

**from Gary McCarthy's**

***OUR AMERICAN WEST***

*The Cherokee  
and their "Trail of Tears"*

When Columbus discovered America, the Cherokee were a huge and powerful nation living in and around the southern Appalachians in what is now Georgia, Alabama, parts of the Carolinas and Tennessee. Before the American Revolution, British traders married into these friendly, handsome people and by 1800, the Cherokee were a race of mixed-bloods, many almost indistinguishable as Native American people. In the main, they embraced the white culture. They learned English, owned plantations and slaves, and were successful and progressive in their agricultural practices. However, a few Cherokee remained aloof and suspicious of the whites and predicted that they would destroy their ancient and honored civilization. They reminded their fellow tribesmen that smallpox, introduced by the whites, had devastated their once powerful nation in 1783 and reduced their numbers to only about seventeen thousand.

But the tribal leaders having seen many of the other eastern peoples annihilated were convinced that they had no choice but to become "white Indians". Many disavowed their customs, their tribal dress and even their religious ceremonies. They adopted a constitution based on that of the United States and one of their leaders, Sequoyah, even created an ingenious alphabet of eighty-five characters that represented every vowel and consonant of the Cherokee tongue. Sequoyah's brilliant alphabet was officially adopted by the Cherokee leaders and in 1822 it was introduced

into the Cherokee school system so that within just a few years all the Cherokee were reading and writing in their own language. By 1828 a printing press was turning out regular editions of the "*Cherokee Phoenix*" printed with two columns side by side in English and Cherokee and it enjoyed a wide readership. So by the late 1820's, the Cherokee seemed to have been America's best example of an Indian Nation which adapted and even prospered in cooperation with the white culture. Sadly, however, theirs was soon to become a tragic story. But, we may ask—why?

The reason is simple and consistent with the injustice suffered by almost all the Native American peoples between the time of the arrival of the whites and the twenty-first century. The Cherokee occupied fertile land and so the westward progression and pressures of the whites inevitably forced them to relinquish those lands. In the Cherokee's case, the lands were very vast and very valuable. As already stated, they owned millions of acres of lands in the South. As early as 1793 the Cherokee reluctantly signed the Treaty of Tellico with the United States giving away most of Georgia and reducing their holdings to forty-three thousand square miles in exchange for the promise that their remaining lands be theirs forever. That's still a tremendous amount of land but the ink was hardly dry on that treaty when President Thomas Jefferson said that it was inevitable that all the Eastern Native American's must be relocated off the eastern seaboard to lands newly acquired by his Louisiana Purchase. The Cherokees were told that they must soon vacate their beloved Blue Ridge Mountains and go west into present day Arkansas.

For the very first time in the history of the Cherokee Nation, this news split the tribe into factions. Some, knowing that resistance was futile, did leave their tribal grounds, schools, plantations and fine homes and migrated to Arkansas where they found the soil and land not nearly as much to their liking. Others stubbornly resisted and even went to Washington to plead their case knowing that they had many prominent and sympathetic white supporters. The great Sam Houston was an adopted Cherokee whose Indian name was "The Raven" and who had lived with that tribe off and on through much of his earlier and troubled years. He had

dressed in traditional Cherokee clothing and spoke eloquently in their behalf before a bored and largely disinterested United States Congress. Davy Crockett, Noah Webster and Samuel Adams were other leaders who spoke for the so-called “Five Civilized Tribes” which included the Cherokee as well as the Creek, the Choctaw, Chickasaw and Seminole.

The Cherokee’s hopes soared in December of 1828 when Andrew Jackson was elected to the presidency. Surely he would remember that the Cherokee had helped him defeat the Creeks in 1814, and that one of them, Junaluska, had even saved Andrew Jackson’s life. After all, Jackson was a rugged frontiersman, not some rich, pampered easterner born to wealth who did not understand the “Indian problem” as it was often called in those days. But the Cherokee’s hopes for fairness were soon dashed. Jackson quickly caved in to the land-hungry frontiersmen and self-serving politicians. To appease them, he sold out the Native American people and declared that all the “Five Civilized Tribes” had to be relocated to what was being called “The Indian Territory”; a barren, somewhat inhospitable area in Northeastern Oklahoma. The Cherokee felt betrayed and stunned. Many of the tribe who had already left their beloved Blue Ridge Mountains and had suffered in trying to reestablish their farms and lives in Arkansas begged to be allowed to remain there but were denied. Arkansas was not far enough west, Congress said, they must go to Oklahoma. To the heart-broken Cherokee this decision was almost like a death sentence. In Oklahoma there were no beautiful mountains or even the deep forests that the Cherokee so cherished.

On the verge of panic and having no other recourse except outright rebellion and the destruction of their people, the Cherokee sued the State of Georgia which had already begun to confiscate their holdings and force them from their farms, prosperous plantations and sacred sites. But in 1831, the United States Supreme Court ruled that the Indians could not sue since they were considered as being only “domestic independent nations” (whatever that meant). However, this unjust decision was repealed in 1832 and this time, the Cherokee won when a

new and divided Supreme Court ruled that all Georgia legislation concerning the Cherokee removal and confiscation of their lands was unconstitutional, null and void.

The Cherokee people were ecstatic. Justice at last! But when President Andrew Jackson heard this decision he was furious and in order to appease his Georgia supporters scornfully blustered, “Chief Justice John Marshal has made his decision, let him enforce it now if he can.” Of course, we all know that the United States Supreme Court hasn’t the power to enforce anything. In 1832, its decision was in opposition to the will of Congress which was dominated by the philosophy of “manifest destiny” meaning that the Continental United States should become civilized by white people from the Atlantic to the Pacific Oceans.

With President Jackson and his Congress solidly behind it, Georgia pushed hard to rid itself of all Native American peoples. The Cherokees were placed under martial law and even forbidden to assemble. Their rights were trampled, they had no voice or vote even though many were far more educated and prosperous than their white neighbors. The Cherokee themselves became split between one faction willing to deal away their lands and appease the whites at any price, and those that advocated war rather than removal, even if it meant genocide for their nation. A great betrayal soon occurred when a small group of the “appeasers” representing only a few of the Cherokee signed the Treaty of New Ochota. This treaty which ceded the entire eastern holdings of the Cherokee Nation was ratified by a Congress eager to get rid of the Cherokee once and for all. The treaty involved eight million acres and required all Cherokee to relocate to their new reservation lands in Oklahoma within two years; the United States agreed to pay the cost of the relocation and basic living expenses for one year in the new Indian Territory.

Many Cherokee, resigned to the inevitable, sold their homes, lands and belongings to the avaricious whites for pennies on the dollar and traveled to Oklahoma where they again set about attempting to rebuild their lost fortunes. They were industrious, highly skilled in agriculture and had a history of coping with

injustice and adversity. But about fifteen thousand Cherokee steadfastly refused to relocate. They rightly claimed that betrayal by a few of their leaders had resulted in a treaty that was illegal and non-binding. They hoped that their lawyers and the moral conscience of Congress would eventually prevail before their relocation deadline and they would be able to remain on their lands forever. Unfortunately, their hopes were crushed and in May of 1838, the United States Army began preparations to round the Cherokee up and drive them into “collection stations” in preparation for what would become known as the Cherokee’s epic “Trail of Tears.”

General Winfield Scott, renowned for his courage, integrity and leadership was in charge of the relocation but was very sympathetic to the Cherokee. In the spring of 1838, he called the Cherokee tribal leaders together and told them that their people must start westward or he would have no choice but to use his military force. He acknowledged the terrible injustice being perpetrated by Congress and the President but ended his speech by saying, *“Will you then, by flight, seek to hide yourselves in mountains and forests, and thus oblige us to hunt you down? I am an old warrior and have been present at many a scene of slaughter, but spare me; I beseech you, the horror of witnessing the destruction of the Cherokee.”*

General Scott’s impassioned appeal was printed on handbills and circulated by his soldiers as well as published in the *Cherokee Phoenix* newspaper. A few Cherokee arrived at the relocation center voluntarily, but most did not. Scott ordered his men to begin rounding the Cherokee up in a humane manner. No Indian was to be fired upon unless he fought. No profane language was to be used and the soldiers were to be as kind as the necessities of the cruel act would allow. Despite General Scott’s orders, the Cherokee were snatched and then marched from their homes and fields. Many were even denied the right to gather food, possessions or livestock so that they might have a better chance of survival in the new and hated Indian Territory. Some were prodded with bayonets, others were beaten and then herded like cattle to the relocation centers. Soldiers looted or allowed their

friends first access to Cherokee homes and took a commission from plundered goods and treasured family heirlooms. Knowing that the Cherokee usually buried their dead with their prized jewelry, graves were callously gutted and looted. General John E. Wool, witnessing how the soldiers grabbed Cherokee on the roads, caught them fleeing across their vast corn and tobacco fields or hauled from their beds and tables even as whites poured into their homes to sack their possessions, bitterly declared, *“If I could...I would remove every Indian tomorrow from beyond the reach of the white man, who, like vultures, are watching, ready to swoop down on their prey.”*

Some Cherokee fled. A small band of about three hundred managed to reach the deepest forests of the Smoky Mountains. One named Tsali fought and killed a soldier, then surrendered when promised that his friends and family would not be hunted down and hanged. His execution bought a legacy for his rebel ancestors still living on the Qualla Reservation in North Carolina. The infamous Trail of Tears was not meant to be a horror story, but it seemed as if nature herself conspired with the State of Georgia against the Cherokee that year. The relocation was delayed for months by a terrible drought that weakened what few animals the Cherokee were allowed to keep for themselves. Epidemics spread through the relocation camps and over five hundred Cherokee died in the heat of summer. When the eight hundred mile march finally did begin, the people were already thin, diseased and dispirited. After months of terrible heat that stretched into late fall, there was a sudden cold snap followed by early snowstorms that caught the Cherokee unprotected on their long journey. In the early winter months of 1839, hundreds of Cherokee were dying every day of pneumonia, cholera, tuberculosis, smallpox and malnutrition. Army physicians tried to save lives but many corrupt government contractors supplied inferior food, inadequate clothing and reaped huge profits off the Cherokee tragedy.

Back in the East, no one was aware that the Trail of Tears was being lined by thousands of gravestones marking the path of death between Georgia and Oklahoma. In fact, then President

Martin Van Buren who Davy Crockett described as given to “*strut and swagger like a crow in the gutter*” informed Congress that the relocation of the Cherokee was going on “*without apparent reluctance and with happy effect*”. Few United States presidents have been so blind, insensitive or misinformed. For years afterward, survivors of the relocation could still hear the moans and the cries of the sick and dying. By the time the last Cherokee reached the Indian Territory on March 25, 1839, an estimated four thousand of their people had perished.

The story of the Cherokee in Oklahoma is one of struggle and then unexpected triumph. Shortly after their arrival, several of the leaders who had signed the hated Treaty of Echota were assassinated for betraying the Cherokee people into giving up their beloved forests and mountains. But eventually, the tribe healed its wounds and adapted as they had always adapted to their circumstances. With the discovery of oil on their lands in the early 1900’s, many are now quite wealthy and the Cherokee are among the most prosperous of Native American peoples. I’m really glad that they found oil. After what they went through, it seems that they finally received a little long overdue justice.

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