

## CHEROKEE REMOVAL, AN UNNECESSARY TRAGEDY\*

By JOHN P. BROWN

Exactly one hundred years ago, the Cherokee Indians were removed from their ancestral homes to the region west of the state of Arkansas, present day Oklahoma. There, using the language of the United States government, they were settled in what was to be "A permanent home that shall never in the future have extended around it the lines, or placed over it the jurisdiction of any Territory or State."<sup>1</sup>

Many reasons were advanced for Indian removal. The true one was that the land occupied by them, and guaranteed to them by the United States, was desired by white settlers. The urgent reason at that time was that gold had been discovered on Cherokee land.

At the time of removal, the Cherokees numbered not more than 20,000. They were surrounded by a large and ever growing white population. Sequoyah had perfected his alphabet. The Scriptures had been printed in Cherokee and accepted by a large proportion of the tribe. A system of government with all necessary functions had been organized under a constitution based on that of the United States. The Indian nation was well advanced along the road to civilization. They had no desire to remove to the West and resume the old savage hunting life. They were perfectly satisfied where they were, and their only desire, as stated by their principal chief, John Ross, was to remain peaceably in the land of their fathers.

Calm study of the facts, after the lapse of a century, brings the conviction that the removal of the Cherokees was unjust and unnecessary. In my opinion, it is the darkest blot on our history as a people, typical, however, of our treatment of all the original inhabitants of our country. To be sure, the problem at the time offered difficulties of settlement. No one will contend that all of the territory of the Cherokees, comprising probably 35,000 square miles at the end of the Revolutionary War, could be left forever as a hunting ground for 20,000 Indians. The Creator had other designs for this splendid country of ours, even if during the last few years we do seem to have thrown a monkey wrench into His machinery. The same difficulties that confronted our section

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<sup>1</sup>James Mooney, "Myths of the Cherokee," *Nineteenth Annual Report of the Bureau of American Ethnology* (Washington, D. C., 1900), 124. This quotation constituted a new "myth" added by the white man.

then, later confronted Oklahoma, and were solved. The Cherokees have proven good neighbors in Oklahoma, and would have been good neighbors to the people in the East, had they been permitted to remain.

I am aware that it has been customary to blame Georgia for Cherokee removal—and Georgia was to blame, no mistake about that. And because that is true beyond a shadow of a doubt, may we of Tennessee dust off our wings and proclaim ourselves angels? Hardly. Why, pray, were the Cherokees in Georgia? So far as I have been able to ascertain, there was only one Cherokee town within the present limits of Georgia during the period of English settlement. In the extreme northeastern tip of Georgia, the mountainous nature of the country made it necessary for the Charleston Trail to dip into Georgia to reach Rabun Gap. The Cherokee town of Sticoy was located just south of that gap, at the site of the present Clayton, Georgia.<sup>2</sup> Yet, three quarters of a century later, at the time of the removal, three fourths of the Cherokees lived in Georgia.

As Mr. C. W. Post, who gave us Postum and numerous breakfast brain foods used to stress in his advertising, "There's a Reason." In the year 1786, John Sevier, of our own "State of Franklin," projected a campaign against the upper Cherokee towns because of some outrages with which those upper towns had nothing whatever to do. It was not much of a campaign. An Indian town was burned. There was no Indian opposition, but there was a resultant "Treaty," if treaty it may be called, following the campaign. General William Cocke announced to Principal Chief Old Tassel, speaking for the state of Franklin:

The new state has bought all of the Indian lands north of Little Tennessee River, and intends to settle them, and if any Cherokee interferes, his town will be burned.<sup>3</sup>

The surprised Old Tassel replied that he had never heard of the purchase. For that matter, no one else had heard of it until that moment, but bought the lands were, and bought they stayed, though some slight compensation had to be made later by the United States government according to the treaties of 1791 and 1798. I have Judge Samuel C. Williams as my authority in saying, "No act of the State of Franklin is less creditable than the treaty of Coyatee."

This so-called "treaty" forced the Cherokees to abandon their long occupied towns along the Little Tennessee River and begin a hegira to the southward. Two years later, Old Tassel was killed while under a

<sup>2</sup>John Stuart's Map, 1770. Sticoy in Cherokee is Utsuti-kwa-yi, "Much Fish There"; literally, a good fishing place.

<sup>3</sup>S. C. Williams, *The Lost State of Franklin* (Johnson City, 1924), 99; J. G. M. Ramsey, *Annals of Tennessee* (Philadelphia, 1860), 345; J. P. Brown, *Old Frontiers* (Kingsport, 1938), 255.

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flag of truce by order of Sevier's subordinate, James Hubbard. The Indian capital was hastily moved from beloved Chota, on the Little Tennessee, to Oostanaula in Georgia, and Georgia became the center of Cherokee population.<sup>4</sup>

Tennessee did not rest on her laurels there. In 1805 and 1806 the United States government, responding to pressure from Tennessee, induced the Cherokees to cede practically all their remaining land in Middle Tennessee. In the year 1817, Commissioners Andrew Jackson, David Meriwether, and Joseph McMinn, all of Tennessee, forced upon the Cherokees an unwelcome treaty which ceded all Cherokee land lying in this state west of Walden's Ridge; and two years later still another cession was obtained including all land lying north of Hiwassee River. It was at this last treaty that Andrew Jackson, then the most popular military leader in America, told the Cherokees that they must prepare to remove to the West; and until they were removed, Jackson did not budge from that position—as a matter of fact he was never good at budging.<sup>5</sup> Thus, Tennessee dumped the Cherokee proposition into the lap of Georgia, and polished her own crown while Georgia proceeded to blacken hers. And from that day the shadow of Andrew Jackson loomed over the Cherokees, growing ever more ominous.

In 1802, Georgia ceded her western lands to Congress, lands out of which were to be carved the states of Alabama and Mississippi. The state received in return a million and a quarter dollars, plus her share of the expense of the Revolutionary War. A simple clause in Georgia's document of cession, apparently inoffensive, was to cause the ruin of the Cherokees. Congress agreed to "extinguish Indian titles within Georgia, as soon as it could be done on peaceable terms."<sup>6</sup> Georgia accepted that portion of the clause which suited her wishes, extinguishment of Indian titles. As to the limit of time in which the titles might be acquired peaceably, Georgia gave neither the United States nor the Cherokees any peace until they were extinguished.

Through unceasing pressure, quite a number of Cherokees were induced to remove "peaceably" to the West, until, in 1828, when Andrew Jackson was elected to the presidency, probably 6,000 were living in what is now Oklahoma. Indian removal may be considered as one of the planks upon which "Old Hickory" was elected, for he was frankly

<sup>4</sup>Oostanaula was on Coosawatie River about two miles above its junction with the Connasauga. A few years later the capital was established at a town at the junction of the two rivers, called, in honor of the old capital, New Echota.

<sup>5</sup>For Jackson's talk to the Cherokees, see Thomas L. McKenney and James Hall, "John Ross," in *Indian Tribes of North America* (Philadelphia, 1854).

<sup>6</sup>For terms of the cession, see Charles C. Royce, "The Cherokee Nation of Indians," *Fifth Annual Report of the Bureau of American Ethnology* (Washington, D. C., 1887), 233.

and openly sympathetic with Georgia's aims, which were nothing less than the removal of all Indians across the Mississippi (as Jackson put it in one of his letters, "X the M."). In advocating this policy Jackson was typically western and typically honest. The frontiersman in him believed, honestly, that white men and Indians could not live satisfactorily as neighbors. Then, too, Andrew Jackson had a far view of the future of the United States. He foresaw that all of the land, at least all east of the Mississippi, would be needed for the use of the white man. Before the election, he notified Georgia's representatives that, if elected, they might count on his aid.<sup>7</sup>

Within a month after Jackson's election, the Georgia legislature passed an act annexing all Cherokee lands, denying Indians practically all legal rights in the state, and dividing the Cherokee country into lots of 160 acres to be distributed by lottery to Georgia citizens, preference being given to those citizens who had rendered military service. Surveyors were sent immediately into the Cherokee section of the state, backed by the military force of the Georgia guard, and the Cherokees were harassed from the state by intolerable conditions. In the same year, gold was discovered on Cherokee land near Dahlonega and an uncontrollable gold rush was precipitated. The former enactment was amended, adding to the lottery "gold lots" of forty acres, and forbidding the Cherokees to dig gold on their own land.<sup>8</sup>

John Ross, the courageous principal chief of the Cherokees, one of the greatest characters that America has produced, hastened to Washington to protest the action of Georgia. William Wirt, ex-attorney general of the United States, was employed as counsel, and he represented the Cherokee cause most ably. The case of the Cherokees was whipsawed back and forth in American politics for a number of years, the condition of the Indians growing steadily worse.

A fair specimen is the case of Chief Ross himself. On his return from Washington, he found his home in possession of a citizen of Georgia who had drawn it in the lottery, and had expelled Ross's family in inclement weather. Traveling northward, the chief overtook his family fleeing toward Tennessee, where the Cherokees yet owned the limited section of that state lying south of Hiwassee River.<sup>9</sup>

<sup>7</sup>Mooney, *op. cit.*, 117. Royce (*op. cit.*, 237-238) also gives an interesting resumé of the controversy between Georgia and the United States. Correspondence, frequently warm, between Governor Troup of Georgia and President Monroe, revealed that the government had acquired for Georgia under the 1802 agreement more than fifteen million acres of land at a cost of approximately \$8,000,000.

<sup>8</sup>Mooney, *op. cit.*, 117.

<sup>9</sup>"Memorial and Protest of the Cherokee Nations," *House Documents*, 24 Cong., 1 Sess., No. 7.

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Joseph Vann, a wealthy Cherokee, had built the first brick residence in northern Georgia, at Spring Place. This splendid house yet stands, though in bad repair, and should be preserved as a memorial to a great people. Vann's house was drawn in the lottery by Spencer Riley. The house was almost new, and had cost the Indian chief \$10,000 to build, the material having been hauled by ox-team from Savannah, and some of the woodwork having been imported from London. Riley was much impressed by the place. He was peaceably inclined about his lottery claim, and after remaining as Vann's guest for several days, might have compromised by selling his lottery rights to the owner. Vann, however, had committed the unpardonable sin of hiring a white contractor, Robert Howell, to build his home. After it was finished, he had continued to employ Howell as supervisor of his 800 acre farm. It was contrary to Georgia law for an Indian to employ a white man.

Vann's action thus made him a malefactor, and as he was wealthy, he was one of the early malefactors of great wealth. William N. Bishop, who commanded the Georgia guard in that section, announced that Vann, being a criminal, had forfeited his right to own property in Georgia. He therefore turned up at Vann's door, backed by the guns of the guard. Spencer Riley was literally shot out of the way. Vann fled from his magnificent residence and 800 acre farm to a log cabin with dirt floor in Tennessee. Bishop took his \$10,000 house without paying a penny.<sup>10</sup>

The Christian missionaries who had labored faithfully among the Cherokees for many years were objectionable to Georgia because it was thought that their influence stiffened Indian opposition. S. A. Worcester and Elizur Butler, the two leading missionaries, were arrested and eventually condemned to four years at hard labor in the Georgia penitentiary at Milledgeville. They carried their case to the Supreme Court, which decided against Georgia, but President Jackson immediately decided against the Supreme Court. "John Marshall has made his decision—now let him enforce it," the President is said to have remarked. To one of his friends, Jackson wrote that in case of a clash between the Cherokees and the state of Georgia all the power of the United States could not save the Cherokees.<sup>11</sup>

Few men called Andrew Jackson dishonest and lived to tell it. Certainly had I been living then, I would not have called him dishonest in anything except the strictest of privacy. As a matter of fact, I admire him as probably our greatest Tennessean. However, he had a

<sup>10</sup>*Ibid.* Vann was later reimbursed by the United States government, receiving \$16,685 for the property seized by Georgia, plus transportation to the West. For amounts paid, see *Senate Documents*, 25 Cong., 2 Sess., No. 120, pp. 1024 *et seq.*

<sup>11</sup>*Ibid.*

way of making his thoughts fit his desires. Only a short time after the Worcester case, the state of South Carolina undertook to flout the United States in a matter that happened to run counter to "Old Hickory's" ideas. Then, it was a case of "By the Eternal," and South Carolina took to cover. Everyone knows that if Andrew Jackson had opposed the removal of the Cherokees, Georgia could not have removed them. Therefore, all the blame for the removal rests not upon Georgia; our own Andrew Jackson of Tennessee was also responsible.

The two men named above, John Ross and Joseph Vann, were not the only well established Cherokees. Another, John Martin, treasurer of the Cherokee Nation, drew rations when removed for eleven members of his family and seventy-four slaves. The Cherokees were a civilized nation. Through the efforts of the missionaries, they had been almost wholly Christianized. Sequoyah's alphabet, one of the most remarkable inventions of the human mind, had made his people a reading nation. Evidence of the keenness of Cherokee intellect is the action of David Brown, a young student who, after eleven years of study, translated the Bible into Cherokee from the original Greek, scorning to use the English version for the purpose.<sup>12</sup>

Still, the Cherokees must be removed. The fight went on, unceasingly, until the patience of many of the Indians was worn thin. Particularly those wealthy Cherokees in Georgia whose lands and homes had been taken without compensation began to turn a hopeful ear toward Washington with the idea of gaining at least something for their lands, since Georgia had already taken them and there was no hope for their recovery. Major Ridge, whose fine home near Rome, Georgia, had been taken by the lottery, headed a faction which demanded that the Cherokees make the best bargain they could for the lands already taken.

Time will not permit the full story to be told, but there is not a more heroic chapter in American history than the patriotic effort of John Ross to save his people. But he lost. A treaty, in no wise authorized or representative of the will of the Cherokee people, was signed at New Echota in December of 1835, by which all Cherokee land east of the Mississippi was ceded to the United States for \$5,600,000 and an equal acreage in the West.<sup>13</sup>

The sum of \$5,600,000 looks like a lot of money. It was for that time, though now it would not buy a power system or start the building of a dam. That amount would have meant \$250.00 to every Cherokee

<sup>12</sup>Robert S. Walker, *Torchlights to the Cherokees* (New York, 1931); Brown, *Old Frontiers*, 478.

<sup>13</sup>A significant fact is that the same twenty men who signed the treaty in December, 1835, were earlier in the same year paid sums ranging from \$1,000 to \$2,500. *Senate Documents*, 25 Cong., 2 Sess., No. 120.

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<sup>14</sup>Mooney, 27.

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<sup>16</sup>*Ibid.*

man, woman, and child. The foolish Cherokees, balancing \$250.00 against the homes of their fathers, rejected the treaty with bitter scorn. John Ross carried a protest to Washington signed by 13,000 Cherokees.<sup>14</sup> But Jackson was adamant. The Cherokees must be removed. He compared them to emigrants. "Our own people," he said, "came from Europe to get the very same thing that we are offering to Cherokees. We offer them transportation in luxury to free land, with subsistence for a year. Would not our own people have been delighted with so handsome an opportunity?"<sup>15</sup>

The best answer to the argument is a personal application. If anyone had attempted to remove Andrew Jackson forcibly from the Hermitage after setting an arbitrary price on that residence, and had offered to transport him in luxury to a less favored state than his beloved Tennessee—well, "By the Eternal!" they would never have accomplished it.

During the two years which the treaty of New Echota allowed for voluntary removal of the Cherokees, probably 2,000 members of the Ridge faction removed, including Major Ridge himself. The followers of Ross, numbering three fourths of the nation, refused to volunteer, though some of them were living in the Volunteer State. Serious trouble, leading possibly by the annihilation of the Cherokees, was in the making. General John E. Wool was sent into the Cherokee territory with troops to preserve order. Major B. F. Curry, government emigration agent, promoted emigration by dangling rich reward before the eyes of those Cherokees who had been despoiled by Georgia.

The treaty faction was nobly rewarded. Major Ridge was paid \$30,000; his son John was paid \$10,000; William Rogers, \$6,000; Elias Boudinot, \$3,170; Johnson Rogers, \$8,000; Andrew Ross, \$4,437; Joseph Vann, \$16,000; John Martin \$9,000; John Gunter, \$5,000.<sup>16</sup> These payments indicate either astonishing value of Indian farmlands, or earnest desire to promote emigration. Ross, with his 13,000 loyal followers who clung to the last minute to the land they loved, and that we love today, were eventually removed by force, and received nothing.

Can we name any standard of patriotism to which these people do not measure? Did they not love the America that we love, and did they not pay the extreme price because of that love? Are they any the less patriots because they fought against our forefathers, and because our forefathers later did them wrong? If a foreign foe were to attempt to wrest this country from us, would they not be scalped with machine guns, and burned with poison gas? Is there a finer instance of patriot-

<sup>14</sup>Mooney, 275.

<sup>15</sup>*Senate Documents*, 25 Cong., 2 Sess., No. 120.

<sup>16</sup>*Ibid.*

ism in the world's history than that of humble Cherokee Tsali, who voluntarily gave his life, and that of his brother and two sons, that the pitiful remnant of his people might continue to live on that little spot of ground in North Carolina?<sup>17</sup> Are we disloyal to the memory of our forefathers, yours and mine, when we face the facts and admit that they did wrong?

A recent publication<sup>18</sup> gives the details of the final settlement of the treaty of New Echota, made in 1893, nearly sixty years after the treaty was negotiated. At that time, settlement was made with the descendants of those Cherokees who had emigrated voluntarily, the "Old Settler" party in Oklahoma. From the original treaty price, \$5,600,000, several deductions were made: half a million dollars for additional western land which it was claimed the Cherokees had received, another half million which had been placed in a fund from which the Cherokees were supposed to have received an annuity, the entire cost of removal of the Ross party, all payments which had been made to members of the treaty party for their property in the East, and half a million, supposedly paid to the Old Settlers in 1851. After these various deductions had been made, the descendants of the Cherokees who had removed voluntarily had the magnificent sum of \$212,376.94 to divide among themselves. The Ross party, comprising three fourths of the Cherokee people, were paid nothing; nor have they been paid anything to this day.

When one considers that the United States, within the fifteen years following Cherokee removal, minted seven and a half million dollars in gold at the Dahlonega mint; and that white men today own practically all the land of value in Oklahoma that was guaranteed to the Cherokees forever, it will be readily seen that Uncle Sam's real estate deal with the Cherokees was most profitable to him.

As indicative of the spirit of the times at removal, there was quite a scramble then, as now, for public office and its perquisites. A large number of employes were placed on the public payroll to see that removal was well done. They were all employed according to Andrew Jackson's "yardstick" of that day, "To the victor belong the spoils."

Among the applicants for deputy removal agent, I was interested to note the name of Jo Conn Guild, who later became famous as a jurist and author. Guild at that time was a member of the Tennessee state Senate. He contemplated resigning in the event he secured the removal job, holding the doctrine, not now generally accepted by all politicians,

<sup>17</sup>For story of Tsali, see Brown, *Old Frontiers*, 520.

<sup>18</sup>M. L. Wardell, *The Political History of the Cherokee Nation* (Norman, Oklahoma, 1938).

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that it was dishonorable for a man to hold two public offices at the same time. I quote a letter from Guild, addressed to General Nathaniel Smith, removal agent, under date of September 1, 1837:<sup>19</sup>

Dear General Smith: I received a letter yesterday from General Jackson, informing me that you would give me the appointment under the Cherokee treaty in the event of my resigning my seat in the Tennessee Legislature.

The General informed me that *HE* had replied that I could not, in the present state of politics, resign my seat. In this I fully concur, and wish my application withdrawn.

In ordinary times I might resign; but while the other states of this Union, with few exceptions, have given up their opposition to the late and present administrations, through the intrigues of John Bell and others, Tennessee is to be made a Federal State, chained to the car of H. Clay or Daniel Webster. This is a good cause to fight in, and it becomes every Democrat to be at his post.

Although Guild was to become famous as a jurist and as the author of *Old Times in Tennessee*, he was a private in the Democratic ranks so far as "Old Hickory" was concerned.<sup>20</sup>

Of the actual Cherokee removal, of the terrible physical reality of it, probably the less said the better. Since the beginning of time, man's inhumanity to man has made countless thousands mourn. The removal was a mistake, a useless tragedy. It is said that we must take history as it is. We may speculate—IF the Cherokees had been left in their fatherland; IF they had been given some of the mountainous territory that we have abused; but there are no IFs in history. Be it right or wrong, and it is often wrong; be it just or unjust, and it is often unjust; the "moving finger writes, and having writ, moves on; nor all our piety nor wit shall call it back to cancel half a line, or change a word of it." The hard fact remains that in the dealings of one people with another, the majority, in the long run, rules, and "to the victor belong the spoils."

<sup>19</sup>*Senate Documents*, 25 Cong., 2 Sess., No. 120, pp. 923, 992.

<sup>20</sup>Judge Guild's grandson, Jo Conn Guild III, is one of Chattanooga's most prominent "industrial royalists," having served for a long time as president of the Tennessee Electric Power Company which was recently (since this address was given) absorbed by the T. V. A.