

INDIAN REMOVAL POLICY



"WE BELIEVE the present plan of the General Government to effect our removal West of the Mississippi, and thus obtain our lands for the use of the state of Georgia, to be highly oppressive, cruel, and unjust," wrote a group of Cherokee women to the *Cherokee Phoenix* in 1831.¹ In the twentieth century similar government policies of expelling one people to make room for another have been called "ethnic cleansing." No one thought of such a harsh term in the early nineteenth century—people preferred an antiseptic, impersonal one like "removal," even though to the Indians there was nothing impersonal about it. In one sense, removal was a continuation of the policies created by Europeans when they first came to America, took a piece of land, and pushed the Indians off it so they could use it for themselves. Indian policy had always been about getting the land and getting rid of

the Indians who lived on it. People did not call these actions removal, but they were, nevertheless. In another sense, however, the removal policy of the 1820s and 1830s was a revolutionary program of political and social engineering that caused unimaginable suffering, deaths in the thousands, and emotional pain that lingers to this day. The words "oppressive, cruel, and unjust" do not capture its horror.

The most obvious thing about the removal policy is that it was a rejection of the "civilization" policy. Knox had developed the "civilization" policy in the first place because the Indians had rejected the conquered-nations policy of the 1780s. George Washington and Thomas Jefferson had embraced "civilization" in part because they thought they were providing a future for the Indians. Many Indians, especially the Cherokees, found much to admire in American culture, and they liked the idea of having a future, so they studied hard and learned well. But they also found much of value in their own culture, and they wanted *their* future, not Knox's. The Cherokees used the "civilization" policy to empower themselves so that they could better defend their country and resist the United States. But in their resistance, they cast doubt on the efficacy of the "civilization" policy. If they did not become "civilized" Americans and assimilate into American society, the policy was a failure. It seemed that the Indians, by refusing to become "civilized," were rejecting that policy.

Many Americans agreed that the "civilization" policy was a failure, but they did not think it was simply because the Indians had rejected it. They argued that the "savagery" of

the Indians was not the result of their uneducated situation, as Knox and others believed, but because they were, by virtue of their racial inferiority, incapable of learning. Racist explanations for the deficiencies of the Indians had been around for a long time, but until the early nineteenth century, they had rarely overwhelmed the Enlightenment ideas of racial equality and human perfectibility. In conjunction with the sweeping social, intellectual, economic, and political changes that marked the early nineteenth century, however, Americans began to think new things about race and racial categories. In part this change was tied to the emergence of romantic nationalism, the concept that each people has its own inherent national character. In this view, the United States was a white man's country. But it also reflected the growing preoccupation with slavery and its racial justification. In either case, critics agreed that Indians could never become fully "civilized" because it was impossible to redress through education deficiencies that were caused by race. As they were determined by race to be forever "uncivilized," there could never be a place of equality for Indians in American society.

The impossibility of assimilating Indians became a problem because American demands for land steadily reduced the amount of land available to sustain Indian life. Over the preceding generations, as Indian populations had declined and land cessions had carved off tracts that abutted settled areas, the tribes either retained adequate acreage or withdrew to neighboring areas. But since 1814, tribal holdings in the South

had been reduced to three islands of Indians—Choctaws and Chickasaws in the Mississippi valley, Cherokees and Creeks farther east, and Seminoles to the south—all surrounded by a sea of Americans. Each cession shrank the islands, the sea of non-Indian settlements threatened to inundate what remained, and the problem of what to do about the remaining Indians became increasingly pressing. The “civilization” policy had provided the answer—detribalized, “civilized” Indians on small family-owned farms would join American society as fully equal citizens. The racist rejection of “civilization” denied that solution to the problem. Governor Joseph McMinn of Tennessee wrote in 1816 that detribalized Indians living in his state would be “entitled to all the rights of a free citizen of color,” a limbo of second-class citizenship with virtually no civil rights.² George M. Troup, governor of Georgia, elaborated in 1824: “The utmost of rights and privileges which public opinion would concede to Indians would fix them in a middle station, between the negro and white man.” So situated, the Indians would “gradually sink to the condition of the former—a point of degeneracy below which they could not fall.”³ By denying Indians the promise of “civilization,” McMinn and Troup removed from U.S. policy any pretense of benefit for Indians. Tribal leaders no longer imagined that selling more land would result in advantages for their people. Under such circumstances, they decided to resist with all their ability any additional cessions. By 1822 the Cherokees had resolved “not to dispose of even one foot of ground.”⁴ For those like McMinn and Troup, who believed

that a "civilized" Indian was a contradiction in terms, the only logical solution to the question of what to do with the Indians was to expel them. Such thinking gained credence during the early nineteenth century and fueled the growing interest in replacing the "civilization" policy with removal.

Anti-Indian racism, however, was not confined to the slaveholding South. In the mid-1820s, the citizens of Cornwall, Connecticut, and the directors of the American Board of Commissioners for Foreign Missions, a leading missionary organization active in "civilizing" Indians, betrayed racist opinions that differed little from those held by Georgians. In 1818, two of the most talented and best-educated Cherokee young men, John Ridge and Elias Boudinot, entered the American Board's boarding school at Cornwall. Cousins, they had imbibed all the education the mission schools in the Nation could provide, they hungered for more, and the missionaries selected them for further training. Despite the rules of the school that forbade students free movement around town or association with townspeople, both met and fell in love with young Cornwall women. The parents of both girls were shocked by the confessions of their daughters that they hoped to marry the cousins, but in the end the parents relented, despite the hostility of the local clergy and press. John Ridge and Sarah Bird Northrup married in her home on January 27, 1824, less than a month after Ridge, embittered by the uproar, had published an article in the *Christian Herald* on the racist opinion that "an Indian is almost considered accursed."⁵ One local editor, who found the presence of Indian and other nonwhite students in

his neighborhood offensive, pretended to sympathize with the disgrace of Sarah's family because she had "made herself a squaw."⁶ Two years later, when word got out that Harriet Gold intended to wed Elias Boudinot, her brother led a mob that burned her in effigy in the town square. When they married, school officials termed their union "criminal." In order to prevent the like from happening again, in the fall of 1826 the American Board closed the school.⁷

The difficulties the two young couples endured had lasting effects. They never abandoned their beliefs in the importance of education for the Cherokees, and they remained dedicated promoters of "civilization," but neither Ridge nor Boudinot entertained any further notions about the entry of "civilized" Cherokees into American society. Rather, they agreed that the Cherokee Nation must endure intact, Cherokee "civilization" must unfold in a national context, and the future happiness of the Cherokee people depended on the preservation of their separate and distinct identity.⁸

Being victimized by racism did not blind Boudinot, who became editor of the *Cherokee Phoenix*, to the complexity of the crisis facing the Cherokees. In one of his editorials he pointed out that there was more than racism at work. "Cupidity and self-interest are at the bottom of all these difficulties. A desire to possess the Indian land is paramount to a desire to see him established on the soil as a civilized man."⁹ Boudinot knew and understood the implications of the recent past. The demand for Indian land had never been greater, and the prospects for acquiring it had never seemed better.

Simultaneously with the War of 1812, the United States fought two wars against western Indians. Both the war in the Great Lakes country against the intertribal alliance system led by Tecumseh and his brother, the Shawnee Prophet, and the one in the South against the Red Stick faction of the Creeks, resulted in crushing American victories. Assessing the meaning of their defeats, Secretary of War John C. Calhoun reported to the House of Representatives in 1818 that the Indians had "ceased to be an object of terror. The time seems to have arrived when our policy towards them should undergo an important change. . . . Our views of their interest, and not their own, ought to govern them."¹⁰ For the first time since independence, the United States did not need to temper its actions toward western Indians with fear of their violent reactions.

The post-War of 1812 period was a time of tremendous, almost comprehensive, change in the United States. Victory over Great Britain for the second time in a generation invigorated the American people with an almost boundless nationalistic enthusiasm. A blossoming transportation revolution, marked by the introduction of steamboats on the western rivers and the development of more efficient highway and canal systems, opened new markets in distant places for western produce. A brief but spectacular spike in prices promised unprecedented prosperity for western farmers. Like a flood of water from an upturned bottle, Americans poured into the western country after the war. Grain and livestock farmers spread north of the Ohio River, Indiana and Illinois became

states in 1816 and 1818, and their combined populations jumped from 37,000 in 1810 to nearly a half million in 1830. South of the Ohio the expansion of cotton plantation agriculture produced the same result. Mississippi and Alabama entered the Union in 1817 and 1819 and their combined populations rose from 40,000 in 1810 to 445,000 in 1830. The older states of Ohio, Tennessee, and Georgia also experienced dramatic growth. Their combined populations were 745,000 in 1810 and over two million in 1830. During the twenty years in which the populations of the western states exploded, Indian nations owned land within the boundaries of all of them. The economic forces that fed this growth generated an unprecedented demand for their land, which was nowhere more intense than in the South. The southern tribes, the Chickasaws, Choctaws, Creeks, and Cherokees in particular, held millions of acres of fertile land that planters hoped to turn into cotton fields. The cotton plantation system that dominated the southern states depended on the labor of African-American slaves, and southerners defined and justified that system in racial terms. The result was that southerners were peculiarly responsive to Troup's argument that Indians, like blacks, were racially inferior and therefore incapable of "civilization." Racism, coupled with Calhoun's arrogance and the "cupidity and self-interest" that Boudinot described, formed a powerful combination against the Indians.

Andrew Jackson became a central figure in this threatening coalition. He had commanded the army that defeated the Red Stick Creeks in 1814, and later that year he had

dictated a peace treaty that forced the Creek Nation to surrender some twenty million acres of land in Alabama and Georgia. During the next few years the government appointed him to negotiate four additional treaties with the southern Indian nations. Jackson did not like the work. Mostly he did not like bargaining with Indians. It meant that he had to sit and listen to them refuse his demands and make counterproposals. The tribes were not sovereign, he claimed, and to pretend that they were by negotiating treaties with them was "absurd." They were within the boundaries of the United States, and the government should treat them as subjects, not as sovereigns. Negotiating treaties with the tribes might have made sense in the old days when they were strong and the United States was weak, but "circumstances have entirely changed," he wrote President James Monroe early in 1817, and "the arm of government [is] sufficiently strong to carry [a new policy] into execution." Denying the right of the tribes to land ownership as well as their sovereignty, Jackson argued that Congress should simply enact legislation to take their land.¹¹

Jackson did not invent the scheme to relocate Indians to the country west of the Mississippi River, but he was recommending it in his capacity as negotiator of treaties with southern Indians. The idea came to Thomas Jefferson in 1803, shortly after the purchase of Louisiana, and Return J. Meigs, agent to the Cherokee Nation, raised it with some of the Nation's leaders the next year. In 1809 Jefferson, at Meigs's recommendation, suggested to a delegation of Cherokees in

Washington that they should give serious consideration to re-locating in the West. Viewing this as an opportunity to escape from the problem of encroachment and harassment by frontier Americans, a few Cherokees accepted the idea and moved to land north of the Arkansas River. But the idea of fleeing to the West attracted no more than a thousand Cherokees, despite Meigs's repeated efforts to convince them. Following the interlude of the War of 1812, the government renewed its efforts to acquire land from the Cherokee Nation, and Jackson, McMinn, and Meigs encouraged the Cherokees to exchange their lands in the East for a new country in the West. This time, two thousand went. Treaties with the Choctaw Nation in 1820 and the Creek Nation in 1826 contained similar suggestions, but like the Cherokees they were not enthusiastic about removal and only small numbers of people moved.

While nearly all in government agreed that the United States needed to acquire more land from the Indian tribes to accommodate its growing population and booming economy, there was no agreement on how they should do it. In 1818, the House Committee on Public Lands rejected Jackson's suggestion of using the power of eminent domain to condemn Indian land for public use, stating that the treaty system was well established and should be continued. That same year Congress defeated a bill to appropriate money to pay for the removal of Indians to the West on the grounds that U.S. policy was to "civilize" the Indians where they were. Those who wished to migrate would have to go as individuals and pay

their own way. In 1819 Congress reaffirmed its dedication to "civilization" with the passage of a law that appropriated ten thousand dollars per year to subsidize the "civilization" efforts of mission groups. In the next five years, this money financed the opening of twenty-one new schools in Indian country.

President James Monroe, like many in government after the War of 1812, embraced both "civilization" and removal. By 1818 removal was the "great object" of his administration, largely because he saw it as the only way to protect the Indians from the political and moral decay that he considered the inevitable result of being surrounded by American settlements. Monroe's successor, John Quincy Adams, held much the same opinion. Even as they convinced themselves that removal was the only way to save the Indians, they rejected absolutely any suggestion that removal should be made mandatory. Congress agreed. Throughout the 1820s, removal remained a voluntary option, a corollary to "civilization," and the message from Washington was that it would continue to regard Indian tribes as sovereign nations with the power to decide when, if, and under what circumstances they would cede lands. U.S. Indian policy thus continued to pursue Knox's original expectation that the Indians, once "civilized," would understand that they no longer needed their hunting lands and would willingly sell them for investment capital. Presumably they would also be able to decide where they wanted to live.

While Congress clung to "civilization," growing numbers

of American citizens not only demanded more land from the tribes, they took it. The illegal occupation of Indian land by American squatters was a problem everywhere and had been for generations. The warfare between Indians and intruders had caused the crisis Henry Knox had hoped to solve with his "civilization" policy in the 1790s, and virtually every treaty concluded by American commissioners and tribal leaders included a clause that obligated the United States to defend tribal land rights and expel intruders. But the government found it impolitic to use its troops to evict its citizens from Indian country. It rarely did so, and when it did, the squatters simply returned when the soldiers withdrew. Tribal forces proved the only effective police against intruders, but when they acted, in the case of the Cherokees with treaty authorization, the result was likely to be violent. Intrusion by settlers made normal life in the Cherokee Nation extremely difficult. While tribal leaders never relaxed their efforts to oust the settlers, Cherokee dependence on federal protection of their borders, however ineffectual, was galling.

In the early 1820s, Thomas L. McKenney, the War Department clerk charged with administrative responsibility for U.S. relations with the Indians, began to complain about a brewing "crisis in Indian affairs." The crisis had two causes. One was the development of tribal nationalism; the other was the emerging doctrine of state rights. In the relations of the Cherokee Nation with Georgia, these two collided in the 1820s with explosive force.

Emergent Cherokee nationalism during the first third of the nineteenth century is evident in the innovative alterations in governmental institutions engineered by Cherokee political leaders. It is most easily charted, however, in the increasingly shrill warnings contained in the correspondence of their federal Indian agent, Return J. Meigs. As early as 1811, Agent Meigs informed Washington of the "erroneous ideas of their distinct sovereignty & independence" crystallizing among the Cherokees. If not nipped in the bud, Meigs predicted, such "false ideas of their national independence" would only grow.¹² And grow they did. Meigs repeated his warning in 1817 in the wake of the treaty negotiation and general refusal of the Cherokees to migrate west. In 1822, when the Cherokee National Council refused to meet with U.S. commissioners charged with opening talks on another land cession, Meigs called its decision a "declaration of independence which they never lose sight of."¹³ Two years later, in an argument with Secretary Calhoun about Georgia's claims to their lands, a Cherokee delegation to Washington pointed out that, contrary to Georgia's assertions, they were not the foreigners and intruders on the land. The country had been theirs long before the establishment of Georgia. In a nice reversal of Georgia's pretensions, the delegates also declared that they "cannot recognize the sovereignty of any State within the limits of their territory."¹⁴ The ultimate expression of Cherokee nationalism came in 1827 with the drafting of the Nation's constitution. In defining the boundaries of the Cherokee Nation and announcing the sovereignty of the

Nation within them, the Cherokees carried their ideas of sovereignty and independence to their logical and most threatening conclusion.

Georgia's reaction to the promulgation of the Cherokee constitution was apoplectic. But apoplectic reactions to the festering questions of Indian land rights and its claims to them was no new thing for Georgia. Georgia's history, as colony and state, is littered with conflicts with Native nations over land. The Creek Nation was its target more often than the Cherokees, but neither escaped the continual demands of Georgia for more land.

After 1802, Georgia cited its compact with the United States to justify its actions. In that year Georgia followed the example of Virginia and North Carolina and surrendered to the federal government its charter claims to its western lands, the region that later became Alabama and Mississippi. In return for this grant, the United States paid \$1.25 million and issued the promise that it would extinguish the Indian title to the land within the newly established boundaries of Georgia "as soon as the same can be peaceably obtained on reasonable terms."¹⁵ Following the conclusion of the 1819 treaty with the Cherokees, which netted the state no land at all, the Georgia General Assembly addressed a petition to Congress that charged the federal government with bad faith. The government was under obligation to no other state to clear the Indian claims within its borders, complained the legislature, but while other states received land from the Indians, Georgia did not. Since 1802 the state had waited patiently, but to

no avail, and Georgia was losing patience. Other petitions followed, reinforced by resolutions and bills presented to Congress by Georgia's congressmen and senators. All cited the Compact of 1802 and decried the failure of the government to meet its obligation. Not only had Washington paid more attention to the less legitimate expectations of other states, it had persisted in concluding treaties that guaranteed tribal rights to their lands, thereby reinforcing tribal resistance to additional demands for land.

One of Georgia's petitions charging bad faith, received by the House of Representatives late in 1822, led to an investigation by a special committee chaired by George Gilmer, a Georgian. Not surprisingly, the committee reported that the government had indeed failed to fulfill its legal and moral responsibility to Georgia and called on the president for a report. President Monroe submitted a statement March 30, 1823, in which he recounted the efforts of his and previous administrations to purchase for Georgia the Indian land within its boundaries. Georgia had gained a great deal over the previous twenty years, he pointed out, but the Cherokee Nation had refused to sell any more. "In their present temper they can be removed only by force, . . . and there is no obligation on the United States to remove the Indians by force." Indeed, "an attempt to remove them by force would be, in my opinion, unjust." Monroe believed that the Cherokees would be better off if they moved away, and he would continue to advise them to do so, but until they made the decision themselves there was nothing further the federal government

could do. In other words, the president denied the charge by Georgia and the House committee that the United States had acted in bad faith toward the state. Furthermore, he rejected Georgia's demand that the government should act in bad faith toward the Indians.¹⁶ Most important, he recognized that the Cherokee Nation had the sovereign right to refuse to sell. Monroe then sent a special message to Congress urging that body to enact legislation authorizing the government to negotiate the exchange of all Indian lands in the East for comparable amounts in the West. Explaining this as a measure necessary to the survival of the Indians, he expressed confidence that tribal leaders understood their critical situation and would readily agree to such a proposal. John Quincy Adams, Monroe's successor in the White House, followed suit with a similar recommendation to Congress.

Congress acted on none of these proposals, leaving an opening for action by the interested states. By 1826, Georgia's efforts had largely achieved the expulsion of the Creek Nation. Success had taught Georgia's politicians that a program of stubborn persistence, bluster, and the threat of civil conflict could intimidate the federal government into action. Thus emboldened, they turned their undivided attention toward the Cherokee Nation and the nearly five million acres it held in northwest Georgia. Their campaign began in December 1826, with a resolution of the General Assembly that called on the president, once again, to remove the remaining Indians from the state. In 1827, following the drafting of the Cherokee constitution and the failure of the federal

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government to condemn it, the Assembly enacted a more comprehensive resolution. Denouncing the Cherokee constitution as outrageous and claiming that the establishment of a sovereign Cherokee republic was unconstitutional, the legislature announced that Georgia had sovereignty over all the lands within its boundaries and asserted that it could take possession of the country occupied by Indians whenever and by whatever means it pleased. The politicians pledged to use violence only as a last resort, but Georgians vowed that, if the government failed to fulfill the terms of the Compact of 1802, they would do whatever was necessary. To justify their thinly veiled threat of force, the legislators adopted the cry, "The lands in question belong to Georgia. She *must* and she *will* have them."¹⁷ With this resolution claiming sovereignty, the Georgia legislature challenged the constitutional authority of the federal government to control relations with the tribes, denied the validity of the treaties that recognized tribal sovereignty and land rights, and asserted with undeniable clarity its claims to sovereign power.

The next year, with no treaty concluded with the Cherokee Nation, the Georgia Assembly revisited the question of the relationship between the state and the land of the Cherokees. In a law to go into effect June 1, 1830, the legislature extended the civil and criminal jurisdiction of the state into the region owned and occupied by the Cherokees, subjecting the Indians to Georgia law but denying them the right to testify in court against a white person. At the same time, the legislature declared that all laws and actions of the Cherokee

government were null and void, "as if the same had never existed." Alabama followed suit in 1829.¹⁸

While Georgia played a significant role in the transition from a policy of "civilization" to one of removal, historians commonly identify the policy with Andrew Jackson. He won the presidency in 1828 by a substantial margin, and the voters who resided in states that had large Indian populations were well aware of Jackson's views about Indians and their future in the United States. Tribes were not sovereign, Indians were subjects, and the government should treat them accordingly. Conducting treaty negotiations with the tribes to purchase their land was absurd. And unless individual Indians wanted to live in the states as second-class citizens, they should go west. Though not original to Jackson, these ideas matured during the 1820s, and when coupled with the developing crisis in Indian affairs that McKenney had dreaded, they formed Jackson's Indian policy.

Jackson detailed the removal policy in his first annual message, delivered to Congress on December 8, 1829. He opened by discussing the crisis generated by the Cherokee constitution and the extension of jurisdiction by Georgia and Alabama. These conflicting sovereignties had appealed to the government for resolution, but to Jackson the proper course was clear. The Constitution prohibited the erection of one state within the boundaries of another without the agreement of the latter. Neither Georgia nor Alabama agreed to the establishment of a Cherokee republic; therefore, it was unconstitutional, and the Cherokees must give it up. This left the

Cherokees two choices, "emigrate beyond the Mississippi" or "submit to the laws of those States." Jackson then condemned all the suffering and death that "this much-injured race" had experienced at the hands of Europeans and Americans and predicted that, if he did not act quickly to protect them, mistreatment would continue, and the Indians would be destroyed. His solution for saving them was removal. Congress should set aside a country west of the Mississippi, to be guaranteed to the tribes, where they could govern themselves free from interference. The "benevolent" could continue their efforts at "civilization" there, and someday perhaps the Indians could "raise up an interesting commonwealth, destined to perpetuate the race." Removal should be voluntary, he announced, but the Indians must understand that, if they remained in the states, they would be subject to state law. Pretending that most of the Native people in question were wandering hunters rather than village-dwelling farmers, Jackson belittled the claims of the tribes to national domains by insisting that they claimed "tracts of country on which they have neither dwelt nor made improvements, merely because they have seen them from the mountain or passed them in the chase."¹⁹ Those who believed such misleading statements could easily agree that the claims of the tribes were illegitimate.

Jackson had made his program plain. Tribal sovereignty east of the Mississippi was a dead idea. State rights trumped tribal rights, both to government and land, and tribes no longer had the right to refuse either to sell land or

to submit to state law. Treaty guarantees to the contrary would be ignored. Only detribalized, "civilized" individual Indians could remain in the East, where they would be subject to the laws of the states in which they lived, even if those laws denied them basic civil liberties. And the only land they could hold was the farm they owned. There could be no sovereign tribes, no tribal governments, no commonly held tribal lands in the East.

Removal was the first legislative recommendation Jackson sent to Congress. It was presented as a key administrative measure, and party leaders in Congress, which was controlled by the Democrats, made its passage a matter of party discipline. By the same token, the opposing National Republican Party geared up to kill it. The House and Senate Committees on Indian Affairs, both of which were dominated by southern Democrats, reported bills that were nearly identical, the House accepted the Senate version, and the Senate took it up first. Led by Senator Theodore Frelinghuysen of New Jersey, opponents spoke first.

Frelinghuysen and those who joined him were well armed with arguments. For a year, public interest in the northern states, which thought about removal in terms of the Cherokee Nation and Georgia, had been focused on defeating the measure. Jeremiah Evarts, the chief administrative officer of the American Board of Commissioners for Foreign Missions, had taken the lead. In a series of twenty-four essays published between August and December 1829 in the Washington *National Intelligencer* under the pen name William

Penn, Evarts attacked removal by defending the rights of the Cherokees and condemning the claims of Georgia. On legal grounds, Evarts argued that U.S. recognition of the sovereignty of the Cherokee Nation had been affirmed repeatedly in treaties, which, as the supreme law of the land, were superior in legal force to Georgia's counterclaims to sovereignty. Refusing to act on the binding obligations written into the treaties to protect the Cherokees from Georgia's aggression, particularly its unconstitutional extension of jurisdiction into the Cherokee Nation, was, Everts claimed, immoral as well as illegal. Embracing a policy that would forcibly expel the Indians to the West simply compounded the immorality.²⁰ Like-minded people, such as Catherine Beecher, a prominent educator and writer, joined in the fight by encouraging women to organize petition drives urging Congress to reject removal. In a significant moment in the emergent women's movement, women throughout the North followed her lead and swamped Congress with hundreds of petitions containing hundreds of thousands of names.²¹ When the Senate debate began, a copy of Evarts's Penn essays published in book form was on every senator's desk. Frelinghuysen, who delivered a speech that lasted three days, relied on those arguments.

John Forsyth, former governor of Georgia, led the response to Frelinghuysen and the enemies of removal. Nothing in the bill provided for removal by force, he explained, and charges that the supporters of removal intended to achieve it forcibly were both hypocritical and an example of antisouthern bias. The northern states had already expelled their Indians,

and now they wanted to deny Georgia and her southern sisters the same opportunity to prosper. Like New York and the New England states, Georgia should never have to "submit to the intrusive sovereignty of a petty tribe of Indians." Charging that Indians were a "useless and burdensome" people, the members of a "race not admitted to be equal" to whites and "probably never to be entitled, to equal civil and political rights," Forsyth proclaimed that they could be "humanely provided for" only in the West. The sole alternative to removal was for the Cherokees and the other tribes to surrender their claims to national sovereignty and self-government and submit to the laws of the states in which they lived.²²

Frelinghuysen and others submitted amendments requiring that neither force nor fraud be used to achieve removal, but they failed. The Senate debate began on April 7; the bill came to a vote on April 24. By an almost straight party line vote it passed by a margin of twenty-eight to nineteen.

Debate in the House of Representatives lasted thirteen days. The opposition arguments, like those in the Senate, depended on the William Penn essays. Supporters followed Forsyth's lead but with added emphasis on the unconstitutionality of *imperium in imperio*, the erection of a Cherokee state within Georgia. The outcome was a much closer 102 to 97. For some northern Democrats, particularly from Pennsylvania and the states of the Ohio valley, party loyalty gave way under the pressure from many of their constituents who opposed removal. But having passed in both houses, the removal bill went to President Jackson for signature.

The act authorized the president to set aside a region west of the states and territories, to divide the region into districts, and to offer each tract to an eastern tribe willing to accept an exchange and move. Congress pledged to guarantee the new homelands to each tribe and offered to issue a patent to the land if the tribe so requested. In return for accepting the exchange, Congress offered to pay compensation for individually owned improvements abandoned in the East, to finance the removal, and to provide support for the people for their first year in the West. The act empowered the president to exercise the same administrative responsibility for managing relations with the removed tribes and assured that nothing in the law "shall be construed as authorizing or directing the violation of any existing treaty." To cover the cost of implementing the act, Congress appropriated five hundred thousand dollars. Jackson signed the bill into law May 28, 1830.²³

Politicians in later years remembered the House and Senate debates over Jackson's removal bill during the spring of 1830 as the most contentious, protracted, acrimonious, and bitter of their careers. Martin Van Buren, Jackson's vice president and successor, believed that removal was the single most important accomplishment of Jackson's presidency. For the Cherokee Nation, it was the most disastrous piece of congressional legislation, before the 1890s and allotment, in the history of its relations with the United States. While the Democratic Party achieved its passage, the narrowness of the House vote suggests that perhaps half of the American people opposed removal.

Many Democrats believed that opposition stemmed from partisan hostility to Jackson, and the behavior of National Republican politicians who represented states that would benefit from removal suggests that they were, in part, correct.²⁴ Henry Clay, planning to run against Jackson in 1832, actively opposed the removal policy in hopes of breaking Democratic power in Pennsylvania. Van Buren also explained opposition to removal in partisan terms, but at the same time he recognized that religion played a decisive role. Evarts, Frelinghuysen, and the American Board all reflected an enormously important new force in American society that can best be described as a moral alternative to the kind of romantic nationalism that defined the Jacksonian movement. It was an ethos of restraint and responsibility, a dedication to principles that emphasized justice and honor, a belief that nations, like people, must behave honestly, be faithful to their promises, dedicate their actions to doing good. To people like Evarts, the fight over removal was rooted in the belief that God had chosen the United States to reform a corrupt world, that for it to act unjustly violated God's purpose, and that God would punish the errant nation with disaster if it failed to fulfill its responsibility. Fundamental values were at stake. Supporters of removal were racists, to be sure, and Frelinghuysen accused Forsyth of racism during the debate, but to Evarts and his friends the main problem was that they were grasping opportunists who had turned their backs on the true meaning of God's plan for America.

The American people could accept removal, however,

because that was how it had always been. Whether they had acquired land from the Indians by war or purchase, they had always assumed that the Indians would evacuate it and go somewhere else. And that was the way it should be. Americans did not like to live around Indians. They were "uncivilized," and the effort in recent years to "civilize" them had not worked. Whether they believed that the persistent "savagery" of the Indians was by choice or by racial defect, the fact was that there was no place for "uncivilized" people in "civilized" American society. What made the removal crisis of the 1820s different was that the tribes were surrounded, and they could not simply withdraw quietly as they used to do. Instead, they had to be shipped off in some orchestrated process, and the orchestration was the problem. The debate in Congress, for example, was really about the details. Northern politicians like Frelinghuysen were furious at Georgia because it had legislated the Cherokee Nation out of existence. This was what gave the debate drama. It was less about Indian removal than it was about Cherokee removal. The Cherokees were widely understood to be the most "civilized" Indians in the United States. If there was any tribe that deserved to be praised and petted and left alone on their lands, so they could assimilate into American society, it was that one. But Georgia denounced them as "savage," condemned them to second-class citizenship if they entered its society, and demanded with unbridled passion that they surrender their landed wealth. The Removal Act embodied Georgia's

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assertion that there was no place for Indians in American society and sealed the fate of the Cherokee Nation in two ways. Most obviously, by the end of the 1830s the Cherokee Nation had removed to the West. But perhaps unexpectedly, the Cherokee Nation survived in the West.