

## The Similarities That Divide

Nick Crews

Upon an elevated rock, at a place called Whitewater Falls, sitting amidst rushing water as cool, crisp, and clear as any ever denoted by poets, the serenity shatters, penetrated by one ominous thought. In the midst of a stunning exhibition of fall, in the hills of southwestern North Carolina, I am plagued with the thought of 'one sure does not see this kind of thing in Oklahoma'. An associate of mine, in a recent visit, mirrored my thoughts almost exactly in saying 'can you imagine growing up here [experiencing the captivating natural beauty of the American southeast] all your life and then seeing Oklahoma.' Such a sentiment, in the present, must not even begin to encapsulate the actual realization of southeastern Native Americans after the removal of the middle nineteenth century. Though playing a notable role on the early stage of American history, the Native American experience appears largely overlooked within the context of Southern American history. The fall season's hues of reds, golds, and greens seem a glaring contradiction to Southern history's strictly black and white presentation of race relations, as the presence of the Native Americans, in the American southeast, is relatively omitted from the racial color scheme. Perhaps this very amnesia of the Native American experience, in the South, serves as the greatest testament to the success of President Andrew Jackson's policy of Indian Removal in the early nineteenth century. More than just removing Native Americans from the environment, the Jacksonian Removal policy, in some ways, removed the Indians from historical memory. Native tribes that attempted to fight against white expansion were destroyed, but ironically those that attempted to adapt or assimilate suffered a much more prolonged defeat. The Cherokee Nation was one such indigenous culture that consciously labored to coexist with white Southern society, often emulating the predominant social customs, stereotypes, and economic conventions. In actuality, and especially by the 19<sup>th</sup> century, the Cherokee Nation and white southerners exhibited similarities in self-perception, opinions concerning the importance of tradition, and ties to the environment. The question remains, however, why southerners and Cherokees could not establish a

symbiotic co-existence and share this environment. When white southerners assumed Native American lands, forcing the removal to the West, they took something irreplaceable from the Indians, namely the environment and all it embodied. Of all people, Americans of the South, with agrarian values and ironclad devotion to concepts of tradition and honor, should have never allowed the Jacksonian Indian Removal in the American Southeast.

As previously stated, a student of Southern American History, especially one born and educated in Oklahoma, quickly notices the seemingly ‘black and white’ nature of Southern history. Regional historian Edward L. Ayers has described the American South as a “place where poverty and plenty have been thrown together in especially jarring ways, where democracy and oppression, white and black, slavery and freedom, have warred.”<sup>1</sup> Historians of regional studies, such as Ayers, often have the first word in historical analysis, as regional historians claim that the environment plays such a primary and crucial role in forming a people. In the American South, Ayers clearly asserts that race was solely a ‘black and white’ issue. The state of Oklahoma has been described as a peculiarity and “in many ways, the most curious of Southern states in race relations...[as] the presence there of a highly significant number of original Americans, the Indians,...[has] added a complicating third dimension to the bi-racial pattern usual in other states in the South.”<sup>2</sup> Clearly including Oklahoma in a study of southern race relations only confuses and misconstrues the neat and orderly bi-racial model of the South. But what of the time before the ‘Old South’, before ‘America’, before even the New World?

Even before the advent of Europeans to the American continent, bands of indigenous Indian tribes inhabited the North American continent for centuries. In the spring of 1540, however, a new people approached Indian territory. When the Spanish explorer DeSoto ventured into the highlands of the present day Carolina/Georgia region,

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<sup>1</sup> Edward, L. Ayers, All Over the Map: Rethinking American Regions (Baltimore: Johns Hopkins University Press, 1996), p. 81.

<sup>2</sup> Joel Williamson, A Rage For Order (New York: Oxford University Press, 1986), p. 163.

the Cherokee Indians he encountered called themselves “Ani-Yun-Wiya” which means the ‘Real’ or ‘Principle’ People.<sup>3</sup> At the time of white contact with the Cherokee, the estimated tribal population was that of about 20,000 individuals, claiming a territory of roughly 40,000 square miles in eight of the southern states.<sup>4</sup> Among the Cherokee Indians, early sentiments of ethnic bias were already present by the time of DeSoto’s arrival, and as natives they perhaps “had the strongest color prejudice of all Indians...[as even] the Spaniards were not ‘White’ enough for them...[they] were not ‘real’ white people.”<sup>5</sup> This predisposition and inclination towards whites showed itself later in Cherokee history when, by the early 19<sup>th</sup> century, the wealthier among the tribe followed the white southern example, owning black slaves and cultivating large plantations. A Native American creation myth, however, may well offer as good a starting point as any in explaining why the Cherokee nation would be inclined to cooperate with an immigrating white culture.

In a speech given by a southern Indian chief at a meeting in Savannah in 1735, Chief Chekilli recounted a creation story that shared several common themes as those of other southern Indian tribes. In this account, the storyteller recounted how, in past ages, his people followed ‘a white path’ to achieve peace and unity for their nation. In Chekilli’s understanding, and for the Cherokee in general, the color white was symbolic of peace, and therefore this “white path was the best for them.”<sup>6</sup> The Cherokee Nation, for one, seemed almost pre-disposed from their self-perception and their cultural symbols to welcome and adapt to an encroaching white society. The Cherokee religion, overall, was primarily focused on the natural environment. Natives respected the natural phenomena that played a crucial role in their survival, the animals of the environment,

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<sup>3</sup>French and Hornbuckle eds., The Cherokee Perspective, p. 3.

<sup>4</sup> French and Hornbuckle eds., The Cherokee Perspective, pp. 3-4.

<sup>5</sup> William S. Willis, “Divide and Rule: Red, White and Black in the Southeast,” Journal of Negro History, 48, 3 (Jul., 1963), pp. 157-176.

<sup>6</sup> Colin G. Calloway ed., The World Turned Upside Down: Indian Voices from Early America (Boston: Bedford/St. Martin’s Press, 1994), p. 32.

and even the terrain such as the rivers, valleys, and mountains. In the native worldview, nature, not man, existed as the most powerful entity.<sup>7</sup> Sadly enough, it would be just this very issue of the natural environment that would drive an insurmountable wedge between the Cherokee and white southerners.

In the early days of the American Republic, white southerners were clearly in the minority. In fact, as R.S. Cotterill declared, when the ‘more perfect Union’ forged, in 1789, half the United States south of the Ohio River was Indian territory. Natives held much of Mississippi and Alabama, four-fifths of Georgia and Tennessee, all of Kentucky west and south of the Cumberland, and the mountainous regions of the Carolinas.<sup>8</sup> The Federalist government began the policy of extending the influence of the United States among Native Americans, simultaneously stressing the preservation of peace and the bringing of ‘civilization’ to the Indians. Among the southerners, Federal Indian Agents declared the Cherokee to be the most cooperative and compromising tribe. Due to a growing Southern fear of the combined forces of Native Americans and African slaves, author William Willis writes that white southerners “willfully helped create antagonism between Indians and Negroes in order to preserve themselves and their privileges...[presenting the Colonial Southeast as] a frightened and dominant White minority [that] faced two exploited colored majorities.”<sup>9</sup>

White southerners believed that the preservation of this antagonism was necessary for their survival on an unknown, unpredictable, and often volatile frontier. Frederick Jackson Turner proposed that as the frontier expanded from the coastal regions into the American interior, white dependence on “the Indian trade pioneered the way for civilization....[as] the Indian trail...became the trader’s ‘trace’...[these] trails widened into roads, and the roads into turnpikes, and these in turn were transformed into railroads...[thus] the slender paths of aboriginal intercourses have been broadened and

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<sup>7</sup> French and Hornbuckle eds., The Cherokee Perspective, p. 5.

<sup>8</sup> R.S. Cotterill, “Federal Indian Management in the South 1789-1825,” The Mississippi Valley Historical Review, 20, 3 (Dec., 1933), p. 333.

<sup>9</sup> Willis, “Divide and Rule,” p. 158-160.

interwoven into the complex mazes of [the] modern commercial lines” of the present.<sup>10</sup> As such, success “in the empire struggle depended upon success in the Indian country...The Colonial Southeast was [therefore] an arena of an unremitting struggle for empire among Whites: [as the] English, French, Spanish, and later [the] Americans...competed for their allegiance, for their trade and their warriors”, but most importantly for white survival.<sup>11</sup>

As early as the 18<sup>th</sup> century, white settlers were employing Indians considered “excellent slave catchers...to track down fugitive slaves” and return the runaways to their positions of bondage.<sup>12</sup> On the other side, however, the whites of settlements like Charleston, were kindling Indian antagonism against Negroes, stating that the epidemics suffered by Indian communities were brought by Negroes from Africa. This business of hunting and apprehending African slaves proved quite economically attractive for Native Americans. In 1763, at the Augusta Conference, “the price was set at one musket and three blankets for each slave brought in. The Indian trade was largely based on deerskins, and these skins were sold cheaply to the traders...to buy a musket and three blankets, an Indian had to pay about thirty-five [deer] skins...The reward for fugitive slaves was, therefore, something they could rarely afford to turn down.”<sup>13</sup> White southerners also employed Indian groups to assist in suppressing slave insurrections. The Stono Rebellion of 1739 was the most serious South Carolina insurrection of the 18<sup>th</sup> century. The government of Charleston paid “Indians high wages for helping suppress slave insurrections...each Indian was given a coat, a flap, a pair of stockings, a hat, a gun, two pounds of powder, and eight pounds of bullets....It [was] declared that ‘Indians should be encouraged in such a manner as to induce them always to offer their Service

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<sup>10</sup> George Rogers Taylor, ed., The Turner Thesis: Concerning the Role of the Frontier in American History (Lexington: D.C. Heath and Company, 1972), pp. 11-12.

<sup>11</sup> Willis, “Divide and Rule,” p. 159.

<sup>12</sup> Ibid., p. 163.

<sup>13</sup> Ibid., p. 168.

whenever this Government may have Occasion for them”.<sup>14</sup> Historian William S. Willis has argued that the South Carolina government, if ever in suspicion of slave insurrection, “turned to its most trusted ally and probably the tribe most hostile to Negroes: the Cherokee...[as] this intimidation by Indians helped prevent slave insurrections.”<sup>15</sup> Clearly Native Americans, especially the Cherokee, were laboring to establish a working and mutually beneficial relationship with white Southerners.

Though Indians, like the Cherokees, were helpful in policing the Southern slave system in the days of the early Republic, by the early nineteenth century these southeastern tribes had grown in similar ways with white southern society. Author Mary Young has gone as far as to label the Cherokee Nation as the ‘mirror’ of the southern American Republic. By the time of Indian Removal, the Cherokee Nation had schools, churches, plantations, slaves, a written language, a tribal newspaper, and a written constitution, all considered signs of civility in the southern perspective.<sup>16</sup> Observing the growing predominance of white southern culture, Cherokees began to change several key factors in their lifestyle and culture. First, the Cherokee terminated clan revenge for written laws prescribed and enforced by elected and representative authorities. White southerners encouraged a division of communal tribal land into individual allotments and ownership, while simultaneously encouraging the men rather than the women to take up the plow, implementing a comparable system to southern patriarchy. The Southern model encouraged ‘industrious’ males to increase their property through ‘honest labor at the plow, the forge, or the mill’. Meanwhile, women would master the wheel and loom, clothe the family, and govern household affairs, while children learned and incorporated prescribed gender roles and gender specific behaviors. Above all, members of the Cherokee Nation “should discover how to count their money and read understandingly in

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<sup>14</sup> Ibid., p. 174.

<sup>15</sup> Willis, “Divide and Rule,” p. 175.

<sup>16</sup> Mary Young, “The Cherokee Nation: Mirror of the Republic,” American Quarterly, 33, 5, Special Issue: American Culture and the American Frontier (Winter, 1981), p. 502.

the New Testament...Thus might American natives become model Americans.”<sup>17</sup>

Seemingly, by this model, if the natives assumed the domestic/economic model of white Southerners, then their incorporation as a participating element of the social South seemed surely imminent.

The most intriguing cultural adoption of the Cherokee Nation, though, was that of the plantation system among the wealthy of the tribe. According to Mary Young, the Cherokee Nation witnessed “numerous models [for emulation] among the planters who were their near neighbors...[even] George Washington, the ‘noblest Roman’ among the Americans of his time, owned a plantation and slaves. So did John Ross, Richard Taylor, Major Ridge, John Ridge, and scores of others among the Cherokee upper class...[During] the mid-1820’s, between five and ten percent of the eastern Cherokee Nation consisted of black slaves.”<sup>18</sup> The fact that Native Americans, who had experienced race-based discrimination, should adopt black slavery often surprises many. The concept of black slavery, however, became highly indoctrinated in tribes like the Cherokee who brought their slaves to Oklahoma during the Removal, resulting in the classification of Oklahoma as a ‘slave state’. One historian wrote that African Americans came to ‘Indian Territory’ from the Southeast first as slaves, brought by Indian masters during the Removal in the 1830’s. Slavery in the Indian Territory was eventually ended by treaty, in 1866, but still a full year after emancipation elsewhere in America.<sup>19</sup> Another prominent aspect of incorporation was the Cherokee adoption of a written constitution in 1827 that actually resembled the constitutions of some southern states rather than that of the federal Constitution.<sup>20</sup> The Cherokee Constitution extended the ability of electing an executive or ‘Principle Chief’ to a legislative body, allowing for a popular vote of leadership. In fact, the signers of the Treaty of New Echota, the

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<sup>17</sup> Young, “The Cherokee Nation: Mirror of the Republic,” p. 504.

<sup>18</sup> Young, “The Cherokee Nation: Mirror of the Republic,” p. 507.

<sup>19</sup> Williamson, A Rage For Order, p. 164.

<sup>20</sup> Young, “The Cherokee Nation: Mirror of the Republic,” p. 507.

agreement that effectively ceded Cherokee lands in the Southeast to whites, committed treason by the Cherokee Constitution in not soliciting popular consent for the treaty. The Cherokee Constitution required that officeholders believe in a Supreme Being, whereas author Mary Young notes that even Jefferson and Jackson were allowed to slide on that prerequisite. Many of the laws of the Cherokee Constitution catered to the needs of a rising merchant class, often focusing on elements of economic interaction between citizens, principles of fair trade, and debt payments. Perhaps the most interesting facet of the Cherokee Constitution was a prevalent concept that “disenfranchised those of African descent.” This legal code “reduced the right of slaves to own property, learn to read, move about, and assemble”, while also enacting a tradition of gender limitations in restricting political participation to adult males only.<sup>21</sup>

Thus from first encounter until the Indian Removal of 1830, the Cherokee nation worked towards compromise and cohabitation with the white settlers of the South. James Cobb declared that culture “is not a fixed condition but a process: the product of interaction between past and present. Its toughness and resiliency are determined not by a culture’s ability to withstand change...but by its ability to react creatively and responsively to the realities of the new situation.”<sup>22</sup> The Cherokee Nation successfully adapted to become a culture compatible with that of southern whites. Cherokees and Southern whites shared ties to their prospective communities and formed special relationships to their environment. Southern historian Steven Hahn describes the presence within Southern white culture of a “tradition of primal honor...a system of organizing relationships among individuals, groups and the community specifically the claims of men to self-worth, prominence, and authority before the public, and the subsequent assessment of those claims by the [collective] public.”<sup>23</sup> Such an inherent

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<sup>21</sup> Young, “The Cherokee Nation: Mirror of the Republic,” p. 508.

<sup>22</sup> James C. Cobb, Redefining Southern Culture: Mind & Identity in the Modern South (Athens: University of Georgia Press, 1999), p. 193.

<sup>23</sup> Steven Hahn, “Honor and Patriarchy in the Old South,” American Quarterly, 36, 1 (Spring, 1984), p. 146.



driving force seems not that different from native tribal customs and social arrangement. Further, through the development and dependence on agriculture, white southern society came to have a special reverence for the environment as a benevolent provider. Often living in relatively isolated agricultural communities, southern whites grew to establish ties to regional areas, kin, and tradition. The Cherokees, in a similar manner, fostered a reverence for the legacy of ancestors as well as a benevolent perspective towards the natural environment.

The next logical step is the discussion and description of the white southern society into which the Cherokee attempted to adapt. Considering that the debate over the reality of ‘Southern distinctiveness’ still rages, author Michael O’Brien has gone even further as to designate the South “as one of the really great abstractions of our [human] race.”<sup>24</sup> The traditional conception of the American South labels it as “racist, violent, hypocritically pious, xenophobic, false in its elevation of women, nationalistic, conservative, but...[as author Howard Zinn concedes] The only [other] point...is that the United States as a civilization, embodies all of those same qualities.”<sup>25</sup> Traits of black racism, perspectives on women’s roles as secondary in importance, and energetic support of the military, conventionally considered uniquely southern characteristics, also existed in Northern as well as Southern societies of the early nineteenth century. Ironically enough, the uniquely southern traits of the antebellum period were much the same as those of the Native Americans. As an agrarian people, southerners exhibited a strong tie to the natural environment, a pronounced sense of community and group affirmation, and a deeply ingrained sense of tradition and honor.

The driving concept of this examination, however, is this very concept of comparable environmental perspectives. The Cherokee had been a part of the North American environment for several centuries and had an especially religious tie to their southern home. As a predominantly agrarian society, white Southerners, as well,

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<sup>24</sup> Michael O’Brien, The Idea of the South (Baltimore: Johns Hopkins University Press, 1979), p. 215.

<sup>25</sup> Cobb, Redefining Southern Culture, p. 73.

considered the natural environment their benevolent provider for every need. With the system of patriarchy, a social hierarchy that permeated from planter to pauper, the eldest son would often inherit the same property that previous generations had held in the family name, surely a throwback to the Old World tradition of primogeniture. As author Bertram Wyatt-Brown has established, “In those days, many American young men would receive less of the patriarchal bounty than the firstborn...[as] inheritances were not always evenly distributed, especially when a father’s resources were severely limited. The second son had to settle for unimproved acres or a chance for apprenticeship at a trade.”<sup>26</sup> As second and third sons of white southerners witnessed their hereditary homes assumed by an older sibling and thus robbed of their land, these sons ventured west to establish their own stakes. Having felt the sting of losing the land of one’s memories and dreams to another, these men who ventured into the wilderness should have been exactly the ones to understand the sting of loss. The fact that these white Southerners assumed native lands seems drastically more ironic, according to the primogeniture principle, as the Cherokee’s were truly the first-born sons and rightful heirs of the American frontier. The second factor, namely the sense of community and social affirmation, actually revealed white southerners as members of small ‘tribes’ as settlements arose in the South. Authors like Wyatt-Brown describe the importance of community and group approval of individual actions in Southern society. Really though, this white ‘tribal’ affirmation ties into the last and most important facet of southern honor. Southern white society was largely dominated and driven by concepts of tradition and honor. This southern honor was the “public vindication of individual status and patriarchal authority...[in which] the violation of its code called for public shaming and humiliation.”<sup>27</sup> Further, southern honor was a three-fold concept, dependant upon one’s “inner conviction of self-worth...the claim of that self-assessment before the public, [and] the assessment of the claim by the public...[thus] honor serves as [an] ethical mediator between the individual

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<sup>26</sup> Bertram Wyatt-Brown, Honor and Violence In The Old South (New York: Oxford University Press, 1986), p. 5.

<sup>27</sup> Hahn, “Honor and Patriarchy in the Old South,” p. 148.

and the community.”<sup>28</sup> Steven Hahn described this concept of southern honor as greatly pervasive and so strong that the entire Civil War was, in essence, no more than simply a contest “between one section devoted to conscience and to secular economic concerns and the other to honor and to persistent community sanctions.”<sup>29</sup> This concept of honor permeated all levels of southern society, vertically according to wealth and horizontally to all white males, yet it was denied to those of other races not of an ‘Indo-European’ background.

There was, however, more to belonging to white society than just color of skin. A necessary corollary seems to have also depended on where and individual’s loyalties lay. In tribes like the Cherokee, there had been many cases of intermarriage between European immigrants and Native Americans. One example of the product of such a union was Cherokee Chief John Ross. Ross was born one-eighth Cherokee, the son of a Scotch father and a quarter-blooded Cherokee mother.<sup>30</sup> In his appearance and education, Ross appeared just as white as any of his contemporary southern neighbors, but when he chose to stress his Indian affiliation and heritage, he forfeited all privilege and access to white society’s honor code. Thus Southern honor was not only based on skin color, but also upon the choice of siding with one culture over the other. Another prime example of these seemingly ‘white Indians’ was a Cherokee named Elias Boudinot. Exhibiting a pale complexion and educated in Connecticut, Boudinot proved a similar case to Ross. Boudinot eventually married a white woman of a prominent Connecticut family, returned to Georgia, and became the editor of the *Cherokee Phoenix*. Later, Boudinot would become one of the major personalities of Cherokee opposition to Chief John Ross, ultimately culminating in the illegal signing of the Treaty of New Echota in 1835. When men, like Ross and Boudinot, chose to affiliate with the Cherokee, they destroyed their bridges to white society. The chasm between natives and

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<sup>28</sup> Wyatt-Brown, Honor And Violence, p. 14.

<sup>29</sup> Hahn, “Honor and Patriarchy in the Old South,” p. 148.

<sup>30</sup> Edward Everett Dale & Gaston Litton, Cherokee Cavaliers (Norman: University of Oklahoma Press, 1939), p.11.

whites, therefore, appeared irreconcilable. In the end, white southerners would justify the Indian Removal on nothing more than the obviously flawed rationalization of racial superiority.

Surely a dark and ominous moment for the Cherokee Nation was the inauguration of President Andrew Jackson in 1828. Jackson was a southerner, from the Tennessee frontier, as plagued by the racism and codes of conduct as any white Southerner of his day. His experiences as a youth on the vulnerable and isolated frontier probably contributed to a fear or distrust of Indians. Most influential in shaping Jackson's Indian prejudice, however, was his experience as a commander for the American forces in the Seven Years War. In this military endeavor, Jackson battled an unpredictable yet capable enemy in the Creek Indians, lending credence to the American fear of Old World powers collaborating with natives to overcome the still adolescent United States. Later, Jackson's campaign against the Seminoles, in Spanish Florida, only further fueled his prejudice. Even though the Cherokee Nation had aided the American forces in the Seven Years War, Jackson invested no time in determining allies from enemies. Immediately following the inauguration of President Andrew Jackson, the state of Georgia enacted legislation that annexed all Cherokee territory, within the Georgian boundaries, for white settlement. In his first message to Congress, on December 8<sup>th</sup>, 1829, Jackson endorsed the concept of removing the Eastern American Indian tribes to lands west of the Mississippi River. Just two years later, in 1831, the Cherokees were deeply entrenched in a battle for their lands in the state of Georgia.

In the state of Georgia, the situation was dire for the Cherokee Nation. In trying to adhere to the civil laws of the United States, the Cherokee Nation had petitioned Georgia state legislatures (with no avail) to receive government protection from the white settlers that were slowly yet gradually assuming Cherokee lands. When this course proved ineffective, the Cherokee decided to appeal directly to President Jackson for aid in protecting Indian lands. Jackson implied that he was powerless to interfere with the Georgia State legislature, thereby refusing to uphold the numerous treaties that the United States government had forged with the Cherokees in the past. Of course the eventual

irony was that Jackson ‘could do nothing’ to police the actions of a small group of Georgians, but could provide a Federal military force to monitor and enforce the Removal of some 16,000 Indians, half-way across the North American continent. Faced with continued opposition, the Cherokee Nation petitioned the Supreme Court in the case of *Worcester v. the State of Georgia* in 1832. In this case, two New England missionaries, the Reverend Samuel A. Worcester and Elizur Butler, were discovered residing within Cherokee lands. Early in the 19<sup>th</sup> century, the state of Georgia had passed legislation that prohibited any white man from residing in Indian country unless either a Georgia citizen or having a permit from the state to do so. The missionaries were arrested by state authorities, tried in the Georgia court system, found guilty, and sentenced to four years of imprisonment.<sup>31</sup> The case was appealed to the U.S. Supreme Court where the justices reversed the Georgia state decision, defining the Cherokee Nation as “a distinct community, occupying its own territory, with boundaries accurately described, in which the laws of Georgia can have no force, and which the citizens of Georgia have no right to enter, but with the assent of the Cherokees themselves.”<sup>32</sup> Chief Justice John Marshall presented the perspective that the European land charters from sea to shining sea, were to be asserted against other Europeans and that to the native communities, such charters meant nothing. A prominent Cherokee, Elias Boudinot, wrote to his brother “[it] is glorious news. The laws of the State are declared by the highest judicial tribunal in the Country null and void. It is a great triumph on the part of the Cherokee...The question is forever settled as to who is right and who is wrong”.<sup>33</sup> The Supreme Court had ruled against the state of Georgia in *Worcester v. The State of Georgia*, effectively establishing the sovereignty of Cherokee lands from white encroachment, but still Jackson refused to restrain Georgia from Cherokee land assumption, though the tribe had taken its case to court and won in the American legal

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<sup>31</sup> Dale & Litton, Cherokee Cavaliers, p. 3.

<sup>32</sup> Wilcomb E. Washburn ed., “*Worcester v. The State of Georgia*,” The American Indian and the United States: A Documentary History-Volume 4 (New York, Random House, Inc., 1973), p. 2603.

<sup>33</sup> Dale & Litton, Cherokee Cavaliers, pp.4-5.

system. Georgia's treatment of the Cherokee Nation and Jackson's refusal to uphold the Constitution set off a fury in Congress. In the House Debate over Cherokee Removal, Representative Edward Everett of Massachusetts entered into a heated exchange with Representative Charles Haynes of Georgia. Everett abhorred the southern state's treatment of Native Americans and considered Georgia's action as bordering on the criminal. Representative Haynes of Georgia responded by citing the many inadequacies and violations by seventeenth century New England colonies in their policy towards the Native Americans. Neither side presented a persuading argument but the underlying truth revealed a developing reality of sectional differences between North and South, while immediately revealing that, after much talk, the Cherokee lands were still greatly threatened.<sup>34</sup>

The Indian Removal Act itself might be the most insulting facet of this era of greed and racism. The Removal Act, endorsed by both houses of Congress on May 28, 1830, made it appear that Native Americans actually had a choice for their future. The passage of this legislation was strongly supported by citizens of the American South (especially Georgia) and Jackson, who played a central role through his obvious decision of inaction. The Executive, in urging the Removal, had denied Indian sovereignty as established through past treaties forged with the United States government and clearly defended by the Supreme Court in *Worcester v. Georgia*. Probably Jackson's most effective move was in implying that he was powerless to prevent the actions of citizens or states in acts of aggression against the Indian nations. It seemed that both haters and supporters of Native Americans could agree on Removal as a remedy to the 'Indian problem'. The Act called for an equal exchange of land, between the United States and the Indian nations, if they should 'choose' to do so. The Indians would receive 'equal' lands, west of the Mississippi, for their Eastern holdings with the understanding that "such lands shall revert to the United States, if the Indians should become extinct, or abandon" such

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<sup>34</sup> Wilcomb E. Washburn ed., "*Worcester v. The State of Georgia*," The American Indian and the United States: A Documentary History-Volume 2 (New York: Random House, Inc., 1973), p. 1124.

lands.<sup>35</sup> The tribes were assured Federal aid (in the sum of \$500,000), support for the first year after relocation, and the protection of the United States government from other tribes or nations. Such a pledge of aid and protection appears laughable when Jackson implied that the Federal government could not even police its own citizens. Probably the strangest aspect of the Removal Act was Section VII that stated, “nothing in this act contained shall be construed as authorizing or directing the violation of any existing treaty between the United States and the Indian tribes.”<sup>36</sup>

The ultimate irony of the Indian Removal Act of May 28<sup>th</sup>, 1830, therefore, was that it was in no way an equal exchange. Southeastern Native American tribes were forced to cede the land of their ancestors, the land of their memories, and essentially the very core of their theological and cultural lives. Could there ever be any such ‘equal’ exchange? The policy of Removal was phrased as if Native Americans had a choice in their fate. The truth, however, was not such. Native Americans, best exemplified by the Cherokee, had worked to form a cultural symbiosis. They had successfully gone from ‘savage’ to ‘Southern’. In the end though, native efforts just were not good enough.

Of all people, American southerners, with their agrarian values and devotions to tradition and honor, should have been the last ones to condone the Jacksonian Indian Removal Policy of the nineteenth century. Even when native tribes of the American Southeast, like the Cherokee, attempted to establish a working cultural relationship with white immigrants, their efforts proved in vain. It continues to seem ironic that white southerners insisted that the chasm of cultural differences, between natives and immigrants, was too wide when both groups shared many similarities. In concepts of self-perception, tradition, and affectionate ties to the natural environment, the white South and Native Americans actually shared some common ground. In the end, the ‘equal’ trade between the two groups still bears a legacy that continues to remind citizens

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<sup>35</sup> Wilcomb E. Washburn ed., “*Worcester v. The State of Georgia*,” The American Indian and the United States: A Documentary History-Vol. 4 (New York: Random House, Inc., 1973), 2170.

<sup>36</sup> Wilcomb E. Washburn ed., The American Indian and the United States, p. 2171.

of the present of the gross injustices of the past.

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