

7.

As Long as Grass Grows or Water Runs

If women, of all the subordinate groups in a society dominated by rich white males, were closest to home (indeed, *in the home*), the most interior, then the Indians were the most foreign, the most exterior. Women, because they were so near and so needed, were dealt with more by patronization than by force. The Indian, not needed—indeed, an obstacle—could be dealt with by sheer force, except that sometimes the language of paternalism preceded the burning of villages.

And so, Indian Removal, as it has been politely called, cleared the land for white occupancy between the Appalachians and the Mississippi, cleared it for cotton in the South and grain in the North, for expansion, immigration, canals, railroads, new cities, and the building of a huge continental empire clear across to the Pacific Ocean. The cost in human life cannot be accurately measured, in suffering not even roughly measured. Most of the history books given to children pass quickly over it.

Statistics tell the story. We find these in Michael Rogin's *Fathers and Children*: In 1790, there were 3,900,000 Americans, and most of them lived within 50 miles of the Atlantic Ocean. By 1830, there were 13 million Americans, and by 1840, 4,500,000 had crossed the Appalachian Mountains into the Mississippi Valley—that huge expanse of land crisscrossed by rivers flowing into the Mississippi from east and west. In 1820, 120,000 Indians lived east of the Mississippi. By 1844, fewer than 30,000 were left. Most of them had been forced to migrate westward. But the word "force" cannot convey what happened.

In the Revolutionary War, almost every important Indian nation fought on the side of the British. The British signed for peace and went home; the Indians were already home, and so they continued fighting the Americans on the frontier, in a set of desperate holding operations. Washington's war-embodied militia could not drive them back. After scouting forces were demolished one after the other, he tried to follow a policy of conciliation. His Secretary of War, Henry Knox, said: "The Indians being the prior occupants, possess the rights of the soil." His Secretary of State, Thomas Jefferson, said in 1791

that where Indians lived within state boundaries they should not be interfered with, and that the government should remove white settlers who tried to encroach on them.

But as whites continued to move westward, the pressure on the national government increased. By the time Jefferson became President, in 1800, there were 700,000 white settlers west of the mountains. They moved into Ohio, Indiana, Illinois, in the North; into Alabama and Mississippi in the South. These whites outnumbered the Indians about eight to one. Jefferson now committed the federal government to promote future removal of the Creek and the Cherokee from Georgia. Aggressive activity against the Indians mounted in the Indiana Territory under Governor William Henry Harrison.

When Jefferson doubled the size of the nation by purchasing the Louisiana Territory from France in 1803—thus extending the western frontier from the Appalachians across the Mississippi to the Rocky Mountains—he thought the Indians could move there. He proposed to Congress that Indians should be encouraged to settle down on smaller tracts and do farming; also, they should be encouraged to trade with whites, to incur debts, and then to pay off these debts with tracts of land. ". . . Two measures are deemed expedient. First to encourage them to abandon hunting. . . . Secondly, To Multiply trading houses among them . . . leading them thus to agriculture, to manufactures, and civilization. . . ."

Jefferson's talk of "agriculture. . . . manufactures. . . . civilization" is crucial. Indian removal was necessary for the opening of the vast American lands to agriculture, to commerce, to markets, to money, to the development of the modern capitalist economy. Land was indispensable for all this, and after the Revolution, huge sections of land were bought up by rich speculators, including George Washington and Patrick Henry. In North Carolina, rich tracts of land belonging to the Chickasaw Indians were put on sale, although the Chickasaws were among the few Indian tribes fighting on the side of the Revolution, and a treaty had been signed with them guaranteeing their land. John Donelson, a state surveyor, ended up with 20,000 acres of land near what is now Chattanooga. His son-in-law made twenty-two trips out of Nashville in 1795 for land deals. This was Andrew Jackson.

Jackson was a land speculator, merchant, slave trader, and the most aggressive enemy of the Indians in early American history. He became a hero of the War of 1812, which was not (as usually depicted in American textbooks) just a war against England for survival, but

a war for the expansion of the new nation, into Florida, into Canada, into Indian territory.

Tecumseh, a Shawnee chief and noted orator, tried to unite the Indians against the white invasion:

The way, and the only way, to check and to stop this evil, is for all the Redmen to unite in claiming a common and equal right in the land, as it was at first and should be yet; for it was never divided, but belongs to all for the use of each. That no part has a right to sell, even to each other, much less to strangers—those who want all and will not do with less.

Angered when fellow Indians were induced to cede a great tract of land to the United States government, Tecumseh organized in 1811 an Indian gathering of five thousand, on the bank of the Tallapoosa River in Alabama, and told them: "Let the white race perish. They seize your land; they corrupt your women, they trample on the ashes of your dead! Back whence they came, upon a trail of blood, they must be driven."

The Creeks, who occupied most of Georgia, Alabama, and Mississippi, were divided among themselves. Some were willing to adopt the civilization of the white man in order to live in peace. Others, insisting on their land and their culture, were called "Red Sticks." The Red Sticks in 1813 massacred 250 people at Fort Mims, whereupon Jackson's troops burned down a Creek village, killing men, women, children. Jackson established the tactic of promising rewards in land and plunder: ". . . if either party, cherokees, friendly creeks, or whites, takes property of the Red Sticks, the property belongs to those who take it."

Not all his enlisted men were enthusiastic for the fighting. There were mutinies; the men were hungry, their enlistment terms were up, they were tired of fighting and wanted to go home. Jackson wrote to his wife about "the once brave and patriotic volunteers . . . sunk . . . to mere whining, complaining, secessioners and mutineers. . . ." When a seventeen-year-old soldier who had refused to clean up his food, and threatened his officer with a gun, was sentenced to death by a court-martial, Jackson turned down a plea for commutation of sentence and ordered the execution to proceed. He then walked out of earshot of the firing squad.

Jackson became a national hero when in 1814 he fought the Battle of Horseshoe Bend against a thousand Creeks and killed eight hundred of them, with few casualties on his side. His white troops had failed in a frontal attack on the Creeks, but the Cherokees with him, promised governmental friendship if they joined the war, swam the river, came

up behind the Creeks, and won the battle for Jackson.

When the war ended, Jackson and friends of his began buying up the seized Creek lands. He got himself appointed treaty commissioner and dictated a treaty which took away half the land of the Creek nation. Rogin says it was "the largest single Indian cession of southern American land." It took land from Creeks who had fought with Jackson as well as those who had fought against him, and when Big Warrior, a chief of the friendly Creeks, protested, Jackson said:

Listen. . . . The United States would have been justified by the Great Spirit, had they taken all the land of the nation. . . . Listen—the truth is, the great body of the Creek chiefs and warriors did not respect the power of the United States—They thought we were an insignificant nation—that we would be overpowered by the British. . . . They were fat with eating beef—they wanted flogging. . . . We bleed our enemies in such cases to give them their senses.

As Rogin puts it: "Jackson had conquered 'the cream of the Creek country,' and it would guarantee southwestern prosperity. He had supplied the expanding cotton kingdom with a vast and valuable acreage."

Jackson's 1814 treaty with the Creeks started something new and important. It granted Indians individual ownership of land, thus splitting Indian from Indian, breaking up communal landholding, bribing some with land, leaving others out—introducing the competition and conviving that marked the spirit of Western capitalism. It fitted well the old Jeffersonian idea of how to handle the Indians, by bringing them into "civilization."

From 1814 to 1824, in a series of treaties with the southern Indians, whites took over three-fourths of Alabama and Florida, one-third of Tennessee, one-fifth of Georgia and Mississippi, and parts of Kentucky and North Carolina. Jackson played a key role in those treaties, and, according to Rogin, "His friends and relatives received many of the patronage appointments—as Indian agents, traders, treaty commissioners, surveyors and land agents. . . ."

Jackson himself described how the treaties were obtained: ". . . we addressed ourselves feigningly to the predominant and governing passion of all Indian tribes, i.e., their avarice or fear." He encouraged white squatters to move into Indian lands, then told the Indians the government could not remove the whites and so they had better cede the lands or be wiped out. He also, Rogin says, "practiced extensive bribery."

These treaties, these land grabs, laid the basis for the cotton king-

dom, the slave plantations. Every time a treaty was signed, pushing the Creeks from one area to the next, promising them security there, whites would move into the new area and the Creeks would feel compelled to sign another treaty, giving up more land in return for security elsewhere.

Jackson's work had brought the white settlements to the border of Florida, owned by Spain. Here were the villages of the Seminole Indians, joined by some Red Stick refugees, and encouraged by British agents in their resistance to the Americans. Settlers moved into Indian lands. Indians attacked. Atrocities took place on both sides. When certain villages refused to surrender people accused of murdering whites, Jackson ordered the villages destroyed.

Another Seminole provocation: escaped black slaves took refuge in Seminole villages. Some Seminoles bought or captured black slaves, but their form of slavery was more like African slavery than cotton plantation slavery. The slaves often lived in their own villages, their children often became free, there was much intermarriage between Indians and blacks, and soon there were mixed Indian-black villages—all of which aroused southern slaveowners who saw this as a lure to their own slaves seeking freedom.

Jackson began raids into Florida, arguing it was a sanctuary for escaped slaves and for marauding Indians. Florida, he said, was essential to the defense of the United States. It was that classic modern preface to a war of conquest. Thus began the Seminole War of 1818, leading to the American acquisition of Florida. It appears on classroom maps politely as "Florida Purchase, 1819"—but it came from Andrew Jackson's military campaign across the Florida border, burning Seminole villages, seizing Spanish forts, until Spain was "persuaded" to sell. He acted, he said, by the "immutable laws of self-defense."

Jackson then became governor of the Florida Territory. He was able now to give good business advice to friends and relatives. To a nephew, he suggested holding on to property in Pensacola. To a friend, a surgeon-general in the army, he suggested buying as many slaves as possible, because the price would soon rise.

Leaving his military post, he also gave advice to officers on how to deal with the high rate of desertion. (Poor whites—even if willing to give their lives at first—may have discovered the rewards of battle going to the rich.) Jackson suggested whipping for the first two attempts, and the third time, execution.

The leading books on the Jacksonian period, written by respected

historians (*The Age of Jackson* by Arthur Schlesinger; *The Jacksonian Persuasion* by Marvin Meyers), do not mention Jackson's Indian policy, but there is much talk in them of tariffs, banking, political parties, political rhetoric. If you look through high school textbooks and elementary school textbooks in American history you will find Jackson the frontiersman, soldier, democrat, man of the people—not Jackson the slaveholder, land speculator, executioner of dissident soldiers, exterminator of Indians.

This is not simply hindsight (the word used for thinking back *differently* on the past). After Jackson was elected President in 1828 (following John Quincy Adams, who had followed Monroe, who had followed Madison, who had followed Jefferson), the Indian Removal bill came before Congress and was called, at the time, "the leading measure" of the Jackson administration and "the greatest question that ever came before Congress" except for matters of peace and war. By this time the two political parties were the Democrats and Whigs, who disagreed on banks and tariffs, but not on issues crucial for the white poor, the blacks, the Indians—although some white working people saw Jackson as their hero, because he opposed the rich man's Bank.

Under Jackson, and the man he chose to succeed him, Martin Van Buren, seventy thousand Indians east of the Mississippi were forced westward. In the North, there weren't that many, and the Iroquois Confederation in New York stayed. But the Sac and Fox Indians of Illinois were removed, after the Black Hawk War (in which Abraham Lincoln was an officer, although he was not in combat). When Chief Black Hawk was defeated and captured in 1832, he made a surrender speech:

I fought hard. But your guns were well aimed. The bullets flew like birds in the air, and whizzed by our ears like the wind through the trees in the winter. My warriors fell around me. . . . The sun rose dim on us in the morning, and at night it sunk in a dark cloud, and looked like a ball of fire. That was the last sun that shone on Black Hawk. . . . He is now a prisoner to the white men. . . . He has done nothing for which an Indian ought to be ashamed. He has fought for his countrymen, the squaws and papooses, against white men, who came year after year, to cheat them and take away their lands. You know the cause of our making war. It is known to all white men. They ought to be ashamed of it. Indians are not deceitful. The white men speak bad of the Indian and look at him spitefully. But the Indian does not tell lies. Indians do not steal.

An Indian who is as bad as the white men could not live in our nation.

he would be put to death, and eaten up by the wolves. The white men are bad schoolmasters; they carry false books, and deal in false actions; they smile in the face of the poor Indian to cheat him; they shake them by the hand to gain their confidence, to make them drunk, to deceive them, and ruin our wives. We told them to leave us alone, and keep away from us; they followed on, and beset our paths, and they coiled themselves among us, like the snake. They poisoned us by their touch. We were not safe. We lived in danger. We were becoming like them, hypocrites and liars, adulterous lazy drones, all talkers and no workers. . . .

The white men do not scalp the head, but they do worse—they poison the heart. . . . Farewell, my nation! . . . Farewell to Black Hawk.

Black Hawk's bitterness may have come in part from the way he was captured. Without enough support to hold out against the white troops, with his men starving, hunted, pursued across the Mississippi, Black Hawk raised the white flag. The American commander later explained: "As we neared them they raised a white flag and endeavored to decoy us, but we were a little too old for them." The soldiers fired, killing women and children as well as warriors. Black Hawk fled; he was pursued and captured by Sioux in the hire of the army. A government agent told the Sac and Fox Indians: "Our Great Father . . . will forbear no longer. He has tried to reclaim them, and they grow worse. He is resolved to sweep them from the face of the earth. . . . If they cannot be made good they must be killed."

The removal of the Indians was explained by Lewis Cass—Secretary of War, governor of the Michigan territory, minister to France, presidential candidate:

A principle of progressive improvement seems almost inherent in human nature. . . . We are all striving in the career of life to acquire riches of honor, or power, or some other object, whose possession is to realize the day dreams of our imaginations; and the aggregate of these efforts constitutes the advance of society. But there is little of this in the constitution of our savages.

Cass—pompous, pretentious, honored (Harvard gave him an honorary doctor of laws degree in 1836, at the height of Indian removal)—claimed to be an expert on the Indians. But he demonstrated again and again, in Richard Drinnon's words (*Violence in the American Experience: Winning the West*), a "quite marvelous ignorance of Indian life." As governor of the Michigan Territory, Cass took millions of acres from the Indians by treaty: "We must frequently promote their interests against their inclination."

His article in the *North American Review* in 1830 made the case

for Indian Removal. We must not regret, he said, "the progress of civilization and improvement, the triumph of industry and art, by which these regions have been reclaimed, and over which freedom, religion, and science are extending their sway." He wished that all this could have been done with "a smaller sacrifice; that the aboriginal population had accommodated themselves to the inevitable change of their condition. . . . But such a wish is vain. A barbarous people, depending for subsistence upon the scanty and precarious supplies furnished by the chase, cannot live in contact with a civilized community."

Drinnon comments on this (writing in 1969): "Here were all the necessary grounds for burning villages and uprooting natives, Cherokee and Seminole, and later Cheyenne, Philippine, and Vietnamese."

If the Indians would only move to new lands across the Mississippi, Cass promised in 1825 at a treaty council with Shawnees and Cherokees, "The United States will never ask for your land there. This I promise you in the name of your great father, the President. That country he assigns to his red people, to be held by them and their children's children forever."

The editor of the *North American Review*, for whom Cass wrote this article, told him that his project "only defers the fate of the Indians. In half a century their condition beyond the Mississippi will be just what it is now on this side. Their extinction is inevitable." As Drinnon notes, Cass did not dispute this, yet published his article as it was.

Everything in the Indian heritage spoke out against leaving their land. A council of Creeks, offered money for their land, said: "We would not receive money for land in which our fathers and friends are buried." An old Choctaw chief said, responding, years before, to President Monroe's talk of removal: "I am sorry I cannot comply with the request of my father. . . . We wish to remain here, where we have grown up as the herbs of the woods; and do not wish to be transplanted into another soil." A Seminole chief had said to John Quincy Adams: "Here our navel strings were first cut and the blood from them sunk into the earth, and made the country dear to us."

Not all the Indians responded to the white officials' common designation of them as "children" and the President as "father." It was reported that when Tecumseh met with William Henry Harrison, Indian fighter and future President, the interpreter said: "Your father requests you to take a chair." Tecumseh replied: "My father! The sun is my father, and the earth is my mother; I will repose upon her bosom."

As soon as Jackson was elected President, Georgia, Alabama, and

Mississippi began to pass laws to extend the states' rule over the Indians in their territory. These laws did away with the tribe as a legal unit, outlawed tribal meetings, took away the chiefs' powers, made the Indians subject to militia duty and state taxes, but denied them the right to vote, to bring suits, or to testify in court. Indian territory was divided up, to be distributed by state lottery. Whites were encouraged to settle on Indian land.

However, federal treaties and federal laws gave Congress, not the states, authority over the tribes. The Indian Trade and Intercourse Act, passed by Congress in 1802, said there could be no land cessions except by treaty with a tribe, and said federal law would operate in Indian territory. Jackson ignored this, and supported state action.

It was a neat illustration of the uses of the federal system: depending on the situation, blame could be put on the states, or on something even more elusive, the mysterious Law before which all men, sympathetic as they were to the Indian, must bow. As Secretary of War John Eaton explained to the Creeks of Alabama (Alabama itself was an Indian name, meaning "Here we may rest"): "It is not your Great Father who does this; but the laws of the Country, which he and every one of his people is bound to regard."

The proper tactic had now been found. The Indians would not be "forced" to go West. But if they chose to stay they would have to abide by state laws, which destroyed their tribal and personal rights and made them subject to endless harassment and invasion by white settlers coveting their land. If they left, however, the federal government would give them financial support and promise them lands beyond the Mississippi. Jackson's instructions to an army major sent to talk to the Choctaws and Cherokees put it this way:

Say to my red Choctaw children, and my Chickasaw children to listen—my white children of Mississippi have extended their law over their country. . . . Where they now are, say to them, their father cannot prevent them from being subject to the laws of the state of Mississippi. . . . The general government will be obliged to sustain the States in the exercise of their right. Say to the chiefs and warriors that I am their friend, that I wish to act as their friend but they must, by removing from the limits of the States of Mississippi and Alabama and by being settled on the lands I offer them, put it in my power to be such—There, beyond the limits of any State, in possession of land of their own, which they shall possess as long as Grass grows or water runs. I am and will protect them and be their friend and father.

That phrase "as long as Grass grows or water runs" was to be recalled with bitterness by generations of Indians. (An Indian GI, veteran of Vietnam, testifying publicly in 1970 not only about the horror of the war but about his own maltreatment as an Indian, repeated that phrase and began to weep.)

As Jackson took office in 1829, gold was discovered in Cherokee territory in Georgia. Thousands of whites invaded, destroyed Indian property, staked out claims. Jackson ordered federal troops to remove them, but also ordered Indians as well as whites to stop mining. Then he removed the troops, the whites returned, and Jackson said he could not interfere with Georgia's authority.

The white invaders seized land and stock, forced Indians to sign leases, beat up Indians who protested, sold alcohol to weaken resistance, killed game which Indians needed for food. But to put all the blame on white mobs, Rogin says, would be to ignore "the essential roles played by planter interests and government policy decisions." Food shortages, whiskey, and military attacks began a process of tribal disintegration. Violence by Indians upon other Indians increased.

Treaties made under pressure and by deception broke up Creek, Choctaw, and Chickasaw tribal lands into individual holdings, making each person a prey to contractors, speculators, and politicians. The Chickasaws sold their land individually at good prices and went west without much suffering. The Creeks and Choctaws remained on their individual plots, but great numbers of them were defrauded by land companies. According to one Georgia bank president, a stockholder in a land company, "Stealing is the order of the day."

Indians complained to Washington, and Lewis Cass replied:

Our citizens were disposed to buy and the Indians to sell. . . . The subsequent disposition which shall be made of these payments seems to be utterly beyond the reach of the Government. . . . The improvident habits of the Indian cannot be controlled by regulations. . . . If they waste it, as waste it they too often will, it is deeply to be regretted yet still it is only exercising a right conferred upon them by the treaty.

The Creeks, defrauded of their land, short of money and food, refused to go West. Starving Creeks began raiding white farms, while Georgia militia and settlers attacked Indian settlements. Thus began the Second Creek War. One Alabama newspaper sympathetic to the Indians wrote: "The war with the Creeks is all humbug. It is a base

and diabolical scheme, devised by interested men, to keep an ignorant race of people from maintaining their just rights, and to deprive them of the small remaining pittance placed under their control."

A Creek man more than a hundred years old, named Speckled Snake, reacted to Andrew Jackson's policy of removal:

Brothers! I have listened to many talks from our great white father. When he first came over the wide waters, he was but a little man . . . very little. His legs were cramped by sitting long in his big boat, and he begged for a little land to light his fire on. . . . But when the white man had warmed himself before the Indians' fire and filled himself with their hominy, he became very large. With a step he bestrode the mountains, and his feet covered the plains and the valleys. His hand grasped the eastern and the western sea, and his head rested on the moon. Then he became our Great Father. He loved his red children, and he said, "Get a little further, lest I tread on thee."

Brothers! I have listened to a great many talks from our great father. But they always began and ended in this—"Get a little further; you are too near me."

Dale Van Every, in his book *The Disinherited*, sums up what removal meant to the Indian:

In the long record of man's inhumanity exile has wrung means of anguish from many different peoples. Upon no people could it ever have fallen with a more shattering impact than upon the eastern Indians. The Indian was peculiarly susceptible to every sensory attribute of every natural feature of his surroundings. He lived in the open. He knew every marsh, glade, hill top, rock spring, creek, as only the hunter can know them. He had never fully grasped the principle establishing private ownership of land as any more rational than private ownership of air but he loved the land with a deeper emotion than could any proprietor. He felt himself as much a part of it as the rocks and trees, the animals and birds. His homeland was holy ground, sanctified for him as the resting place of the bones of his ancestors and the natural shrine of his religion. He conceived its waterfalls and ridges, its clouds and mists, its glens and meadows, to be inhabited by the myriad of spirits with whom he held daily communion. It was from this rain-washed land of forests streams and lakes, to which he was held by the traditions of his forebears and his own spiritual aspirations that he was to be driven to the arid, treeless plains of the far west, a desolate region then universally known as the Great American Desert.

According to Van Every, just before Jackson became President in the 1820s, after the tumult of the War of 1812 and the Creek War, the southern Indians and the whites had settled down, often very close

to one another, and were living in peace in a natural environment which seemed to have enough for all of them. They began to see common problems. Friendships developed. White men were allowed to visit the Indian communities and Indians often were guests in white homes. Frontier figures like Davy Crockett and Sam Houston came out of this setting, and both—unlike Jackson—became lifelong friends of the Indian.

The forces that led to removal did not come, Van Every insists, from the poor white frontiersmen who were neighbors of the Indians. They came from industrialization and commerce, the growth of populations, of railroads and cities, the rise in value of land, and the greed of businessmen. "Party managers and land speculators manipulated the growing excitement. . . . Press and pulpit whipped up the frenzy." Out of that frenzy the Indians were to end up dead or exiled, the land speculators richer, the politicians more powerful. As for the poor white frontiersman, he played the part of a pawn, pushed into the first violent encounters, but soon dispensable.

There had been three voluntary Cherokee migrations westward, into the beautiful wooded country of Arkansas, but there the Indians found themselves almost immediately surrounded and penetrated by white settlers, hunters, trappers. These West Cherokees now had to move farther west, this time to arid land, land too barren for white settlers. The federal government, signing a treaty with them in 1828, announced the new territory as "a permanent home . . . which shall under the most solemn guarantee of the United States be and remain theirs forever. . . ." It was still another lie, and the plight of the western Cherokees became known to the three-fourths of the Cherokees who were still in the East, being pressured by the white man to move on.

With 17,000 Cherokees surrounded by 900,000 whites in Georgia, Alabama, and Tennessee, the Cherokees decided that survival required adaptation to the white man's world. They became farmers, blacksmiths, carpenters, masons, owners of property. A census of 1826 showed 22,000 cattle, 7,600 horses, 46,000 swine, 726 looms, 2,488 spinning wheels, 172 wagons, 2,943 plows, 10 saw mills, 31 grist mills, 62 blacksmith shops, 8 cotton machines, 18 schools.

The Cherokees' language—heavily poetic, metaphorical, beautifully expressive, supplemented by dance, drama, and ritual—had always been a language of voice and gesture. Now their chief, Sequoyah, invented a written language, which thousands learned. The Cherokees' newly established Legislative Council voted money for a printing press, which

on February 21, 1828, began publishing a newspaper, the *Cherokee Phoenix*, printed in both English and Sequoyah's Cherokee.

Before this, the Cherokees had, like Indian tribes in general, done without formal government. As Van Every puts it:

The foundation principle of Indian government had always been the rejection of government. The freedom of the individual was regarded by practically all Indians north of Mexico as a canon infinitely more precious than the individual's duty to his community or nation. This anarchistic attitude ruled all behavior, beginning with the smallest social unit, the family. The Indian parent was constitutionally reluctant to discipline his children. Their every exhibition of self-will was accepted as a favorable indication of the development of maturing character. . . .

There was an occasional assembling of a council, with a very loose and changing membership, whose decisions were not enforced except by the influence of public opinion. A Moravian minister who lived among them described Indian society:

Thus has been maintained for ages, without convulsions and without civil discords, this traditional government, of which there are no positive laws, offer another example; a government in which there are no positive laws, but only long established habits and customs; no code of jurisprudence, but the experience of former times, no magistrates, but advisers, to whom the people nevertheless, pay a willing and implicit obedience, in which age confers rank, wisdom gives power, and moral goodness secures title to universal respect.

Now, surrounded by white society, all this began to change. The Cherokees even started to emulate the slave society around them: they owned more than a thousand slaves. They were beginning to resemble that civilization the white men spoke about, making what Van Every calls "a stupendous effort" to win the good will of Americans. They even welcomed missionaries and Christianity. None of this made them more desirable than the land they lived on.

Jackson's 1829 message to Congress made his position clear: "I informed the Indians inhabiting parts of Georgia and Alabama that their attempt to establish an independent government would not be countenanced by the Executive of the United States, and advised them to emigrate beyond the Mississippi or submit to the laws of those States." Congress moved quickly to pass a removal bill.

There were defenders of the Indians. Perhaps the most eloquent was Senator Theodore Frelinghuysen of New Jersey, who told the Senate, debating removal:

We have crowded the tribes upon a few miserable acres on our southern frontier; it is all that is left to them of their once boundless forest: and still, like the horse-leech, our insatiated cupidity cries, give! give! . . . Sir . . . Do the obligations of justice change with the color of the skin?

The North was in general against the removal bill. The South was for it. It passed the House 102 to 97. It passed the Senate narrowly. It did not mention force, but provided for helping the Indians to move. What it implied was that if they did not, they were without protection, without funds, and at the mercy of the states.

Now the pressures began on the tribes, one by one. The Choctaws did not want to leave, but fifty of their delegates were offered secret bribes of money and land, and the Treaty of Dancing Rabbit Creek was signed: Choctaw land east of the Mississippi was ceded to the United States in return for financial help in leaving, compensation for property left behind, food for the first year in their new homes, and a guarantee they would never again be required to move. For twenty thousand Choctaws in Mississippi, though most of them hated the treaty, the pressure now became irresistible. Whites, including liquor dealers and swindlers, came swarming onto their lands. The state passed a law making it a crime for Choctaws to try to persuade one another on the matter of removal.

In late 1831, thirteen thousand Choctaws began the long journey west to a land and climate totally different from what they knew. "Marshaled by guards, hustled by agents, harried by contractors, they were being herded on the way to an unknown and unwelcome destination like a flock of sick sheep." They went on ox wagons, on horses, on foot, then to be ferried across the Mississippi River. The army was supposed to organize their trek, but it turned over its job to private contractors who charged the government as much as possible, gave the Indians as little as possible. Everything was disorganized. Food disappeared. Hunger came. Van Every again:

The long somber columns of groaning ox wagons, driven herds and straggling crowds on foot inched on westward through swamps and forests, across rivers and over hills, in their crawling struggle from the lush lowlands of the Gulf to the arid plains of the west. In a kind of death spasm one of the last vestiges of the original Indian world was being dismembered and its collapsing remnants jammed bodily into an alien new world.

The first winter migration was one of the coldest on record, and people began to die of pneumonia. In the summer, a major cholera epidemic

hit Mississippi, and Choctaws died by the hundreds. The seven thousand Choctaws left behind now refused to go, choosing subjugation over death. Many of their descendants still live in Mississippi.

As for the Cherokees, they faced a set of laws passed by Georgia: their lands were taken, their government abolished, all meetings prohibited. Cherokees advising others not to migrate were to be imprisoned. Cherokees could not testify in court against any white. Cherokees could not dig for the gold recently discovered on their land. A delegation of them, protesting to the federal government, received this reply from Jackson's new Secretary of War, Eaton: "If you will go to the setting sun there you will be happy; there you can remain in peace and quietness; so long as the waters run and the oaks grow that country shall be guaranteed to you and no white man shall be permitted to settle near you."

The Cherokee nation addressed a memorial to the nation, a public plea for justice. They reviewed their history:

After the peace of 1783, the Cherokees were an independent people, abso-
lutely so, as much as any people on earth. They had been allies to Great
Britain. . . . The United States never subjugated the Cherokees; on the con-
trary, our fathers remained in possession of their country and with arms in
their hands. . . . In 1791, the treaty of Holston was made. . . . The Cherokees
acknowledged themselves to be under the protection of the United States,
and of no other sovereign. . . . A cession of land was also made to the United
States. On the other hand, the United States . . . stipulated that white men
should not hunt on these lands, not even enter the country, without a passport,
and gave a solemn guarantee of all Cherokee lands not ceded. . . .

They discussed removal:

We are aware that some persons suppose it will be for our advantage to
remove beyond the Mississippi. We think otherwise. Our people universally
think otherwise. . . . We wish to remain on the land of our fathers. We have
a perfect and original right to remain without interruption or molestation.
The treaties with us, and laws of the United States made in pursuance of
treaties, guarantee our residence and our privileges, and secure us against
intruders. Our only request is, that these treaties may be fulfilled, and these
laws executed. . . .

Now they went beyond history, beyond law:

We intreat those to whom the foregoing paragraphs are addressed, to
remember the great law of love. "Do to others as ye would that others should
do to you." . . . We pray them to remember that, for the sake of principle

their forefathers were compelled to leave, therefore driven from the old world,
and that the winds of persecution wafted them over the great waters and
landed them on the shores of the new world, when the Indian was the sole
lord and proprietor of these extensive domains—Let them remember in what
way they were received by the savage of America, when power was in his
hand, and his ferocity could not be restrained by any human arm. We urge
them to bear in mind, that those who would not ask of them a cup of cold
water, and a spot of earth . . . are the descendants of these, whose origin,
as inhabitants of North America, history and tradition are alike insufficient
to reveal. Let them bring to remembrance all these facts, and they cannot,
and we are sure, they will not fail to remember, and sympathize with us in
these our trials and sufferings.

Jackson's response to this, in his second Annual Message to Con-
gress in December 1830, was to point to the fact that the Choctaws
and Chickasaws had already agreed to removal, and that "a speedy
removal" of the rest would offer many advantages to everyone. For
whites it "will place a dense and civilized population in large tracts
of country now occupied by a few savage hunters." For Indians, it
will "perhaps cause them, gradually, under the protection of the Govern-
ment and through the influence of good counsels, to cast off their savage
habits and become an interesting, civilized, and Christian community."

He reiterated a familiar theme. "Toward the aborigines of the coun-
try no one can indulge a more friendly feeling than myself. . . ." How-
ever: "The waves of population and civilization are rolling to the west-
ward, and we now propose to acquire the countries occupied by the
red men of the South and West by a fair exchange. . . ."

Georgia passed a law making it a crime for a white person to
stay in Indian territory without taking an oath to the state of Georgia.
When the white missionaries in the Cherokee territory declared their
sympathies openly for the Cherokees to stay, Georgia militia entered
the territory in the spring of 1831 and arrested three of the missionaries,
including Samuel Worcester. They were released when they claimed
protection as federal employees (Worcester was a federal postmaster).
Immediately the Jackson administration took away Worcester's job,
and the militia moved in again that summer, arresting ten missionaries,
as well as the white printer of the *Cherokee Phoenix*. They were beaten,
chained, and forced to march 35 miles a day to the county jail. A
jury tried them, found them guilty. Nine were released when they agreed
to swear allegiance to Georgia's laws, but Samuel Worcester and Elizur
Butler, who refused to grant legitimacy to the laws repressing the Cher-

okees, were sentenced to four years at hard labor.

This was appealed to the Supreme Court, and in *Worcester v. Georgia*, John Marshall, for the majority, declared that the Georgia law on which Worcester was jailed violated the treaty with the Cherokees, which by the Constitution was binding on the states. He ordered Worcester freed. Georgia ignored him, and President Jackson refused to enforce the court order.

Georgia now put Cherokee land on sale and moved militia in to crush any sign of Cherokee resistance. The Cherokees followed a policy of nonviolence, though their property was being taken, their homes were being burned, their schools were closed, their women mistreated, and liquor was being sold in their churches to render them even more helpless.

The same year Jackson was declaring states' rights for Georgia on the Cherokee question in 1832, he was attacking South Carolina's right to nullify a federal tariff. His easy reelection in 1832 (687,000 to 530,000 for his opponent Henry Clay) suggested that his anti-Indian policies were in keeping with popular sentiment, at least among those white males who could vote (perhaps 2 million of the total population of 13 million). Jackson now moved to speed up Indian removal. Most of the Choctaws and some of the Cherokees were gone, but there were still 22,000 Creeks in Alabama, 18,000 Cherokees in Georgia, and 5,000 Seminoles in Florida.

The Creeks had been fighting for their land ever since the years of Columbus, against Spaniards, English, French, and Americans. But by 1832 they had been reduced to a small area in Alabama, while the population of Alabama, growing fast, was now over 300,000. On the basis of extravagant promises from the federal government, Creek delegates in Washington signed the Treaty of Washington, agreeing to removal beyond the Mississippi. They gave up 5 million acres, with the provision that 2 million of these would go to individual Creeks, who could either sell or remain in Alabama with federal protection.

Van Every writes of this treaty:

The interminable history of diplomatic relations between Indians and white men had before 1832 recorded no single instance of a treaty which had not been presently broken by the white parties to it . . . however solemnly embellished with such terms as "permanent," "forever," "for all time," "so long as the sun shall rise." . . . But no agreement between white men and Indians had ever been so soon abrogated as the 1832 Treaty of Washington. Within days the promises made in it on behalf of the United States had been broken.

A white invasion of Creek lands began—looters, land seekers, defrauders, whiskey sellers, thugs—driving thousands of Creeks from their homes into the swamps and forests. The federal government did nothing. Instead it negotiated a new treaty providing for prompt emigration west, managed by the Creeks themselves, financed by the national government. An army colonel, dubious that this would work, wrote:

They fear starvation on the route, and can it be otherwise, when many of them are nearly starving now, without the embarrassment of a long journey on their hands. . . . You cannot have an idea of the deterioration which these Indians have undergone during the last two or three years, from a general state of comparative plenty to that of unqualified wretchedness and want. The free egress into the nation by the whites; encroachments upon their lands, even upon their cultivated fields; abuses of their person; hosts of traders, who, like locusts, have devoured their substance and inundated their homes with whiskey, have destroyed what little disposition to cultivation the Indians may once have had. . . . They are brow beat, and cowed, and imposed upon, and depressed with the feeling that they have no adequate protection in the United States, and no capacity of self-protection in themselves.

Northern political sympathizers with the Indian seemed to be fading away, preoccupied with other issues. Daniel Webster was making a rousing speech in the Senate for the "authority of law . . . the power of the general government," but he was not referring to Alabama, Georgia, and the Indians—he was talking about South Carolina's nullification of the tariff.

Despite the hardships, the Creeks refused to budge, but by 1836, both state and federal officials decided they must go. Using as a pretext some attacks by desperate Creeks on white settlers, it was declared that the Creek nation, by making "war," had forfeited its treaty rights.

The army would now force it to migrate west. Fewer than a hundred Creeks had been involved in the "war," but a thousand had fled into the woods, afraid of white reprisals. An army of eleven thousand was sent after them. The Creeks did not resist, no shots were fired, they surrendered. Those Creeks presumed by the army to be rebels or sympathizers were assembled, the men manacled and chained together to march westward under military guard, their women and children trailing after them. Creek communities were invaded by military detachments, the inhabitants driven to assembly points and marched westward in batches of two or three thousand. No talk of compensating them for land or property left behind.

Private contracts were made for the march, the same kind that

had failed for the Choctaws. Again, delays and lack of food, shelter, clothing, blankets, medical attention. Again, old, rotting steamboats and ferries, crowded beyond capacity, taking them across the Mississippi. "By midwinter the interminable, stumbling procession of more than 15,000 Creeks stretched from border to border across Arkansas." The starvation and sickness began to cause large numbers of deaths. "The passage of the exiles could be distinguished from afar by the howling of trailing wolf packs and the circling flocks of buzzards," Van Every writes.

Eight hundred Creek men had volunteered to help the United States army fight the Seminoles in Florida in return for a promise that their families could remain in Alabama, protected by the federal government until the men returned. The promise was not kept. The Creek families were attacked by land-hungry white marauders—robbed, driven from their homes, women raped. Then the army, claiming it was for their safety, removed them from Creek country to a concentration camp on Mobile Bay. Hundreds died there from lack of food and from sickness.

When the warriors returned from the Seminole War, they and their families were hustled west. Moving through New Orleans, they encountered a yellow fever plague. They crossed the Mississippi—611 Indians crowded onto the aged steamer *Monmouth*. It went down in the Mississippi River and 311 people died, four of them the children of the Indian commander of the Creek volunteers in Florida.

A New Orleans newspaper wrote:

The fearful responsibility for this vast sacrifice of human life rests on the contractors . . . The avaricious disposition to increase the profits on the speculation first induced the chartering of rotten, old, and unseaworthy boats, because they were of a class to be procured cheaply; and then to make those increased profits still larger, the Indians were packed upon those crazy vessels in such crowds that not the slightest regard seems to have been paid to their safety, comfort, or even decency.

The Choctaws and Chickasaws had quickly agreed to migrate. The Creeks were stubborn and had to be forced. The Cherokees were practicing a nonviolent resistance. One tribe—the Seminoles—decided to fight.

With Florida now belonging to the United States, Seminole territory was open to American land-grabbers. They moved down into north Florida from St. Augustine to Pensacola, and down the fertile coastal

strip. In 1823, the Treaty of Camp Moultrie was signed by a few Seminoles who got large personal landholdings in north Florida and agreed that all the Seminoles would leave northern Florida and every coastal area and move into the interior. This meant withdrawing into the swamps of central Florida, where they could not grow food, where even wild game could not survive.

The pressure to move west, out of Florida, mounted, and in 1834 Seminole leaders were assembled and the U.S. Indian agent told them they must move west. Here were some of the replies of the Seminoles at that meeting:

We were all made by the same Great Father, and are all alike His Children. We all came from the same Mother, and were suckled at the same breast. Therefore, we are brothers, and as brothers, should treat together in an amicable way.

Your talk is a good one, but my people cannot say they will go. We are not willing to do so. If their tongues say yes, their hearts cry no, and call them liars.

If suddenly we tear our hearts from the homes around which they are twined, our heart-strings will snap.

The Indian agent managed to get fifteen chiefs and subchiefs to sign a removal treaty, the U.S. Senate promptly ratified it, and the War Department began making preparations for the migration. Violence between whites and Seminoles now erupted.

A young Seminole chief, Osceola, who had been imprisoned and chained by the Indian agent Thompson, and whose wife had been delivered into slavery, became a leader of the growing resistance. When Thompson ordered the Seminoles, in December 1835, to assemble for the journey, no one came. Instead, the Seminoles began a series of guerrilla attacks on white coastal settlements, all along the Florida perimeter, striking in surprise and in succession from the interior. They murdered white families, captured slaves, destroyed property. Osceola himself, in a lightning stroke, shot down Thompson and an army lieutenant.

That same day, December 28, 1835, a column of 110 soldiers was attacked by Seminoles, and all but three soldiers were killed. One of the survivors later told the story:

It was 8 o'clock. Suddenly I heard a rifle shot . . . followed by a musket shot. . . . I had not time to think of the meaning of these shots, before a

volley, as if from a thousand rifles, was poured in upon us from the front, and all along our left flank. . . . I could only see their heads and arms, peering out from the long grass, far and near, and from behind the pine trees. . . .

It was the classic Indian tactic against a foe with superior firearms. General George Washington had once given parting advice to one of his officers: "General St. Clair, in three words, beware of surprise. . . . again and again, General, beware of surprise."

Congress now appropriated money for a war against the Seminoles. In the Senate, Henry Clay of Kentucky opposed the war; he was an enemy of Jackson, a critic of Indian removal. But his Whig colleague Daniel Webster displayed that unity across party lines which became standard in American wars:

The view taken by the gentleman from Kentucky was undoubtedly the true one. But the war rages, the enemy is in force, and the accounts of their ravages are disastrous. The executive government has asked for the means of suppressing these hostilities, and it was entirely proper that the bill should pass.

General Winfield Scott took charge, but his columns of troops, marching impressively into Seminole territory, found no one. They became tired of the mud, the swamps, the heat, the sickness, the hunger—the classic fatigue of a civilized army fighting people on their own land. No one wanted to face Seminoles in the Florida swamps. In 1836, 103 commissioned officers resigned from the regular army, leaving only forty-six. In the spring of 1837, Major General Jesup moved into the war with an army of ten thousand, but the Seminoles just faded into the swamps, coming out from time to time to strike at isolated forces.

The war went on for years. The army enlisted other Indians to fight the Seminoles. But that didn't work either. Van Every says: "The adaptation of the Seminole to his environment was to be matched only by the crane or the alligator." It was an eight-year war. It cost \$20 million and 1,500 American lives. Finally, in the 1840s, the Seminoles began to get tired. They were a tiny group against a huge nation with great resources. They asked for truces. But when they went forward under truce flags, they were arrested, again and again. In 1837, Osceola, under a flag of truce, had been seized and put in irons, then died of illness in prison. The war petered out.

Meanwhile the Cherokees had not fought back with arms, but had resisted in their own way. And so the government began to play Cherokee against Cherokee, the old game. The pressures built up on

the Cherokee community—their newspaper suppressed, their government dissolved, the missionaries in jail, their land parceled among whites by the land lottery. In 1834, seven hundred Cherokees, weary of the struggle, agreed to go west; eighty-one died en route, including forty-five children—mostly from measles and cholera. Those who lived arrived at their destination across the Mississippi in the midst of a cholera epidemic and half of them died within a year.

The Cherokees were summoned to sign the removal treaty in New Echota, Georgia, in 1836, but fewer than five hundred of the seventeen thousand Cherokees appeared. The treaty was signed anyway. The Senate, including northerners who had once spoken for the Indian, ratified it, yielding, as Senator Edward Everett of Massachusetts said, to "the force of circumstances. . . . the hard necessity." Now the Georgia whites stepped up their attacks to speed the removal.

The government did not move immediately against the Cherokees. In April 1838, Ralph Waldo Emerson addressed an open letter to President Van Buren, referring with indignation to the removal treaty with the Cherokees (signed behind the backs of an overwhelming majority of them) and asked what had happened to the sense of justice in America:

The soul of man, the justice, the mercy that is the heart's heart in all men, from Maine to Georgia, does abhor this business. . . . a crime is projected that confounds our understandings by its magnitude, a crime that really deprives us as well as the Cherokees of a country for how could we call the conspiracy that should crush these poor Indians our government, or the land that was cursed by their parting and dying imprecations our country any more? You, sir will bring down that renowned chair in which you sit into infamy if your seal is set to this instrument of perfidy; and the name of this nation, hitherto the sweet omen of religion and liberty, will sink to the world.

Thirteen days before Emerson sent this letter, Martin Van Buren had ordered Major General Winfield Scott into Cherokee territory to use whatever military force was required to move the Cherokees west. Five regiments of regulars and four thousand militia and volunteers began pouring into Cherokee country. General Scott addressed the Indians:

Cherokees—the President of the United States has sent me with a powerful army, to cause you, in obedience to the treaty of 1834, to join that part of your people who are already established in prosperity on the other side of the Mississippi. . . . The full moon of May is already on the wane, and before another shall have passed every Cherokee man, woman, and child . . . must

be in motion to join their brethren in the far West. . . . My troops already occupy many positions in the country that you are about to abandon, and thousands and thousands are approaching from every quarter, to tender resistance and escape alike hopeless. . . . Chiefs, head men, and warriors—Will you then, by resistance, compel us to resort to arms? God forbid. Or will you, by flight, seek to hide yourselves in mountains and forests, and thus oblige us to hunt you down?

Some Cherokees had apparently given up on nonviolence: three chiefs who signed the Removal Treaty were found dead. But the seven thousand Cherokees were soon rounded up and crowded into stockades. On October 1, 1838, the first detachment set out in what was to be known as the Trail of Tears. As they moved westward, they began to die—of sickness, of drought, of the heat, of exposure. There were 645 wagons, and people marching alongside. Survivors, years later, told of halting at the edge of the Mississippi in the middle of winter, the river running full of ice, "hundreds of sick and dying penned up in wagons or stretched upon the ground." Grant Foreman, the leading authority on Indian removal, estimates that during confinement in the stockade or on the march westward four thousand Cherokees died.

In December 1838, President Van Buren spoke to Congress:

It affords sincere pleasure to apprise the Congress of the entire removal of the Cherokee Nation of Indians to their new homes west of the Mississippi. The measures authorized by Congress at its last session have had the happiest effects.

8.

We Take Nothing by Conquest, Thank God

Colonel Ethan Allen Hitchcock, a professional soldier, graduate of the Military Academy, commander of the 3rd Infantry Regiment, a reader of Shakespeare, Chaucer, Hegel, Spinoza, wrote in his diary:

Fort Jessup, La., June 30, 1845. Orders came last evening by express from Washington City directing General Taylor to move without any delay to some point on the coast near the Sabine or elsewhere, and as soon as he shall hear of the acceptance by the Texas convention of the annexation resolutions of our Congress he is immediately to proceed with his whole command to the extreme western border of Texas and take up a position on the banks of or near the Rio Grande, and he is to expel any armed force of Mexicans who may cross that river. Bliss read the orders to me last evening hastily at tattoo. I have scarcely slept a wink, thinking of the needful preparations. I am now noting at reveille by candlelight and waiting the signal for muster. . . . Violence leads to violence, and if this movement of ours does not lead to others and to bloodshed, I am much mistaken.

Hitchcock was not mistaken. Jefferson's Louisiana Purchase had doubled the territory of the United States, extending it to the Rocky Mountains. To the southwest was Mexico, which had won its independence in a revolutionary war against Spain in 1821—a large country which included Texas and what are now New Mexico, Utah, Nevada, Arizona, California, and part of Colorado. After agitation, and aid from the United States, Texas broke off from Mexico in 1836 and declared itself the "Lone Star Republic." In 1845, the U.S. Congress brought it into the Union as a state.

In the White House now was James Polk, a Democrat, an expansionist, who, on the night of his inauguration, confided to his Secretary of the Navy that one of his main objectives was the acquisition of California. His order to General Taylor to move troops to the Rio Grande was a challenge to the Mexicans. It was not at all clear that the Rio Grande was the southern boundary of Texas, although Texas had forced the defeated Mexican general Santa Anna to say so when