ross*, 1:395.

existing difficulties of our Nation.”<sup>69</sup> It was the realization of every white discursive effort to sublimate Native American identity to the projects of U.S. nationalization. Here was the imprimatur of legitimacy that the Democrats needed to carry out removal. The Democrats fully dictated the terms of the removal debate when this illusory multicultural consensus emerged. John Ross found himself ensnared in a pact brokered by his partisan opponents – a phenomenon unimaginable without civilization.

Wilson Lumpkin viewed Ross as a “dethroned chief” and had a strong distaste for dealing with him. The Georgian re-emerged in the Cherokee removal crisis when Andrew Jackson appointed him Commissioner of the United States to execute the Treaty of New Echota. He came to see his state’s fight with the Cherokees as a “solitary” one. After nearly a decade, Lumpkin sensed that removal needed a final push from a willing participant. Otherwise, Ross might win by simply waiting the state out. By now, the “dallying policy” of Winfield Scott and Martin Van Buren failed both Georgia and the Cherokees.

Through the management of Commissioner Lumpkin, the Cherokees would avoid “blood[shed] and extermination” in the east. In his view, it was under his stewardship that the “intelligent Indians had been migrated to the West ... nothing now remained to be done ... except the removal of Ross’s ignorant portion.”<sup>70</sup> It was unclear whether he directed this attack at the National Party in denying the effect of civilization on that portion of the Cherokees, or if he meant it as a broadside against the greater Cherokee population. Given the tendency of Democratic politicians to mischaracterize the extent of Cherokee civilization, the former is the most likely. Later in the year, Lumpkin wrote to Andrew Jackson to assure the president that the treaty would stand and that he would execute it prudently. Using the language of Anglo-

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<sup>69</sup> Major Ridge, et al., in *Ross*, 1:383.

<sup>70</sup> Lumpkin, 2:34.



Saxonism, he declared, “nineteen-twentieths of the Cherokee are too ignorant and depraved to entitle their opinion to any weight or consideration.”<sup>71</sup>

### **ROSS V. WASHINGTON**

Principal Chief Ross begged to differ. In a memorial to the House and Senate dated September 28, 1836, he asserted that civilization transformed “the wildness” into “comfortable dwellings and cultivated fields, stocked with the various domestic animals.” He did not abide the characterization of his people as “ignorant and depraved” when he retorted, “Mental culture, industrious habits, and domestic enjoyments, have succeeded the rudeness of the savage state.”<sup>72</sup> It was, by then, a familiar cry. The Chief asked Congress, a body composed of white men elected by white men, to nullify a treaty which sat well with the constituents of most of its members.

In another memorial to Congress dated February 22, 1837, Ross reminded the national legislature of the “intimate connexion [sic]” between the Nation and the U.S. He invoked the “aids which were supplied us in promoting our advancement in the arts of civilized life, the political principles which we had imbibed, [and] the religious faith we have been taught.” As always, civilization framed the pleas for mercy and intervention. The federal policy “[led] the Cherokees from ignorance to light, from barbarism to civilization, from paganism to Christianity.”<sup>73</sup> However, because these arguments shared the crucial overlap with those of removal advocates – that the Cherokees were an uncivilized people at some earlier point in time – they stood no chance in changing anyone’s minds.

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<sup>71</sup> Satz, 100.

<sup>72</sup> Ross, 1:460.

<sup>73</sup> Ross, 1:471.

Meanwhile, Elias Boudinot compiled his public responses to John Ross and published them in a single pamphlet – *Letters and Other Papers Relating to Cherokee Affairs; Being a Reply to Sundry Publications Authorized by John Ross*. He used a familiar framework and employed a discourse that by then was common to the debate. The former newspaper man fired the opening salvo by challenging Ross’s notion of civilization. He argued that the treaty saved the Cherokees from “political thralldom and moral degradation.”<sup>74</sup> Staying in Georgia at the behest of the “constituted authorities” meant a reversal of what Elias Boudinot saw as the progress of Cherokee civilization. Instead, he asserted that it was the Principal Chief’s refusal to accept the treaty which threatened Cherokee civilization while outside forces waited to undermine and destroy it.

Boudinot also used *Letters* to point out the inconsistencies in Ross’s public positions on removal and his failures as Cherokee leader. It frustrated him that Ross demanded to be respected as the “duly constituted authority” for the Cherokee people when he “confused the minds of the people.” The common Cherokees did not truly understand the nature of the negotiations with federal government. Ross influenced them to believe that they could have their proverbial cake and eat it, too – that the homeland could be spared and the harassment stopped. Boudinot cried that Ross misled them and turned Cherokee, and anti-Jackson, opinion against the Treaty Party when remarking, “How ambiguous must be those powers that are not understood by those upon whom they are conferred.” He asserted that it was Ross and the National Party who acted with haste and intransigence in the assertion, “[They] plunged into a fearful uncertainty, by rushing in the very face of the official declaration that they would not be received by the President.”<sup>75</sup> With this pamphlet, Boudinot sought to reorient Cherokee nationalistic spirit from

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<sup>74</sup> Boudinot, in *Cherokee Editor*, 163.

<sup>75</sup> Boudinot, in *Cherokee Editor*, 188-189, 194.

one of grievance to a more assertive and enterprising temper. Without the Chief's misguided interference, civilization revived (if not resurrected) out west.

Senator Wilson Lumpkin ordered 1,500 copies made of Boudinot's *Letters* to distribute to the Senate to "defend the validity of the New Echota treaty."<sup>76</sup> From the floor, the Georgia Democrat speculated on the genetic lineage of Principal Chief Ross and how certain advantages might have given him the influence and power he enjoyed among the Cherokees. He linked Ross's father, a Scottish immigrant, to Revolutionary War-era Tories that fought alongside the Cherokees. For good measure, Lumpkin added the lurid specter of incestuous sexual relations when he intoned, "[they] took their daughters for wives, and took up their permanent residence among them." As if exciting the imagination with accusations of sexual impropriety were not enough, he invoked the great anxiety of the era when he exhorted, "Some of these men had property, education, and intelligence and soon acquired great influence among the Indians."<sup>77</sup> Out of Wilson Lumpkin's mouth, John Ross, in turns, sounded like an uncivilized, unpatriotic warrior, and a Northern Whig.

In addition, Lumpkin also delivered the final blows against civilization. The now-discredited program combined with treaty-making, which he admitted was the process of "one recorded farce after another," to fill the Senator with "shame and confusion." The only recourse, as he saw it, was to carry out the New Echota treaty and radically alter the policy of Indian-U.S. relations by legislating for Indian tribes "in the same manner that we legislate for minors and orphans, and other persons who are incompetent to take charge of their own rights." He countered the argument that the missionaries had brought the Cherokee any measure of improvement with a two-fold position. First, Lumpkin posited that missionaries worked to

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<sup>76</sup> McLoughlin, 325.

<sup>77</sup> Lumpkin, 2:195-196.

civilize Indian tribes in New England and New York and yet, “those tribes have been constantly sinking deeper and deeper in degeneracy and wretchedness, and perishing away into insignificance and nothing.” Second, he argued that the Cherokees did not benefit from the tutelage of missionaries like Samuel Worcester or Jeremiah Evarts when he intoned, “No, sir; the glory belongs to Him who overrules evil, and brings good out of the evil.”<sup>78</sup>

Ross, himself, remained silent on the charges leveled at him by Lumpkin and Boudinot until the following year when he wrote to the editors of the Democratic newspaper *Globe*. The Chief lashed out at his old ally calling him “an unfriendly individual not employed by any public trust in our Indian nation.” He excoriated Lumpkin for presenting this pamphlet to the Senate giving the endorsement to Boudinot’s side in the debate over the legitimacy of the Treaty of New Echota when he wrote, “Governor Lumpkin ought to know the world well enough to question anything so garbled, exparte [sic], & unauthenticated.”<sup>79</sup> This letter to the editor of the Democracy’s own newspaper served as a reminder of the conspiracy between the state of Georgia and a minority faction to subvert the will of a majority. In this case, the conspiracy thwarted the will of the Cherokee people and betrayed civilization.

In the spring of 1837, Ross read a report from a Philadelphia lawyer named Job R. Tyson entitled “Surviving Remnant of the Indian Race.” This tract has never been found, but what can be surmised in his response to Tyson is a feeling of vindication and relief. The Chief thanked Tyson for such a “spontaneous exhibition” of sympathy from “our white brethren.” He then used the rest of the correspondence to give the lawyer a detailed history of the relations between the Cherokee Nation and the U.S. Here Ross reiterated the “considerable progress” made by the Cherokees in the pursuit of the “arts of civilization.” Even in the final phase of the removal

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<sup>78</sup> Lumpkin, 2:193, 195.

<sup>79</sup> Ross, 1:590-591.

crisis, John Ross still looked to the earlier era of treaty-making with the United States as a beneficial period. The development of the paternalistic relationship between the two parties left the Cherokees “contented, prosperous, and happy, and looked forward with confidence to an augmentation of all their sources of prosperity.”<sup>80</sup>

Ross also continued to assert the illegitimacy of the Treaty of New Echota as a document crafted by “a body of unauthorized individuals.” The letter gave an ominous warning to those seeking removal that “possessions acquired, and objects attained by unjust and unrighteous means, will, sooner or later, prove a curse to those who have sought them.” Finally, he asked, “Can [the Cherokee] repose with confidence in the declarations of philanthropy and universal charity, when he sees the professors of the religion which he is invited to embrace, the foremost in acts of oppression and of outrage?”<sup>81</sup> As always, Ross couched his outrage in the language of civilization. The Cherokees agreed to land cessions, converted their sacred hunting grounds to private property, and allowed themselves to be legally recognized as second-class citizens. All of this earned them removal, which was becoming more real by the day.

Wilson Lumpkin wrote to the new president in June seeking federal action on the removal crisis. Without acknowledging the years of sovereignty violation and disorder caused by encroaching white settlers, Lumpkin urged the Executive to see that “this supervisory care confided to us, so far from producing harmony, has been a constant source of discord.” He warned that the treatment John Ross received by officials in Washington only heightened his prestige among the Cherokee people which, in turn, prolonged the removal process. The senator worried that “Cherokees will not emigrate under this Treaty, except by force of arms, and when that is applied the result may be war.” As long as Ross sought new treaty negotiations and was

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<sup>80</sup> Ross, 1:491-492, 494.

<sup>81</sup> Ross, 1:500, 502-503.

treated as a statesman by the federal government, “nothing now can preserve the peace and emigrate the Cherokees but such movements on the part of the Government as shall convince Ross and his adherents of the utter imbecility of their great idol.”<sup>82</sup> Wilson Lumpkin exploited the image of the untamed savage to create the impression of a civil emergency that demanded federal attention. At the same, he painted Principal Chief Ross as a megalomaniac intent on using his own people as pawns in a game of political chess, which threatened the state of Georgia with a breakdown in civilization.

In August 1837, John Ross called on a special agent of the President to express the despair that he and his fellow Cherokees felt about their situation. The letter endorsed the federal government’s civilization efforts when he declared, “It is encouraging, to [the Cherokee people], to be assured, that their efforts to escape ignorance and barbarism ... meet the cordial approbation of the President.” However, he also noted that the “Cherokees are indeed troubled Sir, to hear that the President upholds the New Echota compact to be a valid treaty.”<sup>83</sup> By following through on the execution of this document, Ross attempted to tie the federal government to a possible breakdown in Cherokee civilization – a phenomenon aided with the ignorance of the proper authority of Cherokee Nation.

Towards the end of the year, Ross reported in a letter to his brother that the federal government held out the possibility of a new treaty. However, this new treaty demanded the Cherokee lands in Georgia and Alabama – a demand that Ross would not consider. When asking why the government so easily offered the lands in North Carolina and Tennessee over the ones in Georgia and Alabama, the agent replied that the latter states “had manifested a feverish feeling on the subject... I observed that those feverish feelings were unreasonable and unjust, therefore

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<sup>82</sup> Lumpkin, 2:115.

<sup>83</sup> Ross, 1:515.

ought not to be encouraged.”<sup>84</sup> Ross now began to feel as though the federal government might properly recognize his authority and engage him in new treaty negotiations. For the first time in nearly a decade, he had a reason to believe that someone inside the U.S government viewed these Southern states as uncivilized. This feeling did not last long.

The Principal Chief spent Christmas and New Year’s Day in Washington City. After more failures at starting new treaty negotiations with the president, Ross accused the new administration of callowness. He accused the Executive of being “afraid of the missiles from the Old Hickory stubble, and is seeking a shelter behind the Senate.”<sup>85</sup> While not a direct reference to the civilization of the Democrats, John Ross questioned their manliness. He painted a picture of a party beholden to an old military patriarch who threatened to abuse his children when they disobeyed him. Though he purported to be “sanguine” about the prospects for new negotiations, Ross’s correspondence at this time belied his anxiety.

Events in Florida soured Ross’s mood even further when received word that a peace agreement to be brokered by Cherokee mediators between the U.S. and Seminole chiefs faltered. The U.S. military commander ordered that the mediators be treated as enemy combatants and held as captives of war. For a chief hoping to see improved relations with federal officials, the news came at quite possibly the worst time. Already at a disadvantage in seeking a new treaty, he now asked the war secretary to use his influence to set the Cherokee mediators free. Ross protested this move as an “unprecedented violation of that sacred rule which has ever been recognized by every nation, civilized and uncivilized – of treating with all due respect those who had ever presented themselves under a flag of truce before their enemy.”<sup>86</sup> It certainly looked as

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<sup>84</sup> Ross, 1:542-543.

<sup>85</sup> Ross, 1:573.

<sup>86</sup> Ross, 1:575-576.

though 1838 held even fewer promise than the preceding decade for Principal Chief Ross and the National Party.

As the prospects for new treaty negotiations dimmed, Ross's malaise grew and could be read in his correspondence during the winter and early spring. In these letters, he complained of the "ruffian hand of tyranny" that intimidated his people into a forced removal. Impending removal amounted to a climax of bad news for the Cherokees which seemed to come every day by this time. Ross wondered, "how superlatively disgraceful and degrading to the American character must it be – if such base and perfidious acts should finally triumph over truth, honor, and justice."<sup>87</sup> The Chief expressed his worst fear that his people would soon be "despoiled of country and home, and stripped of the attributes of freemen ... the Cherokee, thus left penniless [sic] with his character traduced by the tongue of slander."<sup>88</sup> For decades, the Cherokees accepted the prescriptions of civilization as the means to protect their homeland and at least some of their ethnic heritage. The conspiracy of silence from the Executive completed the job begun by the discursive paradox crafted by removal advocates and unwittingly internalized by the resistance movement a decade earlier. Cherokee civilization would have to move west.

By April, Ross gave up on new treaty negotiations and instead looked to secure the direction of his people's own migration. In a letter to President Van Buren, the National Party officially gave its notice that it would adhere to the Treaty of New Echota when the Chief declared,

"I am most desirous, if the evil of eternal exile from our sacred inheritance ... evil of exile so dreaded by the Cherokees, must come upon us, I am most desirous of enabling you to accomplish the favorite purpose of your nation, as your compact with Georgia expresses it, 'peaceably and on reasonable terms.'"<sup>89</sup>

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<sup>87</sup> Ross, 1:586, 588.

<sup>88</sup> Ross, 1:597.

<sup>89</sup> Ross, 1:634.



Over the next several months, Ross corresponded with Gen. Winfield Scott and the Cherokee Nation about halting the early removal process and having the “constituted authorities” manage it. The Chief made plain that his new aim was to secure a comfortable removal. Primarily, he wanted to avoid trekking during the winter months as much as possible.

“Our Nation have been besieged by a powerful Army and you have been captured in peace from your various domestic pursuits,” said John Ross who now fully gave up on nullifying the Treaty of New Echota. However, he never gave up the bitterness over the misery that Andrew Jackson and the Democrats (and the Whigs through their acquiescence) foisted on the Cherokees. Even in his congenial letters to Gen. Scott and the usual memoranda to the Cherokee Nation, he found ways of reminding his reader of the brutality and injustice of the crisis. In July, he told the Nation that removal was now inevitable because “when the strong arm of power is raised against the weak and defenseless, the force of argument must fail.”<sup>90</sup> It was the kind of charge that any politician of the era lobbed at an opponent.

The U.S. government’s granting Ross’s request to take over the emigration illustrated further the hopeless situation the Cherokees found themselves in from the outset. As long as the Democrats controlled the executive and legislative branches, Cherokee removal moved forward. The anti-Jacksonians expressed their distaste, but ultimately saving a non-white population from involuntary removal took a backseat to the projects of nationalization and market transformation. The fight was over and the anxiety felt in Cherokee Nation would soon be realized in the anguish of the Trail of Tears.

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<sup>90</sup> Ross, 1:649.

## CONCLUSION

On June 22, 1839 Chief Ross, by then settled at Park Hill in Indian Territory, learned of the murder of Elias Boudinot. He and the Ridges were assassinated that morning in separate, but coordinated, incidents around the new Cherokee Nation. Historical consensus holds today that Ross knew nothing of the plan and would certainly have disapproved. However, it is difficult to imagine these revenge killings taking place without his condemnation of the Treaty Party before and after the signing at New Echota. The circumstances paint the picture of vigilante justice being carried out in the name of the “constituted authority” of Cherokee Nation. The men who carried out this series of events invoked a traditional Cherokee custom known as “the law of blood” which had been updated as recently as 1829 by John Ridge “to dissuade chiefs from signing unauthorized land deals with white men.”<sup>91</sup>

Chief Ross still had political foes; and, he immediately feared that Stand Watie would come to carry out his own revenge killing. However, as time wore on and the atmosphere of retributive violence dissipated, John Ross benefitted from a less fractured Cherokee Nation. After years of wrangling with two Presidents, countless Senators, Congressmen, Secretaries of War, Governors of Georgia, and his own people; after the loss of thousands of Cherokee lives during the forced emigration; and after the assassination of three of the Cherokees’ most learned and accomplished men, Ross stood as the unquestioned leader of the Cherokee Nation. He held the position of Principal Chief until his death while grappling with the new, dire challenges of moving his people forward in this arid and less yielding agricultural landscape.

During the presidential election of 1840, William Henry Harrison and the Whig Party would exploit his reputation as an Indian fighter to appeal to the “common man” voters that kept the Jacksonians in the White House for three terms. To counter this, the Democrats touted the

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<sup>91</sup> Hicks, 322-324.

accomplishments of Vice President Richard Mentor Johnson – the man famous for killing Tecumseh in 1813. This was done to cover for President Van Buren who, despite carrying out Cherokee Removal, still suffered from a reputation of being “soft” on Indian affairs.<sup>92</sup> Ultimately, the Whigs won their first presidential race on the strength of such populist electioneering.

The 1840s witnessed the rise of a new town just south of the Chattahoochee River – the old boundary that separated Cherokee Nation from Georgia. Atlanta served as the railroad hub where many of the state’s lines converged. One of those lines, the Western and Atlantic, ran through the former Cherokee Nation where it connected the growing city with the interior South. This state-making project facilitated the meteoric rise of Atlanta and put Georgia on the road to becoming the South’s “Empire State” by the Civil War. Even so, Wilson Lumpkin decried the amount of time it took to begin construction on the line. He owed this to the fact that the topography of the region was a “sealed book” since the “recent settlement of the country by a civilized population caused the peculiar localities to be but very little known and understood.”<sup>93</sup> The Cherokees were not only gone; they were forgotten. This snippet from the Governor illuminated the long-held belief of the frontier folk and expressed in the rhetoric of the Democratic Party that savages cannot be civilized.<sup>94</sup> The decades of energy and money spent to transform the Cherokee Nation into a community of Christian, fee-simple farmers immediately slipped into oblivion in the minds of those who most wanted removal.

John Ross remained at his post as the Principal Chief of Cherokee Nation until his death in 1866. The factionalism that arose among his people in the east persisted west of the

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<sup>92</sup> Stephen J. Rockwell, *Indian Affairs and the Administrative State in the Nineteenth Century*, (Cambridge: Cambridge University Press, 2010), 140.

<sup>93</sup> Lumpkin, 2:269.

<sup>94</sup> Remini, 15, McLoughlin, 3.

Mississippi River as well. While Ross supported the Union during the Civil War, Stand Watie (son of Major Ridge) backed the Confederacy. Civilization in the West did not buy the Nation any newfound respect from Washington, either. The Chief wrangled with the federal government over the money guaranteed to the Cherokee Nation in the Treaty of New Echota for more than a decade. After over a century of expansion, nationalization, persuasion, and domination, the Cherokees sat on the edge of American political consciousness. However, as American development pushed across the continent, the discourse of Cherokee Indian Removal would echo in the familiar calls to civilize another frontier – the great American West.

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