

Indian Removal

Zinn, Howard; Arnove, Anthony (2014-12-23). *Voices of a People's History of the United States*, 10th Anniversary Edition. Seven Stories Press.

Two Documents on the Cherokee Removal (1829 and 1830)

In the first half of the nineteenth century, tens of thousands of Native Americans were violently removed from their lands, as the U.S. government led an expansion of its territory and power into the lands of the Cherokee and other Indian nations. In 1823, the Supreme Court ruled that Indian's "right of occupancy" was not as important as the U.S. government's "right of discovery." Four years later, the Cherokees responded by declaring themselves to be a sovereign nation. The state of Georgia, however, did not recognize their sovereign status, but saw them as tenants living on state land. The Cherokee took their case to the Supreme Court, which ruled against them. In 1830, President Andrew Jackson won approval of the Indian Removal Act, gaining the power to negotiate removal treaties with Indian tribes living east of the Mississippi. These two accounts document resistance of the Cherokees to their removal, whether by "direct or by indirect measures."

CHEROKEE NATION, "MEMORIAL OF THE CHEROKEE INDIANS" (DECEMBER 1829)

To the honorable senate and house of representatives of the United States of America, in congress assembled:

The undersigned memorialists, humbly make known to your honorable bodies, that they are free citizens of the Cherokee nation. Circumstances of late occurrence have troubled our hearts, and induced us at this time to appeal to you, knowing that you are generous and just. As weak and poor children are accustomed to look to their guardians and patrons for protection, so we would come and make our grievances known. Will you listen to us? Will you have pity on us? You are great and renowned—the nation, which you represent, is like a mighty man who stands in his strength. But we are small—our name is not renowned. You are wealthy, and have need of nothing; but we are poor in life, and have not the arm and power of the rich.

By the will of our Father in heaven, the governor of the whole world, the red man of America has become small, and the white man great and renowned. When the ancestors of the people of these United States first came to the shores of America, they found the red man strong—though he was ignorant and savage, yet he received them kindly, and gave them dry land to rest their weary feet. They met in peace, and shook hands in token of friendship. Whatever the white man wanted and asked of the Indian, the latter willingly gave. At that time the Indian was the lord, and the white man the suppliant. But now the scene has changed. The strength of the red man has become weakness. As his neighbors increased in numbers, his power became less, and now, of the many and powerful tribes who once covered these United States, only a few are to be seen—a few whom a sweeping pestilence has left. The northern tribes, who were once so numerous and powerful, are now nearly extinct. Thus it has happened to the red man of America. Shall we, who are remnants, share the same fate?

Brothers— we address you according to usage adopted by our forefathers, and the great and good men who have successfully directed the councils of the nation you represent— we now make known to you our grievances. We are troubled by some of your own people. Our neighbor, the state of Georgia, is pressing hard upon us, and urging us to relinquish our possessions for her benefit. We are told, if we do not leave the country, which we dearly love, and betake ourselves to the western wilds, the laws of the state will be extended over us, and the time, 1st of June, 1830, is appointed for the execution of the edict. When we first heard of this we were grieved and appealed to our father, the president, and begged that protection might be extended over us. But we were doubly grieved when we understood, from a letter of the secretary of war to our delegation, dated March of the present year, that our father the president had refused us protection, and that he had decided in favor of the extension of the laws of the state over us.— This decision induces us to appeal to the immediate representatives of the American people. We love, we dearly love our country, and it is due to your honorable bodies, as well as to us, to make known why we think the country is ours, and why we wish to remain in peace where we are. The land on which we stand, we have received as an inheritance from our fathers, who possessed it from time immemorial, as a gift from our common father in heaven. We have already said, that when the white man came to the shores of America, our ancestors were found in peaceable possession of this very land. They bequeathed it to us as their children, and we have sacredly kept it as containing the remains of our beloved men. This right of inheritance we have never ceded, nor ever forfeited. Permit us to ask, what better right can a people have to a country, than the right of inheritance and immemorial peaceable possession? We know it is said of late by the state of Georgia, and by the executive of the United States, that we have forfeited this right— but we think this is said gratuitously. At what time have we made the forfeit? What crime have we committed, whereby we must forever be divested of our country and rights? Was it when we were hostile to the United States, and took part with the king of Great Britain, during the struggle for independence? If so, why was not this forfeiture declared in the first treaty of peace between the United States and our beloved men? Why was not such an article as the following inserted in the treaty: “The United States give peace to the Cherokees, but, for the part they took in the late war, declare them to be but tenants at will, to be removed when the convenience of the states within whose chartered limits they live shall require it.” This was the proper time to assume such a position. But it was not thought of, nor would our forefathers have agreed to any treaty, whose tendency was to deprive them of their rights and their country. All that they have conceded and relinquished are inserted in the treaties open to the investigation of all people. We would repeat, then, the right of inheritance and peaceable possession which we claim, we have never ceded nor forfeited.

In addition to that first of all rights, the right of inheritance and peaceable possession, we have the faith and pledge of the U[nited] States, repeated over and over again, in treaties made at various times. By these treaties our rights as a separate people are distinctly acknowledged, and guarantees given that they shall be secured and protected. So we have always understood the treaties. The conduct of the government towards us, from its organization until very lately, the talks given to our beloved men by the presidents of the United States, and the speeches of the agents and commissioners, all concur to show that we are not mistaken in our interpretation.— Some of our beloved men who signed the treaties are still living, and their testimony tends to the same conclusion. We have always supposed that this understanding of the treaties was in

accordance with the views of the government; nor have we ever imagined that any body would interpret them otherwise. In what light shall we view the conduct of the United States and Georgia, in their intercourse with us, in urging us to enter into treaties, and cede lands? If we were but tenants at will, why was it necessary that our consent must be obtained before these governments could take lawful possession of our lands? The answer is obvious. These governments perfectly understood our rights— our right to the country, and our right to self government. Our understanding of the treaties is further supported by the intercourse law of the United States, which prohibits all encroachments upon our territory. The undersigned memorialists humbly represent, that if their interpretation of the treaties has been different from that of the government, then they have ever been deceived as to how the government regarded them, and what she asked and promised. Moreover, they have uniformly misunderstood their own acts.

In view of the strong ground upon which their rights are founded, your memorialists solemnly protest against being considered as tenants at will, or as mere occupants of the soil, without possessing the sovereignty. We have already stated to your honorable bodies, that our forefathers were found in possession of this soil in full sovereignty, by the first European settlers; and as we have never ceded nor forfeited the occupancy of the soil and the sovereignty over it, we do solemnly protest against being forced to leave it, either direct or by indirect measures. To the land of which we are now in possession we are attached— it is our fathers' gift— it contains their ashes— it is the land of our nativity, and the land of our intellectual birth. We cannot consent to abandon it, for another far inferior, and which holds out to us no inducements. We do moreover protest against the arbitrary measures of our neighbor, the state of Georgia, in her attempt to extend her laws over us, in surveying our lands without our consent and in direct opposition to treaties and the intercourse law of the United States, and interfering with our municipal regulations in such a manner as to derange the regular operations of our own laws. To deliver and protect them from all these and every encroachment upon their rights, the undersigned memorialists do most earnestly pray your honorable bodies. Their existence and future happiness are at stake— divest them of their liberty and country, and you sink them in degradation, and put a check, if not a final stop, to their present progress in the arts of civilized life, and in the knowledge of the Christian religion. Your memorialists humbly conceive, that such an act would be in the highest degree oppressive. From the people of these United States, who perhaps, of all men under heaven, are the most religious and free, it cannot be expected.— Your memorialists, therefore, cannot anticipate such a result. You represent a virtuous, intelligent and Christian nation. To you they willingly submit their cause for your righteous decision.

**LEWIS ROSS ET AL., ADDRESS OF THE COMMITTEE AND COUNCIL OF THE
CHEROKEE NATION, IN GENERAL COUNCIL CONVENED, TO THE PEOPLE OF
THE UNITED STATES (JULY 17, 1830)**

Before we close this address, permit us to state what we conceive to be our relations with the United States. After the peace of 1783, the Cherokees were an independent people; absolutely so, as much as any people on earth. They had been allies to Great Britain, and as a faithful ally took a part in the colonial war on her side. They had placed themselves under her protection, and had they, without cause, declared hostility against their protector, and had the colonies been subdued, what might not have been their fate? But her [Great Britain's] power on this continent was

broken. She acknowledged the independence of the United States, and made peace. The Cherokees therefore stood alone; and, in these circumstances, continued the war. They were then under no obligations to the United States any more than to Great Britain, France or Spain. The United States never subjugated the Cherokees; on the contrary, our fathers remained in possession of their country, and with arms in their hands....

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. Thinking that it would be fatal to their interests, they have almost to a man sent their memorial to congress, deprecating the necessity of a removal. This question was distinctly before their minds when they signed their memorial. Not an adult person can be found, who has not an opinion on the subject, and if the people were to understand distinctly, that they could be protected against the laws of the neighboring states, there is probably not an adult person in the nation, who would think it best to remove; though possibly a few might emigrate individually....

We are not willing to remove; and if we could be brought to this extremity, it would be not by argument, not because our judgment was satisfied, not because our condition will be improved; but only because we cannot endure to be deprived of our national and individual rights and subjected to a process of intolerable oppression.

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, guaranty our residence, and our privileges and secure us against intruders. Our only request is, that these treaties may be fulfilled, and these laws executed.

But if we are compelled to leave our country, we see nothing but ruin before us. The country west of the Arkansas territory is unknown to us. From what we can learn of it, we have no prepossessions in its favor. All the inviting parts of it, as we believe, are preoccupied by various Indian nations, to which it has been assigned. They would regard us as intruders, and look upon us with an evil eye. The far greater part of that region is, beyond all controversy, badly supplied with wood and water; and no Indian tribe can live as agriculturists without these articles. All our neighbors, in case of our removal, though crowded into our near vicinity, would speak a language totally different from ours, and practice different customs. The original possessors of that region are now wandering savages lurking for prey in the neighborhood. They have always been at war, and would be easily tempted to turn their arms against peaceful emigrants. Were the country to which we are urged much better than it is represented to be and were it free from the objections which we have made to it, still it is not the land of our birth, nor of our affections. It contains neither the scenes of our childhood, nor the graves of our fathers.

• • •

**John G. Burnett, "The Cherokee Removal Through the Eyes of a Private Soldier"
(December 11, 1890)**

This is my birthday, December 11, 1890. I am eighty years old today. I was born at Kings Iron Works in Sullivan County, Tennessee, December the 11th, 1810. I grew into manhood fishing in Beaver Creek and roaming through the forest hunting the deer and the wild boar and the timber

wolf. Often spending weeks at a time in the solitary wilderness with no companions but my rifle, hunting knife, and a small hatchet that I carried in my belt in all of my wilderness wanderings.

On these long hunting trips I met and became acquainted with many of the Cherokee Indians, hunting with them by day and sleeping around their camp fires by night. I learned to speak their language, and they taught me the arts of trailing and building traps and snares. On one of my long hunts in the fall of 1829, I found a young Cherokee who had been shot by a roving band of hunters and who had eluded his pursuers and concealed himself under a shelving rock. Weak from loss of blood, the poor creature was unable to walk and almost famished for water. I carried him to a spring, bathed and bandaged the bullet wound, and built a shelter out of bark peeled from a dead chestnut tree. I nursed and protected him feeding him on chestnuts and toasted deer meat. When he was able to travel I accompanied him to the home of his people and remained so long that I was given up for lost. By this time I had become an expert rifleman and fairly good archer and a good trapper and spent most of my time in the forest in quest of game.

The removal of Cherokee Indians from their life long homes in the year of 1838 found me a young man in the prime of life and a Private soldier in the American Army. Being acquainted with many of the Indians and able to fluently speak their language, I was sent as interpreter into the Smoky Mountain Country in May, 1838, and witnessed the execution of the most brutal order in the History of American Warfare. I saw the helpless Cherokees arrested and dragged from their homes, and driven at the bayonet point into the stockades. And in the chill of a drizzling rain on an October morning I saw them loaded like cattle or sheep into six hundred and forty-five wagons and started toward the west.

One can never forget the sadness and solemnity of that morning. Chief John Ross led in prayer and when the bugle sounded and the wagons started rolling many of the children rose to their feet and waved their little hands goodbye to their mountain homes, knowing they were leaving them forever. Many of these helpless people did not have blankets and many of them had been driven from home barefooted.

On the morning of November the 17th we encountered a terrific sleet and snow storm with freezing temperatures and from that day until we reached the end of the fateful journey on March the 26th, 1839, the sufferings of the Cherokees were awful. The trail of the exiles was a trail of death. They had to sleep in the wagons and on the ground without fire. And I have known as many as twenty-two of them to die in one night of pneumonia due to ill treatment, cold, and exposure. Among this number was the beautiful Christian wife of Chief John Ross [Quatie Ross]. This noble hearted woman died a martyr to childhood, giving her only blanket for the protection of a sick child. She rode thinly clad through a blinding sleet and snow storm, developed pneumonia and died in the still hours of a bleak winter night, with her head resting on Lieutenant Greggs saddle blanket.

I made the long journey to the west with the Cherokees and did all that a Private soldier could do to alleviate their sufferings. When on guard duty at night I have many times walked my beat in my blouse in order that some sick child might have the warmth of my overcoat. I was on guard duty the night Mrs. Ross died. When relieved at midnight I did not retire, but remained around the wagon out of sympathy for Chief Ross, and at daylight was detailed by Captain McClellan to

assist in the burial like the other unfortunates who died on the way. Her unconfined body was buried in a shallow grave by the roadside far from her native home, and the sorrowing Cavalcade moved on.

Being a young man, I mingled freely with the young women and girls. I have spent many pleasant hours with them when I was supposed to be under my blanket, and they have many times sung their mountain songs for me, this being all that they could do to repay my kindness. And with all my association with Indian girls from October 1829 to March 26th 1839, I did not meet one who was a moral prostitute. They are kind and tender hearted and many of them are beautiful.

The only trouble that I had with anybody on the entire journey to the west was a brutal teamster by the name of Ben McDonal, who was using his whip on an old feeble Cherokee to hasten him into the wagon. The sight of that old and nearly blind creature quivering under the lashes of a bull whip was too much for me. I attempted to stop McDonal and it ended in a personal encounter. He lashed me across the face, the wire tip on his whip cutting a bad gash in my cheek. The little hatchet that I had carried in my hunting days was in my belt and McDonal was carried unconscious from the scene.

I was placed under guard but Ensign Henry Bullock and Private Elkanah Millard had both witnessed the encounter. They gave Captain McClellan the facts and I was never brought to trial. Years later I met 2nd Lieutenant Riley and Ensign Bullock at Bristol at John Roberson's show, and Bullock jokingly reminded me that there was a case still pending against me before a court martial and wanted to know how much longer I was going to have the trial put off?

McDonal finally recovered, and in the year 1851, was running a boat out of Memphis, Tennessee.

The long painful journey to the west ended March 26th, 1839, with four-thousand silent graves reaching from the foothills of the Smoky Mountains to what is known as Indian territory in the West. And covetousness on the part of the white race was the cause of all that the Cherokees had to suffer. Ever since Ferdinand DeSoto made his journey through the Indian country in the year 1540, there had been a tradition of a rich gold mine somewhere in the Smoky Mountain Country, and I think the tradition was true. At a festival at Echota on Christmas night 1829, I danced and played with Indian girls who were wearing ornaments around their neck that looked like gold.

In the year 1828, a little Indian boy living on Ward creek had sold a gold nugget to a white trader, and that nugget sealed the doom of the Cherokees. In a short time the country was overrun with armed brigands claiming to be government agents, who paid no attention to the rights of the Indians who were the legal possessors of the country. Crimes were committed that were a disgrace to civilization. Men were shot in cold blood, lands were confiscated. Homes were burned and the inhabitants driven out by the gold-hungry brigands.

Chief Junaluska was personally acquainted with President Andrew Jackson. Junaluska had taken 500 of the flower of his Cherokee scouts and helped Jackson to win the battle of the Horse Shoe,

leaving 33 of them dead on the field. And in that battle Junaluska had drove his Tomahawk through the skull of a Creek warrior, when the Creek had Jackson at his mercy.

Chief John Ross sent Junaluska as an envoy to plead with President Jackson for protection for his people, but Jackson's manner was cold and indifferent toward the rugged son of the forest who had saved his life. He met Junaluska, heard his plea but curtly said, "Sir, your audience is ended. There is nothing I can do for you." The doom of the Cherokee was sealed. Washington, D.C., had decreed that they must be driven West and their lands given to the white man, and in May 1838, an army of 4000 regulars, and 3000 volunteer soldiers under command of General Winfield Scott, marched into the Indian country and wrote the blackest chapter on the pages of American history.

Men working in the fields were arrested and driven to the stockades. Women were dragged from their homes by soldiers whose language they could not understand. Children were often separated from their parents and driven into the stockades with the sky for a blanket and the earth for a pillow. And often the old and infirm were prodded with bayonets to hasten them to the stockades.

In one home death had come during the night. A little sad-faced child had died and was lying on a bear skin couch and some women were preparing the little body for burial. All were arrested and driven out leaving the child in the cabin. I don't know who buried the body. In another home was a frail Mother, apparently a widow and three small children, one just a baby. When told that she must go, the Mother gathered the children at her feet, prayed a humble prayer in her native tongue, patted the old family dog on the head, told the faithful creature goodbye, with a baby strapped on her back and leading a child with each hand started on her exile. But the task was too great for that frail Mother. A stroke of heart failure relieved her sufferings. She sunk and died with her baby on her back, and her other two children clinging to her hands.

Chief Junaluska who had saved President Jackson's life at the battle of Horse Shoe witnessed this scene, the tears gushing down his cheeks and lifting his cap he turned his face toward the heavens and said, "Oh my God, if I had known at the battle of the Horse Shoe what I know now, American history would have been differently written."

At this time, 1890, we are too near the removal of the Cherokees for our young people to fully understand the enormity of the crime that was committed against a helpless race. Truth is, the facts are being concealed from the young people of today. School children of today do not know that we are living on lands that were taken from a helpless race at the bayonet point to satisfy the white man's greed.

Future generations will read and condemn the act and I do hope posterity will remember that private soldiers like myself, and like the four Cherokees who were forced by General Scott to shoot an Indian Chief and his children, had to execute the orders of our superiors. We had no choice in the matter....

However, murder is murder whether committed by the villain skulking in the dark or by uniformed men stepping to the strains of martial music. Murder is murder, and somebody must

answer. Somebody must explain the streams of blood that flowed in the Indian country in the summer of 1838. Somebody must explain the 4000 silent graves that mark the trail of the Cherokees to their exile. I wish I could forget it all, but the picture of 645 wagons lumbering over the frozen ground with their Cargo of suffering humanity still lingers in my memory.

Let the Historian of a future day tell the sad story with its sighs, its tears and dying groans. Let the great Judge of all the earth weigh our actions and reward us according to our work.